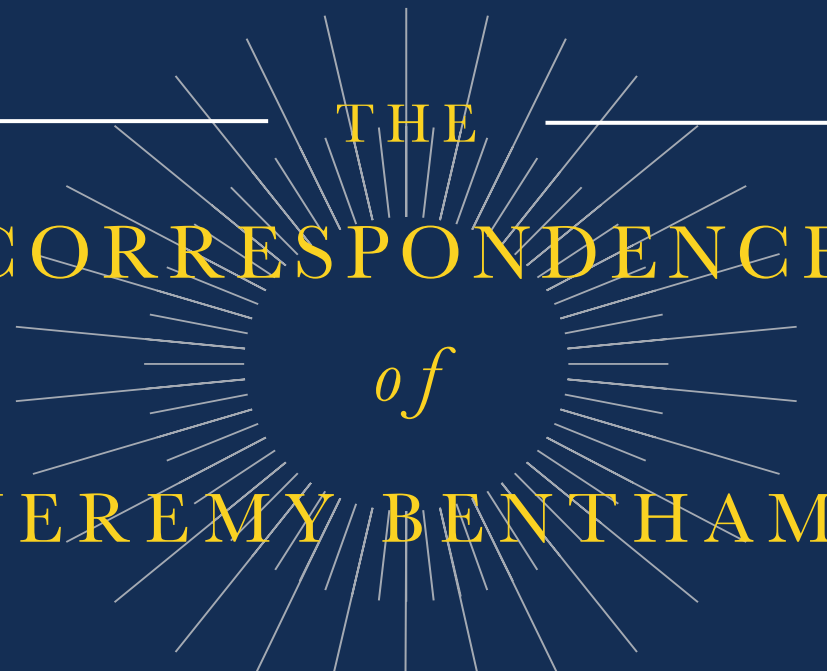


THE COLLECTED
WORKS OF
JEREMY BENTHAM

THE
CORRESPONDENCE
of
JEREMY BENTHAM



VOLUME 13

JULY 1828
TO JUNE 1832

EDITED BY PHILIP SCHOFIELD, TIM CAUSER,
AND CHRIS RILEY

 **UCLPRESS**

THE COLLECTED
WORKS OF
JEREMY BENTHAM

General Editor
Philip Schofield

Correspondence
Volume 13

The Collected Works of Jeremy Bentham

The new critical edition of the works and correspondence of Jeremy Bentham (1748–1832) is being prepared and published under the supervision of the Bentham Committee of University College London. In spite of his importance as a jurist, philosopher, and social scientist, and leader of the utilitarian reformers, the only previous edition of his works was a poorly edited and incomplete one brought out within a decade or so of his death. The overall plan and principles of the present edition are set out in the preface to *The Correspondence of Jeremy Bentham*, vol. I (Athlone Press, 1968; reissued by UCL Press, 2017), which was the first volume of the *Collected Works* to be published.

Volumes published by the Athlone Press

An Introduction to the Principles of Morals and Legislation, edited by J.H. Burns and H.L.A. Hart
A Comment on the Commentaries and A Fragment on Government, edited by J.H. Burns and H.L.A. Hart
Correspondence, volumes I–V: 1752 to 1797, edited by T.L.S. Sprigge, I.R. Christie, and A.T. Milne

Volumes published by Oxford University Press

Constitutional Code, volume I, edited by F. Rosen
Deontology, together with A Table of the Springs of Action and Article on Utilitarianism, edited by A. Goldworth
Chrestomathia, edited by M.J. Smith and W.H. Burston
First Principles preparatory to Constitutional Code, edited by P. Schofield
Securities against Misrule and other Constitutional Writings for Tripoli and Greece, edited by P. Schofield
Official Aptitude Maximized; Expense Minimized, edited by P. Schofield
Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramarina and other writings on Spain and Spanish America, edited by P. Schofield
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Political Tactics, edited by M. James, C. Blamires, and C. Pease-Watkin
Rights, Representation, and Reform: Nonsense upon Stilts and other writings on the French Revolution, edited by P. Schofield, C. Pease-Watkin, and C. Blamires
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A Comment on the Commentaries and A Fragment on Government (reissue), edited by J.H. Burns and H.L.A. Hart
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Church-of-Englandism and its Catechism Examined, edited by J.E. Crimmins and C. Fuller
On the Liberty of the Press, and Public Discussion and Other Legal and Political Writings for Spain and Portugal, edited by C. Pease-Watkin and P. Schofield
Of Sexual Irregularities, and other writings on Sexual Morality, edited by P. Schofield, C. Pease-Watkin, and M. Quinn
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Writings on Political Economy, volumes I & II, edited by M. Quinn
Preparatory Principles, edited by D.G. Long and P. Schofield
Correspondence, volumes VI–XII: 1798 to June 1828, edited by J.R. Dinwiddy, S. Conway, C. Fuller, and L. O'Sullivan

Volumes published by UCL Press

Correspondence, volumes I–V, edited by T.L.S. Sprigge, I.R. Christie, and A.T. Milne (reissue)
Panopticon versus New South Wales and other writings on Australia, edited by T. Causer and P. Schofield

This thirteenth volume of *Correspondence* contains authoritative and fully annotated texts of all known letters sent both to and from Bentham between 1 July 1828 and his death on 6 June 1832, with the exception of several items that are known to exist but for which no permission to publish has been obtainable. In addition to 474 letters, the volume contains three memorandums concerning Bentham's health shortly before his death and his Last Will and Testament, which deals with the disposal of both his estate and his body. A large proportion of the letters come from the collections of Bentham Papers held by University College London Library and the British Library. The remainder have been reproduced from manuscripts in public and private collections in Britain, Colombia, France, Ireland, Japan, New Zealand, Russia, Switzerland, and the United States of America. Of the letters that have already been published, most are drawn from the edition of *The Works of Jeremy Bentham*, prepared under the superintendence of Bentham's literary executor John Bowring. A small number of letters have been reproduced from newspapers and periodicals.

A particularly notable feature of the present volume is that it publishes for the first time all of the extant correspondence between Bentham and Daniel O'Connell, the Irish Liberator. Other new acquaintances included Charles Sinclair Cullen, barrister and law reformer (who died suddenly at the end of 1830), and John Tyrrell, the Real Property Commissioner. Throughout the period Bentham maintained regular contact with old friends and connections such as John Bowring, Sir Francis Burdett, Joseph Hume, Francis Place, Thomas Southwood Smith, and Leicester Stanhope, but he also entered into sporadic correspondence with such leading figures in government as the Duke of Wellington, Robert Peel, and Henry Brougham. Further afield, Bentham corresponded, amongst others, with the Marquis de La Fayette in France, Edward Livingston in the United States of America, and José Del Valle in Guatemala. The volume is interspersed with extracts from both the *Autobiography* and the manuscript diaries of Bentham's nephew George, whose father Samuel died in April 1831. Another significant death was that of Bentham's Genevan friend and editor Étienne Dumont in September 1829.

Bentham's literary output was extraordinary during these years. In terms of major works, one of his main endeavours remained 'Constitutional Code', on which he had begun work in 1822 and of which the first of three projected volumes had been printed in 1827 and would be published in 1830. During 1828–9 he was particularly concerned with Chapter X on 'Defensive Force', which he printed in 1830. The related 'pasticcio' *Official Aptitude Maximized; Expense Minimized* was also published in 1830. Bentham's other major concern during these years was with codification generally and law reform, which gave rise to a series of works. The July Revolution of 1830 in France prompted Bentham to write *Jeremy Bentham to his Fellow Citizens of France, on Houses of Peers and Senates* (1830) and *Jeremy Bentham to his Fellow Citizens of France, on Death Punishment* (1831). A number of reissues and numerous foreign-language translations of various of his works appeared during these years, including a complete new Brussels edition of the five recensions produced by Dumont. Bentham was at the height of his fame and remained active in both writing and pursuing his schemes of reform until within a few weeks of his death.



Henry Pickersgill, *Jeremy Bentham*, c. 1829, oil on canvas,
University College London Art Museum, LDUCS-5589.

The
CORRESPONDENCE
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Volume 13
July 1828 to June 1832

edited by
PHILIP SCHOFIELD, TIM CAUSER,
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PREFACE

The Bentham Committee wishes to thank Dr Li Qing, whose generous gift to the Bentham Project made possible the preparation of this volume. The Bentham Committee is also grateful to University College London, the British Academy, but particularly UCL Faculty of Laws, for their continuing support of *The Collected Works of Jeremy Bentham*.

The late Catherine Fuller and Dr Luke O'Sullivan carried out preliminary work on the transcription of letters and the identification of points of annotation for this volume. Several scholars have generously provided advice in the elucidation of references. We would like to place on record our thanks to Dr Danae Azaria, Professor Roger Bartlett, Professor Malik Bozzo-Rey, Professor Emmanuelle de Champs, Dr Francesco Ferraro, Professor Margot Finn, Dr David Foster, Professor Jean-Louis Halpérin, Professor Eileen M. Hunt, Professor George Letsas, Dr Cheng Li, Professor Peter Niesen, Professor Quentin Skinner, Professor Guillaume Tusseau, Dr Tim Underhill, and Dr Andrew Watson.

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PREFACE

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Grateful acknowledgment is also made to the authors, editors, and translators of standard reference works such as the *Oxford Dictionary of National Biography*, the *History of Parliament*, the *Loeb Classical Library*, the *Proceedings of the Old Bailey, 1674–1913*, and the *Wellesley Index to Victorian Periodicals, 1824–1900*, without whose scholarship the annotation of a volume such as this would hardly be feasible.

P.S., T.C.

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INTRODUCTION

1. THE LETTERS

The present volume contains 474 letters written from and to Jeremy Bentham between 1 July 1828 and his death on 6 June 1832, three notes concerning his health written towards the end of his life by Edwin Chadwick and Arthur Moore, and his Last Will and Testament. The vast majority of the letters reproduced here, whether the original, a draft, or a copy, and whether reproduced from a manuscript or a printed source, are known to have been sent. Several draft letters have also been included, for the sake of their intrinsic interest, even though it is not known whether any version of them was ever sent. Several letters known to the Bentham Project through their being advertised at public auction have not been reproduced as the relevant permissions could not be obtained from the respective purchasers.

A large proportion of the letters come from the collections of Bentham Papers held by the British Library and University College London Library. The remainder have been reproduced from manuscripts in public and private collections in Britain, Colombia, France, Ireland, Japan, New Zealand, Russia, Switzerland, and the United States of America. Of the letters that have already been published, most are drawn from the edition of *The Works of Jeremy Bentham*, prepared under the superintendence of Bentham's literary executor John Bowring. A small number of letters have been reproduced from newspapers and periodicals. A distinction has been made between those items that would now be considered to be 'articles', albeit written in the form of a letter, which will appear in the *Collected Works* in a volume of newspaper writings, and correspondence to individuals written either with or without a view to publication, and which the recipient then chose to publish. These latter items have been included in the present volume.

Wherever possible, the letters actually sent or received by Bentham are reproduced here, with drafts or copies identified where appropriate in the first editorial footnote to each letter. All spelling, capitalization, and punctuation is reproduced without editorial amendment, except for the occasional addition of full stops, punctuation marks where required by the sense, and accents to French and Spanish words. In Bentham's Last Will and Testament, for the ease of comprehension, *solidi* have

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been added where there is an obvious break in the sense. More substantial editorial amendments are indicated by square brackets (with square brackets in the source documents being replaced by braces). Double inverted commas indicating quotations are replaced with single inverted commas, and consequently quotations within quotations are indicated by double inverted commas.

Letters are arranged chronologically, but where letters are drafted over several days, the letter is usually inserted at the earliest date on which it was written, and where only the month in which the letter was written is recorded, the letter is inserted at the beginning of the month in question. Most letters are clearly dated, but any uncertainty over the dating of a letter is indicated by a question mark following the relevant part or parts of the date. Where an approximate date has been ascertained by internal evidence, this is indicated by the words 'ante', 'post', or 'c.' (i.e. *circa*) before the date. Where appropriate, the grounds for dating the letter in question are explained in the first editorial footnote. A significant number of Bentham's letters carry a note of their date or presumed date in the hand of Bowring, and which appears to have been added during his preparation of Bentham's 'Memoirs and Correspondence' (see Bowring, x. *passim*, xi. 1-95). These dates appear in the form of 'year-month-day'—for instance '28-7-3' represents 3 July 1828. These dates, and other marks which appear to have been added by archivists or other cataloguers, have not been reproduced. Where docketts are reproduced, unless otherwise noted, they are presumed to have been added by the recipient of the letter in question.

One minor change in editorial policy in this volume is in the presentation of references to letters in the Bentham Papers held by the British Library. If the practice of previous volumes had been followed, the reference to the letter at BL Add. MS 33,546, folio 226 would, for instance, have been rendered as 'BL X. 226'. In the present volume this reference is presented as 'BL Add. MS 33,546, fo. 226'. Letters appearing in collections held by the British Library other than the Bentham Papers are referred to by the collection name, for instance 'Hume Correspondence, BL Add. MS 89,039'. For the style used to refer to manuscripts in the Bentham Papers at University College London see Symbols and Abbreviations, p. xxxviii below. In general, references to manuscripts in other archives appear in the format of institution, library, collection, and catalogue number.

The following policy has been followed in relation to the presentation of the titles of Bentham's works in editorial footnotes. The titles of published works have been presented in italics, for example *Equity Dispatch Court Proposal*. The titles of works which were printed but

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not published (although they may have been published at some later date) have been presented in inverted commas, for example 'Equity Dispatch Court Bill'. The titles of manuscript versions of texts have also been presented in inverted commas, for example 'Colonization Company Proposal'.

2. OUTLINE OF BENTHAM'S LIFE

JULY 1828 TO JUNE 1832

Throughout the final four years of his life, Bentham lived and slept at his home in Queen (or Queen's) Square Place, Westminster. The front of the house was approached through a narrow passage off Queen Square, while at the rear of the house there was a large garden, which had its own entrance off Bird Cage Walk, St James's Park. Despite referring to himself as a hermit and his home as a hermitage, Bentham lived with two amanuenses, three female servants, and a boy servant, received a constant succession of visitors, and had guests occasionally staying for extended periods. A typical day saw Bentham rise about 9.00 a.m and drink one or two cups of coffee, before settling down to work. Around 1.00 p.m. he would take a circumgyration or walk round in his garden for half-an-hour or so, when he would often see a friend for a brief conversation. He would return to work and eat breakfast around 3.00 p.m., when his amanuenses would read letters, newspapers, and other documents to him. Following a further period of work, Bentham would receive usually one but very occasionally two dinner guests, who were given instructions to arrive at Queen Square Place in the early evening, usually at 7.15 p.m., with dinner served a quarter-of-an-hour later. They would be joined by one or both of his amanuenses, or perhaps by a guest who might be staying in the house, making a party of four or five. After dinner had been eaten, the amanuenses would be dismissed and the conversation with the guest continued until around 11.00 p.m., when Bentham would begin his preparations for bed. In July 1828 Bentham's amanuenses were John Flowerdew Colls and Richard Doane, who had entered Bentham's service in 1816 and 1819 respectively. Colls left Queen Square Place at the end of July 1829 and was replaced by Arthur Moore, while Doane left at the beginning of July 1831, at which point Edwin Chadwick appears to have moved into Queen Square Place. A regular visitor was Bentham's nephew George, the son of his brother Sir Samuel and wife Lady Mary Sophia Bentham, who, having lived in France since 1814, had returned to London in 1826. George would come at least once a week to Queen

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Square Place for dinner and then work with his uncle, often adding marginal summaries to his manuscripts or taking down his dictation.

Throughout the period Bentham maintained regular contact with old friends and connections such as John Bowring, Sir Francis Burdett, Joseph Hume, Francis Place, Thomas Southwood Smith, and Leicester Stanhope, as well as making new acquaintances, most notably Daniel O'Connell, Charles Sinclair Cullen, and John Tyrrell. Bentham received the *Votes and Proceedings* and other order papers from the Houses of Parliament, which led to frequent requests to Hume to ask him to move, in his capacity as MP, for the printing of various returns and petitions that were of interest to Bentham, or which he thought might be useful to the radical cause. While there are a significant number of surviving letters with these figures, they tend to be short, perhaps reflecting the fact that news and views were more likely to be exchanged in conversation. The longer letters tend to be to correspondents at a distance, such as the Marquis de La Fayette in France, Edward Livingston in the United States of America, and José del Valle in Guatemala, or to figures in government, such as the Duke of Wellington and Robert Peel, who Bentham hoped to influence.

Bentham's literary output was extraordinary during these years. In terms of major works, one of his main endeavours remained 'Constitutional Code', on which he had begun work in 1822 and of which the first of three projected volumes had been printed in 1827 and would be published in 1830. During 1828–9 he was particularly concerned with Chapter X on 'Defensive Force', which he eventually printed in 1830. The 'Legislator's Inaugural Declaration' from the first volume of *Constitutional Code* was published as *Parliamentary Candidate's Proposed Declaration of Principles* (1831) for the use of the Parliamentary Candidate Society. The related 'pasticcio' *Official Aptitude Maximized; Expense Minimized* was also published in 1830. Bentham's other major concern during these years was with codification generally and law reform, which gave rise to a series of works, namely *Justice and Codification Petitions* (1829), *Equity Dispatch Court Proposal* (1830) and the partially printed 'Equity Dispatch Court Bill' (1830), 'Law Reform Association Proposal' (1830), and *Lord Brougham Displayed* (1832). Bentham's comments on land registration were eventually published in the Third Report of the Real Property Commissioners (1832), while George Bentham, who was pursuing a legal career and was called to the bar on 18 November 1831, promoted his uncle's ideas in *Observations on the Registration Bill* (1831). The July Revolution of 1830 in France prompted Bentham to write *Jeremy Bentham to his Fellow Citizens of France, on Houses of Peers and Senates* (1830) and *Jeremy Bentham to his Fellow Citizens of France,*

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on *Death Punishment* (1831). There were also a number of reissues: 'Jeremy Bentham to the National Convention of France' was reissued as *Emancipate Your Colonies!* (1830); 'Codification Proposal' was reissued with the addition of a 'Second Supplement' (1830); and extracts from *Church-of-Englandism*, with a new 'Preface' and concluding remarks, were reissued as *The Book of Church Reform* (1831). Bentham's 'disciple' Richard Smith published *The Rationale of Punishment* (1830) and reissued *The Rationale of Reward* (1830), while John Neal, Bentham's American admirer, published *Principles of Legislation* (1830). Bentham provided material in defence of utilitarianism and for a critique of the law reform measures of Henry Brougham for publication in the *Westminster Review* as well as contributing letters and other content to newspapers and periodicals. A number of essays remained in manuscript, including a supplement intended for *Equity Dispatch Court Proposal*, a personal 'Codification Petition' addressed to Parliament, letters on codification addressed to the Belgians, a third letter to France on the age of majority in relation to the exercise of political rights, and 'Colonization Company Proposal' on the establishment of a free colony on the south coast of Australia. Numerous foreign-language translations of various of his works appeared during these years, including a complete new Brussels edition of the five recensions produced by his Genevan friend Étienne Dumont.

July to December 1828. One of Bentham's most notable relationships in the final years of his life was with Daniel O'Connell, the Irish Liberator. O'Connell had been elected MP for County Clare on 5 July 1828, though his right to take his seat in Parliament was disputed because of his refusal to take the Oath of Supremacy. Bentham read (or rather had read to him) a report in the *Morning Herald* of 15 July 1828 that O'Connell had stated, in a speech in Dublin on 10 July 1828, that, in relation to the admission of parties as witnesses at trial, he was 'but an humble disciple of the immortal Bentham'. Bentham immediately wrote to O'Connell expressing his delight, promised to send him several of his works, and invited him to stay at Queen Square Place. In a letter of 3 August 1828, O'Connell politely declined Bentham's offer of accommodation on the grounds that he could not give up the income from his legal practice and that he did not intend to come to London until March 1829. He nevertheless affirmed that he was Bentham's 'zealous ... disciple' and expressed his support for codification and the ballot, that every week he would make an attempt in Parliament to reform the legal, political, and ecclesiastical systems, and that he would be Bentham's 'Mouth piece' in the House of Commons. Writing on 31 August 1828, Bentham encouraged O'Connell to use his considerable influence in

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Ireland in order to raise petitions in support of radical political and legal reform, but noted that Henry Hunt had criticized O'Connell for sacrificing radical in favour of constitutional reform, which Bentham equated with Whig reform, and wondered why O'Connell might have done this unless it was to placate the Whigs. Bentham feared that an exchange of acrimonious letters between O'Connell and Hunt, printed in the *Morning Herald*, would damage the radical cause and so attempted to effect a reconciliation. He believed that, by working together, they could best promote radical reform, with O'Connell bringing in petitions from Ireland and Hunt from the City of London, but at the very least they should abstain from trading insults. On 27 September 1828 Bentham wrote anonymously to Hunt, explaining O'Connell's conduct and affirming O'Connell's support for radical reform. Hunt appeared to give Bentham's appeal short shrift, publishing his letter in the *Morning Herald* and stating that he did not respond to anonymous communications, whereas O'Connell reaffirmed his wish to be as useful to Bentham as possible. Meanwhile, by early October 1828 Bentham had drafted 'Petition for Codification', with a view to having it signed by as many individuals as possible and presenting it to Parliament. He sent a draft for comment to O'Connell, who promised to copy the work and send it back with proposed amendments and reported that he had procured resolutions in favour of codification from meetings at Tralee and Kilkenny. In mid-November 1828 Bentham explained that he was now working on a 'Petition for Justice' and was gratified that O'Connell had made friendly overtures towards Hunt.

Bentham was continuing to work on 'Constitutional Code'. The first nine Chapters, constituting the first of the projected three volumes, had been printed in 1827, and he was now finalizing the tenth Chapter on 'Defensive Force' which would form a large portion of the second volume. At the beginning of September 1828 he asked Leicester Stanhope to come to Queen Square Place to review the text. On 20 August 1828 he had written to La Fayette, asking him if he would be prepared to comment on a manuscript copy. La Fayette gently turned down Bentham's request, but they reminisced about Bentham's visit to La Fayette's chateau La Grange in October 1825 and exchanged views about French politics. Bentham continued to have many connections with liberal thinkers in France, receiving letters from Marc-Antoine Jullien and Jean-Baptiste Say, as well as La Fayette. In relation to constitutional reform, in November 1828 Bentham received thanks from Louis I, King of Bavaria, for sending him a copy of 'Codification Proposal' and his plan of a constitutional code, which, the King announced, had been conveyed to the Bavarian legislation commission. On 29 November 1828 Bentham wrote to the Duke of

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Wellington, the leader of the administration, encouraging him to consider the printed 'Extract from the proposed Constitutional Code, entitled Official Aptitude Maximized, Expense Minimized', dealing with the remuneration, appointment, and dismissal of ministers. The work contained proposals, Bentham explained, that Wellington might be inclined to adopt for the British government, even though it was designed for a representative democracy. In addition, Bentham offered to send Wellington the section from 'Constitutional Code' that dealt with 'Political Book-keeping'.

In a letter of 30 September 1828, James Young, writing from India, told Bentham that his letter and books had been delivered to Rammohun Roy and explained the difficulties that Roy had faced from both the ruling East India Company and his fellow Hindus in his attempts to introduce liberal ideas into Hindu society.

In financial matters, Bentham continued to receive an income from his share in the New Lanark Mills, of which he had been a partner since 1813. His interest was being managed by Bowring, who had visited the establishment in March 1828. Bentham made efforts to secure articles for the *Westminster Review*, which had been facing financial difficulties, and had not appeared for several months. In December 1828 Thomas Perronet Thompson signed a draft contract with Bentham in which he agreed to discharge all of the debts of the *Westminster Review*, becoming joint-proprietor with Bentham and co-editor with Bowring, and thereby securing its future. Regular publication recommenced at the beginning of 1829.

1829. O'Connell arrived in London at the beginning of February 1829, hoping to take his seat in Parliament. It appears that he did not meet Bentham until later in February 1829, and it remains unclear just how much personal contact they had at this time, though George Bentham records that O'Connell visited Bentham on two occasions. In March 1829 O'Connell was due to go to Paris, but was unexpectedly called back to Dublin on a special retainer, promising Bentham that he would get signatures for 'Petition for Codification' while there. In the meantime Bentham was distributing copies of 'Petition for Codification' and 'Petition for Justice', and working on 'Abridged Petition for Justice'. On 22 April 1829 O'Connell apologised for not calling on Bentham since his return from Ireland, but explained that he had been involved in ministerial intrigue respecting his seat in Parliament. His election for County Clare was eventually ruled invalid by the House of Commons on 21 May 1829. In late May 1829 Bentham was working on 'Equity Dispatch Court Proposal', which he sent in manuscript to O'Connell, who returned it with the comment that

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the experiment must be made and every court be a dispatch court. O'Connell dined with Bentham on 29 May 1829, before returning to Ireland, where he was re-elected for County Clare on 30 July 1829. On the same day he wrote to Bentham to say that, on the hustings, he had avowed himself a Benthamite, that Bentham now had his own MP, and that he intended to get up petitions for codification.

On 22 and again on 23 March 1829 Bentham wrote to Wellington upbraiding him for fighting a duel with the Earl of Winchelsea, pointing out that his death would have thrown the country into confusion. He advised Wellington to go to the House of Lords, admit his mistake, and promise never to duel again, for no one would ever accuse him of lacking courage. He recalled the accounts of duels given to him personally by Aaron Burr and O'Connell, who had both killed their adversaries, as well as reminding Wellington of other notorious duellists, and informed him that he had a plan for the extinction of duelling. In April 1829 Bentham turned his attention to the Home Secretary Robert Peel, suggesting that Peel order the Commissioners of Inquiry into the Common Law Courts to give answers to any queries that Bentham might address to them. He added that he had it in mind to give answers to the queries circulated by the Real Property Commissioners and to send them his own queries. Bentham warned Peel that he would make war on him if he did not accede to his request, but if he did accede to it, he would receive Bentham's support for any good measures he might propose and that he would be welcome to dine at Queen Square Place. Peel declined Bentham's request, saying that he would not call on the Commissioners to enter into a controversy with Bentham, which prompted Bentham to explain that neither of the 'operations' that he had suggested, namely the Commissioners receiving answers from Bentham to their queries and giving their answers to Bentham's queries, would involve any controversy.

In April 1829 Colls, who had been in Bentham's service since 1819, announced his intention to leave him, stating that he admired Bentham's work on legislation, but not on the Church. Colls left Queen Square Place at the end of July 1829 in order to attend St Bees Theological College in Cumberland with a view to ordination and a career in the Church of England, but within a few days was pleading to be readmitted into Bentham's service and a little later asking to be allowed to come back to Queen Square Place for the vacations. He must, however, have reconciled himself to his new situation and was eventually ordained in 1831, though he does appear to have returned to Queen Square Place, at least for a short time, in the summer of 1830.

In relation to the Real Property Commission, Bentham wrote to the Secretary Charles James Swann in August 1829 asking for a

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reassurance, which was duly given, that any comments he might submit in relation to land registration would be published by the Commission. In October 1829 Bentham mentioned to O'Connell that he had received a volume on real property from John Tyrrell, with whom Bentham established contact, probably in November 1829, and found to be a congenial reform-minded lawyer. The two met and corresponded regularly for the remainder of Bentham's life.

The rivalry between the Whigs and utilitarian radicals was played out in a series of review articles that appeared in the *Edinburgh Review* and the *Westminster Review*, begun by Thomas Babington Macaulay's attack on James Mill's article on government that had originally appeared in the Supplement to the *Encyclopaedia Britannica* but had recently been reprinted. An article on the greatest happiness principle that had appeared in response in the *Westminster Review* was attributed to Bentham, but Bentham disclaimed responsibility for it in a letter printed in *The Examiner* on 5 July 1829, which led to his being chided by Thomas Perronet Thompson. Bentham later informed O'Connell that he had in fact supplied the 'matter' for the article, though the 'form' had been given to it by others. Bentham also supplied the 'meat' for an article entitled 'Bentham, Brougham and Law Reform', which also appeared in the *Westminster Review* and reflected Bentham's disappointment with Brougham's proposals for law reform.

Testimony to Bentham's international reputation came from Edward Livingston, whose work on codification in Louisiana and the federal United States more generally was greatly inspired by Bentham. Livingston wrote an admiring letter to Bentham, dated 10 August 1829, and sent a packet of books. Bentham reciprocated on 21 October 1829 by sending a packet of books to Livingston through McLane, the American Minister in London. Bentham received a set of Guatemalan coins from his admirer José del Valle, but responded in a letter dated 8–13 September 1829 that Valle should concern himself with more important things than coins, and in particular with the question of how to guarantee the liberty of the press. Meanwhile, at some point before 15 July 1829 the colonial judge Jabez Henry, recounting that Bentham had suggested that he 'undertake a new Vattel', explained that he was minded to take on the task, but requested that Bentham inform him of his views and give him 'something like a Scheme Program or Outline of the Plan for its Execution'. Bentham appears to have responded on 15 July 1829 when he sent, through the medium of Colls, several sheets copied from manuscripts on the subject of international law originally composed in June 1827.

Bentham was informed of the death of Étienne Dumont, which had taken place at Milan on 29 September 1829, by Dumont's great-nephew

INTRODUCTION

Jacob Louis Duval. Bentham contacted Duval to express his condolences and to make one last effort to see if he could recover the manuscripts for 'Political Tactics', which had gone missing when Dumont had edited them for *Tactiques des assemblées législatives* (1816), but to no avail.

Although disagreeing with Bentham over the merits of *Símon Bolívar*, O'Connell in October 1829 reiterated his promise to prosecute Bentham's agenda for law reform and codification when he began his Parliamentary career. Another point of disagreement arose, however, when O'Connell, in a letter printed in the *Dublin Evening Post* of 3 October 1829, while reaffirming his radicalism, attacked the French, Spanish, and Portuguese liberals on account of their anti-Christianity, anti-clericalism, and opposition to civil liberty. Bentham wrote both an ostensible letter and one under the pseudonym of 'Phil-O'Connell' in which he pointed out that O'Connell's true allies were the liberals, namely the Whigs and radicals, and that he should put aside as irrelevant any differences on account of religion. Bentham became concerned that he had not heard from O'Connell and was relieved when he received a letter from O'Connell, dated 13 December 1829, in which he denied that he had taken any offence, though Bentham regretted that O'Connell's response showed 'respect' rather than 'affection'.

Bentham had been circulating *Justice and Codification Petitions* since early October 1829, but in early December 1829 had the idea of establishing a Law Reform Association, with a view to generating petitions to Parliament in favour of law reform and providing support for law reform within Parliament. He offered the 'command' of the association to Wellington, promising him that he would be greater than Oliver Cromwell, who had failed to simplify the law, if he succeeded in the enterprise. A new 'disciple', Charles Sinclair Cullen, who was hoping to be returned to Parliament, was active in promoting the scheme and became a regular visitor to Queen Square Place, while Bentham had hopes that James Silk Buckingham might tour the country giving a series of lectures on and procuring petitions for law reform.

1830. Bentham continued to promote the Law Reform Association. In late January 1830 Buckingham produced his terms for the proposed lectures, but Leicester Stanhope pointed out that Buckingham's scheme would not only prove too expensive for the Association to support, but failed to focus on a Benthamite agenda. In the meantime Bentham was working on his proposal for an equity dispatch court, with the intention of clearing the backlog of cases in the Court of Chancery. Bentham subscribed to O'Connell's Parliamentary Intelligence Office, which he had established in Dublin, in order to

OUTLINE OF BENTHAM'S LIFE

promote both Parliamentary and law reform. O'Connell arrived in London in time for the opening of Parliament on 4 February 1830. He informed Bentham that he had joined the Law Reform Association and promised to devote himself to law reform and that he would mention Bentham's equity dispatch court in the House of Commons, where on 11 February 1830 O'Connell presented petitions based on Bentham's 'Petition for Justice'. On 1 April 1830 Baron King presented a similar petition in the House of Lords, thereby earning Bentham's gratitude. Bentham's 'Law Reform Association Proposal' was printed at the end of March 1830 and in the following month he was particularly active in garnering support from reform-minded MPs.

In March 1830 Bentham was delighted to hear that Peel was proposing to put an end to law fees. Later that month, Bentham received an enquiry from Peel as to whether he had written anything on criminal transportation. Bentham replied that he had not done so, apparently forgetting his extensive writings on the subject from 1802-3, some of which were printed as the two 'Letters to Lord Pelham' and 'Plea for the Constitution' and eventually published as *Panopticon versus New South Wales* in 1812, and instead gave an account of the panopticon penitentiary and the pauper panopticon schemes. Peel responded that he was aware of the panopticon scheme, but would like to read what Bentham had written on the poor laws, whereupon Bentham obliged by sending him a copy of 'Observations on Pauper Management'. At the beginning of April 1830 Bentham contributed to the debate on public account-keeping by drafting a long letter to the former Chancellor of the Exchequer and financial expert John Charles Herries, advocating the single-entry over the double-entry mode of book-keeping and pointing him to the long discussion of the Statistic Function in 'Constitutional Code'. On 14 July 1830 Bentham renewed his attempt to influence Wellington by sending him a copy of 'Defensive Force' and asking for comment.

In April 1830 Bentham received a series of letters from Humphrey Price, a Church-of-England clergyman who had been convicted of and imprisoned for libel on account of his criticism of the employers of striking Kidderminster weavers. Price gave an account of his personal history and present circumstances and asked Bentham for legal advice in relation to a work he proposed to publish once he had been released. Bentham promised to procure attention for it more valuable than his own and sent him copies of his works.

Bentham continued to criticize Brougham's plans for law reform, suggesting on 22 May 1830 that they enter into a public debate on the subject, conducted through pamphlets, while at the same time inviting Brougham to dinner and explaining that any public disagreement and

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criticism should not be taken as a sign of personal animosity. The long-awaited inaugural meeting of the Law Reform Association, chaired by the Earl of Radnor, took place at Queen Square Place at the beginning of June 1830, but it appears that the hoped-for financial support for the Association was not forthcoming and the scheme was abandoned. The failure of the Law Reform Association did not, however, diminish Bentham's efforts to promote law reform. He composed his own personal 'Codification Petition', which he initially hoped that Burdett would present to the House of Commons, but when Burdett prevaricated, turned to O'Connell. At the beginning of June 1830, however, Bentham had the disappointing news from Tyrrell that he had not been able to obtain any petitions in favour of the equity dispatch court on account of opposition from attorneys. On the other hand, Tyrrell was anxious to have Bentham's observations on registration for the Second Report of the Real Property Commissioners. Bentham responded that he was working through the questions posited by the Commissioners, and his answers would then need to be revised. On 13 July 1830 he informed Tyrrell that he was working on a new civil code, and had created a table of leading principles for it, deduced from the Commissioners' questions.

Bentham cultivated his contacts with the United States of America. On 5 January 1830 he sent a short message to the lawyer and author John Neal, who had stayed at Queen Square Place from December 1825 to April 1827. Neal responded on 11 March 1830, explaining that he was seeing his edition of Bentham's *Principles of Legislation*, based on *Traité de législation civile et pénale*, through the press and that he was generally attempting to promote Bentham's ideas in the United States. On 23 February 1830 Bentham eventually responded to Edward Livingston, sending him a second packet of books and manuscripts, and explaining that he had delayed writing as he wished to give Livingston news about the publicity he had obtained for his Louisiana codes. On 14 June 1830 Bentham wrote again to Livingston, sending a third packet of books, and at the same time wrote to President Andrew Jackson, also sending a packet of books and a manuscript copy of 'Anti-Senatica', a critique of second legislative chambers. Bentham had regretted that his friend John Quincy Adams had not been re-elected as President, but, having seen Jackson's 'First Annual Message' to Congress, had been consoled to find himself in extensive agreement with Jackson's views. On 1 July 1830 Livingston responded with a laudatory letter and acknowledged the receipt of the books, presumably those sent in February 1830.

In relation to Spanish America, on 28 September 1830 Bentham received a letter from Valle, dated 31 May 1830, describing recent

OUTLINE OF BENTHAM'S LIFE

earthquakes in Guatemala and expounding his plans for the promotion of education. Another South American admirer was Francisco de Paula Santander, who, as Vice-President of Colombia, had promoted the study of Bentham's works in Colombia. Santander had been exiled by Simón Bolívar and had arrived in London on 8 June 1830. He dined with Bentham on 5 July 1830, before leaving for the Continent a few days later. Santander was hoping to visit St Petersburg, and so Bentham gave him a letter to be delivered to his old friend Nikolai Semënovich Mordvinov, telling him that he was 'still in good health and spirits, codifying like any dragon'. In the event Santander was denied entry into Russia, but did, nevertheless, arrange for Bentham's letter to be forwarded to St Petersburg. At the same time that he was in touch with Santander, Bentham was courted by the notorious William Pole-Tylney-Long-Wellesley, who had dedicated his book critical of the Court of Chancery to Bentham. Having had a long conversation in his garden at Queen Square Place with Pole-Tylney-Long-Wellesley on 4 July 1830, Bentham hoped that he might offer one of his Parliamentary seats to Cullen, but nothing appears to have transpired from this suggestion.

The July Revolution of 1830 in France, which saw the overthrow of Charles X and the instalment of Louis Philippe, Duc d'Orleans, as King of the French, reignited Bentham's interest in French affairs. He wrote a general letter to the French People extolling the sovereignty of the people and on 13 August 1830 wrote to the Duc de Broglie, pointing out the deficiencies of the Napoleonic Codes and offering to co-operate in the promotion of law reform. He wondered whether his brother Samuel or nephew George would be interested in taking part in a scheme to establish a panopticon penitentiary in Paris, since he had hopes that La Fayette, who had criticized the death penalty, would support it. It was at La Fayette's suggestion that Bentham wrote *Jeremy Bentham to His Fellow Citizens of France, on Houses of Peers and Senates* (1830). He followed this with *Jeremy Bentham to His Fellow Citizens of France, on Death Punishment* (1831) and an unpublished essay on the age of voting.

Bentham maintained his regular correspondence with Joseph Hume. As well as suggesting that Hume should move for the printing of various items presented to the House of Commons, he discussed such matters as the opening hours of the British Museum, the publication of official salaries, the expense and delay in the procedure of the House of Commons in relation to the passing of Bills, and the absurdity of dissolving Parliament on the death of a monarch. Bentham was also in regular contact with Margaret Urquhart, the mother of his friend David. Margaret appears to have sent Bentham the letters she had

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received from her son David, who was in the Eastern Mediterranean until his return to England in the autumn of 1830. From late 1830 Edwin Chadwick, who was Sub-Editor of *The Examiner*, began to play a prominent role in Bentham's life, having perhaps been introduced to Bentham by the Editor Albany Fonblanque, who Bentham had met in 1827.

The General Election of 1830, necessitated by the death of George IV on 26 June 1830, led to the formation of a new Whig ministry, committed to Parliamentary reform, under the leadership of Earl Grey. On 22 November 1830 Brougham was appointed as Lord Chancellor and on the following day ennobled as Baron Brougham and Vaux. As Grey was forming his ministry, Bentham contacted Brougham, who denied inserting hostile comments about Bentham into a review article he had written for the *Edinburgh Review*, and promised to dine with Bentham when summoned. Bentham did summon him for 23 November 1830, but Brougham did not come and did not dine with Bentham again. Bentham briefly hoped that his friend Henry Bickersteth would be appointed Solicitor General, but was disappointed. Cullen, who had been campaigning for a seat in Parliament, died unexpectedly on 8 November 1830.

1831. At the start of the year, Bentham was in frequent touch with Tyrrell in relation to the work of the Real Property Commission and law reform more generally. In January 1831 he began to work intermittently on providing answers to the questions on registration posed by the Real Property Commissioners, had drafted a response by the middle of April 1831, and on 16 May 1831 informed Tyrrell that he had completed it, except for the revision of the copy. On 11 June 1831 Bentham sent the paper to Tyrrell, who returned it to him on 17 June 1831. Bentham sent the final version to the Commissioners in early July 1831 and it eventually appeared in the Appendix to their Third Report, which was ordered by the House of Commons to be printed on 24 May 1832.

Bentham continued to cultivate O'Connell and take an interest in Irish affairs. In early February 1831 Bentham responded to an apparent threat by the ministry to pacify Ireland by force by calling for an end to the Union in a letter of which a truncated version was published anonymously in the *Voice of the People*, edited by William Carpenter. If Parliament attempted to raise men and money, Bentham argued, people should refuse to pay taxes, soldiers should mutiny, and the radicals should present petitions. On 31 January 1831 he advised O'Connell in relation to the defence of two Dublin printers who faced prosecution for publishing a letter from O'Connell criticizing the

OUTLINE OF BENTHAM'S LIFE

procedure by which he had been arrested on a charge of conspiracy. Bentham suggested that the case of the Dublin printers had parallels with the question of the legality of the imprisonment in 1768 of the bookseller William Bingley by Chief Justice Mansfield and the issue of a general warrant in 1763 for the arrest of those involved in the production of the notorious forty-fifth issue of John Wilkes's *North Briton*. O'Connell responded that the defence would be grounded on the reasoning suggested by Bentham. He went on to apologise for his ineffectiveness in promoting law reform in the House of Commons and to say that he was ashamed to call himself Bentham's disciple. In response to O'Connell's contrition, Bentham invited O'Connell to dine on 4 March 1831, but was upset that O'Connell had not accepted the invitation. Bentham's disappointment is recorded by George Wheatley, a young radical from Cumberland, who stayed at Bentham's house for three weeks at the end of February and beginning of March 1831. Nevertheless, Bentham then congratulated O'Connell on his speech on the Reform Bill in the House of Commons on 8 March 1831, invited him again to dine on 12 March 1831, but it appears that O'Connell either did not or could not accept the invitation. On 12 March 1831 Bentham sent an ultimatum, that if he did not hear from O'Connell within a few days, he would conclude that he did not wish to see Bentham again. This appears to have had the desired effect, for soon afterwards Bentham and O'Connell met on at least one occasion, leading Bentham on 22 March 1831 to draw up an agenda of reform for O'Connell to pursue, including codification and amendments to Brougham's Bankruptcy Court Bill and Peel's Jury Act. This flurry of activity appears, however, to have brought to a close the direct communication between them.

In March 1831 the Parliamentary Candidate Society was launched, with Francis Place taking a leading role. The aim of the Society was to recommend suitable candidates for election to Parliament. With a view to establishing the principles on which potential candidates would act, Bentham published *Parliamentary Candidate's Proposed Declaration of Principles*, which was a reissue of the 'Legislator's Inaugural Declaration' from *Constitutional Code: Vol. I*, which was itself published in 1830. In early April 1831 Bentham attempted to promote Bowring's claims to a seat at Manchester by writing to newspaper editors Richard Potter, Archibald Prentice, and John Doherty. On 23 April 1831 (the day on which Parliament was dissolved due to the defeat of the first Reform Bill) Prentice dined with Bentham, who attempted to smooth over a disagreement between Prentice and Place in relation to their respective views on birth control by arranging a meeting between them, presumably with a view to furthering the aims

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of the Parliamentary Candidate Society. While in London, Prentice learned that he had been accused of libel. At the trial on 14 July 1831, he based his defence on Bentham's suggestion that the jury be asked not to convict on an indictment that contained a series of lies. On 21 July 1831 Bentham expressed his delight that the jury had acquitted Prentice, arguing that, if this view were generally taken by juries, they could clear accusations of lies and pave the way for law reform.

On 18 April 1831 Rammohun Roy arrived in London with a letter of introduction from James Young, dated 14 November 1830. Upon hearing of Roy's arrival, despite it being the middle of the evening, Bentham immediately went to see him at his hotel, but by the time he arrived there found that Roy had gone to bed. Roy dined with Bentham on 20 April 1831. Roy was apparently invited to accompany Bentham to spend a night at the villa of Edward Ellice in late July 1831, which would have been the first time that he had slept away from Queen Square Place since his visit to France in 1825. The excursion did not, however, take place.

Samuel Bentham died on 30 April 1831.

In June 1831 Bentham attempted to use his influence to prevent the government's prosecution of William Cobbett for libel, not owing to any sympathy for Cobbett, but because he believed that the prosecution would lower the reputation of the government in the eyes of the people. On 24 June 1831 Chadwick had sent Bentham a translation of Friedrich Carl von Savigny's work against codification. Savigny was involved in a dispute with fellow German jurist Eduard Gans, who visited London and dined with Bentham on 21 October 1831. On the next day Bentham sent Gans a copy of his short tract 'On the Anti-Codification School of Jurisprudence'. In June 1831 James Mill gave notice that he and his family intended to quit the house at 1, Queen Square that they had rented from Bentham since 1814. Place acted as arbiter in settling the financial arrangements. The house was thereafter occupied by Bowring. By the beginning of August 1831 Bentham had met Edward Gibbon Wakefield and, apparently with Wakefield's encouragement, wrote 'Colonization Company Proposal', recommending the establishment of a free, self-ruling colony on the south coast of Australia.

Hassuna d'Ghies, for whom Bentham had written 'Securities against Misrule' and other essays relating to Tripoli in 1822, arrived in London and dined with Bentham towards the end of July 1831. D'Ghies was hoping that Bentham would aid him in his defence against accusations that he had been implicated in the murder of the explorer Alexander Gordon Laing, but Bentham explained to David Urquhart, who had originally introduced d'Ghies to Bentham, that he did not have time

OUTLINE OF BENTHAM'S LIFE

to do so, and suggested that the best course that d'Ghies could take would be to return to Tripoli. In the event, Bentham did give some advice to d'Ghies, before the latter left London for Paris at the beginning of September 1831.

Valle wrote to Bentham on 3 August 1831 and again on 28 October 1831, stating that Bentham's books had pride of place in his library, that he would translate the whole of Bentham's works if sponsors could be found, that he had begun a translation of 'Constitutional Code', and that he hoped that the Guatemalan constitution would be reformed in accordance with Bentham's theories.

Bentham continued to see Tyrrell regularly in order to discuss law reform, in particular his critique of Brougham's proposed reforms in 'Boa Constrictor' and 'Observations on the Bankruptcy Court Bill', which he was preparing for the press.

1832. According to George Bentham, Bentham retained 'his full vigour of mind' until the middle of February 1832, when his health began to deteriorate, though he had recovered somewhat by the middle of March 1832. He had been pleased to dine with Talleyrand on 9 February 1832 and was receiving dinner guests in April 1832. He welcomed Maria Gisborne for a short visit on 14 April 1832. He had first encountered her in Constantinople in 1785 and had not seen her since the early 1790s, when she had helped Bentham and her first husband Willey Reveley in drawing up plans for the proposed panopticon penitentiary. At Bentham's request, Gisborne wrote a long letter outlining her family history in the intervening years. George Bentham records that on 24 May 1832 Bentham 'was no longer able to sit up to dinner . . . and after that he very gradually sunk'.

Bentham died at Queen Square Place on 6 June 1832. In his Last Will and Testament, he nominated John Bowring as his literary executor, with an allowance of £2,000 and instructions to produce an edition of his works. Around twenty-seven mourning rings were left to Bentham's friends, the bulk of his books to the London University, with books on law distributed between Chadwick and Doane, and several minor bequests, with the residue of the estate bequeathed to George Bentham. He instructed, moreover, that his body be delivered to Southwood Smith, who should use it to create an auto-icon, after it had been dissected for the benefit of medical science. Southwood Smith delivered an oration over Bentham's body before an invited audience at the Webb Street School of Anatomy on 9 June 1832. The body was dissected by Richard Dugard Grainger on 11 June 1832 and the remains given to Southwood Smith for the creation of Bentham's auto-icon.

SYMBOLS AND ABBREVIATIONS

Symbols

	Space left in manuscript.
[to]	Word(s) editorially supplied.
⟨so⟩	Conjectural restoration of a mutilated word.
[?]	Reading doubtful.
[. . .?]	Word(s) proved illegible.
⟨. . .⟩	Torn manuscript.

Abbreviations

BL Add. MS	British Library, Additional Manuscript.
Bowring	<i>The Works of Jeremy Bentham</i> , published under the superintendence of . . . John Bowring, 11 vols., Edinburgh, 1843 (initially issued in 22 parts 1838–43).
CW	This edition of <i>The Collected Works of Jeremy Bentham</i> .
MS alt.	Alternative manuscript reading, usually inter-linear or marginal.
MS del.	Word(s) deleted in manuscript.
MS orig.	Original manuscript reading.
TNA	The National Archives of the United Kingdom.
UC	Bentham Papers in the Library of University College London. Roman numerals refer to the boxes in which the papers are placed, Arabic to the leaves within each box.

CORRESPONDENCE
JULY 1828
TO JUNE 1832

TO JOSEPH HUME

1 JULY 1828

3420

TO JOSEPH HUME
1 July 1828 (Aet 80)¹

For Jos. Hume M.P.

Q.S.P. 1 July 1828

Two highly important H. of Commons Papers 'to lie on the Table.'
Order for Printing, none.

Votes 23 May 1828.

35. 'United States of America Conventions relative to the Northwest
Coast of America.'

36. 'United States of America Correspondence.'²

3421

TO JOHN WRIGHT
3 July 1828 (Aet 80)¹

Q.S.P. 3^d July 1828

Dear Sir

Your letter of the 11th last (10th the letter itself says)² covering the
Bank Bill of £200 (two hundred pound) was received by me in due
course. It is with no small regret that after receipt of your's of the 27th³
I have to mention that, it is owing to a combination of misconception,

3420. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Addressed: 'For
Joseph Hume M.P.'

Joseph Hume (1777–1855), radical and politician, MP for Weymouth and Melcombe
Regis 1812, Aberdeen Burghs 1818–30, Middlesex 1830–7, Kilkenny 1837–41, and
Montrose Burghs 1842–55.

² See '35. United States of America,—Conventions *presented*,—of Commerce, signed
at London August 6th, 1827; relative to the Territory on the North-west Coast of America,
signed at London August 6th, 1827; and, relative to the reference to arbitration of the
disputed points under the fifth article of the Treaty of Ghent, signed at London September
29, 1827 {by Command}; to lie on the Table', and '36. United States of America,—Corre-
spondence *presented*,—relative to commercial intercourse between the United States of
America and the British West India Colonies {by Command}; to lie on the Table', *Votes and
Proceedings of the House of Commons*, no. 78 (23 May 1828), p. 453.

3421. ¹ BL Add. MS 33,546, fo. 226. Autograph draft. Docketed: '1828 July 3. New
Lanark. J.B. Q.S.P. to J. Wright Jun^r. Glasgow. Acknowledging receipt of the £200: asking
for the *difference*.'

John Wright was secretary to Robert Owen (1771–1858), socialist and philanthropist,
manager and part-owner of the New Lanark Mills 1800–28.

² Missing.

³ Missing.

3 JULY 1828

TO JOHN STUART MILL

accident, and weak memory, that the acknowledgement of it on my part has been so long delayed.

I am,

Dear Sir,

Yours truly

Jeremy Bentham

M^r John Wright Junior Agent
to the New Lanark Company.

P.S. The £200 in question was only '*on account*': what I expected and wished for was the exact sum due for interest at the end of this first half year. It was by M^r Bowring⁴ that the money was written for *this time*, not by me; by *him* in consequence of a conversation between him and M^r Walker.⁵ But besides that this sum must have been more or less short, of that amount the unknown difference involves in darkness my own conception of my accounts. I hope therefore that you will have the goodness to set the matter to rights before the end of this month by transmitting to me the difference which can not be any considerable object to the firm.

3422

TO JOHN STUART MILL

3 July 1828 (Aet 80)¹

Evidence Work²

3 July Thursday

Dear John

Errata and corrigenda are needed. As to every page in every volume except from p. 100 to p. 392 in Vol. III I have or shall have performed the task of eliciting and making them myself. The abovementioned gap I must beg M^r Editor to fill up. I have but about 400 pages to do.

J.B.

⁴ John, later Sir John, Bowring (1792–1872), merchant, later radical MP, diplomat, and Bentham's literary executor.

⁵ John Walker, Quaker businessman and partner in the New Lanark Mills.

3422. ¹ Kwansei Gakuin University Library, Japan. Autograph. Addressed: 'For J.S. Mill Esq^{re}.'

John Stuart Mill (1806–73), philosopher and economist.

² i.e. *Rationale of Judicial Evidence, specially applied to English Practice*, 5 vols., London, 1827 (Bowring, vi. 189–585, vii. 1–600). For earlier correspondence relating to the preparation of this work see Letters 3321, 3333–6, *Correspondence*, xii.

TO DANIEL O'CONNELL

15 JULY 1828

The Printer³ is apprised of the need there is of attaching a paper of Errata &c. to each Volume.⁴ You send what is above designated to *me*. I will convey the whole to the Bookseller.⁵

3423

TO DANIEL O'CONNELL

15 July 1828 (Aet 80)¹

Q.S.P., 15th July, 1828.

JEREMY BENTHAM TO DANIEL O'CONNELL,—Health and success.

Figure to yourself the mixture of surprise and delight which has this instant been poured into my mind by the sound of my name, as uttered by you, in the speech just read to me out of the *Morning Herald*:² the sound I say, for it is only by my ears that I am able to read the type of it. By one and the same man, not only *Parliamentary* Reform, but Law Reform advocated. Advocated? and by what man? By one who, in the vulgar sense of profit and loss, has nothing to gain by it; but a

³ The bulk of the work had been printed by C.H. Reynell, Broad Street, Golden Square, but the third volume and 'General Index', which appeared in the fifth volume, had been printed by J. Moyes, Took's Court, Chancery Lane.

⁴ An 'Errata et Corrigenda' was issued for each of the five volumes.

⁵ Hunt and Clarke, York Street, Covent Garden.

3423. ¹ Bowring, x. 594–6, where it is introduced as follows: 'O'Connell, in one of his impassioned speeches, (July 1828,) after eloquently exposing the unknowable state of the Law, the wholly inefficient reforms of Peel, and the necessity of a thorough purification of the Augean stable of abuse, ended by calling himself "an humble disciple of the immortal Bentham." No personal intercourse had, up to this time, existed between the philosopher and the Liberator; but the immense services which O'Connell was able to render to the great objects Bentham was pursuing, could not escape his penetration. And well do I remember the enthusiasm—the joy with which he referred to some of those eloquent outbreaks with which O'Connell every now and then attacked the abuses of the law—the craft of the lawyers—the costliness and inaccessibility of justice to the people.'

Daniel O'Connell (1775–1847), known as the Liberator, Irish nationalist leader and campaigner for Catholic Emancipation, MP for County Clare 1828–9, 1829–30, County Waterford 1830–1, County Kerry 1831–2, Dublin 1832–6, 1837–41, Kilkenny 1836–7, and County Cork 1841–7. Robert Peel (1788–1850), Home Secretary 1822–7, 1828–30, leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer 1834–5 and as First Lord of the Treasury 1841–6.

The cleansing, in a single day, of the stables of Augeas, King of Elis, was one of the twelve labours of Heracles, divine hero of Greek mythology.

² The *Morning Herald*, 15 July 1828, pp. 3–4, reported the proceedings of a Catholic Association meeting at Dublin on 10 July 1828 where O'Connell stated: 'If I go to Parliament, it will be one of the first duties I will undertake, and one of the first reforms I would attempt would be that plaintiff and defendant should both state their own case; general character would then have a great effect upon the Jury; and a man of integrity, plainly telling his own story, would be much more convincing than the shuffling ingenuity of artificial talent. I profess myself, in this respect, but an humble disciple of the immortal Bentham.'

vast (but who can say how vast?) amount to lose by it: a man at the very head of that class of 'conjurers,' which, with so much correctness, as well as energy, he thus denominates.³ Yes, only from Ireland could such self-sacrifice come; nowhere else: least of all in England, cold, selfish, priest-ridden, lawyer-ridden, lord-ridden, squire-ridden, soldier-ridden England, could any approach to it be found. '*Nil vulgare te dignum*' said, I forget who, to Celsus:⁴ '*Nil vulgare te dignum*,' says Jeremy Bentham to Daniel O'Connell.

Parties in person, in the first instance, before the judge. Yes, without this for the general rule, exceptions to a small extent excepted, (all of which lie before me perfectly defined,)⁵ no *justice* can have place; nothing better than oppression, corruption, and, instead of justice itself, a noxious and poisonous mixture of sale and denial of justice.⁶ Plaintiff and defendant both state their own case. Yes, there it is! You, Sir, gave the strongest of all possible pledges for perseverance. Daniel O'Connell! there I have you; and, so sure am I always to have you, never, so long as I have life, will I let you go. No, never: for having thus spoken, could you, even if willing, make your escape! The Rubicon you have now passed;⁷ Rubicon the second, and beyond comparison the most formidable: the Parliamentary Reform Rubicon is but a ripple to it. The most formidable of all Rubicon's being thus passed, never can you re-pass it without disgrace.

Some time ago—I believe I may say some years ago—I sent you a copy of my *Parliamentary Reform Bill*.⁸ Even then you did not leave it unmentioned, nor, consequently, unhonoured; no, nor unapproved.⁹ But you were not then seconded; the time was not then ripe for it. Long before this, in the natural course of things, that copy will have dropped from off your shelf. *Another* will follow the present letter; and

³ In the same speech, O'Connell had stated that, 'No man . . . should another dispute any part of his property, knows how to defend himself, unless he comes to one of us conjurers', alluding to lawyers.

⁴ See Marcus Tullius Cicero (106–43 BC), Roman consul 63 BC, lawyer and orator, *Pro rege Deiotaro*, xxxiv, *nihil vulgare te dignum videri potest*, i.e. 'nothing common can seem worthy of you', addressing Julius Caesar (100–44 BC).

⁵ See *Rationale of Judicial Evidence*, Book VIII, Ch. VI, iv. 103–28 (Bowring, vii. 226–33), for the general rule that parties should appear in person before the judge and Book III, Ch. IX, § I, ii. 158–64 (Bowring, vi. 429–30) for the exceptions in cases of '1. Impracticability' and '2. Preponderant collateral inconvenience'. For Bentham's view that no witnesses should be excluded from giving evidence see *Rationale of Judicial Evidence*, Book IX, Part VI, Ch. II, v. 501–22 (Bowring, vii. 531–7).

⁶ An echo of Magna Carta, c. 40 (1215), c. 29 (1225): 'To no one will we sell, to no one will we refuse or delay right or justice.' See *English Historical Documents 1189–1327*, ed. H. Rothwell, London, 1975, pp. 320, 345.

⁷ In 49 BC Julius Caesar precipitated civil war in the Roman Republic by crossing the Rubicon, the stream marking the boundary between Italy and Cisalpine Gaul.

⁸ *Bentham's Radical Reform Bill, with extracts from the reasons*, London, 1819 (Bowring, iii. 558–97).

⁹ The occasion to which Bentham alludes has not been traced.

the purpose for which this other copy is now sent, is *another* purpose. It is that of suggesting hints relative to the organization of a system of communication between man and man, for all imaginable political good purposes: a mode by which every friend to good government may know, at all times, where to find every other.¹⁰

Another little work, which by the same opportunity solicits your acceptance, is my Codification Proposal.¹¹ 'The system of law at present used in England is a disgrace (you say) to the present period of civilisation.'¹² Labouring towards the clearing these, and all other countries, of this disgrace, has been the occupation of by far the greatest part of my long life, and will be that of the small remainder.

Mr Peel is for consolidation in contradistinction to codification: I for codification in contradistinction to consolidation. In the few drops of really existing law, floating here and there in the cloud of imaginary law, made on each occasion, by each man for his own use, under the name of common-law, his object is to lighten the labour employed by learned gentlemen in making use of the index you speak of.¹³ My object is to render it possible to 'lay gents.' to pay obedience to all rules which they are made punishable, and every day punished, for not obeying. In his opinion no such possibility is either necessary or desirable.

Another Nuzzeer, as they say in India,¹⁴ is composed of my 'Indications respecting Lord Eldon.'¹⁵ In the body, though not in the title, are Indications respecting Lord Tenterden,¹⁶ and the, to him, profitable extortion, established, as may there be seen, by his open connivance.¹⁷ Coupled with this indication, is that of the sale and denial of justice

¹⁰ Bentham presumably had in mind *Bentham's Radical Reform Bill*, § 10. Vote-making Habitations, how defined, pp. 39–47 (Bowring, iii. 583–8), in which he recommends a uniform system of address for every habitation in the country.

¹¹ 'Codification Proposal, Addressed By Jeremy Bentham To All Nations Professing Liberal Opinions', London, 1822, reproduced in *'Legislator of the World': Writings on Codification, Law, and Education*, ed. P. Schofield and J. Harris, Oxford, 1998 (CW), pp. 243–334.

¹² Bentham is again quoting from the report of O'Connell's speech at Dublin on 10 July 1828 in the *Morning Herald*, 15 July 1828, pp. 3–4.

¹³ In his speech at Dublin on 10 July 1828, O'Connell attacked the use of precedent in the Common Law, stating that 'we then have . . . by means of an Index, to go through five thousand five hundred and fifty-five cases before we can find something there, something resembling what is something like the present case before us'.

¹⁴ i.e. a gift from an inferior to a superior.

¹⁵ *Indications respecting Lord Eldon, including history of the pending Judges'-Salary-Raising Measure*, London, 1825, had first appeared in *The Pamphleteer*, vol. xxv (1825), 405–43, and would be republished in *Official Aptitude Maximized; Expense Minimized*, London, 1830 (reproduced in *Official Aptitude Maximized; Expense Minimized*, ed. P. Schofield, Oxford, 1993 (CW), pp. 203–89). The work concerns the corrupt practices of John Scott (1751–1838), first Baron and first Earl of Eldon, in his role of Lord Chancellor 1801–6, 1807–27.

¹⁶ Charles Abbott (1762–1832), first Baron Tenterden, Justice of Common Pleas 1816, Justice of King's Bench 1816–18, Chief Justice of King's Bench 1818–32.

¹⁷ See *Indications respecting Lord Eldon*, § XII, pp. 36–45 (*Official Aptitude Maximized; Expense Minimized* (CW), pp. 231–7).

now authorized and established by Act of Parliament.¹⁸ Compare this with the Church-building tax,¹⁹ not only non-Church-of-Englandists, (in which negative profession you and I agree,) not only non-Church-of-Englandists, but Church-of-Englandists *themselves* object to being taxed for addition to be continually made to the existing number of nests of reverend sinecurists.

Bad enough this, unquestionably: but what is, beyond comparison, worse, is, the measure by which, in 1825, Lord Eldon and his Mr Peel, and, in a word, the whole firm, as I term it, of Judge & Co., concurred in giving to judges the power of imposing upon the people law taxes without stint, on condition of passing the whole profits into their own pockets.²⁰—I say, in comparison of that extortion which has religion for its mask, the extortion with justice for its mask is not crime, but virtue.²¹ By the Church-building tax no other mischief is done, over and above the taking the money by force out of the pockets of the proprietor, and adding it to the mass of the matter of corruption by which, with such unhappy success, men are urged to profess to believe that which they disbelieve.

By the money exacted, under the name of fees, by judge from suitor, justice is sold to all who can and do pay those same fees with their *etceteras*,—denied to all besides: and by multiplying *ad libitum*, as they have been all along in use to do, and will continue to do, the number of the occasions in which those fees are received, they give continual increase to the aggregate amount of this same plunderage. This foul disease, thus injected into the body politic by as shameless a set of operators as the world ever saw, I have thus endeavoured to present in its proper colours. Oh, that to mix and apply them the hand of an O'Connell had been granted me!

Another Nuzzeer is composed of five too large volumes of the Rationale of Evidence. Of various objects which it has, one is the showing that, from beginning to end, the existing practice in that subject is a tissue of

¹⁸ See *Indications respecting Lord Eldon*, § XIII, pp. 45–51 (*Official Aptitude Maximized; Expense Minimized* (CW), pp. 238–42), discussing the Fees in Common Law Courts Act of 1822 (3 Geo. IV, c. 69).

¹⁹ The Church Building Acts of 1818 (58 Geo. III, c. 45) and 1824 (5 Geo. IV, c. 103) had granted £1m. and £½m. respectively for the construction of new churches.

²⁰ Bentham presumably had in mind the Fees in Common Law Courts Act of 1822, but has confused its date with that of three closely related Acts passed in 1825 (6 Geo. IV, cc. 82–4), to which, in *Indications respecting Lord Eldon*, he had given the collective name of the 'judges' salary-raising measure' and which raised the salaries of the Master of the Rolls, the Vice Chancellor, and the Justices of the central Common Law courts. See *Official Aptitude Maximized; Expense Minimized* (CW), p. 205 n.

²¹ This sentence appears to have been garbled, since Bentham presumably meant to say that 'the extortion with justice for its mask' was far worse than that 'with religion for its mask'.

TO DANIEL O'CONNELL

17 JULY 1828

inconsistencies and absurdities in design, as well as in effect, as opposite to the end of justice as it is possible for judicial practice to be. As for you, occupied as you seem and ought to be, that you should honour with a perusal the whole, or so much as a tenth part of it, is out of the sphere of possibility; but among your professional friends you have disciples, and, by the index, it may happen to yourself to be now and then conducted to this or that point—if not for information, at any rate for a laugh; for when absurdity is wound up to a certain pitch, a laugh will now and then afford payment for the toil of reading through it. Here, however, I behold you already on my side. It must have been perceived by you, that those witnesses by whose evidence deception is least likely to be produced, are those in whose instance the interest taken by them in the cause is most surely and openly conspicuous. This you must have seen, or you would not have recommended that they should be always heard.²²

Should your shelves happen to contain a copy already, this may go to the shop, and perform the office of a mite cast into the Catholic-Rent Treasury.²³

3424

TO DANIEL O'CONNELL

17 July 1828 (Aet 80)¹

17th July, 1828.

To obviate disappointment, it is necessary that my peculiar manner of living should be known to you. My lamp being so near to extinction, and so much remaining to do by such feeble light as it is able to give, I never (unless of necessity, and then for as short a time as may be) see anybody but at dinner hour, that which is here a customary one—seven o'clock. As to place, I never dine anywhere but in my workshop, where the table admits not of more than five. Having learned, from long observation, that as in love so in business, when close discussion is necessary, every third person is a nuisance; in addition to any inmate I may have,

²² An allusion again to the proposal 'that plaintiff and defendant should both state their own case' that O'Connell advanced in his speech at Dublin on 10 July 1828.

²³ The Catholic Rent, established by O'Connell in Ireland, was a small monthly subscription paid by supporters of the Catholic Association to fund legal aid for Catholics, sympathetic elements of the press, and the education of the Catholic poor.

3424. ¹ Bowring, x. 596–7, where it is introduced as follows: 'Bentham was desirous that O'Connell should take up a temporary abode at his house, and writes to him:—'

The present Letter is presumably an extract, though possibly either a continuation of or sent with Letter 3423, since Letter 3432, the next extant letter to O'Connell, is headed 'Letter II'.

25 JULY 1828

FROM JOHN ARTHUR ROEBUCK

I never have more than one person to dine with me—a person whom either my inmate or myself may have been desirous to hold converse with. After the little dessert, the visiter of the day, if mine, stays with me; if my inmate's, goes with him into the inmate's room till tea-time—my two young constant inmates² taking, as above, their departure of course. The evening, not later than to half after eleven, is the only time I could regularly spare for conference, so far as regards the purpose of questioning. Your mornings would be passed in reading any stuff in print, or in manuscript, or in receiving explanation from some young friend of mine, or in ambulatory conference, for health's sake, in the garden with me. Let not the word appal you, for, how much soever your inferior in wit, you would not find me so in gaiety. My abode, you see, is not without strict propriety termed a hermitage. Servant of the male sex, none—cookery, for a hermit's, tolerably well spoken of. As to the hermit himself, smell he has absolutely none left; taste, next to none; wine, such as it is, guests, of course, drink as they please—the hermit none. None better has he to invite you to than a few remaining bottles of Hock laid in in 1793; older, at any rate, than that which Horace invited his friend to in an Ode I have not looked upon these seventy years.³

3425

FROM JOHN ARTHUR ROEBUCK

25 July 1828¹

Saturday Morning

Gray's Inn Field Court²

My dear Sir

The following is an extract from a letter I have just received from

² Bentham's 'two young constant inmates' were his amanuenses, namely John Flowerdew Colls (1801–78) and Richard Doane (1805–48). Colls had entered Bentham's service in 1816, but left in 1829 and later became a clergyman in the Church of England and author of *Utilitarianism Unmasked*, London, 1844, a purported exposure of Bentham's foibles. Doane had entered Bentham's service in 1819 and remained with him until July 1831. He had entered the Inner Temple in 1824 and was called to the bar in 1830. He practiced in the London Sessions in the Old Bailey and was a member of the North Circuit.

³ See Horace, *Odes*, i. ix. 5–8: *dissolve frigus ligna super foco large reponens atque benignius deprome quadrimum Sabina, o Thaliarche, merum diota*, i.e. 'Thaw the cold by piling logs generously on the hearth, Thaliarchus, and serve the four-year-old wine more lavishly than usual from its Sabine jar.'

3425. ¹ BL Add. MS 33,546, fo. 227. Autograph. Docketed: '1828 July 25. Mexico. Roebuck—Gray's Inn to J.B. Q.S.P. Graham to Roebuck. Extract. J.B. popular in Mexico.'

John Arthur Roebuck (1801–79), barrister, was later MP for Bath 1832–7, 1841–7 and Sheffield 1849–68, 1874–9.

² The address has been inserted by Bentham.

FROM DANIEL O'CONNELL

3 AUGUST 1828

Graham:³ I fancied that you would be pleased to see it and have therefore sent it.

'When I was last at Mexico I put M^r Bentham's pamphlets in course of sale⁴—he is a great favorite here, constantly quoted, and as constantly praised.'

Believe me my dear Sir,
Yr's with great respect

John A. Roebuck

J. Bentham Esq.

3426

FROM DANIEL O'CONNELL

3 August 1828¹

Merrion Square
Dublin,

3rd August 1828

Would to Heaven I could realize your plan.² How I should relish a political retreat in your hermitage to prepare for all of practical utility that my faculties and opportunities may enable me to effectuate. But I can not leave Ireland. The progress of political and moral improvement seems to me to want my assistance here and certainly there would be some retardation in the machinery if my shoulder was not constantly at the wheel and my *lash* on the shoulders of those who help to force it forward. Without a metaphor—I am not able to leave Ireland even for the purpose of replenishing myself with the reasons of that political faith which is in me.³

I am in good truth your zealous if you will not allow me to call myself your humble disciple. It is said somewhere that Irishmen frequently catch glimpses of sublime theories without being able to comprehend the entire plan. For my part I certainly see a part and would wish

³ John George Graham, who had met Roebuck at a meeting of the Utilitarian Society in 1824, travelled in Mexico from 1827 to 1829.

⁴ For Spanish translations of Bentham's works see p. 19 n. below.

3426. ¹ National Library of Ireland, MS 5759. Autograph. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Dublin three August 1828. Daniel O'Connell.' Postmarked: '4 AU 4 / 1828' and 'TOO LATE.' Stamped: 'FREE / 6 AU 6 / 1828'. Docketed: '1828 Aug 3. Letter I. O Connel Dublin to J.B. Q.S.P.' A version is printed in Bowring, x. 597. Printed in *The Correspondence of Daniel O'Connell*, ed. M.R. O'Connell, 8 vols., Dublin, 1972–80, viii. 198–200.

² See Letter 3424.

³ An echo of I Peter 3: 15.

to comprehend the details of the whole.⁴ My device is yours:—‘The greatest possible good to the greatest possible number’—and I say it with sincerity that no man has ever done so much to shew how this object could be realized as you have. I sincerely wish I could devote the rest of my life to assist in realizing this object—but my profession gives my family at present between six and seven thousands of pounds in the year and I can not afford to deprive them of that sum. All I can do is to dedicate to political subjects as much time as can be torn from my profession.

I am deeply imbued with the opinion that our *procedure* is calculated to produce any thing but truth and justice—and if ever they are elicited it is by accident and at an expence of time and of principle which ought both to be otherwise employed. *How is it possible* that *Law stamps* and *law fees* have survived about *forty years*, I think—your protest.⁵

I am also convinced that [to be] without a *Code* is to be without justice. Who shall guard the Guardians?⁶—Who shall judge the Judges—A Code. Without a Code the Judges are the only efficient and perpetual legislature. There is a melancholy amusement in see[ing] how ‘the *scoundrels*’—pardon me do sometimes *legislate*. In England it is bad enough. In Ireland, where the checks (such as they are) of parliamentary *talk* and of the press are either totally removed or rendered nearly powerless—the mischief of *judicial legislation* is felt in its most mischievous, ludicrous and criminal operation.

Mr Brougham’s *evils* are plain—and sometimes well displayed. His *remedies* are but patches placed on a thread bare and rent coat—cut out of an unused remnant of the original cloth. They serve only to shew the *poverty* as well as *want of skill* of the owner and artificer both.⁷

I write in great haste—as is my practice but perhaps enough to shew you how strongly I am stimulated by my opinions to avail myself of your labours in order to propel them into practical effect.

With respect to parliamentary reform I have time only to say—that I want no *authority* to convince me of this—that without election by ballot—it is not possible to have perfect freedom of selection. With a ballot the inducement to corrupt the voter would be destroyed, even by the uncertainty of his giving *the value* after he got the bribe. Ballot is essential to reform.

⁴ An echo of I Corinthians 13: 12.

⁵ ‘A Protest against Law Taxes, shewing the peculiar mischievousness of All Such Impositions as add to The Expence of An Appeal to Justice’, London and Dublin, 1793, reproduced in *Writings on Political Economy: Volume I*, ed. M. Quinn, Oxford, 2016 (CW), pp. 269–98.

⁶ Juvenal, *Satires*, vi. 347: *Quis custodiet ipsos custodes?*

⁷ Henry Peter Brougham (1778–1868), later first Baron Brougham and Vaux, Lord Chancellor 1830–4, had on 7 February 1828 delivered a six-hour speech in the House of Commons advocating law reform.

FROM DANIEL O'CONNELL

3 AUGUST 1828

I do not intend to go to London until March next. Before then much of the opposition to my right to sit may be done away.⁸ I have not one particle of *personal* feeling on the subject because I have not one atom of *personal* interest to gratify—I may venture to promise you never to spend *one week* in the house unmatched by some effort—to reform *the Law—the parliament—Aye and the Church*. And although as sincere in my belief as a Catholic as any man that ever lived—the last I mean the *rich Church* shall certainly never be attacked by me from any motive originating in or connected with my religious opinions. *I do not want to effect any change of any other man's opinions on that subject in any other way or shape save by reasoning at its proper season*—which in the present state of society seldom occurs. Allow me to add that immediately on my arrival in London I will wait on you at your *talking* hour. Give me all the assistance you conveniently can in the mean time—to qualify me for becoming in the house your *Mouth piece*. It is *vanity* to ask it—but it is asked with great anxiety to be useful.

I have the honour to be with very sincere
respect and admiration
Your very faithful Ser(vant)
Daniel O Connell

3427

TO RICHARD CLARK

Ante-12 August 1828 (Aet 80)¹

Q.S.P. Aug. 1828.

J.B. to R.C.

We are both of us alive: I, turned of 80, you, little short of 90. How little could we have expected any such thing, when we were scraping

⁸ O'Connell had been elected to Parliament for County Clare on 5 July 1828, but his right to take the seat was disputed because of his refusal to take the Oath of Supremacy. See also Letter 3490.

3427. ¹ Johns Hopkins University, Milton S. Eisenhower Library, Special Collections, MS HUT 004, Series 1, Box 1, Folder 22. Autograph. Endorsed by John Stuart Mill: 'Jeremy Bentham to Richard Clark, Chamberlain of the City of London. A letter of introduction for my father. J.S.M. N.B. The cover I have given as an autograph of Bentham to Varnhagen von Ense.' Printed in Bowring, x. 605–6.

Richard Clark (1739–1831), attorney, Sheriff of the City of London 1777–8, Lord Mayor 1784–5, and Chamberlain 1798–1831, had known Bentham since 1765. John Stuart Mill's father James Mill (1773–1836), philosopher and historian of British India, had first met Bentham in late 1808 or early 1809.

Karl August Varnhagen von Ense (1785–1858), Prussian diplomat and biographer, had requested autograph specimens of famous Englishmen from Mill through the essayist

together at O.S. House² two parts out of the three in [...] a trio, and amusing ourselves with ‘the Church’ and Monkey-dogs!³ I am living surrounded with young men, and merrier than most of them. I have lost but little of the very little strength I had when young, but do not expect to reach your age. I have made an appointment to walk to Vauxhall and back again, on the 12th if the weather is favorable. But as to visits, for these many years I have never paid any nor received any but for a special purpose.

The bearer is M^r Mill, author of the celebrated History of British India,⁴ which, if you have not read, you can not but have heard more or less of. Under the obscure title of *Examiner*, he bears no inconsiderable part in the government of the threescore or fourscore millions which form the population of that country. On the death of the chief of the four Examiners which is expected to take place ere long, he will succeed him with a Salary of £2,000 a year.⁵

He was one of the earliest and most influential of my disciples. The House he lives in looks into my garden.⁶

Hearing of the two spots in your neighbourhood, in both of which I several times took up my summer quarters, he expressed a desire to make a pilgrimage to them, as he did once to my birth place in Red Lion Street Houndsditch and the unfortunate half-burnt down residence in Crutched Friars.⁷ These are your own quondam residence in Chertsey,⁸ which you can not but remember, and the farm house at Thorpe to which George Wilson and I used to repair in the Long Vacations, as you probably remember.⁹

Perhaps after reading this, You may have the charity to send some servant or retainer to accompany M^r Mill, and conduct him to the two spots.

and historian Thomas Carlyle (1795–1881): see *Additional Letters of John Stuart Mill*, ed. M. Filipiuk, Toronto, 1991 (*Collected Works of John Stuart Mill*, Vol. XXXII), p. 66.

² Old South Sea House, Clark’s residence in Old Broad Street in the late 1760s.

³ For Clark’s and Bentham’s mutual musical interests see Letters 81 and 83, *Correspondence*, i. The allusions to “the Church” and Monkey-dogs’ are obscure.

⁴ James Mill, *The History of British India*, 3 vols., London, 1817.

⁵ Mill had in 1819 been appointed Assistant to the Examiner of the India Correspondence in the East India Company, with responsibility for drafting answers to letters from India concerning the revenue. He had become the most senior of the four Assistants in 1823 and was eventually appointed Chief Examiner in 1831 on the death of William McCulloch, Chief Examiner of the India Correspondence 1817–31.

⁶ Mill lived at 1, Queen Square, which he had rented from Bentham since 1814.

⁷ Bentham’s family had in 1757 moved to Crutched Friars and lived there until 1763, when they had moved to Queen Square Place, the house that Bentham had eventually inherited from his father Jeremiah Bentham (1712–92).

⁸ Bentham had stayed with Clark in Chertsey during the summers of 1768 and 1772.

⁹ Bentham and his friend the barrister George Wilson (d. 1816) had stayed at Thorpe during the summers of 1779 and 1780.

Farewell: and according to the Spanish compliment, live 1,000 Years, in addition to the 90 you have lived already.¹⁰ You have 4 Years to run, before you overtake Your Mother,¹¹ or the last of the scriveners—*Scrivenorum ultimum*.¹²

3428

TO THE MARQUIS DE LA FAYETTE

18 August 1828 (Aet 80)¹

Now that I have pen in hand, a duty, which, unpleasant as it is, I can not shrink from, is to inform you of what the most intelligent friends of good Government in general, and in France in particular, say here, of the existing or late accusation of the late French Ministry.² What is said is—that it amounts to nothing, and forms not any substantial and warrantable ground for punishment: being composed exclusively of a tissue of *vague generalities* in a declamatory stile, unsupported by any *specific article of charge*: that the only part which, upon the face of it, bears any thing of this last mentioned character, is that which concerns the opening of Letters at the Post Office;³ and that, even in

¹⁰ See John Collins, *A Dictionary of Spanish Proverbs, compiled from the best authorities in the Spanish Language, translated into English; with explanatory illustrations from the Latin, Spanish, and English Authors*, London, 1823, p. 386: ‘*Vmiva Vm. mil años, ò muchos años.*’—“May you live a thousand years, or many years.”

¹¹ Mary, née Trinder (1704–98).

¹² John Ellis (1698–1791), poet, who in 1715 was admitted as a Freeman of the Company of Scriveners and acted as Master on three occasions between 1736 and 1784.

3428. ¹ Cornell University, Carl A. Kroch Library, Arthur H. and Mary Marden Dean Lafayette Collection, 4611, box 1, folder 14. In the hand of Colls, with corrections in Bentham’s hand. The initials ‘J.B.’, probably in Bentham’s hand, appear at the foot of each of the two pages. Printed in Bowring, xi. 2, from where the recipient and date are taken. The present Letter probably represents a partial copy of a longer letter.

Marie Joseph Paul Roch Yves Gilbert du Motier, Marquis de La Fayette (1757–1834), French aristocrat, general, and politician.

² The ministry of Jean-Baptiste Guillaume Joseph Marie Anne Séraphin, Vicomte de Villèle (1773–1854), Minister of Finance and President of the Council of Ministers 1821–7, had been defeated in the elections of November 1827, and replaced by that of Jean-Baptiste Silvère Gay, Vicomte de Martignac (1778–1832), Minister of the Interior and *de facto* President of the Council of Ministers 1828–9. An investigation had been launched into the conduct of Villèle’s ministry.

³ Cf. *The Examiner*, no. 1,069 (27 July 1828), 490: ‘In a recent Debate in the French Chamber of Deputies, on a petition complaining of the abstraction of money from letters, M. de Vaulchier, Director of the Post Office, assured the assembly that the *Black Cabinet*, or secret office for opening letters, had been abolished; and in order to show the general good management and strict faith of the establishment, he added that in ten years only ten letters with money had been lost, and of these, three had been robbed by open force’. See also ‘On the secrecy of letters in France’, in *The London Magazine. Third Series. Vol. II. August–December MDCCCXXVIII*, London, 1828, pp. 218–22, describing the

this case, the charge is deficient in respect of the precision necessary to give support to conviction, upon substantial and tenable grounds. In this opinion, it is at the same time proper I should mention, that nothing of *mine* is comprised: for, my time not admitting of my obtaining any approach to an adequate conception of it, I have kept my mind turned aside from the subject altogether.

In this respect, *our Articles of Charge*, as contained in the accusations called *Impeachments*, in and by which the functions of *Judge* have been exercised by the House of Lords, and those of *Accuser* by the House of Commons, might, in the character of patterns, models, or as the term is *precedents*, afford perhaps some instruction. I may perhaps before this letter is closed, be able to procure a list of the most apposite and recent of these Impeachments, with references to the publications in which they may respectively be seen.⁴

One observation more, which is my own. On hearing read, (for it is only by my ears that I can read any such small print as that in newspapers),—on hearing read a short paragraph relating to the mode of proceeding on this occasion, it appeared to me—that application made from the Chamber of Deputies, for *documents* to serve as *Evidence* (*preuves*) to Ministerial Offices, had experienced *refusal*.⁵

activities of the *cabinet noir*, and going on to note that there had been ‘numberless petitions presented to the Chamber of Deputies, on the subject of the thefts and frauds committed by the administration of the Post-office’ and that ‘the new ministry [i.e. of Martignac] did not deny the previous existence of the *cabinet noir*; but they asserted, that since the fall of Messrs. de Villele and Co. it had ceased to exist’.

Louis-René Simon, Marquis de Vaulchier du Deschaux (1780–1861), Director General of the Posts 1824–9.

⁴ Bentham presumably had in mind the cases of Warren Hastings (1732–1818), Governor General of India 1773–85, who had been impeached by the House of Commons in May 1787 but acquitted by the House of Lords in April 1795, and Henry Dundas (1742–1811), first Viscount Melville, Home Secretary 1791–4, Secretary for War 1794–1801, First Lord of the Admiralty 1804–5, who had been impeached by the Commons in March 1805 but acquitted by the Lords in June 1806. For accounts of the respective impeachments see, for instance, *The History of the Trial of Warren Hastings, Esq. Late Governor-General of Bengal, before the High Court of Parliament in Westminster-Hall, on an Impeachment by the Commons of Great-Britain, for High Crimes and Misdemeanours. Containing the Whole of the Proceedings and Debates in Both Houses of Parliament, relating to that celebrated prosecution, from Feb. 7, 1786, until His Acquittal, April 23, 1795*, London, 1796, and *The Trial, by impeachment, of Henry Lord Viscount Melville, for high crimes and misdemeanors, before The House of Peers, in Westminster Hall, Between the 29th of April and the 17th of May, 1806*, London, 1806.

⁵ Bentham’s source has not been traced, but see *The Annual Register, or a view of the History, Politics, and Literature, of the year 1828*, London, 1829, p. 166: ‘The friends of M. de Villèle, seeing that it [the motion of impeachment] would be carried in despite of their resistance, adopted the policy of supporting it, for the purpose, they alleged, of showing the falsehood of the charges on which it rested. The motion was accordingly referred to a committee; and that committee held twenty-three long sittings, but found itself miserably hampered by wanting power to compel the production of the necessary information. There was no difficulty in getting at facts which were already notorious in the shape of public acts bearing the signature of the minister; but it was unable to throw much light

TO THE MARQUIS DE LA FAYETTE

20 AUGUST 1828

This same *refusal* presents itself to me as being as flagrant a violation of the *spirit* of your Constitution, (if the Charter⁶ can be called a Constitution, and that Constitution has any *spirit* in it,) as flagrant a violation of that same spirit, as well as of one of the most incontestable principles of justice, as can easily be conceived.

Thus much as to the *spirit*: as to the *letter*, for the reason above-mentioned, I have refrained from taking cognizance of it.

3429

TO THE MARQUIS DE LA FAYETTE

20 August 1828 (Aet 80)¹

Queen's Square Place Westminster London

20 August 1828.

Jeremy Bentham to General La Fayette

Dear and illustrious friend—

This waits upon you for the purpose of a request of a sort which you could be little in expectation of. It is—that, if you can spare the value of a few hours—say a morning—you will do me the favour, and confer on the civilized world the benefit, of employing that portion of your invaluable time, in looking over a paper of mine, which is destined for the press; but, of which, in the mean time, in the event of my receiving your permission, I shall have to send you a Copy in Manuscript. Of about 32 Chapters, of which my *Constitutional Code* is composed, (the first volume of which is in print,² and a copy of it in the hands of M. Rey),³ the 10th has for it's title *Defensive Force*: meaning the Military Establishment for that purpose in both its branches—the

upon the circumstances which might give to any of those facts a character of criminality. The different functionaries, to whom the committee addressed itself to obtain public documents, gave a flat refusal to the various applications that were made to them.'

⁶ i.e. the Constitutional Charter granted by Louis XVIII (1755–1824), King of France 1814–15, 1815–24, on his accession to the throne in 1814.

3429. ¹ Cornell University, Carl. A Kroch Library, Arthur H. and Mary Marden Dean Lafayette Collection, 4611, box 43, folder 20. In the hand of Colls, with the exception of the address, date, salutation, corrections, and initials, which are in Bentham's hand. Partly printed in Bowring, xi. 1–2, where it is incorrectly dated 15 August 1828, and introduced as follows: 'In sending to Lafayette that portion of the Constitutional Code, entitled Defensive Force, for his approval, criticism, and correction, Bentham writes:—'

² The first volume of 'Constitutional Code', consisting of the first nine of thirty-two Chapters (Bowring, ix. 147–333), had been printed in 1827 and was eventually published in 1830. For the history of the composition of the work see *Constitutional Code*, Vol. I, ed. F. Rosen and J. H. Burns, Oxford, 1983 (CW), Editorial Introduction.

³ Joseph Philippe Etienne Rey (1779–1855), author and magistrate.

Land force and the Sea force.⁴ What belongs to *Military Tactics*—the peculiar professional branch of art and science so called—you will not suspect me of any such idle design as that of meddling with. The whole subject matter of my proposed arrangements, is confined to a spot which, consistently with the design of the whole work, I could not well avoid touching upon, and even endeavouring to go through with: namely, that which any man of common sense and good general information on the subject of Government, though without any experience in the practice of the art of war, need not be afraid of taking hold of.⁵ At the same time, the more effectually to preserve myself from falling into gross and palpable errors, and thus exposing the whole work to contempt, at the hands of so many adversaries of all sorts, as it will be sure to draw down upon it,—I have applied for, and received at the hands of some of the first men this country ever produced, for extensive knowledge in general, added to an acquaintance with this branch in particular, derived from situations of the highest and most extensive trust, affording peculiarly favorable opportunities.⁶

For conveying to you some general conception of the nature and character of this part of my work,—the shortest, and as it seems to me the best course, is—to add, in this place, a transcript of the titles of the *Sections* which the *Chapter* in question contains: followed by the list of the *Leading principles*, the explanation of which is given in the *second section*, and of which application is made throughout, to the purpose of affording the *rationale*, and, as far as may be the *justification*, of all such arrangements as I have ventured to propose.

Constitutional Code—title of Ch X. DEFENSIVE FORCE—title of Sections as follows. §. 1. *It's Branches*. §. 2. *Leading Principles*. §. 3. *Radicals* (viz, Military) *who*: §. 4. *Stipendiaries who*. §. 5. *Terms of Service*. §. 6. *Promotion*. §. 7. *Deception enforced*. §. 8. *Oppression (Military) obviated*. §. 9. *Minor delinquency checked*. §. 10. *Remuneration*. §. 11. *Prize Money*. §. 12. *Power of Military as to Non-Military*. §. 13. *Military Judicatories*. §. 14. *Recruitment*. §. 15. *Disbandment*. §. 16. *Sea Stipendiary Force*. §. 17. *Shipboard oppression obviated*. §. 18. *Collateral Employments*.

In §. 2. the *Leading Principles*, enumerated and explained are these. 1. External-Security-maximizing. 2. Internal-Security-maximizing. 3. Appropriate-aptitude-maximizing: (viz. on the part of the Defensive Force Functionaries individually considered). 4. Number (viz. of the

⁴ The tenth Chapter dealing with 'Defensive Force' (Bowring, ix. 333–428) was eventually printed in 1830.

⁵ The following sentence appears to be garbled.

⁶ Bentham had received assistance from Thomas Perronet Thompson (1783–1869), army officer and politician, Governor of Sierra Leone 1808–10, Leicester Fitzgerald Charles Stanhope (1784–1862), later fifth Earl of Harrington, army officer, and James Young (1782–1848), East India army officer: see *Constitutional Code*, I (CW), Editorial Introduction, p. xxviii.

Radicals,) maximizing: of the Stipendiaries minimizing. 5. Contentment-maximizing. 6. Inequality minimizing. 7. Time-occupying. 8. Employment extending. 9. Expense minimizing. 10. Preponderant evil excluding.

These are the *principles*, by which direction is given to the matter contained under the above heads.

On this occasion, one principal object has been—to render the condition of the *subject many* among the Military—and, under them, that of the Non-Military—as comfortable and desirable as the nature of the case will admit. With a view to late Spanish America, (in which country, so far as they go, such of my works as have been edited in French by Dumont,⁷ are the only subjects of reference, having, all of them, been translated into and published in Spanish,)⁸ the one here in question is translating into that language, and about half the quantity of the English impression is already in print,⁹ with copies of it in Mexico. At different times, my friends here have heard, from the Creole Diplomats here, that a young man, of the

⁷ Pierre Étienne Louis Dumont (1759–1829), Bentham's Genevan friend and editor, had produced five recensions of Bentham's works: *Traité de législation civile et pénale*, 3 vols., Paris, 1802; *Théorie des peines et des récompenses*, 2 vols., London, 1811; *Tactique des assemblées législatives, suivi d'un traité des sophismes politiques*, 2 vols., Paris, 1816; *Traité des preuves judiciaires*, 2 vols., Paris, 1823; and *De l'organisation judiciaire, et de la codification*, Paris, 1828.

⁸ The first Spanish translation of *Traité de législation civile et pénale* was produced by Ramón Salas (1753–1837), quondam Professor of Civil Law at the University of Salamanca, as *Tratados de legislación civil y penal*, 5 vols., Madrid, 1821–2, and reissued as *Tratados de legislación civil y penal, de Jeremias Bentham, traducidos al castellano, con comentarios, por Ramon Salas*, 8 vols., Paris, 1823. A translation of 'Sophismes anarchiques' (*Tactique des assemblées législatives*, ii. 271–392) appeared as 'Sofismas anárquicos ó examen critico de diversas declaraciones de los derechos del hombre y del ciudadano', *El Censor: Periódico Político y Literario*, tom. XVII, no. 97 (8 June 1822), pp. 51–75; no. 98 (15 June 1822), pp. 122–50; no. 99 (22 June 1822), pp. 219–38; no. 100 (29 June 1822), pp. 291–316, and no. 101 (6 July 1822), pp. 369–96. A translation of the whole of *Tactique des assemblées législatives* appeared as *Táctica de las asambleas legislativas*, Paris, 1824, and *Tratado de los sofismas políticos*, Paris, 1824. A translation of *Théorie des peines et des récompenses* appeared as *Teoría de las penas legales*, 2 vols., Paris, 1825, and *Teoría de las recompensas*, 2 vols., Paris, 1825, and was reissued as *Teoría de las penas y de las recompensas*, 4 vols., Paris, 1826. A translation of *Traité des preuves judiciaires* appeared as *Tratado de las pruebas judiciales*, 4 vols., Paris, 1825. A translation of *De l'organisation judiciaire, et de la codification* appeared as *De la organización judicial y de la codificación*, 2 vols., Paris, 1828.

⁹ The Spanish translation of 'Constitutional Code' was being undertaken by Antonio Puigblanch (1775–1840), Spanish scholar and politician, but does not appear to have been completed. Puigblanch did, however, publish a number of extracts from and texts related to 'Constitutional Code': see *Principios que deben servir de guía en la formación de un código constitucional para un estado*, London, 1824, a translation of 'Leading Principles of a Constitutional Code, for any State', which had first appeared in *The Pamphleteer*, vol. xxii, no. xliv (1823), pp. 475–86; *Declaración ó protesta de todo individuo del cuerpo legislativo al tomar posesion de su destino*, London, 1825, a translation of 'Constitutional Code', Vol. I, Ch. VII; and *Plan de provision de empleos, que es el cap. IX. del código constitucional de Jeremias Bentham*, London, 1825, a translation of the material that soon afterwards appeared as 'Extract from the proposed Constitutional Code, entitled Official Aptitude Maximized, Expense Minimized', London, [1826].

higher orders *there*, is not regarded as having received a course of instruction suitable to his condition, unless he has gone through those same works: what the degree of sale of the Spanish edition is may be learnt from *Bossange frères*, by whom they have successively been published.¹⁰ These things I mention, for the purpose of clearing myself, as well as I am able, from the imputation of unwarrantable presumption, by endeavouring to waste time such as your's, in an occupation not worthy of it.

As to myself, I am somewhat younger than I was when, as far as a troublesome complaint allowed, you saw me happy at *La Grange*.¹¹ The gloom, in which that disorder then involved me, has since been dissipated by cure. *Felix Bodin*,¹² who, for some weeks, has been ocular witness of the difference, will, I should hope, ere this, if you have seen him, have given this evidence in my favour.

The *Rose trémière*, alias *Rose de Syrie*, about which I gave you so much trouble,¹³ turns out to have been nothing but an accidental variety of our so common English *Holy-Oak*, which, and in greater perfection, I had already. But it was to the sentimental association that the flower I saw there was indebted for the principal value it possessed in my eyes. The race sprung from *la Grange* is accordingly distinguished and preserved distinct with religious care; and shown with correspondent pride and vanity to all visitors capable of appretiating it.

I shall never forget your picture of human felicity—scene, the United States, drawn, first in English, then in French, on this last occasion, for the edification of the Jesuit-begotten *Curé*, to whom it was what a spout[?] of holy water is to his best friend, the Devil.¹⁴ Whenever, for the first time, your name is mentioned here by a visitor, out that same picture comes of course. Had the thing been possible, I would have given no small price for a copy of it, taken in short hand.¹⁵ Our friend, *Miss Wright*, is acting a singular part, well suited to her singular character.¹⁶ Heaven bless her philanthropic endeavours! I need scarce

¹⁰ French publishers Hector (b. 1795) and Adolphe Bossange (1797–1862) were the sons of Martin Bossange (1765–1865), proprietor of a publishing and bookselling business, which had a branch in Mexico City. All five Spanish translations of Dumont's recensions, with the exception of *Táctica de las asambleas legislativas* (published by J. Smith), had been published by the Bossange Brothers or by their collaborators Masson é Hijo.

¹¹ Bentham had visited La Fayette's chateau in October 1825 during a visit to France undertaken to seek relief for a skin complaint: see Letters 3222, 3275, and 3301, *Correspondence*, xii.

¹² Félix Bodin (1795–1837), French historian and politician.

¹³ Bentham had acknowledged a gift of rose-seeds from La Fayette in Letter 3343, *Correspondence*, xii.

¹⁴ Holy water was traditionally associated with the driving out of devils.

¹⁵ Bentham's allusion has not been traced.

¹⁶ Frances Wright (1795–1852), reformer, free-thinker, traveller, and author, had left London in November 1827 and returned to Nashville, near Memphis, Tennessee, the

FROM THOMAS SOUTHWOOD SMITH 22 AUGUST 1828

mention the alarm produced here among the friends of mankind by your late reported dangerous indisposition.¹⁷ I hope to receive your assurances that the danger is at an end.

J.B.

Convey my kind remembrances to all your olive branches, and in particular to my friend George,¹⁸ who took such charitable charge of me.

J.B.

3430

FROM THOMAS SOUTHWOOD SMITH

22 August 1828¹

My Dear Sir

I have this day had a good deal of conversation with M^r Bowring relative to the project of forming an Establishment in which a more perfect system of instruction than has hitherto been carried into operation, w^ld be attempted. I wish exceedingly to have an opportunity of discussing the matter with you, and if you will have the kindness to fix a time when I may have the pleasure of seeing you for that purpose you will very greatly oblige

My Dear Sir

Yours with great respect
& regard

Southwood Smith

36 New Broad S^t
August 22/28

community she had established in 1825 with the purpose of preparing enslaved people for freedom in Haiti or Liberia, but on returning there in January 1828 found it nearly abandoned and left it herself in June 1828.

¹⁷ See, for instance, the *Morning Chronicle*, 1 April 1828, p. 3: 'M. de LAFAYETTE has been near quitting the busy scene of life; he was seriously ill, but hopes are now entertained of his recovery.'

¹⁸ Georges Washington Louis Gilbert du Motier de La Fayette (1779–1849), army officer and politician, La Fayette's only son.

3430. ¹ BLAdd. MS 33,546, fos. 229–30. Autograph. Docketed: '1828 Aug. 22. Southwood Smith Broad Street to J.B. Q.S.P. Desires to speak about School Project.'

(Thomas) Southwood Smith (1788–1861), Unitarian minister and Licentiate of the Royal College of Physicians from 1821, who later delivered an oration over Bentham's remains at the Webb Street School of Anatomy on 9 June 1832, was the creator of Bentham's auto-icon in accordance with his Last Will and Testament (see Letter 3897).

28 AUGUST 1828

FROM MARC-ANTOINE JULLIEN

3431

FROM MARC-ANTOINE JULLIEN

28 August 1828¹

Paris, le 28 août 1828.

Monsieur et respectable ami,

J'espère que vous me permettrez de vous conserver ce nom, que vous m'aviez autorisé à vous donner, d'abord, à Londres; puis, à Paris; je profite, pour me rappeler à votre bienveillant souvenir, de l'occasion que m'offre M. le D^r en droit Oldermann, de Hambourg.² Nourri de la lecture de vos ouvrages, il désire avoir l'avantage de s'entretenir avec vous et de puiser une nouvelle instruction dans votre conversation. Il est digne de cette marque d'estime. Nous avons, dans le cahier de la *Revue*, de ce mois, qui paraîtra le 6 septembre prochain, un nouvel article sur un de vos ouvrages,³ et nous aimons toujours à saisir l'occasion de faire connaître et apprécier vos vues neuves et fécondes.

Agréez l'hommage de ma considération respectueuse
Jullien

3431. ¹ BL Add. MS 33,546, fos. 233–4. Autograph, with the exception of the partly printed place and date. Letterhead: 'Bureau Central de la Revue Encyclopédique. Les Réponses doivent être envoyées, *franc de port*, à l'adresse ci-après: AU DIRECTEUR DE LA REVUE ENCYCLOPÉDIQUE, *rue d'Enfer Saint-Michel*, n° 18.' Addressed: 'Aux soins de M. le D^r Oldermann, de Hambourg. à Monsieur Jérémie Bentham à Londres. Queen Square place Westminster S^t James Park.' Docketed: '1828 Août 28. Julien 18 Rue d'Enfer S^t Michel à J.B. Q.S.P. Received by D^r Oldermann of Hamburg 20 Sept^r.'

Marc-Antoine Jullien (1775–1848), former prominent Jacobin, liberal writer, and founder and editor for twelve years of *Revue encyclopédique*, produced at Paris from 1819 to 1833.

² Johannes Oldermann, Doctor of Canon and Civil Law, who was listed in *Hamburgischer Staats-Kalender auf das Jahr 1841*, Hamburg, 1841, p. 65, as 'Dispacheur' of Hamburg.

³ Alphonse Taillandier, 'De l'organisation judiciaire et de la codification, Extraits de divers ouvrages de Jérémie Bentham, jurisconsulte anglaise, par Et. Dumont, ancien membre du conseil représentatif de Genève', *Revue encyclopédique*, vol. xxix (August 1828), 330–45.

3432

TO DANIEL O'CONNELL

31 August 1828 (Aet 80)¹Queen's Square Place
Westminster 31 Aug. 1828Letter II.²

Jeremy Bentham to Daniel O'Connell.

What follows is expressed by dictation. Regard for *time* and eyes—your's as well as mine—join in prescribing the employing of this mode to the greatest extent practicable. Hence an error or two, which have produced the scrawls you see.³

Here is the 31^t of August come, date of your Letter the 3^d of the Month,⁴ and no reply yet sent, nor so much as the little cargo of Books, which my first Letter spoke of as *sent* already.⁵ Misconceptions, and disappointments not worth mentioning, have been the causes.

Parliamentary Reform, Law Reform, Codification—all these *agenda* crowned with your approbation! nothing can be more *satisfactory*, nothing more *glorious*, to *me*—nothing more *beneficial* to the so unhappily *United Kingdom*, from thence to the rest of the *civilized* world, and from thence, (in God Almighty's good time), to the *uncivilized*. One thing only missing—your sojourn at the Hermitage—I say your *sojourn*, for that (I am sorry to see) is *not*—though *visit* (which is next to it) *is*, promised.⁶

Now for matter *puis darrein continuance*.⁷ A rather untoward effect, to speak in the official legal style, has been produced upon your friends and allies here, by the *transformation*, (*degeneration* they call it,) of

3432. ¹ National Library of Ireland, MS 13,647 (27). Printed in the *Irish Monthly*, vol. xi, no. 122 (1883), pp. 425–9. In the hand of Colls, with the exception of the address, salutation, first paragraph, and corrections, which are in Bentham's hand. Addressed: 'For Dan^t O Connell Esq^{re} M.P. Dublin Cahersiveen.' Stamped: 'FREE / 1 SE 1 / 1828'. Postmarked: '1 SE 1828'; 'CORK 12A'; and '3 SE 3 1828'.

² 'Letter I' may have been constituted by either Letter 3423 or Letter 3424, or by both together. ³ i.e. Bentham's autograph corrections. ⁴ Letter 3427.

⁵ Letter 3423, in which Bentham promised O'Connell that he would send him copies of *Bentham's Radical Reform Bill*, 'Codification Proposal', *Indications respecting Lord Eldon*, and *Rationale of Judicial Evidence*.

⁶ In Letter 3424 Bentham had invited O'Connell to stay with him, while in Letter 3426 O'Connell had promised, when he eventually came to London, to call on Bentham.

⁷ In the course of a trial at Common Law, if a new matter arose after the parties had agreed on the point at issue, the defendant might enter a plea *puis darrein continuance*, in order to take advantage of the new defence: see William Blackstone, *Commentaries on the Laws of England*, 4 vols., Oxford, 1765–9, iii. 316–17.

Radical into *Constitutional*—‘Constitutional, as it has been observed by many, M^r Peel himself would have no objection to. If *Constitutional* is synonymous to *Radical*—if it *means* all that *Radical* does—what the *need* and where the *use* of changing it? If it means *not* so much as *Radical*, here then is *departure*—here is backing out: and that so soon after the advance! If, after so many years of consideration, *this* is relinquished, what security can the two other innovations—projects but of yesterday—promise themselves for their being adhered to and preserved in?’ So far as regards Parliamentary Reform, something to this effect, mixed, as usual, with his bitter, violent and coarse vituperation, you can not but have seen in *roasted wheat-seller Hunt’s* Letter in the *Herald*,⁸ which, I take for granted, you and your’s regularly see. The paper, in which that speech of your’s is, is now before me; but, according to my recollection, though, to accommodate somebody else, you consented to the substitution of *Constitutional* for *Radical*, in some paper proposed for *general* acceptance,—*Radical* was the reform you, in your *individual* capacity, declared your adherence to.⁹ This recollection, flattering myself with it’s being a correct one, I adhere to—*Facile credimus id quod volumus*:¹⁰ but others contradict me. Now then, of all who join with you, what could have been any one’s inducement, to adopt any thing that is *not Radical* Reform, to the exclusion of that which *is*. A reform which is not *radical* is ‘moderate’ reform, and a reform which is *moderate reform*, is *Whig Reform*. What, then, can have been the inducement to adopt *Whig Reform* to the exclusion of *Radical* Reform, but the prospect of gaining over, or *steadying*, in some proportion or other, the *Whigs*? Now, according to my conception of the matter, in

⁸ Henry Hunt (1773–1835), known as Orator Hunt, radical, MP for Preston 1830–2, in a letter from ‘Mr. Hunt to “The Member for Clare”’, dated 8 August 1828 and printed in the *Morning Herald*, 9 August 1828, p. 2, and reprinted in *Cobbett’s Political Register*, vol. 66, no. 9 (30 August 1828), pp. 273–7, pointed out that O’Connell had substituted constitutional for radical in his recent speeches and charged him with turning ‘apostate to the principles of Radical Reform’ and of trying to conciliate the aristocracy. Bentham’s characterization of him as ‘*roasted wheat-seller Hunt*’ alludes to his business activities, which included retailing a breakfast powder.

⁹ At a meeting of the Catholic Association at the Corn Exchange Rooms in Dublin on 4 August 1828, reported in the *Morning Chronicle*, 8 August 1828, p. 1, O’Connell had stated, ‘I have . . . in the Resolutions I have had the honour to submit to the Meeting, substituted the word “Constitutional” for “Radical” Reform. I wish to take away every pretext from those who would perhaps object to the word radical, though I think radical reform absolutely necessary; but I am not one of those who would refuse the assistance of a man because he did not go the full length with me which I wished. The manner in which the Catholic Cause has risen to its present importance . . . is, by our accepting the assistance of any man who even go part of the way with us’.

¹⁰ ‘A foolish person believes what he desires.’ The phrase echoes Julius Caesar, *Commentarii de Bello Civili*, II. xxviii. 2: *Nam quae volumus, et credimus libenter, et quae sentimus ipsi reliquos sentire speramus*, i.e. ‘What we desire we are glad to believe, too, and we hope that others see things as we do.’

any proportion that could give probability of success in your cause, as well might you look for assistance from *Mr Peel* and his coadjutors, as from the *Whigs*. If the present system of representation, by intimidation, is necessary to the Tories, it is still more so to the Whigs: the Tories in addition to such quantity of the matter of corruption as they possess in the shape of *means of intimidation*, are in possession of all that exists in the shape of *means of allurements*: money, power, factitious reputation, factitious dignity—compound of power and dignity in the shape of peerages—compound of power, dignity, and vast opulence, in the shape of Bishopricks and Archbishopricks, not to speak of Deaneries, Canonries, and Prebends, all of them so many *avowed Sinecures*, in addition to those others which, being so many *little-to-does about nothing*, are so many *effective sinecures*. Now, of all these good things, what is it that is in possession of the Whigs? Nothing, but an always varying number of *seats* out of the 658:¹¹—*always varying*, but at the utmost not more than what constitute a comparatively small minority, at no time sufficient to carry so much as a single measure. Now then, this being all that they have to trust to, for whatever share of importance they may possess,—is it in the nature of man, that they should fail to cling to it with the most determined pertinacity? Is it in the nature of man, that they should, any one of them, join in the procurement of the *ballot*? For any one to join in promoting the ballot, what would it be but to commit suicide? In fact, joining in promoting the ballot, would be—being a *Radical* and *not* a Whig; for, let but the ballot be established, away slip all the seats from under them. Some will be filled by Tories, some by Radicals, in proportions which, as things stand at present, it will not be possible to determine.

Now then, without the *ballot*, think what would become of you and your cause! True it is, at a spurt, at a time of extraordinary excitement, by a political miracle, such as was never yet exemplified, and perhaps may never be so again—a miracle such as no country but Ireland was ever capable of exemplifying, *one* seat has been filled,¹² and so perhaps, in I can not pretend to say what quantity, some others. But if, by continuance of the same miracle, all the seats in Ireland were thus filled, how much would you be the nearer to the accomplishment of your wishes? Obtain the ballot for *Ireland*, you will obtain it for *England* and *Scotland* likewise. This done, you obtain a *good government*, with the *faculty* of framing a *real constitution*, instead of, on every occasion, dreaming of an *imaginary* one; and, with the opposite fact staring you in the face, pretending to believe it, and talking of it as if it really were,

¹¹ i.e. in the House of Commons.

¹² i.e. O'Connell's election for County Clare on 5 July 1828.

a *real* one. Here, among Englishmen, some few members there are, I am well assured, one of whom will, in the course of the next session, *move* for the *ballot*; and, by Speech as well as Vote, be supported by others. This, then, is what you should be prepared to join in, or rather to be beforehand with and prepare for. *Petitions* (I mean) from all Ireland, either for *Radical Reform*, or if you are not strong enough for *that*, for the *Ballot* by itself. *Ballot alone* would be *slower*: whether *surer* it is for you, not for me, to judge.

'Six or seven thousand a year' professional profits to take care of, and push as far as it will go for the benefit of 'a family.'¹³ Well this is sincere and honest, and I thank you for it. Nor would it be part of my plan, I think, were you even at my disposal, that you should give it up:—especially if Parliament were, after all, inaccessible to you. But, what it would make me happy to see you agree with me in, and accordingly treat us, where you are, with a speech or two in *consequence*—is what I myself am satisfied about and perfectly persuaded of—viz. that if Law Reform were carried to its utmost length, which is what my system, if proposed and adopted, would effect,—you, *personally* considered—you, such as you are—would not be a sixpence the less rich for it. All the business you could find time to do, *you* would, in every state of things, be altogether sure of; and, in respect of *all comprehensiveness* and *clearness*, were the state of the law carried to its utmost possible length, you would not have one *brief* the less, nor for any brief one *sovereign* the less. I should think rather the *more*; for, the less the money spent upon Attornies and *official lawyers*, the more would be left to be spent upon *Barrister's eloquence*. In common law in particular, none of the fees for incidental parts of a suit are so large as those which are given when the vital part of the suit comes upon the carpet: i.e. at the trial, the *speech* and *cross examination* on the question of *fact*. The *shorter* each suit, the greater the *number of suits*, with these speeches in them, that would come upon the carpet in a given point of time. For, my plan, which is simplicity itself, would dry up the source, effectually, of *incidental questions*. Nor would my plan, I should suppose, be, even in respect of profit, detrimental to the interest of the higher branch of the profession, taken as a *whole*; for it includes *Judgeships*, as many as there are spaces in the country, each, upon an average, being a square of say from 10 to 12 miles of a side.¹⁴ Analogous, in this respect, to the *Judgeships* in the French System;¹⁵

¹³ See Letter 3426.

¹⁴ For Bentham's division of the territory of the state into judicial districts see 'Constitutional Code', Ch. XII, § VI (Bowring, ix. 473–4).

¹⁵ The French judiciary had been arranged territorially since the laws of 16 and 24 August 1790 'sur l'organisation judiciaire'.

always understood—that, under *my* system, on any Judicial Bench, *every* Judge, *more than one*, is a perfect nuisance; destroying responsibility, multiplying the expense by the number of the Judges, with other objections too numerous to enumerate.¹⁶ While, instead of the feeble controul, if any, which may be thought to be applied to abuse, by multitude of Judges, I apply a perfectly efficient controul by a system of *Appeal*, to which I give a degree of facility beyond any thing of which a conception can ever as yet have been entertained.¹⁷ Then, instead of so many *Barristers*, with professional profits, varying from naught to hundreds, and here and there a very few thousands, here would be so many *Judges*; with fixed salaries, not exposed to uncertainty; and the power and dignity of the Judge, instead of the *no power* and *no dignity* of the *representative* of every body, from the peer, down to the *half starved thief*. Now then, as to the glory you would reap from the accomplishment of a second, I should rather say a third task, to which no hand other than your's is equal, and the felicity beyond all example, beyond even conception, which you will give to more than 20 millions of human beings in the two Islands, besides et cæteras upon et cæteras,—this is not a picture for such an old and blunt pencil as mine to attempt to delineate. An imagination such as your's will, in the twinkling of an eye, supply every demand, which a purpose such as this can ever make on it. Here, then, is your own *personal* interest in every shape in perfect harmony and accordance, with the *public* interest, to an extent equal to that of the surface of the globe. Is it possible that, if there were any such discordance as, for the reasons above mentioned, I do not anticipate, between the universal interest, and the hair's breadth interest of your *brethren of the profession*, the hair's breadth interest should, in your scale, weigh more than the universal interest?

I have spoken of the thing as being in your power, and *that* by means of *speeches*, of which you give me hopes. But what are the *speeches* I have in view? What the proposed *scene* of them? Not the House of Commons; for, in that place, the most brilliant and even effective speech that man ever made, or ever could make, would be a *flash in the pan* and nothing more. No: the *scene* I have in view lies in the places, wherever they are, in which the effect of a speech might be—to engage the people, one and all, to petition Parliament for Law Reform. And leaving *speeches* altogether to (...) in framing *petitions* apposite to the purpose, I shall not be altogether without hopes of affording such assistance as might be of use.

¹⁶ For Bentham's proposal for single-seated judicatories see 'Constitutional Code', Ch. XII, § V (Bowring, ix. 470–3).

¹⁷ See *ibid.*, Ch. XXII (Bowring, ix. 585–8).

1 SEPTEMBER 1828

TO LEICESTER STANHOPE

Farewell, illustrious friend! Comforter of my old age! Invigorator of my fondest hopes! Somewhat more of this scribble I was threatening you with in my interior: but, for one and the same post, this is quite enough.

On Saturday, Aug. 30, after permission obtained from the House of Baldwin and Cradock,¹⁸ who said that any thing delivered there before 1 o'clock that day for you, should be sent from thence that day, I caused to be delivered there, *in time*, a parcel, the contents of which were as follows—Evidence 5 vols. 8^{vo}¹⁹—Constitutional Code 1 vol. 8^{vo}—Judicial Establishment²⁰—Codification Proposal—Observations on Mr Secretary Peel's speech²¹—Radical Reform Bill²²—Leading Principles²³—of each a copy.

3433

TO LEICESTER STANHOPE

1 September 1828 (Aet 80)¹

Q.S.P. 1 Sept. 1828

My ever dear Mentor—

Could you oblige me with your company to *review my Defensive Force* on Thursday next? or if that does not suit you on Friday?² Less than as much as you can spare of a morning will not I fear be sufficient. Mention the hour at which you could come, and the hour up to which you can stay: and whether if need be you could not take your dinner here.

J.B.

¹⁸ Baldwin and Cradock, printers, had premises at 47 Paternoster Row: see *The Post-Office London Directory for 1828. Being a List of Upwards of 20,000 Merchants, Traders, &c. of London, and Parts Adjacent*, London, 1828, p. 20.

¹⁹ i.e. *Rationale of Judicial Evidence*.

²⁰ 'Draught of a New Plan for the organisation of the Judicial Establishment in France: proposed as a Sucedaneum to the Draught presented, for the same purpose, by the Committee of Constitution, to the National Assembly, December 21st, 1789', [London], 1790 (Bowring, iv. 285–406).

²¹ *Observations on Mr. Secretary Peel's House of Commons Speech, 21st. March 1825, introducing his Police Magistrates' Salary Raising Bill. Date of Order for Printing, 24th March, 1825. Also on the announced Judges' Salary Raising Bill, and the Pending County Courts Bill*, London, 1825 (first published in *The Pamphleteer*, vol. xxv (1825), 406–43), reproduced in *Official Aptitude Maximized; Expense Minimized* (CW), pp. 157–202.

²² i.e. *Bentham's Radical Reform Bill*.

²³ i.e. 'Leading Principles of a Constitutional Code for any state'.

3433. ¹ UCL Library, Stanhope Letter Collection, no. 27. Autograph. Docketed: 'From J. Bentham to LFS.' ² 4 or 5 September 1828 respectively.

3434

TO BALDWIN AND CRADOCK

4 September 1828 (Aet 80)¹

Q.S.P. Thursday 4 Sept. 1828

Gentlemen

On receipt of your letter of this day's date,² I saw M^r Mill Jun^r³ from whom I understand that he has taken upon himself the charge, of putting into and carrying through the press, the next Number of the Review;⁴ and that, in consequence, having, within these few days had an interview with D^r Southwood Smith, he expected from the learned Doctor an Article to begin with, before the end of next week.⁵

A few days ago I received a Letter from M^r *Hansard the Printer*,⁶ enquiring about *copy*. I shall now communicate to him immediately the information abovementioned.

Some small time before M^r Bowring's departure [for]⁷ Holland, which took place on Sat^y the 23^d of August,⁸ I understood from him, that a negotiation had for some time been on foot between you and him; but I do not recollect his speaking of it as being terminated: nor can I recollect any thing I may have heard from him as to the details. Being to such a degree a stranger to what has passed, it would be in vain for me to say any thing more about it, till he returns: which I expect will be in a very few weeks.

Every Wednesday a packet goes to him from my house through Government; his errand being a mission from Government. Any

3434. ¹ Duke University, Rubinstein Library, Great Britain Papers (Literary), 1806–1936. Autograph. ² Missing. ³ John Stuart Mill.

⁴ i.e. the issue of the *Westminster Review* scheduled to appear in January 1829. The journal had been established in 1824 with Bentham's financial backing as a radical rival to the Whig *Edinburgh Review* and Tory *Quarterly Review*: see Letters 3007, 3017, 3024, *Correspondence*, xi.

⁵ The article appeared as 'Anatomy. Art. VIII.—1. Report from the Select Committee on Anatomy. Ordered by the House of Commons to be printed, 22 July, 1828. 2. A Letter to the Right Hon. the Secretary of State for the Home Department, on Anatomy, &c. By G.J. Guthrie, F.R.S. Professor of Anatomy and Surgery to the Royal College of Surgeons, &c. &c. Octavo, p. 37. Sams. London. 1829', *Westminster Review*, vol. x, no. 19 (January 1829), 116–48.

⁶ Thomas Curson Hansard (1776–1833), printer of *Parliamentary Debates*. The letter is missing.

⁷ MS 'from' appears to be a slip.

⁸ In early 1828 Bowring had been appointed a commissioner for reforming the system of public account-keeping by John Charles Herries (1778–1855), Chancellor of the Exchequer 1827–8, Master of the Mint 1828–30, President of the Board of Trade 1830, but Arthur Wellesley [formerly Wesley] (1769–1852), first Duke of Wellington, leader of the administration as First Lord of the Treasury 1828–30, 1834, Home Secretary 1834, Foreign Secretary 1834–5, Minister without Portfolio 1841–6, objected and the appointment was cancelled. Bowring was, however, authorized to visit the Netherlands as an unpaid commissioner to examine the financial methods used by the government there.

9 SEPTEMBER 1828

TO JEAN-BAPTISTE SAY

letters, that you may desire to send to him, will be forwarded to him every Wednesday, if they be at this house before 4 o'clock on that day. They may be directed 'To Mr J.F. Colls—at Mr Bentham's (Q.S.P.) for J. Bowring Esq^{re}.'

If you have any thing to communicate to him that will not bear that delay, his address is—John Bowring Esq^{re} N^o 331 Noordlinde, Hague, Holland.

I am, Gentlemen
Your's faithfully

Jeremy Bentham

Mess^{rs} Baldwin and Cradock.

3435

TO JEAN-BAPTISTE SAY

9 September 1828 (Aet 80)¹

Q.S.P. 9 Sept. 1828

My ever dear Say

This will be delivered to you by my excellent friend and coadjutor the Hon.^{ble} Leicester Stanhope, with whom, either through Bowring's means or mine, you are not altogether unacquainted.² In giving you this trouble, my objects are these.

About three weeks ago or a month ago, an acquaintance of Felix Bodin, *Rosetti*, a *Piemontese Avocat*,³ brought me some articles from Paris which led me to see him here: a sacrifice of time which I did not regret, he being, as far as appeared a man of probity; and, unquestionably, of intelligence—*intellectuality* I should rather have said.

Of my Constitutional Code, of the 32 Chapters of which, or thereabouts, the 9 first are in print constituting the first of 2 or 3, most probably 3 Volumes: this first, without Preface containing 598 pages. Ch. X is occupied with what I stile the Defensive Force, comprising what belongs to Army and Navy; Stipendiary and Non-Stipendiary together. Having received, on this occasion, and for this purpose, assistance from various persons of eminence, distinguished by peculiar opportunities of information, of whom the abovementioned Leicester

3435. ¹ Bibliothèque Nationale de France, Département des Manuscrits, Jean-Baptiste Say, Papiers, NAF 26252, XX Lettres adressées à J.-B. Say, fos. 80–1. Autograph. Partly printed in Bowring, xi. 2–3.

Jean-Baptiste Say (1767–1832), French economist and political philosopher, had first met Bentham in late 1814.

² In Letter 3144, *Correspondence*, xii, dated 17 October 1824, Say states that he had seen Stanhope during his visit to Paris.

³ Not identified.

Stanhope is one, it occurred to me that perhaps La Fayette might not be disinclined so far to oblige me, and (in so far as my stuff may present a chance of being of use to the world) benefit the world at large, as to add himself to the number. I say benefit the *world* at large: for you will not find much difficulty in believing me, when, I say that in this Chapter (containing about 270 pages Ms and probably about an equal number in print) my object is—not to teach every nation how to beat every other; but to shew how the evils of warfare may be *minimized*, as well in the persons of the *agents* in that manufactory of human misery, as in those of the *patients*.

In this hope, I addressed, for the purpose, a letter to La Fayette,⁴ intrusting it to *Rosetti*. I was deficient in foresight, in not begging the favour of him to give me a letter, advising me of his having either delivered the above by his own hands, or put it in the hands of some other person (naming him) for that purpose. It is I believe somewhat between a fortnight and three weeks that *Rosetti* took his departure from hence: and nothing from La Fayette has reached me.

Leicester Stanhope being[?] to take his departure for Paris (and thence I believe for Italy) on Wednesday the 10th or soon after (though I fear he will stop some little time at Brighton)⁵ this presented itself to me as a good opportunity of learning whether that letter of mine to La Fayette had been received. Instead of troubling *you* for this purpose, *Bodin*, who lately has been my guest, is the man to whom I should have addressed myself: but, whether he is now in Paris, or gone on his intended excursion to Anjou, is matter of compleat uncertainty to me. I accordingly asked Leicester Stanhope whether he was acquainted with *you*; and his answer was, as above, in the affirmative. To a further question whether he was acquainted with *La Fayette*, his answer was in the negative. On further explanation, I found what it did not require much penetration to discover, that any opportunity of coming into contact with La Fayette, upon terms more or less advantageous, would be matter of no small gratification to him.

Well then. Now for his claims to that distinction: though *I* have not *time* (not to speak of *yours*) for more than a small part of them. The services rendered in British India to the E. India Company by the late *Marquis Hastings*⁶ (in so far as conquests costing more

⁴ Letter 3429.

⁵ The *Morning Post*, 18 September 1828, p. 3, reported that Stanhope left Brighton for Dieppe on 16 September 1828. According to Marguerite Gardner, née Power (1789–1849), Countess of Blessington, in *The Idler in France*, 2 vols., London, 1841, i. 142, she was called upon in Paris in 1828 by Stanhope and Sir Francis Burdett (1770–1844), radical MP for Westminster 1807–37.

⁶ Francis Rawdon-Hastings (1754–1826), second Earl of Moira and first Marquis of Hastings, Governor General and Commander in Chief of the Forces in India 1813–22.

than they produce are services)—services, more extensive than were ever rendered before, by any one *Governor* in that part of the world—are matter of notoriety. Marquis Hastings was a Lord, like other Lords. Two private Secretaries he had, one for Military affairs. Col' Young⁷—also an intimate friend of mine—a man of most transcendent worth, in respect of morality, intellectuality, and active talent—uniting the accomplished (Utilitarian) Statesman with the man of letters—the mathematician &c. &c. and this Stanhope: in these two men, those who were in the way to be informed have seen the real authors of the so brilliant successes, to which the *Marquis* gave his name. Stanhope is moreover a highly distinguished Philhellene: of his services in that cause, in that unhappy country—Services, like all others that have been expended there, unhappily so short-lived—his interesting work on Greece,⁸ among other things, contains some particulars. But here I must cut short. He is one of the ten or eleven Sons of the Earl of Harrington, Captain of the King's Body-Guards, Governor of Windsor Castle, &c. &c. &c.⁹ Of his three Sisters, one is married to the Premier Peer of Ireland—the Duke of Leinster, another to the heir apparent of the English Duke of Bedford.¹⁰ Abstractedly considered, La Fayette would not like him the better for this, any more than you and I. But, considering that, notwithstanding all this, he is as thorough a Radical as the best of us, here you see is no small merit. In a letter I gave him once to Dumont,¹¹ I spoke of the disadvantage he labours under, in respect of birth and parentage: adding, with equal candour and discernment—the observation that this was no fault of his—he could not help it. Dumont received this *tout bonnement*: he took my illustrious friend for a bastard, or something of that sort: and for aught I know received him accordingly.

⁷ James Young served in India from 1801 until he resigned his commission with the rank of Lieutenant-Colonel in 1818. After leaving the service he held various other positions in India, notably in banking and as editor of the *Bengal Hurkaru*, a liberal newspaper in Calcutta.

⁸ Leicester Stanhope, *Greece, in 1823 and 1824; being a Series of Letters, and other documents, on the Greek Revolution, written during a visit to that Country*, London, 1824.

⁹ Charles Stanhope (1753–1829), styled Viscount Petersham until 1779, third Earl of Harrington, Commander-in-Chief in Ireland 1805–12, was Constable and Governor of Windsor Castle 1812–29 (though he did not hold the office of Captain of the Yeomen of the Guard). On 22 May 1779 he had married Jane, née Fleming (1755–1824), society hostess, Lady of the Bedchamber to Queen Charlotte (i.e. Charlotte of Mecklenburg-Strelitz (1744–1818), who had in 1761 married George III (1738–1820), King of Great Britain and Ireland from 1760), with whom he had eight sons and three daughters.

¹⁰ Charlotte Augusta Stanhope (1793–1859) had in 1818 married Augustus Frederick Fitzgerald (1791–1874), third Duke of Leinster, and Anna Maria Stanhope (1783–1857) had in 1808 married Francis Russell (1788–1861), styled Marquis of Tavistock 1802–39, seventh Duke of Bedford, the son of John Russell (1766–1839), sixth Duke of Bedford, Lord Lieutenant of Ireland 1806–7.

¹¹ Letter 3007, *Correspondence*, xi.

I fear there is but little chance after all, of my Stanhope's seeing La Fayette: for La Fayette will scarcely be at Paris, during any part of the fortnight or three weeks which Stanhope reckons to pass there: but if he is, you will I make no doubt so manage as to bring the matter about.

Know you any thing of Arthur O'Connor—an Irishman—Lieutenant General (at any rate so he was in Bonaparte's time) in the French service.¹² He was at the head of the Irish Rebellion, A° 1798.¹³ He has an estate of between £3,000 and £4,000 a year, in Ireland: retaining it still, because Lord Castlereagh,¹⁴ of blasted memory, could not come at the evidence necessary to get it from him.¹⁵ He is married to a daughter of the Marquis de Condorcet,¹⁶ with whom he has a fortune of £2,000 a year—the philosophic Marquis who was a retainer of D'Alembert,¹⁷ and had not a liard, having married a rich wife.¹⁸

¹² Arthur O'Connor, née Conner, later Condorcet-O'Connor (1763–1852), United Irishman and writer on economics, Irish MP for Philipstown 1791–5, was appointed General of a Division in the French Army in February 1804 by Napoleon Bonaparte (1769–1821), First Consul of France 1799–1804, Emperor of the French 1804–14.

¹³ O'Connor did not participate in the rebellion of 1798 as he was under arrest. In May 1796 he had travelled to France with a delegation of fellow Irish revolutionaries to lobby for military support. Following the failure of the French invasion of Ireland in December 1796, O'Connor printed 'A Letter to the Electors of Antrim', Dublin, 1797, which led to his arrest in February 1797 on a charge of high treason. Released on bail in July 1797, he continued his revolutionary activities until re-arrested at Margate in March 1798 en route for France, where he again aimed to secure military support, and was again charged with treason. He was acquitted in May 1798, but immediately re-arrested and detained in the Tower of London before being transferred to Dublin and committed to Newgate. O'Connor was among the prisoners who were allowed to leave Ireland after agreeing to the Kilmainham pact, whereby they were detained until the end of Britain's war with France. O'Connor was held at Fort George, near Inverness, until his release in 1802, when he went to France.

¹⁴ Robert Stewart (1769–1822), styled Viscount Castlereagh until 1821, second Marquis of Londonderry, Commissioner of the Treasury for Ireland 1797–9, 1800, Chief Secretary for Ireland 1798–1801, President of the Board of Control 1802–6, Secretary of State for War and the Colonies 1805–6, 1807–9, Foreign Secretary 1812–22.

¹⁵ To protect his estate and house near Kinsale from potential confiscation, O'Connor had made a fictitious sale of the property and transferred its legal title to Sir Francis Burdett. At his trial for treason in Maidstone in May 1798, a letter from O'Connor to his brother Roger O'Connor (1762–1834), dated 13 February 1798, was presented as evidence of this ruse: see *The Trial of James O'Coigly, otherwise called James Quigley, otherwise called James John Fivey, Arthur O'Connor, Esq., John Binns, John Allen, and Jeremiah Leary, for High Treason, under a special commission, at Maidstone, in Kent, On Monday the Twenty-first, and Tuesday the Twenty-second Days of May, 1798*, London, 1798, pp. 238–9. In 1834, with the help of Bowring, O'Connor received special dispensation to visit Ireland in order to dispose of his property.

¹⁶ In 1807 O'Connor had married Alexandrine Louise Sophie de Caritat de Condorcet, known as Eliza (1791–1867), daughter of Marie Jean Antoine Nicolas Caritat, Marquis de Condorcet (1743–94), *philosophe*, politician, and pamphleteer. O'Connor subsequently co-edited *Œuvres de Condorcet publiées par A. Condorcet O'Connor, Lieutenant-Général, et M.F. Arago, Secrétaire perpétuel de l'Académie des Sciences*, 12 vols., Paris, 1847–9.

¹⁷ Jean le Rond, alias D'Alembert (1717–83), French mathematician, *philosophe*, and author.

¹⁸ Condorcet had in 1786 married Marie Louise Sophie, née de Grouchy (1764–1822).

A° 1813 O'Connor though made a Lieutenant General by Bonaparte had not seen him for some years. At the commencement of Bonaparte's reverses, O'Connor called on him and said, You are an Emperor. I, as you well know, am a Republican. I would not therefore seek to obtrude myself: but now under existing circumstances, I thought it might not be displeasing to you to hear from my own mouth, that my fidelity, respect and gratitude continue unimpaired. Bonaparte shed tears.¹⁹ {Once, in the course of his reign, so (you know) did Pluto.}²⁰ The above is the story related to me by a man of the name of *O'Reilly*,²¹ who called on me yesterday (Sept. 8) in quality of Commissioner from O'Connor to ask whether I could furnish him with a compleat list of my works: he having got copies of all he had ever heard of: he at the same time read a passage of a letter of O'Connor's to him, the purport of which was that he was in a way to salvation, as numbering himself among my disciples: though it does not appear that as yet 'he has left all to follow me.'²² O Reilly has the appearance and manner of a Gentleman: though his line of life is no higher than that of Reporter to one of our Newspapers: a situation, however, of much more importance than at a slight glance it may seem to be. It has occurred to me, that this O'Connor might possibly to the ability add the disposition, to make one of the Revisers of my *Defensive Force*. By O'Reilly, who is already on his return to Paris, I sent him a few little things of mine that have not been published for sale: and in a Note to O Reilly²³ gave intimation of my wish to have the benefit of that assistance. But it would be very desirable to me to know what La Fayette thinks of O'Connor: in a word to know whether my having *O'Connor's* assistance would disincline La Fayette to the lending me *his*.

P.S. We have all been delighted here, with the news of Comte's recent illustration.²⁴

What a task is this I have been endeavouring to impose upon you!!!

¹⁹ This incident may have occurred in 1815, when O'Connor offered his services to Bonaparte to defend France against the Bourbons.

²⁰ See Claudian, *De raptu Proserpinae*, II. 275–6, where Pluto sheds tears in response to Proserpine's lament.

²¹ Probably Andrew O'Reilly (1756–1862), United Irishman, who was the Paris correspondent for *The Times* and who would later give an account of O'Connor in Paris in 1830 in *Reminiscences of An Emigrant Milesian. The Irish abroad and at home; in the camp; at the court. With souvenirs of 'The Brigade'*, 3 vols., London, 1853, I. 273–5.

²² Matthew 19: 21.

²³ Missing.

²⁴ François Charles Louis Comte (1782–1837), lawyer and political economist, had in 1818 married Say's daughter Andrienne (1796–1857) and had met Bentham while in political exile in England from 1823 to 1826. Following his return to France, he was awarded the Montyon prize by the Académie des sciences morales in 1828.

3436

TO DANIEL O'CONNELL

13 September 1828 (Aet 80)¹*September 13, 1828.*

Hunt and Cobbett² I contemplate with much the same eye, as the visiters of Mr Carpenter, the optician, contemplate the rabid animals devouring one another in a drop of water.³ Hunt I never saw, nor corresponded with. Cobbett I saw once at the house of a common acquaintance; and, without so much as the shadow of a dispute, half-an-hour sufficed me for seeing him exactly as he is.⁴ As a speaker, Cobbett, they say, is nothing: Hunt very great. His moral character nothing has changed, nor presents a probability of changing: his intellectual character has received prodigious improvement. In the city of London, his influence has, of late, exercised by means of his speeches, become very considerable.⁵ What he has done as yet has been unexceptionable; but so intense in him are the passions of envy and jealousy, that whenever he sees anything at once great and good proposed by anybody else, the greater and better it were, the more strenuous would be his endeavours to defeat it.

3436. ¹ Bowring, x. 600–1 (presumably an extract).

² William Cobbett (1763–1835), radical journalist and editor of *Cobbett's Weekly Political Register* 1802–35.

³ Philip Carpenter (1776–1833), Birmingham optician and instrument-maker, whose company made kaleidoscopes and slides for magic lanterns, had relocated his business to 24 Regent Street, London, where he hosted an exhibition entitled 'Microcosm: a Grand Display of the Wonders of Nature' from 1827 to 1835 and in which, according to *The Literary Gazette; and Journal of the Belles Lettres, Arts, Sciences, &c. for the year 1828*, London, 1828, pp. 413–14, 'Leaves, wings of insects, sections of various woods, and, above all, living animalculæ in water, magnified many hundred thousand times' were projected onto walls by means of solar microscopes and 'All the incantations of the Fresichutz are far surpassed by the monstrous forms in a single drop of water'. See also P. Carpenter, *A Companion to the Microcosm; being A concise Account of the Insects, Animalcules, Corals, Corallines, and other objects, Seen in the Microscopes of that interesting exhibition*, London, 1827.

⁴ No record of Bentham's meeting with Cobbett has been traced, though his dislike of Cobbett dated back to at least 1812: see Letter 2178, *Correspondence*, viii.

⁵ Hunt had been attempting to expose corruption in the Corporation of the City of London since 1824 and, having campaigned for the publication of the Corporation's accounts, was elected in 1826 as an Auditor, an office he held until 1829. With a view to seeing account books to which he had been denied access, he stood unsuccessfully in December 1827 and December 1828 for election to the Common Council for the constituency of Farringdon Without. On the latter occasion he was supported by Cobbett, who offered to stand on the same platform as Hunt, but withdrew after a campaign by their political opponents attacked their characters and morals. See, for instance, Cobbett's letter of support for Hunt, 'To the Liverymen of the Ward of Farringdon Without', dated 4 December 1828, in *Cobbett's Weekly Political Register*, vol. 66, no. 23 (6 December 1828),

19 SEPTEMBER 1828

TO DANIEL O'CONNELL

3437

FROM DANIEL O'CONNELL

13 September 1828¹

Derrynane, Sept. 13, 1828.

I am here amongst my native mountains, for a few, very few weeks.² I decide all the controversies in the district.³ I never allow a witness to appear, until the plaintiff and defendant have both fully told their tales, and agreed their *points*. In nine instances out of ten, other testimony is unnecessary. This tribunal is so cheap, it costs them nothing; and is so expeditious (I decide as soon as the parties have exhausted their arguments, and offered their witnesses on the facts, ultimately in dispute) that they reserve for me all their disputes, and it appears to me that they are satisfied with the results. This deduction I the more readily draw from the purely voluntary nature of their submission to my awards. It proves, however, nothing, but as far as it shows *me* the great value of hearing the parties themselves.

3438

TO DANIEL O'CONNELL

19 September 1828 (Aet 80)¹

September 19, 1828.

As to your political creed, nothing occurs to me to which I could not subscribe; and, in particular, to that rational and efficiency-helping principle, which has always been mine—that neither to the minutest improvement that is attainable, nor to any the most insignificant coadjutor who is obtainable, should acceptance be refused.²

726–30, and *A Collection of particulars relative to the election of Common Council-Men for the ward of Farringdon Without, in the year 1828; with some preliminary remarks respecting the introduction of Mr. Hunt to that Ward*, London, 1829.

3437. ¹ Bowring, x. 602 (presumably an extract).

² O'Connell appears to have been at Derrynane from around 2 September to 31 October 1828, whereupon he travelled to Dublin.

³ O'Connell appears to have acted as an informal arbitrator.

3438. ¹ The present Letter is reproduced as two extracts in Bowring, x. 601–2 and 602 respectively, separated by Letter 3441. The commencement of the second extract is indicated by an editorial footnote below.

² In a public letter to Hunt, dated Derrinane, 9 September 1828, printed in the *Dublin Morning Register*, 17 September 1828, pp. 2–3, and reprinted in the *Morning Herald*,

It is not without a sort of trepidation, that I ever see the word *Constitution* issuing from your pen. In regard to Common Law, you are sufficiently aware that it is a mere fiction in regard to the Constitution: but are you sufficiently aware that it is but part and parcel of that same fiction? I cannot but flatter myself you are. 'I deem it impossible' (say you) (*Morning Herald*, 19th September, 1828) 'to have a Constitution at all worth naming, without Radical Reform.' Well then, as it is we have not a Constitution worth naming; so think I; and accordingly, when I come to speak of the mischievous features of it, as they exist in *practice, de facto*, though there are no determinate words by which they are made what they are *de jure*,—I prefix, by way of sarcasm, the epithet matchless,³ so commonly prefixed to the name of the idol-phantom by the admirers of it.

Short-lived assemblies of legislators have an innate disease, the emblem of which may be seen in the stone of Sisyphus.⁴ In my CONSTITUTIONAL CODE, chap. vi., sect. 24, *Continuation Committee*,⁵ should curiosity carry you thither, you will see a proposed remedy, and, I flatter myself, a cure for it. But for this, an annually, or even a biennially—not to say a triennially elected Legislature, might go on for ages, without giving consummation to an all-comprehensive Code, or even any very considerable part of one. It was not till a very few years ago—say three or four—that the infirmity which put me upon the remedy occurred to me.⁶

19 September 1828, pp. 2–3, and written in response to Hunt's letter in the *Morning Herald*, 9 August 1828, p. 2 (see p. 38 n. below), O'Connell had stated that, 'although as decided a Radical as any in the British dominions, I not only do not reject, but I court, the assistance of every man who is willing to contribute, in any degree, to break down any one of the barriers by which corruption and mismanagement are now fenced in. Let him pull but one stake out of the enemy's hedge, I will take off my hat and thank him, although he may leave . . . me . . . to tear away every one of the remainder.' In a private letter to Michael Staunton (1788–1870), Editor of the *Morning Register*, dated 22 September 1828, O'Connell explained that, 'I wrote that letter not for Hunt but for the dormant reformers in England, Bentham, Bowring, &c. The Law Reform is now my grand object': see *Correspondence of O'Connell*, iii. 411.

³ The phrase 'matchless Constitution' may have been coined by the poet James Thomson (1700–48), in 'Liberty, A Poem' (first published in 1735–6), Pt. IV, 813–16 (see *Liberty, The Castle of Indolence, and other poems*, ed. J. Sambrook, Oxford, 1986, p. 114):

Then was the full the perfect Plan disclos'd
Of BRITAIN'S matchless *Constitution*, mixt
Of mutual checking and supporting Powers
KING, LORDS, and COMMONS . . .

⁴ In Homer, *Odyssey*, xi. 593–600, Sisyphus is one of the sinners punished in Hades by being eternally forced to push a large boulder to the summit of a hill, whereupon it rolls back down.

⁵ See *Constitutional Code*, I (CW), pp. 67–72.

⁶ The second extract commences with the following paragraph at Bowring, x. 602, where it is introduced as follows: 'Of Hunt, Bentham again writes to O'Connell:—'

Sept. 19, 1828

What is past cannot be recalled; but, in future, if he can be kept from abusing you, so much the better.⁷ In his pericranium, the organ of abusiveness is full a yard long. It must be driving at something. Driving at what is *abuseworthy*—it may do good; for there is no small strength in it: driving at what is praiseworthy,—it either does nothing, or does evil. Driving at the city of London abuses, he has already done considerable good, and is in the way to do considerably more.⁸

All that a vituperative epithet proves is—that he who uses it is angry with him on whom he bestows it, not that he has any reason for being so.

Should you ever again have occasion to speak of Henry Hunt, I hope you will not again bring it up against him, as if it were a matter of reproach, that he sells Blacking or anything else;⁹ for, besides that there is no harm in selling Blacking, the feeling thus betrayed belongs not to us democrats, but to aristocrats, who make property (and that more particularly in a particular form, the immoveable) the standard of opinion. Moreover, men of our trade should be particularly cautious as to the throwing into the faces of antagonists vituperation as to their trade; for thereupon may come in reply—Junius' aphorism about 'the indiscriminate defence of right and wrong.'¹⁰ J.B. will tack to it a prediction in favour of wrong as being the best customer. Accordingly, what is it I so much admire you for?—not for your travels in the track of our trade, but for your excursions from it, and even against it.

⁷ See Hunt's letter to O'Connell, dated 8 August 1828, printed in the *Morning Herald*, 9 August 1828, p. 2, in which, amongst other condemnatory comments, he had, with reference to O'Connell's 'Address to the Electors of Clare' and the substitution of the phrase 'constitutional' for 'radical' reform, written that, 'I thought you were so unequivocally pledged to Radical Reform, that it was impossible you could ever abandon your pledge, or endeavour technically to shuffle out of it, without your being degraded to the lowest pitch of infamy . . . I most sincerely pity and deplore in you the frailty of human nature', and referred to O'Connell as 'a mere political weathercock', who had 'been for so many years engaged in a lucrative profession, prostituting [his] talents and . . . senses by endeavouring to make the worse appear the better cause'.

⁸ For Hunt's campaign against the Corporation of the City of London see pp. 35–6 n. above.

⁹ In his letter to Hunt of 9 September 1828, printed in the *Morning Herald*, 19 September 1828, p. 2, O'Connell had written: 'I humbly thank you for the abuse you bestowed on me in the *Morning Herald* of the 9th of August. It was quite in the way of your trade. You furnished me with a proper lot of blacking, and did not use the polishing brush at all.' Hunt had begun manufacturing his 'matchless' brand of shoe-blackening in 1825; it rapidly became his most successful business venture and earned him the nickname of the 'Blacking Man'.

¹⁰ The expression is taken from a letter by Junius, probably the pseudonym of Sir Philip Francis (1740–1818), addressed to William Murray (1705–93), first Baron and first Earl of Mansfield, Chief Justice of King's Bench 1756–88, and first published in the *Public Advertiser*, 21 January 1772. See *The Letters of Junius*, ed. J. Cannon, Oxford, 1978, p. 323: 'The indiscriminate defence of right and wrong contracts the understanding, while it corrupts the heart.'

3439

FROM CHARLES PURTON COOPER

19 September 1828¹

New Boswell Court Lincoln's Inn

Sep. 19 1828

Sir

I some time since did myself the honor to send you copies of my little works the 'Lettres sur la Cour de la Chancellerie' & 'the Parliamentary Proceedings as to the Chancery House of Lords & Bankruptcy'.² I have just printed a new Edition of the Lettres³—a very few copies and for private circulation only—and differing as I do from you on some material points I cannot the less desire that you should have a copy of the work which contains the fewest errors, more especially the correction of an error in a quotation from one of your publications which is in the first edition.⁴ You will oblige me therefore by allowing me to exchange your copy of the first edition for the accompanying copy of the new Edition.—I would request you to keep both, but so few have been printed of each that I shall be glad of the first for the use of some one of my unlearned friends.

I have the honor to be

Sir

Your ob^t humble Serv^t

C.P. Cooper

To Jeremy Bentham Esq^e

3439. ¹ BL Add. MS 33,546, fos. 235–6. Autograph. Addressed: 'Jeremy Bentham Esqe Queen Square Place Westminster.' Docketed: '1828 Sept. 19. Cooper New Boswell Ct. Linc. Inn to J.B. Q.S.P. With his French work New Edition: desiring return of the Old.'

Charles Purton Cooper (1793–1873), lawyer, antiquary, and author.

² A copy of [Charles Purton Cooper], *Lettres sur la cour de la chancellerie, et quelques points de la jurisprudence angloise*, London, 1827, had been sent to Bentham on 19 November 1827, and a copy of *A Brief Account of Some of the Most Important Proceedings in Parliament, relative to the Defects in the Administration of Justice in the Court of Chancery, the House of Lords, and the Court of Commissioners of Bankruptcy*, London, 1828, on 22 June 1828: see Letters 3375 and 3418, *Correspondence*, xii.

³ C.P. Cooper, 'Lettres sur la cour de la chancellerie et quelques points de la jurisprudence angloise. Nouvelle édition revue et corrigée', London, 1828.

⁴ Cooper, 'Lettres sur la cour de la chancellerie', pp. 218–19 n., includes a quotation from *Papers relative to Codification and Public Instruction*, London, 1817, p. 37 ('Legislator of the World' (CW), p. 22), but its rendition is identical to that in the original edition of 1827. Bentham's name was, however, added to those of Jonas Daniel Meyer or Meijer (1780–1834), Dutch jurist and politician, the first Jew to be admitted as a lawyer in the Netherlands, and Paul Johann Anselm Ritter von Feuerbach (1775–1833) in relation to 'arguments faits pour et contre les juges unique' at p. 53 n. of the revised edition of 1828.

23 SEPTEMBER 1828

TO WILLIAM ALLEN

3440

TO DANIEL O'CONNELL

23 September 1828 (Aet 80)¹

23d September, 1828.

Si BALLOT before the rest of RADICAL REFORM—*Modus Procedendi*.²

An idea that strikes me just now is this:—For a commencement, the most promising course—{is to take that measure}—to which the resistance is likely to be least extensive. What say you, accordingly, to the beginning with the Ballot alone? Among leading men, I have heard of several who would be prepared to give support to it; and I have been informed, that next session, among the English members, a motion to that effect will be made. The bug-bear, and abhorrence-moving Radical Reform would thus be laid aside. The aristocracy could not be so completely struck at. Many there are who would not like to see the value of their votes diminished by the addition of such a flood of fresh men, and yet would be glad to have their own votes free. Accordingly, I cannot but think, howsoever strenuous and extensive the opposition to the Ballot alone might be, it could not but be much less so than if Radical Reform in all its features were brought upon the carpet at once.

3441

TO WILLIAM ALLEN

23 September 1828 (Aet 80)¹

Q.S.P. 23 Sept. 1828

Dear old friend

New Lanark Concern

Some short time ago—late in August I received from M^r Walker² (you and he know when) in the formal style to answer a legal purpose, a Notice³ that a meeting of the Partners in the New Lanark

3440. ¹ Bowring, x. 601 (presumably an extract).

² i.e. 'mode of proceeding'.

3441. ¹ UC clxxiii. 22. Autograph draft. Docketed: '1828 Sept. 23. New Lanark. J.B. Q.S.P. to W. Allen Plough C^t Lombard Street inclosing Bowring's to the Partnership. Hague 16 Sept^r'

William Allen (1770–1843), Quaker philanthropist, anti-slave trade agitator, and founder member in 1816 of the Society for the Promotion of Permanent and Universal Peace, held shares in and was involved in the management of the New Lanark Mills.

² John Walker.

³ Missing.

Concern⁴ was appointed to be held on the 24 of September thence ensuing, at your house: that is to say for the purpose of taking into consideration Robert Owen's departure out of the concern,⁵ and the offer made by his two Sons⁶ of their respective shares in pursuance of an Article thereupon mentioned in the Articles of partnership.⁷ It is well known to all the Partners that M^r Bowring has for a length of time been my sole Agent in this concern:—and that I have never personally appeared in it: and, the services rendered by him to the whole partnership (in particular, in consequence of the visit made by him to the spot at my sole expence, without any expence to any other of the partners⁸—I mean by the advice given by him to, and followed by, the partnership)—have I trust been felt and universally recognized. I lost no time in sending him a copy of that notice; satisfied as I was, that no attendance on my part, could, under the above circumstances, be of any use, and that to appoint a meeting, of which it was known that he could not attend at it, would be *in effect* to shut the doors of it against me.

I was actually in the middle of this last preceding sentence, when the letter, which I herewith enclose arrived from him, inclosed in one of the same date (so long [ago] as the 16th) with the two penny post mark on it; and, in the corner of the direction the words *Charles Bagot*—the name of our Ambassador at the Hague.⁹

Under these circumstances I can not but protest, and hereby do protest accordingly against the taking of any definitive arrangement in consequence of the above proposals till measures have been taken, in consequence of M^r Bowring's suggestions as per the inclosed.

⁴ The members of the New Lanark partnership, formed in 1814, had, along with Allen, Walker, Robert Owen, and Bentham, been Joseph Foster (1761?–1835), Quaker businessman, Joseph Fox (1775–1816), dental surgeon and philanthropist, Michael Gibbs (1781?–1858), fishmonger, Alderman of the City of London 1838–51 and Lord Mayor 1844–5, and John Jackson (1763–1820), MP for Dover 1806–20, Director of the East India Company 1807–20.

⁵ Robert Owen's association with the New Lanark Mills formally ended in 1829 after several years of disagreements with Allen over their management, particularly with regard to the role of religion.

⁶ Robert Dale Owen (1801–77), publicist and author, and William Dale Owen (1802–42).

⁷ A draft of the articles of partnership is at BL Add. MS 33,553, fos. 189–99. According to the tenth article, if any of the co-partners wished to sell any or all of their shares in the concern, they were first to offer them to the other partners collectively; second, if the partners did not agree to accept the offer, to offer them to any of the partners who were willing to accept it; and third, if none of the partners were willing to accept it, to offer them for general sale.

⁸ Bowring was at New Lanark on 22 March 1828, on which date he wrote to Sir Walter Scott (1771–1832), poet and novelist: see *Letters to Walter Scott*, January–June 1828, National Library of Scotland, MS.3906.

⁹ Sir Charles Bagot (1781–1843), diplomat, Ambassador to Russia 1820–4, the Netherlands 1824–32, and Austria 1835, Governor-General of Canada 1841–3. Both letters are missing.

24 SEPTEMBER 1828

FROM WILLIAM ALLEN

Begging the favour of an answer, to this and to the letter of our friend Bowring, I remain

My Dear friend
Your's sincerely

Jeremy Bentham.

William Allen Esq^e.

3442

FROM WILLIAM ALLEN

24 September 1828¹

Plough Court Lombard Street 24 of 9 month 1828

My dear Old Friend

I am sorry that thou hast suffered any uneasiness or anxiety on account of the late Meeting of the Proprietors of New Lanark Establishment²—these Meetings must be held strictly in accordance with the provisions of the deed. I wish thy Representative J. Bowring had been present but if he had—I believe that the result would have been just the same. all the Proprietors were of one opinion & R. Owen seemed perfectly satisfied. the 2 Shares of his Sons³ are taken at a deduction of £2000 p[er] share with a provision that if they can be sold for *more* before the end of 1831—that the balance is to be paid over to him or his widow. his sons have executed the requisite powers for transfer.

I remain
with great regard & esteem
thy sincere Friend
W^m Allen

They tell me that we are now getting interest at Lanark & something more but the times have been tremendous.

Jeremy Bentham
N 1 Queen Square Place
near St James's Park
Westminster

3442. ¹ BL Add. MS 33,546, fos. 237–8. Autograph. Addressed: 'Jeremy Bentham Esq^e N 1 Queen Square Place near St James' Park Westminster.' Postmark: '4-EVEN-4 / SP.24 / 1828'. Stamped: 'T. P. / Lombard St'. Docketed: '1828 Sep. 24. New Lanark. W. Allen Plough Ct to J.B. Q.S.P. Purchase of Owen's shares settled.'

² See Letter 3441.

³ Robert Dale Owen and William Dale Owen.

3443

TO DANIEL O'CONNELL

25 September 1828 (Aet 80)¹

Q.S.P. 25 Sept. 1828

Jeremy Bentham to Daniel O'Connell
Controversy with Hunt.

I have heard read Hunt's last letter to you.² In *my own* opinion *respecting yourself*, as expressed in my last letter to you,³ it *has not* produced any the smallest *change*. But, an effect which it *has* produced, is—an ardent desire to see, as soon as possible, on both parts, an *end* of the altercation; and, on your arrival in London, an *union* of counsels and operations with him, and in the mean time a treaty of *peace*. In point of capacity of *taking the lead, at present*, in support of *radical reform*, in the way of public *speaking*, no one has as yet appeared, who is at all comparable to him. I speak—not from my *own* opinion: for, as I never stir from *home*, no *speeches* do I ever hear: but, from the unanimous opinion of a number of *good judges*; and, among them, *rivals*: and among the City of London Constituted authorities, you see the unexampled effect he has already produced on *practice*: in this track he is persevering; and, to me, it appears, with the fairest promise of success.⁴ In the *Commons Hall*,⁵ where every body appears, supposing *you* to get a set of Petitions for the *Ballot*, (the *Ballot alone*, as per my last,)⁶ there seems little doubt that *he* could get a correspondent Petition in *support* of them: and, so again, in the *Common Council*,⁷ should he become a *member* of that body; of which, in my view, there is every probability.⁸

So much for *power*: now as to *interest*. Between you and him, it does not appear to me that there is any *collision* of interest: of interest—I

3443. ¹ National Library of Ireland, MS 13,647 (27). Printed in the *Irish Monthly*, vol. xi, no. 122 (1883), 429–30. The address and salutation are in Bentham's hand, with the remainder in Colls's hand, with corrections in Bentham's hand.

² See Hunt's letter, headed 'To Daniel O'Connell, Esquire, "Franking Member Of Parliament" For the County of Clare' and dated '36, Stamford-street, Sept. 23', printed in the *Morning Herald*, 24 September 1828, p. 2, in response to O'Connell's letter to Hunt of 9 September 1828, printed in the *Morning Herald*, 19 September 1828, pp. 2–3.

³ Possibly Letter 3438, in which Bentham discusses O'Connell's response to Hunt, but more likely a passage in Letter 3440 that was not printed in Bowring.

⁴ For Hunt's campaign against the Corporation of the City of London see pp. 35–6 n. above.

⁵ Common Hall was the assembly composed of members of the City of London Livery Companies that met to elect the Lord Mayor, Sheriffs, and other officials. ⁶ Letter 3440.

⁷ The Court of Common Council was the governing body of the City of London.

⁸ In December 1827 Hunt had stood unsuccessfully for election to the office of Common

mean in its most *refined* sense—interest in the way of *reputation*. In the power of *each* of you, if in any body's power, it is—to do that which it is not at all in the power of the *other* to do. What you *can* do is—to get up *Petitions* from Irish-Catholic-Association-men. What you can *not* do is—to make speeches either in *London Common Hall* or *Common Council*. But, by *union*, that which it is in the power of *both*, as it is so incontestably the *interest* of both, is—to do, for advancement of that cause which is common to both, no one can say how much, of that, which, otherwise, can *not* be done *at all*.

Now then, what I have to propose—and it is all that I have to propose to be done *immediately*; is that, *having* already rendered *your own justification a complete one*—whatever he may *have* written already, or may write in *future*, you would, from the time of your receipt of this my letter, *forbear* writing to him in the *vituperative* style—the *only* style in which, as matters stand at present, it is natural that any thing should pass in public between him and you.

As to the *mode of dealing* with him, so as to give *increase* to his *usefulness*, and *prevent* him from doing *mischief*, it will be time enough to settle *that*, when you are come to London: and to that time may accordingly be referred all further discussion as to his *character*.

In the mean time, it may be of use that you should know that, in the opinion of all that I have ever conversed with, and among them are highly intelligent men who have heard him speak as well as seen what he has written, he is of late, in every respect, even *moral* as well as *intellectual*, surprisingly *improved*.

An opinion which I have found equally universal, is—that, by the irrelevant and vituperative matter cast upon him in *your* letters,⁹ you have not, in any degree, damaged *him*: but on the other hand, in a degree which is, and can not but be regretted, *yourself*. Now, true it is—that what in that way has been done can *not* be *recalled*: and accordingly I should not have mentioned it, were it not that it *may be forborne* to be *continued*: and, if never *repeated*, it will, by the time of your arrival in London, have been *forgotten*, as so many other things of the like kind *are* continually forgotten, by every body: forgotten, and *that* to such a degree, as *not to operate* in the way of *obstruction* to any such *union* as may eventually be found advisable. Should this proposal be fortunate enough to be honored by your concurrence, something from you to that effect might eventually be employed, in such manner

Councilman for the constituency of Farringdon Without and would do so again unsuccessfully in December 1828: see pp. 35–6 n. above.

⁹ i.e. O'Connell's letter to Hunt of 9 September 1828. Bentham appears to be incorrect in suggesting that there was more than one letter to Hunt, though it is also possible that Colls has mistakenly written 'letters' instead of 'letter'.

as to be of use. It might be kept on a piece of paper, clear of all matter which, as to this purpose, would be unostensible.

3444

TO HENRY HUNT

27 September 1828 (Aet 80)¹

TO M. HUNT, ESQ.

Sir,—I am not personally known either to yourself or to Mr. O'Connell; but I am, and have long been, a sincere and most zealous friend of Radical Reform—that cause which you and he espouse. Proportioned to my attachment to that cause is my regret at the thought of the damage which it stands exposed to sustain from this personal altercation between two so pre-eminently powerful supporters of it. In *his* letter,² the *vituperative* matter, (I am persuaded) cannot have damaged *you* in public opinion in any the smallest degree. In your letter,³ likewise, the argumentative matter, I am equally persuaded, would have produced more good effect to the cause, and raised you still higher in the esteem and admiration of the readers, if it had been entirely divested of the matter of the same sort, which, though less in quantity and coarseness, it nevertheless contains. Along with *this* letter, I am writing one to *him* with the same object.⁴ The proper subject-matter of consideration with a view to present practice, is—not what he *has been*, but what he *is* at present: and *that* is the only man, perhaps, in the world, by whom, for many years to come, Radical Reform, or any approach to it, can be brought upon the carpet with any the smallest chance of success. His *instruments* are the vast majority of the people of Ireland: his *operations*, by means of those same instruments, petitionings for reform; for reform in whatever shape, for a commencement, may be deemed to afford the most promising prospect of success. For the prayer of the petition, what I should prefer, is—the ballot: in the first place alone, without any other of the features. Why alone? Because in Ireland the 40s freeholders compose the main body of

3444. ¹ *Morning Herald*, 29 September 1828, p. 3, where it appears under the heading 'CONTROVERSY WITH O'CONNELL.' Reprinted in Bowring, xi. 5–7. As Bentham explains in Letter 3448, the present Letter had been delivered to Hunt's house on 27 September 1828, whereupon Hunt had arranged its publication.

² O'Connell's letter to Hunt of 9 September 1828, in the *Morning Herald*, 19 September 1828, pp. 2–3.

³ Hunt's letter to O'Connell of 23 September 1828, in the *Morning Herald*, 24 September 1828, p. 2.

⁴ Letters 3448 and 3449.

his strength; and the ballot being their sole permanent security against the option between slavery and starvation, the other features would, in comparison, be as nothing to them: and because, to my knowledge, there are several in the House of Commons who *would* vote for the ballot, but would not vote for any adequate, if any, *extension* of the right of suffrage. If the ballot can *not* be carried, still less would it be possible to carry Radical Reform *in toto*: on the other hand, suppose it carried, we should then push on with increase of strength. Now then—suppose *him* to have got up a body of petitions for the *ballot*, a body strong enough for the purpose of *appropriate and necessary intimidation*, think of the support it would give you, on the occasion of a speech from you, at a meeting of the Livery in *Guildhall*; whereas, without such a support, the finest speech that ever was or could be uttered, would be so much *sound*, and nothing more. And so, again, in meetings of the *Common Council*, of which it is among my ardent wishes to see you a member. *He* in *his* part of the field—*you* in *yours*. Could you but prevail upon yourselves, or be prevailed on, to forget, on both sides, the irrelevant matter in question, you and he might, on his arrival in London, act in concert, and with greatly-increased effect.

‘No,’ you may say, ‘he is insincere’, or ‘*he is fickle*, and he will *back out again*, as he has done already.’⁵ Well, then—for the purpose of the argument, be it so; still, the further he has carried matters on in *our* track *before* he has backed out so much the better—for so much the better shall we be able to do *without* him when he is *gone*.

But my opinion of him is, that at present, in his declared advocacy of Radical Reform, even in its complete extent, he is *sincere*.

I cannot stay to give all my reasons; but some of them are these:—

1. I remember when, several years ago, he brought upon the carpet *Radical Reform* in its *whole extent*, making express reference to Bentham’s Parliamentary Reform Catechism, or Radical Reform Bill, or both, I forget which.⁶ At that time he gave the matter up. How could he do otherwise? No *support* could he find: to have persevered, would have been thenceforward to render it impossible to make any part of the great progress he has made. In his place (I remember well) I should have done the same.

2. Next as to the matter which you have so powerfully brought in charge against him; and, in particular, the giving up the forty-shilling freeholders.⁷ At that time I was witness to great difference of opinion

⁵ For Hunt’s accusation that O’Connell had sacrificed radical for constitutional reform see Letter 3432.

⁶ This occasion, which Bentham also mentions in Letter 3423, has not been traced.

⁷ In 1825 O’Connell had consented to an unsuccessful Catholic Emancipation Bill

between a number of intelligent men, all zealous wellwishers to Radical Reform—all of them completely either unexposed or superior to sinister interest in any shape. If I misrecollect not, I myself was for the giving up the votes of the men so circumstanced. Why? Because, their condition considered, I could not, at *that* time, see any the smallest probability of their doing as they *have* done.⁸ Nowhere but in Ireland could any self-sacrifice, in point of *numbers*, so extensive, or a thousandth part [so]⁹ *extensive*, have been produced; nor even *there*, without a sort of miracle, or even *by* miracles, for more than a time of *precarious* duration—a time of preternatural *excitation*.

Abominable as the other conditions are, every one of them, to my mind—considering *him* as an Irish Catholic (I myself am neither Irishman nor Catholic), I know not how to regard him, I must confess, as blameable, either on the score of honesty or judgment, for being desirous of making these concessions, rather than lose *emancipation altogether*—emancipation in the other remaining shapes.

Now, then, with this opinion, with what justice can *I* think ill of a man for taking the course, which, without any personal interest in the matter, I myself took, or should have taken?

Now, as to the *late* occasion.—On that occasion he gave up the motion for *Radical* Reform, and submitted to the substitution of the word *Constitutional*,¹⁰ which, as you think and as I think means nothing at all. This submission he made. But why? for the same irresistible reason for which he made the former one, as above; because either the motion, of which the word *Radical* stood part, would have been carried *against* him, or, if carried *by* him, would have produced such a *schism* as might have left him in a state of comparative impotence. So

which would have been accompanied by two measures referred to as the ‘wings’, namely the Elective Franchise in Ireland Bill which would have restricted the franchise to £10 freeholders and thus disenfranchised the 40s freeholders, and the Roman Catholic Clergy Support Bill, which would have provided for the state payment of Catholic clergy, intended to complement and to ease through Parliament the Catholic Emancipation Bill itself. For Hunt’s criticism of O’Connell’s agreement to disenfranchise the forty-shilling freeholders see the *Morning Herald*, 9 August 1828, p. 2: ‘Be assured, Sir, that if the *forty shilling freeholders* should be either so weak or so stupid as to be deluded by this “Constitutional” veering about of your’s—of this last proof of your intention to humbug them—that they will in the eyes of every correct thinking man in the kingdom, deserve to be as *debased* and *degraded* as you described them to be *upon your oath*, when you endeavoured, by all the means in your power, to rob them and to plunder them of their political existence.’

⁸ Bentham may have had in mind the Parliamentary elections of 1826, when many of the forty-shilling freeholders defied their landlords and returned candidates who supported or were sympathetic to Catholic Emancipation for County Armagh, County Louth, County Monaghan, County Waterford, and County Westmeath, but more likely when they did so to elect O’Connell for County Clare on 5 July 1828.

⁹ *Morning Herald* ‘su’.

¹⁰ For Hunt’s criticism of O’Connell on this ground in his letter of 8 August 1828, in the *Morning Herald*, 9 August 1828, p. 2, see p. 38 n. above.

much for the *motion*; but, as to *his own opinion*, he then declared and has since repeatedly declared that, by *Constitutional Reform* he meant *Radical*—nothing short of it.

Other passages in his political conduct there are, for which I cannot find any such *justification*: such was his adulation and prostration in regard to the King.¹¹ But the failing belongs partly to his nation, and partly to his profession. The Irish are in extremes naturally; and lawyers, being paid for being so, are so habitually. But, since that time, he has had a most instructive course of political experience; and, according to my view of the matter, he has profited by it. He seems to me much *improved*.

As to *you*, Sir, forgive the liberty implied in bestowing upon yourself that same commendation. Of late, I have had the pleasure of hearing it bestowed upon you, and without a dissenting voice, by many flowers of our Radical flock, whose sentiments and opinions in relation to you were, till of late, very far from favourable; and, amongst them, even rivals: but such rivals, whom no opposition, on the ground either of interest or sentiment, could ever draw aside out of the path of sincerity and justice.

To you it is no unexampled course to unite with men with whom you have had differences. Witness Mr. Cobbett.¹²

I have never seen either yourself or Mr. O'Connell. He knows not of my writing *this*; nor of my having any such [thing]¹³ in my thoughts—he cannot—for it has not been in them longer than this day or two.

But I have some reason for thinking that I have some influence with him—and if, by an answer to this, you will express a disposition to come to an accommodation, and enter into an union with him, as above—whatsoever influence I may have with him, shall, for that purpose, be employed. If you lay on me your injunctions, not to let him know that any such disposition, on your part, has been manifested,

¹¹ According to *Freeman's Journal*, 30 December 1820, p. 3, prior to the visit of George IV (1762–1830), King of Great Britain and Ireland 1820–30, to Ireland during the summer of 1821, O'Connell had supported a proposal to vote a loyal address to the King and to praise him for trying Queen Caroline (1768–1821), who he had married in 1795, for adultery; according to *ibid.*, 9 July 1821, p. 3, at a meeting in Dublin on 9 July 1821, he had seconded a motion inviting all Irishmen, regardless of creed, to welcome the King to Ireland 'with one unanimous IRISH welcome and congratulation'; and according to *ibid.*, 31 July 1821, p. 2, he had proposed that a dinner be held in Ireland each year upon the King's birthday.

¹² Despite having condemned aspects of Cobbett's behaviour towards him (see *Memoirs of Henry Hunt, Esq. Written by Himself, in His Majesty's Jail at Ilchester, in the County of Somerset*, 3 vols., London, 1820–2, iii. 22–4, 475), Hunt was willing to work with Cobbett, as for instance in 1828 when Cobbett had offered to stand with Hunt on the same platform for election to the Common Council of the City of London (see pp. 35–6 n. above).

¹³ *Morning Herald* 'things'.

FROM HENRY HUNT

28 SEPTEMBER 1828

those injunctions shall most punctually be complied with; but it seems to me it would afford a better promise, if you would *not*—for, at any rate, it is not with *you* that a proposal for an accommodation would, in this case, have *originated*; and here would be so much proof of sincere affection to the cause, and of good temper, of which *you* would have set the example—to *him* all that would remain would be to follow it—to follow the example set by *you*.

I forbear giving you my name—it is not necessary to the production of the effect desired; and it might have the effect of loading with irrelevant matter a business of such transcendent importance, which is already but too much incumbered with it. I flatter myself that, without discovering the name of the *individual*, your discernment will discover in the *sort* of person, one in whom, at any rate, for a purpose such as the present, the requisite confidence may be placed without any such risk as need oppose a bar to it. A letter, addressed to A. Z., at Mr. Byfield's, stationer, Charing-cross,¹⁴ will come to hand.

P.S.—I dread the appearance of another hasty and hot letter from Mr. O'Connell, before that which I am writing can reach him. Suppose any such letter to arrive, would it not be better to put it aside unread: at any rate, till you have seen what, if any thing, the letter I am writing to him has produced?

3445

FROM HENRY HUNT

28 September 1828

TO A. Z.¹

Sir, or Madam,—As a public man, I make it an invariable rule not to reply to anonymous communications.

36, Stamford-street, Sept. 28.

H. HUNT.

¹⁴ The firm of Byfield and Sons, booksellers and stationers, at 21 Charing Cross, had been founded in December 1823 by Henry Woolsey Byfield (d. 1826), Master of the Company of Stationers 1808–9, and his sons Robert and Charles Byfield.

3445. ¹ *Morning Herald*, 29 September 1828, p. 3, where it appears after Letter 3444.

In Letter 3444 Bentham had informed Hunt that any response should be addressed to 'A. Z.'

29 SEPTEMBER 1828

FROM DANIEL O'CONNELL

3446

FROM DANIEL O'CONNELL

29 September 1828¹

Darrinane Abbey
near Cahusiveen

29th Sept. 1828

Sir

I have two letters of yours unanswered²—both have been highly gratifying to me—and I hope useful. They certainly have nerved my purpose—and I now am determined to be incessant in urging 'the Code' at all seasons. The public mind has I think been for some time in a state of preparation for the adoption of an All-comprehensive Code—and I will take care to make it so familiar to the 'general ear' that no man will be abashed at bringing it directly before the consideration of 'honourable house.' It will of course meet in that sink of corruption all manner of hostility—but the public are so worried by the workings of the present law machine that I en[ter]tain sanguine hopes of being able to effectuate a compleat reform—that is a compleat clearing out of the present System—at least in Ireland. There is a confusion of ideas in the preceding passage which I will not at present stop to unravel.

I faithfully promise you to give the *four*—and if you allow *five* mornings at 'the hermitage' when I go to London. The subject of codification—or rather of 'A Code' is one of which I intend to make myself perfect master—that is as much master as I am capable of being. In the mean time whenever you perceive me ignorant tell me so at once and point out the sources of information. I am quite ready to avow my ignorance of every thing that I do not really know—and to get rid of that ignorance as speedily as I can.

Where shall I find the resolutions proposed by Sir Francis Burdett on the 2d. of June³—and referred to in the debate of which there is an extract in pages 53 54–55 of the testimonials

3446. ¹ National Library of Ireland, MS 5759. Autograph. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Cahusiveen thirty September 1828. Daniel O'Connell.' Postmarked: '2 OC 2 / 1828.' Stamped: 'FREE / 4 OC 4 / 1828.' Postmarked: 'CAHER-CIVEEN / 178'. Docketed: '1828 Sept. 30. Letter III. O Connell Cahusiveen to J.B. Q.S.P. Devoted to Codification. Will move J.B.'s *Petitions*.' Printed in *Correspondence of O'Connell*, viii. 201–2.

² Possibly Letters 3438 and 3440.

³ For the resolutions proposed by Burdett in the House of Commons on 2 June 1818 see *Parliamentary Debates* (1818), xxxviii. 1138–9. A copy of the resolutions is printed in Bowring, x. 495–7.

which follow the Codification proposal⁴—I suppose only in Hansard's debates.

I had determined to read 'the Episode' on procedure in the 4th. Vol of the 'Judicial Evidence' before I got your letter.⁵ In fact I have already read a considerable part of it—this will prove to you that your books have reached me.⁶ Accept I beg of you my most sincere thanks for them.

The exhibition of 'the fee gathering' or rather—'fee encreasing System' has ceased I believe for some time in England—but I have seen it in full work in Ireland. Our Chief Baron was distinctly convicted of it by a parliamentary commission. The honorable House—did of course deal leniently with him.⁷ Lord Norbury was another instance of it.⁸ I have some details on these subjects which will enliven the discussion of the principle matter when *we* come to debate it in parliament.

I do not read the Morning Herald. In fact I got so disgusted with the drivelling absurdity of the Editorial Articles that I gave it up—but I will read it regularly in future and carefully pick out the letters of Parcus already published.⁹ I can get the fyle of that paper in Dublin.

⁴ See 'Codification Proposal. Part II.—Testimonials', pp. 52–5, reproduced in *Legislator of the World* (CW), pp. 300–5.

⁵ O'Connell is presumably responding to a comment made in a passage omitted in Bowring from either Letter 3438 or 3440. The fourth volume of *Rationale of Judicial Evidence* contains Book VIII. On the Cause of Exclusion of Evidence, the Technical System of Procedure at pp. 1–475 (Bowring, vii. 196–334) and Parts I–II of Book IX. On Exclusion of Evidence at pp. 477–645 (Bowring, vii. 335–83), but O'Connell's allusion to 'the Episode' is obscure.

⁶ Bentham had sent copies of various works to O'Connell on 30 August 1828: see Letter 3432.

⁷ Standish O'Grady (1766–1840), first Viscount Guillamore [I], Chief Baron of the Irish Court of Exchequer 1805–31, had been accused of unjustly increasing his own fees in the ninth and eleventh Reports of a Parliamentary Commission into the 'Duties, Salaries, and Emoluments, of the Officers, Clerks, and Ministers of Justice, in all Temporal and Ecclesiastical Courts in Ireland', printed on 16 April 1821 and 16 May 1822 respectively. Each of these Reports was thereafter the subject of Select Committee investigations, the findings of which were printed on 3 July 1821 and 16 May 1823 respectively. A Committee of the whole House discussed the accusations, but it was resolved that no legal or other official action would be taken against O'Grady. See *Commons Sessional Papers* (1821), xi. 29–77, viii. 465–95; (1822) xiv. 363–448; (1823) vi. 1–9; and *Parliamentary Debates* (1823), ix. 1471–6, 1506–11.

⁸ John Toler (1745–1831), first Baron and first Earl Norbury [II], Chief Justice of the Irish Common Pleas 1800–27, was also investigated by the Parliamentary Commission on emoluments in the Irish courts and featured in their fourth, fifth, and seventh Reports, printed on 17 March 1818, 25 January 1819, and 20 December 1819 respectively, but likewise escaped any proceedings: see *Commons Sessional Papers* (1818) x. 557–90; (1819) xii. 5–284; (1819–20) iii. 51–299. In 1825 O'Connell had petitioned Parliament for Toler's removal from the bench on the grounds that he had fallen asleep during a murder trial and had been unable to give any account of the evidence when his notes had been requested. Norbury had eventually been induced to resign in 1827 by the offer of an Earldom.

⁹ In the spring of 1828 Bentham had published five letters on the subject of law reform in the *Morning Herald* under the pseudonym of Parcus, in large part directed at Robert Peel: 'Peel, Bentham, and Judges' Salaries', *Morning Herald*, 7 April 1828, p. 2; 'Peel and

29 SEPTEMBER 1828

FROM JEAN-BAPTISTE SAY

I read with great rapidity and have already read much of the books you sent me. I am not a stranger to your works by any means—nor was I before you sent them. I however read more of them than I digested. I took only the landmarks for the purposes of practical utility—not then foreseeing that I should have any chance of reducing your opinions into practice—although the general notion has been long familiar to my mind that I should be instrumental in introducing a Code and abolishing the present nefarious and atrocious System

Shall I apologise to you for setting you to work on the petitions.¹⁰ Be assured that they shall reach the public through the honble house and otherwise. In short never was man more anxious to be useful than

My dear Sir
Your very faithful
disciple

Daniel O Connell

Jeremy Bentham Esq

3447

FROM JEAN-BAPTISTE SAY

29 September 1828¹

Mon cher et respectable Maître,

J'ai reçu votre lettre² par le colonel Stanhope. Les nouvelles de votre santé et de votre esprit me sont toujours précieuses; mais j'y répondrai en peu de mots aujourd'hui. La meilleure recommandation que pût avoir le colonel pour le général La Fayette, c'est la vôtre; quoqu'il en soit, je l'aurais conduit chez le doyen des amis de la liberté, s'il eût été à Paris; mais il est à la Grange.³ J'ai offert au Colonel une lettre

Munificence;—Bentham and Niggardliness', *ibid.*, 15 April 1828, pp. 2–3; 'Peel, Tenterden, Bentham, and Law Reform', *ibid.*, 8 May 1828, p. 3; 'Written Pleadings Pickpocket Lies', *ibid.*, 29 May 1828, p. 2; and 'Inquiry-Splitting and Reform-Quashing Commission Jobs', *ibid.*, 29 May 1828, p. 3.

¹⁰ Presumably the work later published as *Justice and Codification Petitions: being forms proposed for signature by all persons whose desire it is to see Justice no longer sold, delayed, or denied: and to obtain a possibility of that Knowledge of the Law, in proportion to the want of which they are subject to Unjust Punishments, and Deprived of the Benefit of their Rights. Drafts for the above proposed petitions*, London, 1829 (Bowring, v. 437–548).

3447. ¹ BL Add. MS 33,546, fos. 242–3. Autograph. Docketed: '1828 Sept. 29. Say—Paris to J.B. Q.S.P. Delivered by Morstadt—Professeur du Droit à Heidelberg.' Addressed: 'Jeremy Bentham Esq^{re} Queen Square place, Westminster London.'

Karl Eduard Morstadt (1792–1850), Professor of Law at Heidelberg University 1819–47, Dean 1847–50.

² Letter 3435.

³ La Fayette's residence.

TO DANIEL O'CONNELL

29 SEPTEMBER 1828

d'introduction pour le général; il n'a pas voulu l'accepter, ne séjournant pas assez longtems à Paris pour faire cette excursion.

Quant à O'Connor,⁴ je l'ai beaucoup vu autrefois, mais depuis qu'il habite la Campagne, je l'ai perdu de vue. Ce qu'on vous a rapporté de son entrevue avec Bonaparte, me paraît assez vraisemblable, mais je ne peux garantir l'anecdote. Si Mad^e Cabanis⁵ eût été à Paris dans ce moment, je serais allé lui demander des détails sur son gendre.

Je confie cette lettre à M. Morstadt, professeur de droit à l'Université d'Heidelberg. C'est le traducteur de mon *Traité d'Économie politique* en Allemand,⁶ homme de mérite, homme de confiance, entièrement de notre religion et qui peut vous donner de bons renseignements sur l'état de l'instruction & de l'esprit public en Allemagne. Je vous le recommande.

Adieu, mon cher Maître, continuez à vous bien porter pour le Salut du monde & la satisfaction de vos amis. E. l'J.

J.B. Say

Paris 29 septembre 1828

3448

TO DANIEL O'CONNELL

29 September 1828 (Aet 80)¹

Jeremy Bentham to Daniel O'Connell

Q.S.P. 29 Sept. 1828

Before you receive this, you will have received mine of the 26th? Inst² having for it's object a reconciliation and union between you and Hunt. In the *Herald* of this day, you may see the result of this endeavor. I mean a letter of mine to him, which, instead of giving a private answer to it, he has thus made public.³ I do not however altogether regret the

⁴ i.e. Arthur O'Connor: see Letter 3435.

⁵ Charlotte-Félicité de Grouchy (1768–1844), known as Madame de Cabanis after her marriage in 1796 to Pierre Jean George Cabanis (1757–1808), physician and philosopher, was the younger sister of Sophie de Grouchy, wife of the Marquis de Condorcet.

⁶ Morstadt translated Say's *Traité d'économie politique, ou simple exposition de la manière dont se forment, se distribuent, et se consomment les richesses*, 2 vols., Paris, 1803, as *Ausführliche Darstellung der Nationalökonomie oder der Staatswirtschaft*, 3 vols., Heidelberg, 1830.

3448. ¹ National Library of Ireland, MS 13,647 (27). In Colls's hand, with the exception of the salutation, address, corrections, and concluding sentence, which are in Bentham's hand. Addressed: 'For Dan^l O'Connell Esq. M.P. Derrinane Abbey, Cahuseveen Ireland.' Stamped: 'FREE / 29 SE 29 / 1828'. Postmarked: 'SE / M 29 / 1828'; and '1 OC 1 / 1828'. Printed in the *Irish Monthly*, vol. xi, no. 122 (1883), 430–1, where it is misdated 27 September 1828.

² Letter 3443, which was in fact dated 25 September 1828.

³ Letter 3444.

having sent it. It has had the effect of giving you, and without your committing yourself any further,—such information as to his disposition—such insight into it—as you could not have had otherwise. It will help to enable you to judge whether, in any event, any probability has place either of having him for a Coadjutor for two moments together, or even for one, or of his ceasing to be an enemy to you, and, to the utmost, to every thing good which you were to propose or advocate: at so high a degree do the passions of envy and jealousy appear to stand in the thermometer of his mind.

You will see what he says in relation to *Mr Leader*:⁴ it is a matter, as to which I am in a state of entire ignorance. I hope it will be in your power to give to the public as compleat a justification of yourself in regard to *this*, as it seems to me you have in regard to the *other* matters.

Should you, on this occasion, say any thing *to* him or *of* him, I hope to see it free from this plaging vituperative matter. You see how completely *he* has abstained from it since this of mine has reached him. Herculean appears to be the strength of his mind. What pity it can not be applied to better purposes!

My letter to him was left at his House in Stamford Street, N^o 36, at ½ after 8, on *Saturday* the 27th by a friend of mine:⁵ this is *Monday* the 29th, the first newspaper day after his receipt of it; and you see with what promptitude he has taken this method of disposing of it.

He speaks of his being '*inundated*' with letters upon that subject from various parts of the 'United Kingdom.'⁶ I can not but be somewhat

⁴ In a letter to the Editor, dated 28 September 1828, printed in the *Morning Herald*, 29 September 1828, p. 3, where it preceded Letters 3444 and 3445, Hunt commented: 'Mr. O'Connell says he is a *Radical Reformer*, but what are his ACTS?—First he refused to have Mr. Geo. Ensor, a real Radical Reformer, put in nomination with him at the election for Clare, in case he himself should not be found eligible to sit in Parliament; and, next, what does he do when there is a vacancy for the borough of *Tralee*? Instead of recommending Mr. Ensor, or any one of the numerous talented, honest, real Radical Reformers of Ireland, why forsooth he recommends the electors of *Tralee* to return, not a *Radical*, but a *Constitutional Reformer*, a genuine *Whig*, a Mr. Leader, a brother lawyer; therefore, I shall exercise my judgment of Mr. O'Connell's acts in future, and never again be misled by his professions.'

George Ensor (1769–1843), political writer, was a noted critic of the government of Ireland after the Union of 1801. At a by-election for *Tralee* on 12 September 1828, Nicholas Philpot Leader (1773–1836), Irish barrister, was proposed in opposition to Sir Edward Denny (1774?–1831), the patron of the borough. According to *The Patriot*, 15 September 1828, p. 1, the Provost Caleb Chute (d. 1851) refused to consider Leader's candidature and declared Denny elected. Leader was later elected as MP for *Kilkenny City* 1830–2. ⁵ Not identified.

⁶ In his letter of 28 September 1828, Hunt stated that he had been 'inundated' with letters on the subject of his controversy with O'Connell, but requested that 'in future, such persons who may wish to communicate their sentiments to me by letter will please not to forget to let it be *post-paid*, as they will be reasonable enough to recollect that *I* have not (*like Mr. O'Connell*) the *Catholic Rent*, nor any other source, to rely upon for the payment of this or any other expense I may be put to, by my public exertion, but that of my own private

TO DANIEL O'CONNELL

30 SEPTEMBER 1828

sceptical on that subject. He speaks of this letter of mine as being a '*sample*' of them. I should not wonder if it were the only one. He speaks of *them* as not being *post paid*: and, for the declared purpose of complaining of the expense, and thereby impliedly of the multitudinousness of them.

For fear of losing the post I must dispatch this: continuation, by *tomorrow*.⁷

3449

TO DANIEL O'CONNELL

30 September 1828 (Aet 80)¹

Jeremy Bentham to Daniel O'Connell

Q.S.P. 30 Sept. 1828

In continuation of the letter sent yesterday.²

As to this extraneous circumstance, namely *expense of postage*—this at any rate, is *not a sample* of them—of the letters said by him to have been received by him: for, not a penny did it cost him, having been delivered, as above.³ No such expense was brought upon him by *this* letter: and yet it is not till *this* comes, that he makes any complaint of the expense. You will judge whether there might or might not, *eventually*, be any use, in an *invitation* given to him by you, to produce any of these letters, with the post marks upon them to any neutral person, who could be depended upon, for example, the Editor of the Morning Herald.⁴

At any rate, I hope not to see any endeavor to hold him up to contempt on the score of his *trade*.⁵ What I said on that subject was—not in a *public* letter to *him*, but in a *private* letter to *you*: and then in jest only:⁶ any thing of this sort being so offensive to Radicals, and giving so much advantage to Aristocrats.

property.' He went on to say that he had 'enclosed . . . one of these letters [Letter 3444], as a sample, with my answer to the person who wrote it [Letter 3445]'. ⁷ Letter 3449.

3449. ¹ National Library of Ireland, MS 13,647 (27). In the hand of Colls, except for the salutation, address, heading, and corrections, which are in Bentham's hand. Printed in the *Irish Monthly*, vol. xi, no. 122 (1883), 431–3.

² Letter 3448.

³ In Letter 3448 Bentham explains that Letter 3444 had been delivered to Hunt's address by hand.

⁴ Thwaites Wright, who had been Editor since 1820.

⁵ O'Connell had referred to Hunt's shoe-blackening business in his letter to him of 9 September 1828: see p. 38 n. above.

⁶ Bentham had referred to 'roasted wheat-seller Hunt' in Letter 3432.

In my letter to him,⁷ you will see I have gone as far in his favor as I could, consistently with sincerity: you, at the same time, see the result.

In what I wrote to him, I was prepared for the event of it's being known that it was by *me*, as an event, which, in case of non-success, would be an unfortunate one. I am not altogether without apprehension of it's taking, or even having place: for, you see the connection he has with the Herald, and I should not wonder if he had taken that letter of mine, which is in the same hand with this, to M^r Thwaites, the Editor, to whom the hand-writing is well-known: and, on this supposition, the doubt expressed as to the sex of his correspondent⁸ may have been intended as an expression of contempt. M^r Thwaites and I are upon the most friendly terms: but, whether, in this case, he would think it incumbent on him to forbear giving the information in question, (nothing having been said to him on the subject on my part,) is more than I can regard myself assured of.

As to Hunt, before we have done with him, let us not, however, pass unobserved in his favour, the fairness of publishing, entire, a letter containing, as mine to him does, a justification of you against his charges: nor does he contest the validity of the justification on any other ground than that of the *new* charges, brought forward by him, as above. I hear, moreover, that before the mention made by you of the substitution of the word *Constitutional* to the word *Radical*,⁹ he had recently taken public measures in the Newspapers for procuring support to you here.¹⁰ I have no recollection of having heard this read. Supposing this so, here is a mishap: but the amount of the mishap is rendered doubtful—by the doubtfulness of his keeping up any such subsidiary course, supposing it begun.

A propos of M^r *Enso*r. I know him well; and the many others here who know him still better than I do, join with me in regarding him as a very honest man. He is also, in various ways, a very *able* man; but, those who know him better than I do, speak of him as a remarkably intractable, or, as the phrase is, an *impracticable* man: too self-satisfied, inflexible and irritable to be disposed to act in conjunction with any

⁷ Letter 3444.

⁸ See Letter 3445.

⁹ For O'Connell's substitution of the term constitutional to radical see p. 24 n. above.

¹⁰ In a speech on 21 July 1828 at the inaugural meeting of the Friends of Civil and Religious Liberty, a group of London-based Irish Catholics formed following O'Connell's election, Hunt cautiously gave his endorsement to O'Connell, noted O'Connell's determination 'to support, to maintain, and endeavour to effect, a radical reform' in Parliament, and said that he himself hoped 'to see the day when all will unite in asserting the great principle of Liberty, Protestant as well as Catholic Emancipation, which can never be attained without radical reform': see 'Mr. Hunt's Speech, At the Meeting of the Association for promoting Civil and Religious Liberty, held at the Hall of the Mechanics' Institute, on Monday, the 21st of July', *Cobbett's Political Register*, vol. 66, no. 5 (2 August 1828), 155–60.

FROM JAMES YOUNG

30 SEPTEMBER 1828

other man. Yet, supposing it so in this one instance, could not the objection be got over, in consideration of his other merits? Not having *ear* or *voice* in Catholic assemblies, he would not, I should hope, be likely to stand in your way in Ireland.

I have been thinking what Englishmen there are, (Protestants,) who could and would do you service in Parliament, in ways in which it could not so well be done by Irishmen. What say you to the holding of yourself open to consider of this, on your coming to London, at the intended time?¹¹

The liberties I have been taking with you can not have escaped your notice. What sort of feeling in relation to you they may have had for their efficient cause—friendly sympathy and anxiety, or the pleasure of arrogance, you will judge. But, were it even this offensive pleasure, would any such offence on my part afford, in your estimation, any reason for your declining to derive any such benefit as might be derivable from it? Before you were born I was a Barrister, and a writer on public subjects:¹² let that be my apology.

3450

FROM JAMES YOUNG

30 September 1828¹

Calcutta, September 30, 1828.

MY DEAR AND VENERATED FRIEND,—I failed not to send off to Rammohun Roy, my excellent friend the Brahmin,² *his* portion of the package's contents and your letter to him;³ and he tells me, in a note, that he will endeavour, to the utmost of his ability, to write to you on the subject of your letter, and thank you for your notice of him. He is a very sincerely modest man—far too diffident indeed

¹¹ In Letter 3426 O'Connell had informed Bentham that he would come to London in March 1829, but he in fact arrived on 9 February 1829.

¹² Bentham had been admitted to the bar on 15 February 1769 and his first published work was the anonymous *The White Bull, An Oriental History. From an Ancient Syrian Manuscript, communicated by Mr. Voltaire. . . . The whole faithfully done into English*, London, 1774. O'Connell had been born in 1775.

3450. ¹ Bowring, xi. 7–9. An extract, with minor variations, is printed in *The Life and Letters of Raja Rammohun Roy*, 2nd edn., ed. S.D. Collet and H.C. Sarkar, Calcutta, 1914, pp. 140–1, and in *Selections from official letters and documents relating to the life of Raja Rammohun Roy, Vol. I 1791–1830*, ed. R. Chanda and J.K. Majumdar, Calcutta, 1938, pp. lxxxviii–lxxxix.

² Rajah Rammohun Roy (c. 1774–1833), Indian Brahmin and intellectual, servant of the East India Company until 1815, and promoter of various liberal causes in India.

³ Missing.

for the remarkable and *unique* station he fills among his benighted countrymen. His whole time almost has been occupied for the last two years in defending himself and his son against a bitter and virulent persecution which has been got up against the latter nominally—but against himself and his abhorred free opinions in reality—by a conspiracy of his own bigoted countrymen, protected and encouraged, not to say instigated, by some of ours—influential and official men who cannot endure that a presumptuous ‘Black Man’ should tread so closely upon the heels of the dominant white class, or rather should *pass* them in the march of mind. Rammohun Roy, after an arduous and prolonged battle through a gradation of tribunals, has at length, by dint of talent, perseverance, and right, got the better in the last resort;⁴ but the strife, and the magnitude of the stake, and the long despair of justice, have shattered his nerves and impaired his digestion and bodily health, and his energies of mind. It is now over, and I hope most fervently that he will recover himself again. Not only has he no *equal* here among his countrymen, but he has none that at all *approach* to equality, even among the little ‘sacred squadron’ of disciples whom he is slowly and gradually gathering around him in despite of obstacles from his own and our people, which no one can rightly appreciate who has not seen and felt the difficulties which the condition of society here opposes to a reformer, and, above all, to a native reformer. But he perseveres, and does make a *distinct* and visible progress, slow as it is—very slow! It must increase in a geometric ratio, if he is only spared long enough to organize the elements he is gathering together of resistance to superstition and fanaticism, religious and political. His main efforts are directed, and judiciously so, to the primary step in the process of amelioration—of throwing off the yoke of priesthood and of *caste*. The diabolical genius who devised the separation of Hindoos into orders, who are cut off from all social and intimate connexion of what may be called a *domestic nature* with each other, set at work an instrument complete and effectual in its operation for the political as well as the religious prostration of mankind. Where men may not dwell with each other in domestic association—where they cannot eat or drink, intermarry, and intercommune together, because of difference of tribe and privilege—where this evil has been fixed and imprinted by many centuries of habitual acquiescence, and under

⁴ Radhadas Roy (b. 1800), the elder of Roy’s two sons, had during 1825–6 been charged and eventually acquitted of embezzling government funds when acting as Naib Sherishtadar of the Burdwan Collectorate. The prosecution had apparently been instigated by the party of Maharaja Tej Chand of Burdwan (d. 1832), who was hostile to both Radhadas and his father. See *Life and Letters of Raja Rammohun Roy*, p. 119, and *Selections from official letters and documents relating to the life of Raja Rammohun Roy, Vol. I 1791–1830*, pp. lxi–lxxxix.

horrible penalties of excommunication—where such is the frame of society, how can men combine for any useful purpose of improvement or resistance? No wonder that the Hindoos have always been enslaved and oppressed when they are thus effectually divided! Till these barriers can be weakened or broken down, *nothing* can be done *by* them, or perhaps for them. It is against this anti-social element of Hindoo society that Rammohun Roy directs his quiet—his secret—but his persevering endeavours; and by avoiding any public alarming of the Brahminical and higher orders of his countrymen—and, I may add, of our own jealous aristocracy of colour and of place, he is obtaining the slow but distinct progress to which I have adverted—he is gathering round him a secret society of Hindoos of various castes, whom he persuades by degrees to associate, and even eat together at his house: Those who go beyond this *awful* line of demarcation can never recede; that is, the *higher* orders (and he is himself of the very highest caste) of Brahmins, and others, who are *committed* by the act of degradation implied in domestic intercourse with inferior tribes.

I fear I may have failed in impressing you with the same notions which I entertain, of the infinite importance of this line of conduct. As I have said before, one must have personal experience of the abominations of this *sort* of politico-religious aristocratical frame of society, to appreciate it. Without that it is natural that philanthropists, at a distance, should think Rammohun Roy wastes his time and expends his valuable life and labours in work of an inferior sort,—and you may fancy that he moves too slowly, and does not come forward with sufficient boldness, to strike at greater evils, and attack men and measures of a higher order. But to what end should he labour at such works if the ground be not prepared to receive the seed? As yet there are none or next to none fit to comprehend the more lofty imaginings which his master-mind can grasp, and on which he loves to expatiate in the confidential society of some three or four heterodox Europeans. But he is ploughing, and harrowing, and planting, and our ‘after-comers’, if *he* lives long enough, will see the fruits. It is strange, you will think, that such a man should be looked upon coldly, not to say disliked, by the mass of Europeans,—for he is greatly attached to us and our *régime*. Not that he loves our churches, or priests, or lawyers, or politicians; but because he considers the contact of our superior race with *his* degraded and inferior countrymen, as the only means and chance they have of improving themselves in knowledge and energy. But it is one of the thousand curses inflicted by the Company’s⁵ *régime* in India, that nineteen in twenty, or rather ninety-nine in a hundred,

⁵ i.e. the East India Company’s.

of the only Europeans who are allowed to come to this country, are employés, civil or military, who resort hither to scrape up and carry away all they can, and as soon as they can, without heed, or care, or concern in the prosperity of India. A dominating race thus *encamped* in a conquered country, and an infinitesimally and small minority in numbers, naturally looks with the extreme of jealousy on all improvements, physical and mental, of the Indigines, or even of their own mixed descendants; nor will it ever be otherwise till resort is free to all who can bring with them or obtain the means of supporting themselves, settling, colonizing, and amalgamating, and identifying themselves and their posterity with the natives.

* * * * *

To the evil of general jobbing and general distrust, there is a remedy fully and universally applicable,—Public opinion. If independent Europeans were not kept out, and being here, if they could speak freely through the press, and were not liable to deportation at will, then there would be such a check on the proceeding of secretaries, and boards, and councils, as would deter them from jobbery and injustice. Then the supreme authority might safely and satisfactorily leave nine-tenths of its trumpery avocations to inferior functionaries. Then there would be *time* to legislate and improve, and, before all things, to codify, while our statute-book is yet manageably small, and our corps of the law have not yet maintained a strong and separate interest, powerful enough to put down all improvement! Publicity,—a free press would thus prevent our minds from stagnating, and our local government would gradually assume its proper functions, and would take much of its tone from the opinions of those it ruled. There would be time to do good.

Lord William Bentinck⁶ seems very frank and plain, very inquisitive, and endowed with considerable sagacity; his temper is excellent, I hear. I think he will encourage the press, because he is honest and diligent; clean hands and clear head, 'tis not such who fear publicity. I think he will promote education, and do away the murder of women and children. I think he will admit natives to higher offices of trust, and do away the exclusion of black and coloured men from the administration of justice. He is the only man I have yet seen in power, who seemed to think as if he thought Patronage was not private property but a trust. Already he has delivered himself very considerably from the trammels of clique, and the bureau here, who usually possess

⁶ Lord William Cavendish Bentinck (1774–1839), Governor-General of Madras 1803–7, Governor-General of Bengal 1827–33, and Governor-General of India 1833–5.

FROM DANIEL O'CONNELL

6 OCTOBER 1828

themselves of a new comer, and never leave him till they bring him down to their own level, as opposers of all that is liberal.

These are no slight *éloges*, but they are rather prognostics than predications.

All happiness attend you, my venerable and dear master.—Yours affectionately and sincerely.

3451

FROM DANIEL O'CONNELL

6 October 1828¹

Darrinane Abbey

6th October 1828

Allow me to assure you that your letters can give me no other *sensation* but that of pleasure. I did not speak to you of my long cherished opinions respecting yourself least I should have the appearance of flattery even while I kept myself within the strict lines of sober truth. But let me not be so accused whilst this one sentence breathes from me—that I am convinced that no one individual in modern times approaches in any degree to the practical and permanent Utility of Bentham. You will have contributed more to the great approaching change from the *plundering* forms of government to the protecting modes of administering the affairs of mankind than any one man that ever existed.

I owe you many many obligations. I long felt the pressure of the present System of Law including under that word all its details. My conviction of its iniquity was so strong that for the people at large I deemed it better that there should be no tribunal at all than the existing modes of recovering debts. I would have left to the poorer classes every debt a *debt of honour* and no sanction under which *credit* could be obtained but that of the personal character of each individual, giving to each *that* as a stimulant to *deserve* confidence. You have satisfied me that contracts may be enforced for the people at large by the natural and domestic plan of proceeding—and the obligation *to appear* in person ceases to be an inconvenience or at least can not reasonably be objected to by the favourers of a system

3451. ¹ National Library of Ireland, MS 5759. Autograph. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Cahuciveen six October 1828. Daniel O'Connell.' Stamped: 'FREE / 11 OC 11 / 1828'. Postmarked: 'CAHERCIVEEN / 178' and '9 OC 9 / 1828'. Docketed: '1828 Oct. 6. Letter V. O Connell Darrinane Abbey Cahusiveen to J.B. Q.S.P.' Printed in Bowring, x. 602–3, and *Correspondence of O'Connell*, viii. 203–6.

which compels uninterested witnesses to give to third persons their time and trouble.²

Why do I trouble you with these subjects. Simply to shew you that it is needless to offer me any thing in the way of apology. Though not as able—of course I am not—I am as anxious to be useful as you are—and the '*Strike but hear*' of the Grecian is one of my maxims.³ I belong to a religion which teaches the merits of good works—and I am quite a sincere votary of that creed. Besides the pleasure of doing good—and the gratification which a light heart feels even at the attempt to be useful—there is—I hope I say it without any tinge of hypocrisy a higher propelling motive on my mind. There is the stimulant I hope of religious duty and spiritual reward. There are many who would smile at my simplicity—and the '*liberaux*' of France who hate religion much more than they do tyranny—would sneer at me. Yet it is true. I do look for a reward exceedingly great for endeavouring to terminate a system of fraud, perjury and oppression of the poor.

This feeling it is which enables me without effort to bear the revilings of Hunt or any other man. If they assail a sore point my business is to cure that sore—and I really do without an effort concede to you what I hope I should concede even if it were difficult the determination not to *reply* to Hunt's last letter⁴ with any of that contemptuous acrimony which his letter incited and enabled me to do.

The attack upon *trade* began with Hunt. In his first letter he attributed to me all the Vices and they are many of my trade. He accused me of trafficking in the liberties of my country and prostituting for gain my religion.⁵ Is it after this quite impartial in those who condemn me for reviling him to forget that he began the Vilification.

I have not seen his second letter—and shall defer my short reply to his angry rejoinder to mine until I see that letter.⁶ Depend on it my

² The hearing of all parties and witnesses in person and their subjection to cross-examination was one of the features of the 'natural or domestic mode of procedure' that Bentham recommended: see, for instance, *Rationale of Judicial Evidence*, Bk. III, Ch. XX, i. 425–34, and Bk. VIII, Ch. XXVIII, iv. 428–56 (Bowring, vi. 504–7 and vii. 320–9).

³ See Plutarch, *Life of Themistocles*, xi. 2–3: 'when Eurybiades lifted up his staff as though to smite him, Themistocles said: "Smite, but hear me." Then Eurybiades was struck with admiration at his calmness, and bade him speak, and Themistocles tried to bring him back to his own position.'

⁴ i.e. Hunt's letter of 23 September 1828, in the *Morning Herald*, 24 September 1828, p. 2.

⁵ See Hunt's letter of 8 August 1828, in the *Morning Herald*, 9 August 1828, p. 2, where he accused O'Connell of attempting 'to *traffic* in the liberties of [his] countrymen, and to *prostitute* the religion of [his] forefathers'.

⁶ The 'second letter' was Hunt's letter of 28 September 1828, addressed to the Editor, in the *Morning Herald*, 29 September 1828, p. 3, and the 'angry rejoinder' that of 23 September 1828, in *ibid.*, 24 September 1828, p. 2, addressed to O'Connell.

reply will contain nothing you will condemn—nothing inconsistent with a perfectly or nearly perfect '*amicable discussion*'.

I have a very high opinion of George Ensor. He is not a 'practical man' so far as making any effort to arrange that combination of moral force and so to organize it as to *press* upon the common enemy—but he is a man of pure principle and excellent notions. He and I are *now* friends. I got a letter from him by the same post which brought your two last.⁷ He did justice to my motives even when he thought me wrong—namely respecting the 40^s freeholders—and he has since acknowledged my disposition to be useful and the value of my eternal struggle to be so. There is a passage in a pamphlet of his attributing to me misrepresentation of the freehold Wing—but it was he that was mistaken and not I—although he had a public document to sustain him yet the private arrangement was made by me.⁸ I *conjecture* that this is what I *collect* from you Hunt alludes to.

I have a strange recklessness of Calumny. It does not at all affect me. I am so regardless of it that I have one thousand times passed over in silence accusations which I could most triumphantly refute. One reason is that I am so well known to the Irish amongst whom has been hitherto my sphere of Utility that no Calumny lessens my power of being useful amongst them. But let me beg of you not to allow any unfavourable impression to remain on your mind of me without calling for an explanation. You shall have from me in reply 'the truth, the whole truth and nothing but the truth'.⁹

My opinion of Hunt is that his radicalism is not love of liberty—but hatred of tyranny—mixing I think with hatred of any thing superior of any description. These men—I mean men of this description are however necessary. They are the pioneers of reform—but they get so 'unsavoury' from their trade that it is absolutely requisite to send them to the rear when the practical combat comes on. My letter to

⁷ Letters 3448 and 3449.

⁸ According to the editor of *Correspondence of O'Connell*, viii. 206 n., 'O'Connell must surely have meant to say that the private arrangement was *not* made by him.' In *Irish Affairs at the Close of 1825*, Dublin, 1826, pp. 6–11, Ensor had contrasted O'Connell's hostile reference to William Conyngham Plunket (1764–1854), Irish Attorney General 1822–7, Chief Justice of the Irish Court of Common Pleas 1827–30, reported in the *Dublin Evening Post*, 10 February 1825, p. 3, with O'Connell's praise of Plunket in a public letter to the Catholic Association, printed in the *Dublin Evening Post*, 10 March 1825, p. 3. Ensor attributed the change to a secret meeting, claiming that O'Connell had 'sought an interview' with Plunket, after which the latter, despite his animosities towards the Catholic Association, had been suddenly transformed from O'Connell's '*personal enemy*' to the 'object of his rapturous encomium'. While Ensor stated, 'I do not say Mr. O'Connell was corrupted' over his conduct in relation to the 'freehold Wing' and his relationship with Plunket, he remarked that O'Connell had 'trifled so with his reputation, that he tempted suspicion, and impaired confidence, not only in himself, but in the Catholic cause'.

⁹ The oath traditionally sworn by a witness at a trial in the Common Law courts.

10 OCTOBER 1828

FROM LOUIS I, KING OF BAVARIA

Hunt¹⁰ was founded on this idea—I did intend to dismiss him to his proper Station—and I would, if you had not interfered, have followed that letter up with one letter more which should have terminated the contest on my part. I still think of writing a few lines but they shall not be disrespectful ‘Car tel est votre plaisir’. You shall be my thermometer of Hunt’s political utility. Tell me to throw him overboard altogether and I will do it without alluding offensively to his blacking—but reminding him of his pride as ‘Lord of the Manor of Glastonbury’.¹¹ Tell me to treat him with respect and I will do so subduing my mind to your judgment upon his future power of usefulness.

I conclude with these notices—

1^t I leave this place on Thursday the 9^h Inst. My address will be Kilkenny until the 17^h of this month. Hence forward ‘Dublin’.¹²

2^d It is *impossible* for any thing respecting me and M^r Leader to be both true and in any degree derogatory.

3^d George Ensor has a voice in Catholic assemblies. Although if a Christian at all certainly not a Catholic. He is however a first rate man.

4^h No man stands in my way in Catholic or other assemblies. If he be more useful than me he is doing *my* work.

With sincere respect and gratitude

Your faithful

Daniel O’Connell

3452

FROM LOUIS I, KING OF BAVARIA

10 October 1828¹

Monsieur!

Ce n’est que dans le courant du mois d’Août que j’ai reçu la lettre que vous m’avez adressée de Londres le 20 Décembre 1827 et

¹⁰ i.e. of 9 September 1828, in the *Morning Herald*, 19 September 1828. pp. 2–3.

¹¹ Hunt was descended from a family of Wiltshire gentry and had inherited over 3,000 acres from his father Thomas Hunt (d. 1797), including the manor and estate of Glastonbury in Somerset.

¹² O’Connell remained at Derrynane until at least 14 October 1828: see *Correspondence of O’Connell*, iii. 418.

3452. ¹ BL Add. MS 33,546, fo. 245. In the hand of a secretary, except for the autograph signature. A cover, addressed ‘À Monsieur Jeremy Bentham à Londres’, is at *ibid.*, fo. 246. Bentham received the present Letter on 3 November 1828 as an enclosure with Letter 3459.

Louis or Ludwig I (1786–1868), King of Bavaria 1825–48.

FROM LOUIS I, KING OF BAVARIA

10 OCTOBER 1828

avec laquelle vous avés bien voulu m'envoyer votre Projet d'un Code constitutionnel ainsi que votre ouvrage, portant le titre: 'Codification proposal'.²

Je vous remercie bien de votre attention. J'ai communié ces écrits à la Commission chargée des projets de législation,³ qui ne manquera pas de s'aider des lumières d'un auteur aussi éclairé en tout ce qui sera applicable à nos états, nos constitutions et usages.

Recevés l'expression de ma reconnaissance, et celle des Sentimens d'estime avec lesquels je suis

Louis

Munich ce 10 Octobre 1828.

À Monsieur Jeremy Bentham.

TRANSLATION.⁴

LETTER FROM THE KING OF BAVARIA TO
MR JEREMY BENTHAM OF LONDON.

SIR,—It is only in the course of the month of August that I received the letter you addressed to me from London, the 20th of December 1827, and with which you had the goodness to send me your plan of a Constitutional Code, as well as your work, having for its title 'Codification Proposal.'

I give you my thanks for this attention on your part. I have made communication of these your works to the Commission charged with the business of legislation, and it will not fail to avail itself of the information proceeding from so enlightened a mind, in respect of all such matters as should be found applicable to our states, our constitutions, and our customs.

Receive the expression of my acknowledgment, and of those sentiments of esteem, with which I am (Signed) LOUIS.

*Munich, 10 Oct. 1828.
To Mr Jeremy Bentham.*

² Letter 3378, *Correspondence*, xii, with which Bentham had sent copies of 'Constitutional Code. Vol. I' and 'Codification Proposal'.

³ The Bavarian Legislation Commission, or *Gesetzgebungskommission*, had been established in 1811 to produce a Civil Code to replace the *Codex Maximilianeus Bavaricus civilis* of 1756.

⁴ This translation appears in *The Examiner*, no. 1,084 (9 November 1828), p. 725. A slightly amended translation appears in 'Second Supplement to Codification Proposal. Part II. Testimonials', p. 114, reproduced in *'Legislator of the World' (CW)*, p. 379.

11 OCTOBER 1828

TO DANIEL O'CONNELL

3453

TO FRENCHMEN IN GENERAL

10 October 1828 (Aet 80)¹

Queens Square Place
Westminster London

10 Oct^r 1828

To Frenchmen in general. M^r W.B. Lawrence, late Chargé d'Affaires from the United States at the Court of London,² will carry his own recommendation: but to those among them who honor me with their friendship it will not be displeasing to learn that he is at the same time among the most distinguished and the most highly esteemed of my friends.

Jeremy Bentham.

3454

TO DANIEL O'CONNELL

11 October 1828 (Aet 80)¹

Q.S.P. 11 Oct. 1828

Jeremy Bentham to Daniel O'Connell

Just received yours of the 6th. from your Abbey.² I find by it that you had not then received my draught of a proposed Petition for Codification. (Nonsense! the dates were not then before me.)³ On looking it over in a legible hand I find more demand for amendments than I am pleased to see in it. Inclosed is a copy, with such amendments as have as yet suggested themselves. In that letter you will find my *Carte blanche*, for amendments to be made by *you*. If this *second* draught is of any use, the first may be made of like use by being amended from it.

3453. ¹ UC clxxiii. 23. Autograph draft. Docketed: '1828. J.B. Q.S.P. to Frenchmen in general. Recommendation of W.B. Lawrence late U.S. Chargé d'affaires.'

² William Beach Lawrence (1800–81), politician and legal author, Secretary of Legation at the United States Embassy in London 1826 and Chargé d'Affaires 1827–8.

3454. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/145. Autograph. Printed in the *Irish Monthly*, vol. xi, no. 123 (1883), 511–12. ² Letter 3451.

³ This sentence is a later interpolation, as is the following note in the margin: 'The Petition was dated and sent the 6th: a letter in explanation of it, the next day: both directed to D^l O Connell Esq: M.P. Dublin or wherever else he is.' The letter is missing. The petition in question appears to have been a draft of 'Petition for Codification'.

TO DANIEL O'CONNELL

11 OCTOBER 1828

From every letter I receive from you I imbibe fresh delight and encouragement.

There is not time for sending you by this post—nor indeed for completing it—the supplemental matter alluded to in my last, or any of it.⁴

A file of papers has just now reached me, edited at Portland capital of the State of Maine, in which, in a long and detailed article, I am spoken of in terms analogous to your's.⁵

I have labored long and hard: but I am not unrewarded.

The King's Health.

11 Oct. 1828.

It may perhaps be of use that you should be apprized of what I have just heard in relation to it.

Yesterday I had with me a diplomatic man in whom I have entire confidence, who told me he had just seen another diplomatic man⁶ who read to him a letter just written by him to his Court in which was stated his assurance that the King, whatever other ailments he has, has a *dropsy*: and that the reason why so little is said of it in the Newspapers is that intimation has been given to the principal of them, and in particular to those which he is in the habit of looking into, to forbear saying any thing on the subject, for fear of the wounds which such discussions would be liable to give to his feelings. The letter writer in question I have reason to believe (though as I did not ask he did not mention it) is an Ambassador of the highest grade, and more worth than all the others, and whom he and I both are acquainted with.

On the other hand a person who has full means of knowing and whom I can perfectly depend upon⁷ informs me that all this while there is no extraordinary number of Medical men in attendance about his Majesty. But what a dropsy is—and what is best to be done in it is so well known—that the fear of spreading the alarm by extraordinary attendance might well (it should seem) form an adequate reason for dispensing with it.

⁴ i.e. in the missing letter of 7 October 1828.

⁵ John Neal (1793–1876), American lawyer and author, who had lived with Bentham and acted as an assistant during 1826, was sending copies of *The Yankee*, published at Portland, to Bentham: see p. 290 below. Bentham perhaps had in mind 'Jeremy Bentham', *The Yankee*, vol. i, no. 11 (12 March 1828), 81–3, which appeared anonymously, but was no doubt written by Neal.

⁶ Both not identified.

⁷ Not identified.

3455

TO DANIEL O'CONNELL
24 October 1828 (Aet 80)¹

October 24.

An odd coincidence. This day has brought me an extract from the *Globe* of Wednesday, the 22d October, in which, at a meeting preparatory to the grand meeting at Tralee, after speaking of Codification, you are made to conclude in these words: 'I have been in correspondence with Mr Bentham on the subject, and two admirable plans of a Code have been transmitted to me by that celebrated Jurisconsult.² Who Bowring is, you know from Mr L'Estrange.³ This same day comes a letter from him to me, dated Leuwarden, (in the Netherlands,) 18th October, 1828,⁴ in which are these words: 'Meyer said, in the public assembly room at Amsterdam, that Brougham's speech⁵ was a poor affair after all; and that he (Meyer) had written as much to Sir James Mackintosh:⁶ that Brougham had forgotten the *one only* remedy—Codification,—and that you alone were the man to make a Code.' This was much from Meyer, who is the great authority in this country, and of whom you may hear more from Falch—(Netherland's Ambassador to this Court.)⁷ Meyer is the author of a work, in five or six volumes, intituled 'Esprit Origine et Progrès des Institutions Judiciaires.'—Londres, 1819, &c.⁸ I have heard it spoken of as the most esteemed book on Jurisprudence that exists on the continent of Europe. This day also, comes from Blondeau, Judge and Jurisprudential Lecturer in Paris, a present copy of a miscellaneous work on that subject just published.⁹

Within this week, Dr [Morstadt],¹⁰ Professor of Jurisprudence at Heidelberg, to whom Say, the economist, had given a letter of introduction to me,¹¹ in answer to an invitation I had sent him,¹² wrote to

3455. ¹ Bowring, x. 604–5. The present Letter was sent to O'Connell as an addendum to Letter 3460.

² *The Globe*, 22 October 1828, p. 3.

³ William (Francis Joseph in religion) L'Estrange (d. 1833), Provincial of the Irish Carmelites and Prior of St Teresa's, Clarendon Street, Dublin, and a prominent member of the Catholic Association.

⁴ Missing.

⁵ i.e. Brougham's speech on law reform delivered in the House of Commons on 7 February 1828.

⁶ Sir James Mackintosh (1765–1832), philosopher, judge, and politician.

⁷ Baron Anton Reinhard Falck (1777–1843), Dutch diplomat, was Ambassador for the Netherlands to Britain 1825–33.

⁸ J.D. Meyer, *Esprit, origine et progrès des institutions judiciaires des principaux pays de l'Europe*, 6 vols., The Hague and Amsterdam, 1818–23. No copy of the London edition, which appeared in three volumes in 1819, has been located.

⁹ Jean-Baptiste Antoine Hyacinthe Blondeau (1784–1854), jurist. The work sent to Bentham has not been identified.

¹⁰ Bowring 'Monstadt'.

¹¹ Letter 3447.

¹² Missing.

Richard Doane, a young Templar, aged 23, who has lived with me these nine or ten years past, and whom you will not be sorry to see, a letter, dated London, 18th October, beginning in these terms:—‘Etant redevable, sans doute, à votre recommandation amicale et bienveillante de l'honneur que M. Bentham a daigné de m'accorder, je le dois regretter doublement, que.’ * * Speaking of the invitation, he says—‘Quant à l'objet de votre lettre, j'en suis profondément touché, et je vous prie, Monsieur, de vouloir bien répondre au vénérable Nestor du libéralisme parmi ses contemporains,¹³ que le plaisir de pouvoir lui présenter les hommages personnels de mon respect et de ma reconnaissance, a été le but principal de mon voyage à Londres, et que jamais de ma vie j'ai été plus emû que par cette précieuse invitation. Je m'empresserai à en profiter soigneusement.’ He is a man of strong talents, extensive learning, high reputation, a zealous utilitarian at heart, and in lectures, as much as he dares to be; and has seen a good deal of Europe, especially Austria, where he resisted strong temptations to enlist under the banners of despotism. For his recreation at leisure hours, he is about to make translations of my works into German, beginning with the ‘Fragment on Government,’ which was the earliest.¹⁴

Usury, Tactics, Fallacies, Evidence—are already, he says, in that language.¹⁵

Our voices, you see, are in no great danger of being in the condition of a voice crying in the wilderness:¹⁶ others, in chorus, will not be wanting.

In another passage of his letter Bowring says,—‘There is a great Utilitarian Society in Holland, consisting of twelve thousand members, and spread over the whole land. Its name is *Tot nut van't algemeen*’—‘Public Utility.’¹⁷ Now, what if we can move it!

¹³ Nestor, legendary King of Pylos, who is portrayed by Homer in the *Iliad* as a respected elder statesman and counsellor.

¹⁴ No translations by Morstadt of Bentham's works into German have been traced. A *Fragment on Government* had been first published at London in 1776.

¹⁵ *Defence of Usury; Shewing the Impolicy of the Present Legal Restraints on the Terms of Pecuniary Bargains*, London, 1787 (Bowring, iii. 1–29) appeared as *Vertheidigung des Wuchers, worin die Unzuträglichkeit der gegenwärtigen gesetzlichen Einschränkungen der Bedingungen beim Geldverkehr bewiesen wird. In einer Reihe von Briefen an einen Freund. Nebst einem Briefe an D. Adam Smith Esq. über die Hindernisse, die durch die obengenannten Einschränkungen dem Fortgange der Industrie in den Weg gelegt werden. Deutsch herausgegeben von Johann August Eberhard*, Halle, 1788, and ‘*Tactique des assemblées législatives*’, the first volume of *Tactique des assemblées législatives, suivie d'un traité des sophismes politiques*, as *Tactik oder Theorie des Geschäftsganges in deliberirenden Volksständerversammlungen*, Erlangen, 1817. No German editions of ‘*Traité des sophismes politiques*’, the second volume of *Tactique des assemblées législatives*, or of *Rationale of Judicial Evidence* appear to have been published at this time.

¹⁶ Matthew 3: 3; Mark 1: 3; Luke 3: 4; and John 1: 23.

¹⁷ The *Maatschappij tot Nut van't Algemeen*, or Society for Public Welfare, founded in 1784, aimed to promote the welfare and happiness of the general population, primarily by improving education.

25 OCTOBER 1828

FROM MARC-ANTOINE JULLIEN

3456

FROM MARC-ANTOINE JULLIEN

25 October 1828¹

Bureau Central

DE LA

Revue Encyclopédique.

Paris, le 25 Octobre 1828.

Monsieur et respectable ami,

Quoique je ne vous aie pas écrit depuis longtems,² je n'en ai pas moins suivi avec intérêt vos importans travaux et demandé de vos nouvelles, toutes les fois que j'en ai eu l'occasion. Aujourd'hui, je prends la liberté d'introduire auprès de vous M. Hillhouse, Citoyen des Etats-Unis d'Amérique, fils d'un ex-Sénateur de ce pays dont les projets de réforme radicale de la Constitution de sa patrie ont fixé l'attention, il y a quelques années.³ M. Hillhouse fils, honoré de la bienveillante amitié du g^{al} La fayette et de M. J.B. Say, livré spécialement à l'étude des sciences morales et politiques, ami dévoué de la vérité et de la réforme si nécessaire de nos institutions viciées, désire beaucoup vous connaître personnellement et puiser dans vos entretiens des instructions qu'il est digne de recueillir. Je lui envie le bonheur de vous voir, et je vous prie de l'accueillir avec cette bonté encourageante dont les jeunes gens surtout ont besoin, quand ils approchent des hommes dont la réputation honorable et la vie entière ont consacré les noms et qui appartiennent d'avance à la postérité.

J'espère que vous voyez quelquefois notre Revue Encyclopédique et que vous avez pu y lire, dans notre Cahier d'avril, un article sur les principes de la philosophie de l'histoire,⁴ et dans notre Cahier d'août,

3456. ¹ BL Add. MS 33,546, fos. 247–8. Autograph, with the exception of the partly printed place and date. Letterhead: 'Bureau Central de la Revue Encyclopédique. Les Réponses doivent être envoyées, *franc de port*, à l'adresse suivante: AU DIRECTEUR DE LA REVUE ENCYCLOPÉDIQUE, *rue d'Enfer Saint-Michel*, n° 18.' Addressed: 'Au célèbre et Vénérable jurisconsulte et philanthrope jérémie Bentham. À Londres quartier de Westminster queen place.' Postmark: illegible. Docketed: '1828 Oct. 25. [...] Nov. 26. Jullien Paris to J.B. Q.S.P. Introducing *Hill-house* (U.S.)'

² Jullien appears to have overlooked Letter 3431, though his previous extant letter to Bentham is Letter 2969, *Correspondence*, xi, dated 9 May 1823.

³ James Abraham Hillhouse (1789–1841), poet, son of James Hillhouse (1754–1832), US Senator 1796–1812.

⁴ 'Principes de la philosophie de l'histoire, traduits de la Scienza nuova de J.B. Vico, et précédés d'un Discours sur le système et la vie de l'auteur, par Jules Michelet, professeur d'histoire au collège de Sainte-Barbe', *Revue encyclopédique*, vol. xxxviii (April 1828), 60–72, signed 'V-G-R'.

FROM DANIEL O'CONNELL

26 OCTOBER 1828

une Notice étendue sur l'enseignement du droit dans les Universités d'Allemagne.⁵

J'ai le projet et l'espérance d'aller en Angleterre, au mois de mai prochain.⁶

Je vous prie d'agréer, Monsieur et respectable ami, l'hommage de ma Considération respectueuse.

Jullien
de Paris.

3457

FROM DANIEL O'CONNELL

26 October 1828¹

Merrion Square
Dublin

26th Oct. 1828

My residence will be in Dublin until I go to London in February next. I say this that my most revered Master may know where he *ought* to send his lessons. Your last letter² reached me in Kilkenny.³ In future I fear I shall be able to write to you only on Sunday. I do no business—that is—*profane* work on that day—but works of Charity are not only allowed but commanded on that day⁴—and where is there a work of Charity so great as the giving *protection by Law* and preventing Law from being the scourge of the poor and the vexation

⁵ L.A. Warnkoenig, 'De l'enseignement du droit dans les universités d'Allemagne', *Revue encyclopédique*, vol. xxxix (August 1828), 281–310.

⁶ In the event, Jullien does not appear to have revisited England until 1833.

3457. ¹ National Library of Ireland, MS 5759. Autograph. The present Letter appears to have been sent under two separate covers. The first contains the text up to and including the words 'and let me tell you that if he had many', p. 73 below, and the second the remainder of the text. Details of the first cover are as follows. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Dublin twenty seven October 1828. Daniel O'Connell.' Stamped: 'FREE / 27OC27 / 1828'. Postmarked: '28OC28 / 1828'. Details of the second cover are as follows. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Dublin twenty seven October 1828. Daniel O'Connell.' Stamped: 'FREE / 27OC27 / 1828' and 'FREE / 30OC30 / 1828'. Postmarked: '27OC27 / 1828' and '28OC28 / 1828'. Docketed: '1828 Oct. 27. Reced. 30. Letter VI. O'Connell Dublin to J.B. Q.S.P. Leinster Province & Kerry County have Resolved to petition for Code.' Printed in *Correspondence of O'Connell*, viii. 206–9.

If Bentham's enumeration is correct, one letter from O'Connell up to this point is missing, since only four, namely Letters 3426, 3437, 3446, and 3451, are extant.

² Presumably Letter 3454.

³ According to *Correspondence of O'Connell*, viii. 209 n., O'Connell had been attending a meeting of the Leinster Friends of Civil and Religious Liberty on 20–1 October 1828.

⁴ For an instance of Jesus performing a work of charity on the Sabbath see Matthew 12: 10–13.

of even the wealthy. This is my excuse for writing on Sunday and if it be lawful as I deem it to be—to extract a single ass out of the pit on the lord's day⁵—it must be equally justifiable to assist in extracting an entire people from the worst pit that asses were ever coaxed or cudgelled into. But why do I waste time and paper on this subject.

I have materials for petitions in the drafts you have sent me.⁶ The long one will *do* as it stands—that is if I present it myself—but if it be presented by any body else I will suggest one or two trivial alterations. My object is to avoid a ribald jest which may be grounded on the turn of phrase—in itself perfectly clear but unusual. If I were in the house myself as I hope I shall, I would not care for their empty jests. It would go hard if I did not return a wicked sarcasm on the present system for every sneer *at us*. More of this hereafter. I will get the drafts copied and send you my suggested alterations before any thing further need be done.⁷ I have got the County of Kerry and the Leinster provincial meeting to resolve to petition—that drafts of a code may be called for.⁸ I have taken several occasions to familiarize the public mind to the subject. I am glad to tell you that I shall be aided by the unanimous desire of the Irish people to have the legal system amended. I do not know whether the reports of my speeches on law reform reach you. If so you will have an excellent opportunity of suggesting Corrections of my Errors—and of giving me new lights. You can do this without being afraid to trespass on my vanity because you will easily perceive that the reports are far from being accurate. In some places they make me contradict myself—and you can throw upon the reporter the faults of the speaker—but to be more serious—I sincerely desire further information—and pledge myself that I will not cease until I bring 'law reform' before the house in a shape formidable to existing abuses.—You will perhaps be surprised to hear that I could not procure the fyle of the Morning Herald until I arrived in Dublin. I this day for the first time saw your letter to Hunt accompanied by his saucy commentary.⁹ The reply may be a sneer at you—but if so it is the Young Ass kicking at the aged thank God—not the dead Lion.¹⁰ I own my fingers itch to

⁵ An allusion to Luke 14: 5.

⁶ Bentham had sent O'Connell two drafts of his 'Petition for Codification': see Letter 3454.

⁷ These altered copies have not been traced.

⁸ O'Connell had moved resolutions calling for petitions in favour of a code of laws during meetings held at Tralee, County Kerry, on 16 October 1828, reported in the *Dublin Morning Register*, 21 October 1828, pp. 3–4, and the *Dublin Evening Post*, 21 October 1828, p. 3, and at Kilkenny, in the province of Leinster, on 20–1 October 1828, reported in the *Kilkenny Moderator*, 25 October 1828, pp. 1–3, and the *Dublin Morning Register*, 25 October 1828, pp. 1–2.

⁹ Letters 3444 and 3445 respectively.

¹⁰ See 'The Fox, the Donkey, and the Lion Skin', in *Aesop's Fables*, ed. L Gibbs, Oxford, 2002, Fable 322, p. 282, in which a donkey puts on a lion skin and frightens the other animals, until the fox sees through the deception.

beat Hunt—but I am bound in ‘the chain of silence’—and you hold it.¹¹ His new charges¹² are easily cleared away—but I could not clear them away for the public without writing more than the mere reply. In fact I must be totally silent or be allowed to disport my mind by pouring out jests and sarcasm and perhaps awkward playfulness. But to you I am ready to give satisfaction upon these new charges. They are these. 1st that I had *refused* to allow M^r Ensor to be put in nomination with me at Ennis¹³ so that if I were declared ineligible he may be substituted. 2^{dly} that I selected M^r Leader for Tralee he being a Whig—instead of M^r Ensor who is a radical. To the first—I say it is untrue farther than that a suggestion to propose M^r Ensor was made to me either in an anonymous letter or in a letter written by a man called Anthony Marmion—the very marplot of radicalism.¹⁴ It is next futile—because it would have been quite impracticable. A project of the kind was debated at Ennis but not in favour of M^r Ensor—it was in favour of M^r Steele a protestant agitator of that county and I believe a radical¹⁵—but it was rejected not by me but by the Committee for these reasons. The election was for a single member. Consequently there were no double votes so that every man who should vote for M^r Steele would of course be one thrown away from me. And until the third day of the election it was not possible to reckon upon the extent of the defection of the freeholders so generally as to give a chance of giving two a Majority. We should have lost the election if we attempted it. For example the first day there were polled for me 200—for Fitzgerald 194—my majority only six. How would it have stood if a third Candidate was in the field. Fitzgerald would have a majority of 94—over each of us—and let me tell you that if he had many and many of the freeholders who were kept *true* by the prospect of success would have been likely to have obeyed their landlords and earned the boons which were profusely tendered. The freeholders were placed between the two strong temptations of punishment and reward. It was difficult to resist

¹¹ In Irish mythology, a powerful leader such as Lugh of the Longhand would command the chain of silence to be shaken when he wished his followers to be quiet and listen.

¹² i.e. in Hunt's letter to the Editor of 28 September 1828, printed in the *Morning Herald*, 29 September 1828, p. 3: see p. 54 n. above.

¹³ The town where the election for County Clare had been held in July 1828.

¹⁴ Marmion had written to O'Connell on 5 July 1828 (the day the election had, in fact, been concluded) at Hunt's request to suggest having 'a liberal Protestant candidate . . . over Vesey Fitzgerald on the poll' for the by-election in County Clare: see *Correspondence of O'Connell*, iii. 388–9. William Vesey Fitzgerald (?1782–1843), later second Baron Fitzgerald and Vesey [I] and first Baron Fitzgerald [GB], had been appointed President of the Board of Trade in June 1828 and hence had been required to seek re-election for County Clare, where he had first been elected in 1818. Having been defeated by O'Connell, Vesey Fitzgerald was later returned for Newport on 20 March 1830.

¹⁵ Thomas Steele (1788–1848), Irish politician and landowner, was a Protestant supporter of Catholic Emancipation and an ally of O'Connell.

their combined force and there was therefore nothing like a certainty that such an experiment would be successful. SECONDLY—that is the second ground for rejecting the plan was this—that although many freeholders would risk their all to vote for me as a fellow Catholic and a man long the theme of *ballads* and conversation they would not vote for another at the same risk. It was not so great an insult to their landlords to vote for me who am identified with the peasantry by the Community of religion and exclusion—as it would have been to vote for another. In short it was believed and I believe it—the freeholders would have refused to have voted for a third party. THIRDLY. It would have been taken as a Confession that I could not sit. It would have been used as an argument by our opponents that in proposing me at all we were wilfully deluding the people. It would also be very likely to have had influence over the members of the house of Commons upon the question of my right. It would have been a Confession of weakness and my own opinion distinctly is that if a just and impartial tribunal were to decide upon my right to sit and vote—they would decide in my favour. In short there never yet was a more unfounded charge brought against a public man. It is founded on perfect ignorance of facts and circumstances. The second charge is equally unfounded. Tralee is not an open borough. On the contrary it is a close borough the opening of which depends solely upon the proof of corruption long continued. For these purposes time and money are necessary. I am convinced that M^r Ensor though he may give the former would not sacrifice the latter. M^r Leader has at once subscribed £500—and will contribute as much more if necessary. M^r Leader is known to the inhabitants of Tralee who have confidence in his commercial knowledge. M^r Ensor is known to them only by name. They will heartily cooperate with M^r Leader. It would require of M^r Ensor to reside in Tralee that is in the part of Ireland most remote from his property and family mansion¹⁶ in order to cultivate the friendship and cordiality of the inhabitants. In short Tralee is a mere experiment—not a certain *nomination*. I have not the right even to ask M^r Ensor to devote himself person and property to assist me in making that experiment. M^r Leader was and is ready to do so. Such is my defence—let me add that if I suggested to the inhabitants of Tralee a total change such as M^r Ensor there are several of them who would imagine I was merely deluding them. Who would be a patriot when he is subject to the vexation of such frivolous charges?—No person but a man like me the buoyancy of whose animal Spirits enable him to laugh at a vexation after enduring it a few minutes. Apropos—Hunt has distinctly attributed my radicalism to a desire to

¹⁶ Ensor's home was Address House, Address, County Armagh.

TO ALEXANDER GALLOWAY

31 OCTOBER 1828

get briefs and fees!!! radicalism the road to professional emolument!!!¹⁷
Would to heaven it were so for the sake of the cause not of

Your faithful

Daniel O'Connell

3458

TO ALEXANDER GALLOWAY

31 October 1828 (Aet 80)¹

Queen-square Place, Oct. 31, 1828.

MY DEAR GALLOWAY—So masterly an union of logic and rhetoric as Mr. Sheil's speech, scarcely have I ever beheld.² I have just received the circular, inviting my attendance at the dinner.³ You know I labour

¹⁷ In his letter to O'Connell of 23 September 1828, in the *Morning Herald*, 24 September 1828, p. 2, Hunt stated: 'Why, your own countrymen, and some of the most deluded of your admirers, honestly confess that you are indebted for more than half your briefs to your being a Catholic Agitator: they say it is well known that your briefs fell off nearly one-half towards the latter end of the year 1825, after you had returned from your journey to London on the *trafficking scheme* [i.e. to express his support for the 'wings' to the proposed Catholic Emancipation Bill]. Probably, Mr. O'Connell, you will confess that this falling off in your treasury had some trifling weight with you, in addition to public opinion, to induce you, although reluctantly, to *recant*.'

3458. ¹ *Morning Chronicle*, 6 November 1828, p. 2, where it is headed: 'MR. SHEIL. COPY OF A LETTER FROM MR. BENTHAM TO MR. GALLOWAY.'

Alexander Galloway (1776–1847), radical and founder of the engineering firm of Galloways of Holborn, was a Common Councilman of the City of London for the Ward of Farringdon Without.

² The purported speech of Richard Lalor Sheil (1791–1851), Irish barrister, dramatist, and politician, in defence of Roman Catholicism, which he had intended to deliver to a meeting at Penenden Heath, Kent on 24 October 1828, called with a view to opposing Catholic Emancipation, had been obtained by the Editor of *The Sun* Murdo Young (1790/1–1870), who had circulated it to other newspapers, where it had appeared, for instance, in the *Morning Herald*, 25 October 1828, p. 2, the *Morning Chronicle*, 25 October 1828, pp. 2–3, as well as *The Sun*, 25 October 1828, pp. 2–3. The *Morning Herald*, 28 October 1828, p. 2, then reported that Sheil's printed speech and the speech 'actually spoken' were 'essentially different, . . . particularly in point of quantity', and in its issue of 30 October 1828, p. 2, described the affair as 'a most impudent fraud'.

³ Walter Anderson Peacock (1779–1863), baker, Common Councilman for Bishopsgate Without, had produced a printed circular stating that he had 'conversed with several gentlemen, who are of opinion that the Friends of Civil and Religious Liberty ought to invite Mr. Sheil to a Public Dinner in the City of London' and inviting persons to meet at the London Tavern on 28 October 1828 'to consider the best means of carrying it into effect': see the *Morning Chronicle*, 29 October 1828, p. 3, which also printed an account of the meeting, where the main speaker was Galloway. Peacock sent a second circular, dated London Tavern, 30 October 1828, containing an invitation to attend the dinner (a copy is printed in the *Morning Journal*, 1 November 1828, p. 3), which was presumably the circular that Bentham had received. For a report of the dinner, which took place at the London Tavern on 3 November 1828, see the *Morning Chronicle*, 4 November 1828, pp. 1–3.

1 NOVEMBER 1828

FROM BARON DE CETTO

under complaints which prevent my stirring from home, cases of absolute necessity excepted; for years upon years it has been out of the question with me.

The dinner good—printing and diffusion of the speech still better; this surely will not be omitted. In *The Morning* (query) *Herald* of this day, are two or three abominable letters against Sheil.⁴ What say you to the adding them together with the exculpatory statement in *The Sun* to the reprint of his speech⁵ Might it not be of use in the way of contrast, and as an exemplification of impartiality, in particular that signed ‘Verus’?⁶

Yours, ever, &c.

JEREMY BENTHAM.

To Alexander Galloway, Esq.

3459

FROM BARON DE CETTO

1 November 1828¹

Baron de Cetto presents his compliments to M^r Bentham, and has the honor to forward to him the enclosed letter,² requesting that M^r Bentham will have the goodness to acknowledge having received the same.

11. Grosvenor Street.

November 1st 1828.

Jeremy Bentham, Esq^{re}

⁴ See the letters signed George Anthony (possibly George Anthony Legh Keck (1774–1860), MP for Leicestershire 1797–1818, 1820–31), undated, and Alpha, dated 30 October 1828, in the *Morning Herald*, 31 October 1828, p. 3.

⁵ A statement by the Editor of *The Sun*, namely Murdo Young, explaining the circumstances in which he had obtained Sheil’s speech and circulated it to the other newspapers, which had appeared in *The Sun*, 30 October 1828, p. 2, had been reprinted in the *Morning Herald*, 31 October 1828, p. 2.

⁶ See the letter headed ‘Mr. Sheil’s Pretended Speech to Enlighten “the Boors of Kent,” and Inform the Ignorant People of England’, dated 30 October 1828, in the *Morning Herald*, 31 October 1828, pp. 2–3. Sheil’s speech was, in fact, printed as ‘The Speech of Mr. Shiel, as it was intended to have been delivered at the County of Kent Meeting, on Friday, the 24th of October, 1828’, London, [1828], but without any of the additional matter suggested by Bentham.

3459. ¹ BLAdd. MS 33,546, fo. 251. Autograph. Docketed: ‘1828 Nov. 1 Reced 3. Bavaria. Baron de Cetto 11 Grosvenor Street to J.B. Q.S.P. Inclosing King of Bavaria’s of Oct^r 10.’

Augustus, Baron de Cetto (1794–1879), Chamberlain to the King of Bavaria and Envoy Extraordinary and Minister Plenipotentiary to Britain. ² Letter 3452.

3460

TO DANIEL O'CONNELL

2 November 1828 (Aet 80)¹*Q.S.P., 2d November, 1828.*

Received yesterday, yours dated Dublin the 27th: it makes letter the sixth.² You are *unus bonissimus puer*,³ as Cicero would have said, if ever there was one. I have some pretty little silver pence in my treasury. I have looked out one of the brightest of them, to put into your little hands when you come in February to seat yourself in my lap. Presently after, dropped in British-India and Political-Economy Mill,⁴ one of the earliest of my disciples. He had been seeing a man of the name of Glyn,⁵ who, I believe, is a somebody; he had been over a good part of Ireland lately, and was all praise and admiration of you, more especially on account of your prudence—*that* was the word. Mill knows Ensor extremely well: still better than I do. Good intentions, prodigious learning, sharp wit, poignant satire—all this Ensor has. Close and consistent reasoning? Alas! not; unless his attack upon your wings, which I admired at the time, but which is now out of my head, be an exception.⁶ Mill says he is impracticable, and in Parliament he sees not very well what particular use he would be of. But somewhere or other, with the above qualities, he might be of use in Ireland, for aught we know to the contrary. He professed admiration of me. I published a 'Parliamentary Catechism,' and 'Parliamentary Reform Code,' both with ample reasons.⁷ Afterwards, he published a 'Parliamentary Reform Code' of his own, widely different from mine, taking no notice of mine, and without anything in the shape of a reason.⁸ Against the Tories and Whigs, though I would not answer for any defence he could make, he would, I should suspect, be always on the right side; and as for cursory attacks in a guerilla warfare, I should be not surprised if he were of use. Smart on particular points might be his attacks. As to you, a small part of what you said to me sufficed to satisfy me that you could not have done otherwise than as you did. As to other places, whether it would be of advantage to Ireland for him to

3460. ¹ Bowring, x. 603–4.

² Letter 3457, written on 26 October 1828 but sent the following day. ³ i.e. 'a best boy'.

⁴ James Mill, author of *History of British India* and *Elements of Political Economy*, London, 1821.

⁵ Possibly Sir Richard Carr Glyn (1755–1838), politician and banker, MP for St Ives 1796–1802, who may have known Mill through his investment in East India Company stock.

⁶ i.e. Ensor's *Irish Affairs at the Close of 1825*: see Letter 3451.

⁷ i.e. *Plan of Parliamentary Reform* and *Bentham's Radical Reform Bill* respectively.

⁸ George Ensor, *Radical Reform Restoration of Usurped Rights*, London, 1819.

2 AND 3 NOVEMBER 1828

FROM DANIEL O'CONNELL

be seated, may depend upon the number of seats at your command. Though, of such as this and that country affords, some might be better than he; others not quite so good. In private life, you know what he is—I should expect to hear of his being exemplary, upright, and beneficent. The last time he was in London, he never called on Mill, nor did he serve me with notice of his existence: I ascribe this to his regard for my time. I tried to see him, to thank him, and praise him for his attack on your wings—the thing I could praise him for, consistently with sincerity. I wrote to him,⁹ but he was gone. So much for Ensor.

Follows some matter about myself, written a few days ago, under the notion, that possibly more or less use might be made of it in its quality of a batch of puffs.¹⁰ Say more or less, or nothing at all of it, as may be best to the cause; in comparison of which, everything that regards the individual is as a grain of dust on the balance.

3461

FROM DANIEL O'CONNELL

2 and 3 November 1828¹

Merrion Square, 2 November 1828

My day for writing is come, my *only* day for letter writing. 'The morrow of all souls' brings other and most pressing duties or rather they have already accumulated mountain high in expectation of the day to which the legislature have complacently indulged my Lords the judges.² In plainer prose the Chancellor sits tomorrow and as we practice all we can in all the Courts, tomorrow commences such a campaign as requires nerve and continued labour to encounter. Let it serve for my excuse in not immediately answering your respected letters.³

The note you enclosed delighted me. Accept my heartfelt thanks. I *know* his Lordship well.⁴ His is a pure speculation, and yet he has some

⁹ Missing.

¹⁰ Letter 3455, which Bentham sent to O'Connell as an addendum to the present Letter.

3461. ¹ *Correspondence of O'Connell*, viii. 210–12, where the source is given as 'Papers of Arthur French', i.e. Arthur Edmund French (1933–2020), of 85 Abingdon Villas, London W8. An extract is printed in Bowring, x. 605.

² The Michaelmas Term Act of 1752 (24 Geo. II, c. 48, § 2) had stipulated that the Michaelmas law term should begin on the 'Morrow of *All Souls* whensoever it shall happen to fall', and hence 3 November 1828.

³ Presumably Letters 3455, 3460, and the missing letter of 27 or 28 October 1828 that O'Connell mentions below.

⁴ i.e. Warner William Westenra (1765–1842), second Baron Rossmore [I] and later first Baron Rossmore [GB], Lord Lieutenant of County Monaghan 1831–42, author of *Lord*

honesty about him. What a strange compound is man. He was a real liberal when it was his interest not to be so. He lost much money and was put to great inconvenience because he would not conceal his sentiments in favour of the 'papists' during the life of an exceedingly bigotted and foolish old woman.⁵ And yet though he made this great sacrifice and made it without having at that time any countervailing motive of a selfish kind—although he did so yet I know full well that he sees the personal advantage likely to accrue to him from now joining *us*. But with this knowledge I must praise him because that praise is not only his due but is known and felt to be intended as reproach to others. He is active. Activity is one of the greatest virtues in political life. The stream is necessarily flowing. Those who stand still are left behind. Lord Rossmore is constantly devising means to make the Cause advance. The Duke of Leinster and other Irish patriots are content with some small lip service. There are two reasons why I praise him,⁶ *first*, he deserves praise for his actions let his motives be what they will. *Second*, his praise is wormwood to those who would be glad to be deemed patrons of our cause without taking the trouble of doing us any service.

There is a rebuke also contained in your advice, not to praise⁷ or disparage too much. I love the impulse which induces you to give me this rebuke.⁸ It is quite true, the 'fierce extremes' mingle in our estimate of men. It can not be helped. Nay, I am convinced that it is necessary to be warm with *our*⁹ *love*, to glow with our¹⁰ resentment. I who have helped to *convert* the people of Ireland from apathy, despair and from nocturnal rebellion into determined but sober politicians ought to be able to form some judgment of what is likely to conduce to attain that cooperation so necessary to give a prospect of success. Of course I judge of these things with that partiality which selflove inspires. But giving a rebate, by reason of my selflove to the *sterling* value of any opinion of mine!! I do declare it to be my decided opinion, that we should speak in the strongest terms consistent with truth of our friends and of our enemies. Lord Rossmore can not betray or

Rossmore's Letter on Catholic Emancipation, London, 1828, reprinted in *The Pamphleteer*, vol. xxix, London, 1828, pp. 49–54.

⁵ The 'old woman' was one or other of Rossmore's aunts, namely Elizabeth (d. 1825), who had married Robert Cuninghame (c. 1728–1801), first Baron Rossmore [I], or her sister Anne, who had married Theophilus Jones (1729?–1811), MP [I] 1761–1800 and for County Leitrim 1801–2, and who had lived at Rossmore Park, County Monaghan.

⁶ According to the *Morning Herald*, 27 October 1828, p. 1, at a meeting of the Catholic Assembly in Dublin on 23 (not 26 as stated by the *Herald*) October 1828, O'Connell had said, 'Without meaning disrespect for any man, . . . there is not in Ireland so good a practical Protestant patriot as Lord Rossmore' and 'if Lord Rossmore struck me a blow across the head, I would forget it, in my admiration of his eminent services, to the cause of which my life has been devoted to advance'.

⁸ Possibly Letter 3443.

⁹ Bowring 'one'.

⁷ Bowring 'pain.'

¹⁰ Bowring 'one'.

injure us. He must serve us by his activity. His personal interest and objects lie in the same direction with our success. Therefore do I laud him and confide in him. Of this subject enough, *et un peu de trop*.

The report of what occurred at the preparatory meeting in Kilkenny was in itself a breach of confidence and was as false in many important particulars as it was altogether *unhandsome*.¹¹

You probably received my reply to your former letter¹² the day you wrote your last, the 27th or at all events on the 28th.¹³ We shall have more than one petition for a code next sessions. The second petition which you are preparing will I perceive contain a species of Synopsis of the essay on the 'technical System' in the 4th Vol of judicial evidence.¹⁴ Permit me to remark to you that the feegathering principle is now apparently if not really terminated by the exclusion of fees and increase of salary.¹⁵ Will it not therefore be absolutely necessary to speak of it as a bye gone principle which *was* in full operation for centuries and until it produced the present vicious perfection in excluding justice, that is, the petition must distinctly recognise the present System of Salaries whilst [it]¹⁶ traces the evils that now exist to the original and long continued principle of feegathering. The scheme of Salaries has *another* evil, it introduces a perpetually recurring effort to diminish the labour of the judges as much as possible. Upon law arguments and motions in Ireland formerly (within my memory) four, five or six counsel at a side were heard on law arguments. Now they hear two only at a side, presently as is I believe lately established in England *they will hear but one*. The individual intent¹⁷ of every judge is to give as little labour in return for his salary as he decently can. These however are topics that you have long and intimately studied and you probably smile at my efforts to teach my master. I throw them out because even I feel how important it is not to give our adversaries

¹¹ According to *The Times*, 25 October 1828, p. 1, at the Leinster Provincial Meeting of the Friends of Civil and Religious Liberty held at Kilkenny on 21 October 1828, a 'long and vehement discussion' on the subject of 'pledges', namely whether or not those of the 'Catholics of Leinster should echo the resolutions of the Catholic Association', had 'created almost a schism in the committee'.

¹² Letter 3457, presumably in reply to Letter 3454.

¹³ Missing.

¹⁴ i.e. 'Petition for Justice', in addition to 'Petition for Codification', of which Bentham had previously sent two drafts to O'Connell (see Letter 3454). Bentham discussed nineteen 'devices employed under the fee-gathering system, in promoting the ends of established judicature at the expense of the ends of justice' in *Rationale of Judicial Evidence*, Bk. VIII, Chs. VI–XXIV, iv. 63–394 (Bowring, vii. 226–311), while he discussed fourteen such devices in 'Petition for Justice' in *Justice and Codification Petitions*, pp. 8–175 (Bowring, v. 446–97).

¹⁵ The salaries of the judges in the superior courts had been raised, while the fees received by them and newly appointed officials had been commuted, by three related Acts of 1825 (6 Geo. IV, cc. 82–4): see p. 8 n. above.

¹⁶ *Correspondence of O'Connell* 'its [sic]'.
¹⁷ *Correspondence of O'Connell* 'intent [?]interest'.

TO ALEXANDER GALLOWAY

2 NOVEMBER 1828

an opportunity of saying that the fee system *was* a bad one. It is true they would say it was bad, not for the reasons you give, but being bad we have anticipated your law reform and have already totally changed it. You know how ready they are to take credit for any good they may have been forced into in order to protect the abuses which they wish to retain.

The drafts of petitions which you sent me¹⁸ will be copied by the clerks at 'the Association' and I will return you my altered not amended petition so that you may decide on its merits before it is engrossed for signing. There must not be any numbers merely because it is not usual and is unnecessary to number the paragraphs.

3d. Nov. I add this date to signify that I must close my letter. I will not close it without saying that the best mode I can take to prove how mighty I estimate your utility is by devoting every hour I can command and every faculty I possess to promote that rational and just reform of absurdities and abuses to the correction of which you have consecrated a life of the most solid and permanent value to mankind. I am most respectfully

Your very faithful

Daniel O'Connell

3462

TO ALEXANDER GALLOWAY

2 November 1828 (Aet 80)¹

Q.S.P. 2 Nov^r 1828

My dear Galloway²

As soon as your back was turned I scribbled a little string of questions, so hastily, that they are scarcely legible to myself, and would be completely illegible to you: and so the one enclosed is a copy of them.

All that you & T.³ wished to do, is to ascertain what is right, and act accordingly. As a means to this; what say you to the putting a simple *yes*, or *no*, without any thing more, to each of these questions? This would

¹⁸ i.e. the two drafts of 'Petition for Codification': see Letter 3454.

3462. ¹ UC clxxiii. 24. Draft. In Colls's hand, with corrections by Bentham, with the exception of the salutation, address, and the text from the point noted below, which are in Bentham's hand. Docketed: '1828. Nov. 2. 3. Secondary's Office. J.B. Q.S.P. to Galloway. With Queries.' ² Under the salutation, Bentham has noted: 'Sent by post 3 Nov^r'

³ Presumably Galloway's son Thomas Galloway (d. 1836), engineer, who had previously worked for Mohammed Ali (1769–1849), Pasha of Egypt 1805–48, and had advised Bentham on Egyptian politics.

3 NOVEMBER 1828

FROM LESLIE GROVE JONES

not preclude (y)ou from giving expression to any arguments (o)n the opposite side; provided it were on a *separate* leaf: that done, suppose you were to put the two papers into the hands of any of those friends of ours you were alluding to;⁴ mentioning, or what would perhaps be still better *not* mentioning, the persons whose arguments they respectively were?⁵

1. Abolition of all fees to the Secondary himself: Salary, instead.⁶
2. Abolition of all fees to every subordinate or other functionary whom he appoints or contributes to the appointment of: Salary, instead.
3. Election annual in the case of the Secondary himself.
4. So in case of any subordinates of his that he has not in his power to discontinue the employing of at pleasure.

These points I understood your opinion to be in favour of: *mine* is.

Dear Galloway
Yours ever

Jeremy Bentham

3463

FROM LESLIE GROVE JONES

3 November 1828¹

Monday Evening
3rd Nov^r /28

7 Upper Gloster St
Dorset Square

My Dear Sir

If you would allow me to read Friday next instead of either Wednesday or Thursday,² I should obey your Commands with the greatest pleasure—as on both those days I have engagements—but if

⁴ Unidentified, but presumably persons involved in City of London politics.

⁵ The remainder of the draft is in Bentham's hand.

⁶ Possibly a reference to the office of Secondary in the City of London, which, according to 'Appendix III. Statement handed in by The Town Clerk as to the Origin, Position, Powers, Duties and Finance of the Corporation of London', in 'Report of the Commissioners. Appointed to consider The Proper Conditions Under Which the Amalgamation of the City and the County of London can be Effected, and to make Specific and Practical Proposals for that Purpose; together with Maps Illustrative of the Report', *Commons Sessional Papers* (1894), xviii. 77, was 'an ancient civic office, the holder of it performing all the duties which ordinarily attach to an under sheriff the term "Secondary" being synonymous with that of Under Sheriff'.

3463. ¹ BL Add. MS 33,546, fos. 252–3. Autograph. Docketed: '1828 Nov. 3. Col Leslie Jones 3 Devonshire[?] Sqr to J.B. Q.S.P.'

Leslie Grove Jones (1779–1839), army officer and radical writer.

² 7, 5, or 6 November 1828 respectively.

FROM THE MARQUIS DE LA FAYETTE 10 NOVEMBER 1828

Friday be in *any way inconvenient* to you, I will put off my business on Wednesday and be with you punctual at 12 o'clock on that day—and I shall be too happy if my personal experience of 30 years service can be of the least avail in any work you purpose for the good of man.³

Will you be so good as to let one of your young Gentlemen inform me by the two penny post as immediately as possible after the delivery of this whether *Friday* will suit you as *well as Wednesday*. On Thursday I am not only under the orders of my Wife but also of those of two young beauties,⁴ whom I dare not to offend—

believe my dear Sir

Yours obliged sincerely

L. J. Jones

3464

FROM THE MARQUIS DE LA FAYETTE

10 November 1828¹

La grange. November 10th 1828

My Excellent and illustrious Friend,

Since Your Last and Much Valued Communication, End of August,² Has Reached me, I Have Received Neither printed Books, Manuscripts, nor a line or Visit from Msrs Rey and Felix Bodin: it is true I Have Remained on my farm at la grange, But have Ever not only a few, Say as Many Hours as Requisite, to improve my Mind on Your enlightened and philant[h]ropic lessons, and to cheer my Heart with the testimonies of Your Esteem and friendship. Not that I think my observations might Be Useful to You.³ Besides the weight of a Correspondence and a Series of diversified Duties which press upon me in a manner disproportionate with the length of the day, I am too old and Rusted a Solider to be So Serviceable as any of Your more

³ Bentham perhaps wished Jones to help him with his Chapter on 'Defensive Force' for 'Constitutional Code'.

⁴ Jones's wife was Jean, née Miller (d. 1833), daughter of Patrick Miller of Dalswinton (1731–1815), Edinburgh banker and inventor, while the 'two young beauties' were perhaps their sons Algernon Burdett Jones (1810–76) and Warren Miller Jones (1814–44).

3464. ¹ The Gilder Lehrman Institute of American History, New York, GLC 04801. Autograph. Docketed: '1828 Nov. 10. Rec'd 16. La Fayette La Grange to J.B. Q.S.P. 18 Nov'. In J.B. to O'Connell quoted the passage in which he speaks of reading J.B.'s works.' For the passage quoted see Letter 3465. A slightly truncated version appears in Bowring, xi. 3–5.

² Letter 3429.

³ Bentham had asked La Fayette whether he would be willing to comment on a draft of his Chapter on 'Defensive Force' for 'Constitutional Code'.

Recent Military Men, excepting perhaps those general ideas when the Republican Citizen takes the lead of tactics, and under that more lofty point of View You Have No Body to Consult.

The Baneful Emulation for standing Armies Had, from the Reign of Lewis 14th⁴ prevailed in Europe, Small powers Striving like the frog of the fable to imitate their betters,⁵ when the Revolution of 89 Roused and Armed a great nation. To the institution of the National guards of France, upon which M. *Comte* has lately published an interesting Book,⁶ were owing the first Successes Against the Counter Revolutionary Coalition⁷ and after imperial despotism,⁸ Neglecting or Rather fearing the principle of an Armed organisation of the people, depended upon its own Genius and the powers of a Numerous, admirable Regular Army, whose Superiority was Confessed By [tacticians]⁹ and Attested by Victories. You Have Seen the Almost invincible Host and Omnipotent Napoleon Repelled By a popular Insurrection of Germany.¹⁰ The fate of Your Gallant troops, inured to the Evils and dangers of the Spanish War,¹¹ in their Attack Upon the Hasty lines of New Orleans, defended By American Militia,¹² Has Been a Matter of European wonder. Yet when in the *Chambre des députés* we ask not by far [for] the dissolution of the Standing Army, But its Reduction within proper Bounds, So as to form Regimental Nuclei for larger incorporations in time of war, when we insist upon limiting the Conscription time to three Years under the Colours and a Lancasterian primary Education,¹³ and three Years on furlough,

⁴ Louis XIV (1638–1715), King of France from 1643.

⁵ See 'The Frog and The Ox', in *Aesop's Fables*, Fable 349, p. 229, in which a frog, who inflates herself in an attempt to appear as big as an ox, bursts herself.

⁶ François Charles Louis Comte, *Histoire de la garde nationale de Paris, depuis l'époque sa fondation jusqu'à l'ordonnance du 29 avril 1827*, Paris, 1827.

⁷ The first major victory gained by the French Revolutionary forces was the Battle of Valmy of 20 September 1792, when the invading forces of the coalition headed by Prussia and Austria were decisively beaten.

⁸ i.e. the period of rule of Napoleon Bonaparte, Emperor of the French 1804–14.

⁹ MS 'tacticians'.

¹⁰ The Tyrolean Rebellion of 1809 saw the peasants of the County of Tyrol, led by Andreas Hofer (1767–1810), rise against occupying French and Bavarian forces during the War of the Fifth Coalition of April–October 1809 and inflict a number of defeats upon the Napoleonic forces. The Tyroleans were themselves decisively defeated by a French and Bavarian force at the Fourth Battle of Bergisel of 1 November 1809.

¹¹ i.e. the Peninsular War of 1807–14, fought by Britain, Portugal, and Spain against the occupying French forces.

¹² At the Battle of New Orleans of 8 January 1815, British forces had been decisively beaten by regular and militia forces under the command of Major-General Andrew Jackson (1767–1845), President of the United States 1829–37. The war between the United States and Britain had been formally ended by the Treaty of Ghent of 24 December 1814, but news of the Treaty did not arrive in time to prevent the Battle.

¹³ i.e. the monitorial system of education pioneered by, amongst others, the Quaker Joseph Lancaster (1778–1838).

So that Young men, when they are taught the Use of arms to Repel an invasion, do not [lose]¹⁴ the destination of their future life, when we Consider Standing troops as the Vanguard of an Armed Nation and Call for a general System of National guards Naming their own officers, which, in Countries where Government is not, like in the United States, the people itself, Appears to us a Necessary Condition, even for the Maintenance of discipline, we are Opposed not only by the prejudices, Remembrances, and Counter Revolutionary Hopes of the *Ancien Régime*, But by the imperialism, militarism, and wilful forgetfulness of men, many of whom, Had they not found in the National guards a Source of glory and advancement, might Have Remained in the inferior Ranks of Society and Regular Armies. To the federation of 1790, fourteen thousand deputies duly elected were Sent by Upwards of three millions of National guards. The Militia of the United States Amount to eleven Hundred thousand Men¹⁵ equal to defend independence, liberty, equality, territory, and legal order Against a Coalition of the Rest of the World.

I thank You, my dear Sir, for Your observations on the impeachment of ministers.¹⁶ Let me be allowed, as a disciple of the American School, to adapt the principle which limits the judgment on public men to dismissal from office and future incapacity, leaving it with the Courts of Justice to try them, as other offenders, by Common law. In Europe, it is not the Case. On the greater part of the Continent, a Minister is Responsible to his own Master, and often to the Master's Mistress. Where ever there is what is Called a Constitution (Not a writ[t]en Constitutional act, originating with the Sovereignty of the people, framed by their Special Representatives, accepted by them, as it is practiced in the U.S., as we Had introduced it in the [beginning]¹⁷ of the french Revolution,¹⁸ But a Series of precedents, chartered grants, the acknowledgement of Rights made by [Royalty]¹⁹ on the presentation of privilege, as You Have it in England, or a writ[t]en Charter, acknowledging some Rights, abridging others, denying many, among which the first of them, the national Right to make it) Under those Mock Constitutions, I say, the mode of impeachment of Ministers includes the whole proceeding of the law. What is called popular Representation Accuses: Hereditary legislators Become Hereditary Judges. The french Charter Has Specified two offences, treason and Concussion, which indeed extends far if misadvising the king or

¹⁴ MS 'loose'.

¹⁵ According to *Niles' Weekly Register*, vol. xl, no. 1,018 (26 March 1831), 66, a recent report from the Ordnance Department had stated that the militia of the United States amounted to 1,190,853 men, 'being about one-tenth of the estimated population'.

¹⁶ See Letter 3429.

¹⁸ i.e. the French Constitution of 1791.

¹⁷ MS 'begginning'.

¹⁹ MS 'Royalty'.

oppressing the people is *treason* and the misappropriation of public money is *Concussion*.²⁰ The sense of the Chambre des députés, after Better elections Have Secured their dismissal,²¹ Has Been less their Being Brought to punishment, than obtaining a farther Removal of chances for their Return to office, the dismissal of Administrative Agents Still Supported By the Court, and the Use of Committees of inquiry named by the House, an advantage which Your parliament Has over our Chamber. This may in Some Measure Explain the Hesitations, Embroglios and Minorities for Energetic Resolutions, which you Have justly Remarked in the Management of that affair.²² Your Communication of English precedents Cannot But Be Very Welcome.²³

Several packets Have Arrived Since I Last Heard from the noble kind Hearted friend of whom You Have Said that She Had the Sweetest and Strongest Mind that ever was Lodged in a female Body:²⁴ the Singular part Suited, as You Have lately observed, to Her Singular character,²⁵ may be misrepresented By people not well acquainted with the purity of Her Heart, the Candor of her Mind, the Enthusiasm of Her philant[h]ropy, the disinterest[ed]ness of Her Views, and the Vivacity of Her Hopes. Her talents indeed, part of which Evaporate in theories, of the Certainty and Utility of which she Has not a doubt, might, I think, Have Been more efficaciously Employ'd Even to promote Her own Humane purposes. But to know, to Respect, and to love Her will ever Be, in my Sense, one and [the] Same thing. You Have Heard that Camilla is Married to a Very Honest man.²⁶ May they Be Happy, and Contribute to the Happiness of fellow Creatures. Which, whatever Be their Systems and Modes of proceeding, is their main Exclusive object. I am much obliged to the preference You are pleased to preserve in behalf of my *Syrian Rose*, altho' its intrinsic Merit Has not Stood the proof of a more Correct Horticultural Examination.²⁷ Sentimental Associations are not Stranger to flowers on the Soil where she originated. There they tell love tales: Here it Has Been Consecrated to friendship, a friendship Most Cordially Reciprocated.

The part of the family now Here Beg to Be Respectfully Remembered. Georges and His Wife are at Grenoble (dauphiné) where my grand

²⁰ See the Constitutional Charter of 1814, Art. 56: 'Ils [i.e. les ministres] ne peuvent être accusés que pour fait de trahison ou de concussion. Des lois particulières spécifieront cette nature de délits, et en détermineront la poursuite.'

²¹ Following the elections of November 1827, the ministry of Villèle had been replaced by that of Martignac: see p. 15 n. above.

²² Bentham had perhaps made this point in a part of Letter 3428 that has not survived.

²³ See Letter 3428.

²⁴ i.e. Frances Wright.

²⁵ See Letter 3429.

²⁶ Wright's younger sister Camilla (c. 1797–1831) had married Richesson Whitby in December 1827 at the Nashoba Community.

²⁷ See Letter 3429.

TO DANIEL O'CONNELL

18 NOVEMBER 1828

daughter Natalie Junior is on the point of giving me a great grand Child.²⁸

Most truly and gratefully
Your affectionate friend
Lafayette

3465

TO DANIEL O'CONNELL
18 November 1828 (Aet 80)¹

Jeremy Bentham to Daniel O'Connell

Q.S.P. 18 Nov^r 1828.

Should it ever happen to me to live long enough to finish this same *Justice Petition*, alias Petition for Justice, a few words, in the way of explanation, may be of use to accompany it, or rather to precede it.² An observation that will not fail to present itself to you, is that it is not in the usual style of Petitions. True, but why should it be? The object it aims at is quite different from that of any other Petition that ever was; nor is there any style, common to petitions in general, in such sort fixed, that I know of, as that a departure from it should render a paper, bearing this title, inadmissible. As to *precedent*, the rational rule is—in so far as it can be made to answer the purpose, adhere to it: in so far as it can not, depart from it. Be the occasion what it may, precedent, if set at all, must have been set by somebody: on the present occasion, why not by us? To know what part *would* and what would *not* pass and be *joined in* where you are, is to me, where I am, altogether impossible: not much short of it, to know what would

²⁸ La Fayette's son Georges du Motier de La Fayette had in 1802 married Françoise Émilie Destutt de Tracy, the daughter of Émilie Louise de Durfort-Civrac and Antoine Louis Claude Destutt, Comte de Tracy (1754–1836), aristocrat and philosopher. Their eldest child Natalie Renée Émilie du Motier de La Fayette (1803–78) had in December 1827 married Adolphe Périer, banker and nephew of Casimir-Pierre Périer (1777–1832), banker and politician, Prime Minister of France 1831–2, and their eldest child was Marie Henriette Octavie Périer (1828–76).

3465. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/196. In the hand of Colls, except for the salutation, address, corrections, and valediction, which are in Bentham's hand. Addressed: 'To Dan^l O Connell Esq M.P. Dublin.' Stamped: 'FREE / 18 NO 18 / 1828'. Postmarked: 'NO / M 18 / 1828'; and '20NO20 / 1828'. Printed in the *Irish Monthly*, vol. xi, no. 123 (1883), 512–15. Partly printed in Bowring, x. 605, where it is incorrectly dated 16 November 1828.

² See 'Preliminary Explanations Necessary to be First Read', in *Justice and Codification Petitions*, pp. i–xv (Bowring, v. 440–4).

and what would not be, to a sufficient extent, intelligible. Were I to confine myself to what would be *universally* intelligible, no tolerably impressive case should I be able to make. Under these circumstances, the course I have taken, in the body of the petition, is to bring to view a state of things the existence of which is undeniable, and which, according to my conception, gives me an incontestable right to make the completest and most conclusive case that it is in my power to make for my proposed remedy. This is, that, among the signers of the petition, are some who ground what they say on their own judgments: others, who ground it on the judgment of those, in whom they see reason to repose, on this occasion, their confidence; and among those whose ground is formed by their own judgment will be those by whom a part, more or less considerable, has been taken in the penning of that to which they have annexed their signatures.

Some things you will probably see reason to add: a great many more you will almost certainly see reason to strike out. In regard to this matter, my plan is this;—not a syllable that does not meet with your full concurrence must appear; for nothing that you do not approve of, must you in any way be responsible: on the other hand, of *that* concerning which it appears to me that either here or elsewhere it affords a sufficient promise of being serviceable to the cause, I see no reason why, in my own name, and on my own responsibility, I should not be at liberty to publish it: practical result, I publish it here, distinguishing all along whatsoever has in Ireland been substracted, added, or substituted. The copy I should publish would consist of my own original draught as the stock, on which would be engrafted all such amendments as it had received in Ireland. Such passages as had been omitted in Ireland, would constitute what, in technical language, are called the *castrations*. In most parts, I have written it from two to three or four times over: this is one cause of the retardation. Another cause is, the failure of my eyes, which has become such, of late, that I am under serious apprehensions of blindness.

Sheil. From what I have seen of his talents, as evidenced by his printed speech,³ it will be a comfort to me to receive from you an opinion that no opposition, open or secret, to our Law Reform, need be apprehended from him. For, as to assistance, it would be too much to expect: and so in regard to *Lawless*.⁴

I have begun a short paper, having for its object, the investigating and bringing to view the effect that my proposed reform would have

³ i.e. the speech Sheil had prepared for the meeting at Pentenden Heath on 24 October 1828: see Letter 3458.

⁴ Valentine Browne Lawless (1773–1853), second Baron Cloncurry [I], politician, magistrate, and landowner.

on the interest of the profession in all its several branches; and much, I believe, is not wanting to complete what I shall have to say on the subject.⁵

Hunt, the blacking man. It is matter of pride and gratification to me to see you thus holding out the right hand of fellowship to him. You are thus giving evidence of that good desert which is in you: but *my* expectations are far from sanguine of your becoming the cause that correspondent good desert shall be in him. T'other day, unless Newspaper Reports are materially incorrect, or my memory on this occasion, as on so many others, deceitful, he declared peremptorily against Catholic Emancipation before Parliamentary Reform, on account of his apprehension lest the effectuation of the part temporal part spiritual reform, should prove a bar to the merely temporal. And now he is represented as denying this, and treating the imputation of it as a calumny.⁶ However, the course he takes will and must be his own course; though it will not be the less incumbent on us to do whatsoever may depend upon us to do, towards lessening any evil and increasing the good, if any, that he may be disposed to do.

Declaration peremptory against all *conditions* alias *Securities*: declaration decided in favor of separation.⁷ It rejoices me to see that you feel yourself strong enough for this.

I have this moment received a Letter from my friend, La Fayette.⁸ Could he be of use to you in any way? of use—that is to say where he is, or by a visit to Ireland? I fear his faculties and energies begin to fail him: but when in Paris, in 1825, a very near connection of his⁹ applied to me under the notion that I had some influence with him, and any such influence could not be exercised to a better purpose.⁺

In favor of good Government, things are going on swimmingly in France.

+ 'I have' (says he) 'not only a few but as many hours as requisite to improve my mind on your enlightened and philanthropic lessons.'¹⁰

⁵ Bentham's 'short paper' has not been located.

⁶ In a speech at a meeting of the British Catholic Association at the Freemason's Tavern, Great Queen Street, on 10 November 1828, printed in the *Morning Herald*, 11 November 1828, pp. 2–3, Hunt defended the views he had expressed at the meeting at Pentenden Heath on 24 October 1828 (see Letter 3458), claiming that he had been misrepresented and stating that, 'I never said that I wished to retard Catholic Emancipation till we had obtained Parliamentary Reform', though he added that, 'it is my firm and honest opinion you never will have Emancipation till you have a thorough Reform'.

⁷ In a speech to the Catholic Association in Dublin on 13 November 1828, printed in the *Morning Chronicle*, 18 November 1828, p. 3, O'Connell condemned the British Catholic Association for expressing their willingness to consider the question of 'securities' in relation to Catholic Emancipation and disavowing Parliamentary reform at their meeting on 10 November 1828, and suggested the necessity of proclaiming 'a total separation from them'.

⁹ Not identified.

⁸ Letter 3464.

¹⁰ See Letter 3464.

Sad poor creatures, aristocratical and servile, are these fellow Catholics of your's in this country—though I see you have some supporters. I look for some declared schism among them as being not unlikely to have place; but I have heard of nothing but from the Newspapers. From any thing I have said above, do not suppose that my Justice Petition wants much of being ready for you.

Continue to be the sun of your *Laputa*¹¹—your sublimely soaring Ireland: giving light, warmth and direction to it. Warmth, without consuming heat. Let not Phaeton be forgotten¹²—*Parce, puer, stimulis et fortitur utere loris.*¹³

Diverge not either to right or left. Meddle not either with a man's trade, or with his patronymies.¹⁴ All such irrelevancies there are people enough *here*, that will be forward enough to set down to the account of *fallacies*. This last stuff I believe I have come out with already: but in this track of my caducity I hope I have not yet fallen quite so low, as an old friend of my Brother's¹⁵ here—the quondam Russian Ambassador, Count Woronzoff, (father of the General you are reading of,)¹⁶ which said Diplomatist, being 4 or 5 years older than your humble Servant, actually tells the same story 3 or 4 times even in the course of the same sitting.

Farewell.

¹¹ The flying kingdom of Laputa and the anxieties of its citizens for the well-being of its Sun are described in Jonathan Swift, *Gulliver's Travels* (first published in 1726), Part III, Chs. 1–3.

¹² Phaeton, or Phaethon, having learned from his mother Clymene that his father was the sun-god Phoebus, obtained from him a promise of a 'boon' that would serve as proof of his divine heritage. Phaethon requested control of Phoebus's winged horses and 'chariot of fire' but, in the event, was too weak to do so and Zeus was forced to shoot him down with an arrow before the earth was engulfed in flames. See Ovid, *Metamorphoses*, II. 1–343.

¹³ A slightly amended rendition of *ibid.* 127: *parce, puer, stimulis fortius utere loris!*, i.e. 'spare the lash, my boy, and more strongly use the reins!'

¹⁴ O'Connell had referred to Hunt's shoe-blackening business in his letter to Hunt of 9 September 1828, in the *Morning Herald*, 19 September 1828, pp. 2–3 (see Letter 3438), and had referred to him as 'Lord of the Manor of Glastonbury' in Letter 3451.

¹⁵ Sir Samuel Bentham (1757–1831), naval architect, Bentham's younger brother.

¹⁶ Count Semyon Romanovich Vorontsov (1744–1832), Russian Ambassador to Britain 1785–1800, 1801–6, was the father of Count (later Prince) Mikhail Semyonovich Vorontsov (1782–1856), Governor-General of New Russia and Bessarabia 1823–54, who had participated in Russia's campaign against Napoleon and commanded the Russian forces of occupation in France.

3466

TO THE DUKE OF WELLINGTON

29 November 1828 (Aet 80)¹Queens Square Place Westm^r

29 Nov. 1828

My Lord Duke

The herewith inclosed tract² waits upon you, for the purpose of any little chance it may possess of being regarded as capable of being on some point or other turned to account by you in your quality of Chief Minister of Finance. It comes from one whose suggestions have been declaredly deemed not devoid of claim to regard by men higher in authority than even yourself: by crowned heads more than one.³

Here at home, use has actually been made of it by persons who, in the line in question, in different ways, [were] constituted in authority.⁴

It has seemed to me that I should be wanting in the duty I owe my country, were I to omitt taking the liberty I am thus taking with Your Grace.

In every hundred distinguishable parts in it, should there be 99 by which your indignation would be raised, still, should there be one, though it were but a single one, by which in your judgment any purpose of yours, whatever it may happen to be, would be fulfilled or promoted, common prudence will suffice to secure attention to it. Were I even, instead of the friend that I am, an enemy which I am not, You have not, I am persuaded, been in such sort accustomed to beat Your enemies, as not to be disinclined to receive instruction from them when and where any such instruction presents itself as obtainable.

3466. ¹ BL Add. MS 33,546, fos. 256–8. Autograph draft. Headed: '1828 Nov. 29. J.B. to Duke of Wellington with Official Aptitude.' Under the heading, Bentham has repeated the valediction: 'with respect Your sincere wellwisher'. He has then noted: '☞ Sent same day with a Copy of Official Aptitude &c. to Apsly House. Marked Private.' The receipt of the present Letter, endorsed 'Sends Extracts from proposed Constitutional Code', and the dispatch of an answer to it (missing), is recorded in the 1828 Wellington Letter Book, MS61/WP6/3/1, p. 44. Wellington had owned Apsley House, near Hyde Park Corner, since 1817.

² i.e. 'Extract from the proposed Constitutional Code, entitled Official Aptitude Maximized, Expense Minimized', consisting of 'Constitutional Code', Ch. IX, §§ 15–18, dealing with the remuneration, appointment, and dismissal of ministers.

³ Bentham may have had in mind Alexander I (1777–1825), Emperor of Russia from 1801 (see Letter 2313, *Correspondence*, viii) and Ludwig I of Bavaria (see Letter 3452).

⁴ It is unclear to what and to whom Bentham is referring.

Owing to circumstances not worth mentioning, the tract in question has not yet quite received its completion, nor accordingly has it been consigned to general publication.

The same thing may be said of the larger work from which the greatest part of this small one is an extract: It is a *Constitutional Code*, of which so much as regards the Legislative authority (not to speak of the Constitutive) and the greatest part of the Administrative authority (to which Your Grace's Office belongs) is in print: the remainder of what regards the Administrative together with the whole of what regards the Judiciary, in a state wanting very little of completion but as yet in manuscript. Of the plan of the whole, the portion now sent exhibit[s] a considerably extensive sample. The Nations for whose use it was intended, are no other than those who are living under, or looking to live under, a representative democracy. But points there are, and those in no small number, in relation to which the interests of rulers are the same under a Monarchy, absolute or howsoever limited, as in a Democracy: their interests, and accordingly their wishes and endeavours.

Among them are those which relate to Political Book-keeping: to Book-keeping, or say Account-keeping, as applied to the business of Government. In the above-mentioned first Volume are contained between 70 and 80 pages allotted to the subject.⁵ In the course of these 70 or 80 pages my endeavour has been to go over the whole of the ground belonging to it.

Of the whole volume, the matter, such as it is, is what a Monarch, in a Monarchy not much short of being an absolute one—that of Bavaria, has not been frightened at: on the contrary he has recommended it to the consideration of his advisers: so his own Letter to me which I have, informs me.⁶

Should it be agreeable to Your Grace to receive a Copy, it will be a pleasure to me to transmitt one to you. In other respects it is compleat: but has not any Preface or Introduction, nor will have, till a second at least, if not a third are added to it.⁷

From such intercourse as is necessary to this purpose, You need not be apprehensive of my professing, or so much as fancying, myself to possess any claim to return in any shape: a Secretary may perhaps receive direction to acknowledge the receipt of this: and from any thing contained, either in the Volume in question, or in this tract, should Your Grace be pleased to inform me by letter that useful information

⁵ See 'Constitutional Code. Vol. I', Ch. IX, § 7. Statistic Function, pp. 274–341, in total 67 pages, reproduced in *Constitutional Code*, I, (CW), pp. 218–67.

⁶ Letter 3452.

⁷ Bentham added a 'Preface' and Supplements to Ch. IX, §§ 16 and 17 when the first volume was published in 1830: see *Constitutional Code*, I (CW), pp. 3–9, 329–37, and 346–62 respectively.

TO JOHN WRIGHT

23 DECEMBER 1828

in any shape has been received, I am paid. With all respect I am,
My Lord Duke,

Your sincere wellwisher

Jeremy Bentham

To the Duke of Wellington
First Commissioner of his Majesty's Treasury.

P.S. Should your Grace be disinclined to its being known that you have acknowledged the receipt of any communication from me, You have but to cause the words Private and Confidential to be inserted, as M^r Pitt did long ago on a very different occasion,⁸ and the contents shall remain unknown to every body as those of his do and will do.

3467

TO JOHN WRIGHT

23 December 1828 (Aet 80)¹

Q.S.P. 23 Dec^r 1828

Dear Sir

This is to desire you to remitt to me as soon as ascertained, what is due to me at the close of the Year, on the score of interest, as also on the score of profit: for I have been told, that there has been, this Year, some profit.² The interest I understand will be to be remitted from Your part of the world on the 1st of Jan^r: the profit perhaps not quite so soon, owing to the greater length of time requisite for making up the accounts.

An answer per return of post advertising me of the appointed day for the sending the interest, and the probable time of sending the profit will oblige

Dear Sir

Yours most truly

Jeremy Bentham

M^r John Wright Jun^r
Agent to the New Lanark C^o
Glasgow.

⁸ William Pitt the Younger (1759–1806), leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer, 1783–1801, 1804–6. For Bentham's correspondence with Pitt see *Correspondence*, iii–v, as indexes, but none of the extant letters from Pitt are marked 'Private and Confidential'.

3467. ¹ UC clxxiii. 29. Autograph draft. Docketed: '1828 Dec. 23. New Lanark. J.B. Q.S.P. to J. Wright Jun^r Glasgow. Interest and profit to be sent—when?' ² See Letter 3442.

3468

TO ALBANY FONBLANQUE
23 December 1828 (Aet 80)¹

Q.S.P. 23 Dec^r 1828

My dear Albany

In all January, the *Westminster Review* will appear in the character of 'The Giant refreshed':² so at least the advertisement assures.³

In former days, it had once or twice the benefit of your inimitable prolusions.⁴ Not long since, if my crazy memory does not deceive me, on the proposition's being renewed to you, you expressed yourself not disinclined to accede to it. Should this be the case now, I am Your guarantee for payment as soon as the N^o makes its appearance.

3468. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.39. Autograph. An autograph draft is at UC clxxiii. 25, dated || December 1828 and docketed '1828 Dec. 2| |. *West. Review*. J.B. Q.S.P. to Albany Fonblanque Brighton.' Printed in *The Life and Labours of Albany Fonblanque*, ed. Edward Barrington de Fonblanque, London, 1874, pp. 18–19.

Albany Fonblanque (1793–1872), journalist and Editor of *The Examiner*.

² See the rendering of Psalm 78: 66 in the Book of Common Prayer: 'So the Lord awaked as one out of sleep: and like a giant refreshed with wine.'

The *Westminster Review* was in severe financial difficulties by 1828. Following the death of his father Thomas Thompson (1754–1828), banker, Methodist preacher, and politician, MP for Midhurst 1807–18, in September 1828, Thomas Perronet Thompson came into his inheritance and by December 1828 had agreed to discharge all of the *Review's* debts. Thompson subsequently became joint proprietor of the *Review* with Bentham and co-editor with Bowring. The draft contract, dated Q.S.P. 20 December 1828, in the hand of Bentham, provisionally approved and signed by Thompson and Bentham, is at UC clxxiii. 26–7.

³ An advertisement acknowledging that 'The *Westminster Review* has been somewhat delayed by those arrangements, the completion of which will, it is hoped, establish new claims to the good opinion of the public', and announcing the forthcoming publication in January 1829 of issue no. xix, appeared in, for instance, the *Morning Chronicle*, 3 January 1829, p. 1, the *Yorkshire Gazette*, 3 January 1829, p. 4, and the *Liverpool Gazette*, vol. xix, no. 924 (16 January 1829), 21.

⁴ All contributions to the *Westminster Review* were published anonymously but according to *The Wellesley Index to Victorian Periodicals, 1824–1900*, the articles attributed to Fonblanque up to this time are 'Redgauntlet. Art. IX. Redgauntlet; a Tale of the Eighteenth Century. By the Author of "Waverley." Edinburgh, 1824', *Westminster Review*, vol. ii, no. 3 (July 1824), 179–94; 'Boaden's Memoirs of J.P. Kenyon, Esq. Art. IX.—Memoirs of the Life of J.P. Kemble, Esq. including a History of the Stage from the Time of Garrick to the present Period. By James Boaden, Esq. 2 vols. 8vo. pp. 1071. 1825', vol. iii, no. 6 (April 1825), 497–9; 'Moore's Life of Sheridan. Art. VI. Memoirs of the Life of the Right Honourable Richard Brinsley Sheridan. By Thomas Moore. 4to. Longman and Co. London. 1825', vol. iv, no. 8 (October 1825), 371–407; and 'Debrett's Peerage. Art. IV. Debrett's Peerage of the United Kingdom of Great Britain and Ireland. In Two Volumes. Royal 18mo. The Fifteenth Edition, Considerably Improved. London. 1825', vol. v, no. 10 (April 1826), 374–85.

Subjects, left to your choice: number of them, one, two or three. Quantity on the whole, for which room can be found, from one to two Sheets. Ten guineas per Sheet was the accustomed, and I believe by you received, retribution.⁵

One of the subjects proposed (not by me) is *'Justice's Justice:'* meaning the *'Unpaid.'*⁶ You know—or you do *not* know—how I worked Peel about his *paid d^o.*⁷ You will judge whether any thing that is there can be introduced or employed any way to advantage.

As long ago as June last, when hoping soon to see you, I clapped down a few crudities, which, if concocted by you, might (I think and I am not the only man who thinks so) be made into a delicious dish.⁸ If this happen to suit your taste, so much the better: if not, don't trouble yourself to say any thing about the matter.

The sooner you answer, the more you will oblige

Your's most truly

Jeremy Bentham.

Albany Fonblanque Esq^{re}

⁵ Fonblanque does not appear to have taken up Bentham's offer at this time, though several articles published in the *Westminster Review* during the remainder of Bentham's lifetime are attributed to him: see 'Robert Montgomery's Satan. Art. V.—Satan. By R. Montgomery, 12mo. p. 391. S. Maunder. 1830', vol. xii, no. 2 (April 1830), 355–8; 'The Wellington Administration. Art. XVI.—Reply to a Pamphlet intitled "What has the Duke of Wellington gained by the Dissolution." 8vo. Saunders and Otley. 1830', vol. xiv, no. 1 (January 1831), 232–45; 'Crotchet Castle. Art. XIII.—Crotchet Castle. By the Author of "Headlong Hall." London. 1831. 12mo. p. 300', vol. xv, no. 1 (July 1831), 208–18; 'Lackey School of Authors—The Young Duke. Art. VII.—The Young Duke. By the Author of "Vivian Gray." Colburn and Bentley, 1831', vol. xv, no. 2 (October 1831), 399–406; and 'Householders in Danger. Art. XIII.—Householders in Danger from the Populace. By E.G. Wakefield.—London. Effingham Wilson. 1831', vol. xvi, no. 1 (January 1832), 217–25.

⁶ Possibly an allusion to William Cobbett, "'Unpaid' Justices', *Cobbett's Weekly Register*, vol. 51, no. 10 (4 September 1824), 577–607, complaining that it was a lie to refer to 'unpaid' Justices of the Peace when they received a variety of fees and other benefits from their office.

⁷ See *Observations on Mr. Secretary Peel's House of Commons Speech*.

⁸ No such material has been located.

23 DECEMBER 1828

TO SIR ALEXANDER JOHNSTON

3469

TO SIR ALEXANDER JOHNSTON

23 December 1828 (Aet 80)¹

Q.S.P. 23 Dec^r 1828

Dear Sir

In all January the Westminster Review will appear (so at least promises the Advertisement) in the character of the Giant refreshed.² It has reached me that, at one time you were expressing a disposition to employ it as a channel of communication for information respecting the state of Jury trial in Hindostan, and the state of general improvem^t, for which Ceylon owes you a debt of everlasting gratitude.³ Should any such disposition now have place, and the said Review receive the benefit of it, a correspondent obligation will thereby be laid upon the public at large through the medium of the thus honored publication. Quantity for which room can be found, from half a Sheet to a whole Sheet. The accustomed retribution is ten guineas a sheet. This I write confidentially, and for particular reasons, beg that it may rest exclusively between you and me: except that there is one other person to whom it is necessary that the Yes or the no should be communicated by me.⁴

Dear Sir

Your's most truly

Jeremy Bentham

Sir Alexander Johnston

3469. ¹ UC clxxiii. 28. Autograph draft. Docketed: '1828 Dec. West^r Review. J.B. Q.S.P. to Sir Al^r Johnston.'

Sir Alexander Johnston (1775–1849), Advocate Fiscal of Ceylon 1802–6, Justice of the Supreme Court of Ceylon 1807–11, Chief Justice of Ceylon 1811–19, and a founder member of the Royal Asiatic Society established in 1823. ² See Letter 3468.

³ For details of Johnston's role in the reorganization of the government of Ceylon see Letter 3220, *Correspondence*, xii.

⁴ Presumably Bowring. No contribution from Johnston was published in the *Westminster Review*.

TO THOMAS SOUTHWOOD SMITH

14 JANUARY 1829

3470

TO THOMAS SOUTHWOOD SMITH

14 January 1829 (Aet 80)¹

Q.S.P. 14 Jan^y 1829

Dear Sir

Inclosed is a paragraph, which if it be agreeable to you may receive insertion in the article which M^r Bowring informs me you are writing for the Westm^r Review.

On my mentioning the matter to him he gave his assent, and told me that if sent by tomorrow's earliest post, it would be in time. It is since that conversation with him that I have written it. I beg you would make no scruple about making any amendments in it you may think desirable, or even rejecting it altogether.

Your's most truly

Jeremy Bentham

D^r Southwood Smith

P.S. All your papers about physiology are safe and within my view.²
The paper I now send I have not had time to look over.

[ENCLOSURE]³

M^r Bentham, having received from M^r Peel a spontaneous communication relative to his then but as yet projected improvements took occasion, we have been informed, to address to him a letter on this subject, recommending in the most impressive manner the substance of a Bill which he would have been ready to draw for the purpose.⁴ The Right Honorable Gentleman however declined not only taking the matter up in that way but put his *veto* upon any such thing as an application to Parliament. He had, as he informed M^r Bentham, an expedient of his own,⁵ which he accordingly employed but with the

3470. ¹ Miscellaneous Autographs, etc., BL Add. MS 36,652, fos. 11, 14. Autograph. Sent in a separate cover. Addressed: 'To D^r Southwood Smith 36, New Broad Street.' Stamped: '[...?] PAID-29 / 15-JA / 7-NIGHT-7'. Postmark: illegible.

² The papers in question may have been related to a four-columned sheet headed 'Outline of an all-comprehensive Course of Lectures on Comparative Physiology, by D^r Southwood Smith', in the hand of Colls but with additions in Bentham's hand, at UC cviii. 134.

³ The enclosure, at BL Add. MS 36,652, fos. 12-13, consists of two autograph sheets, both of which are headed '1829 Jan. 14. On Bodies for Dissection'. Some of this material was included in 'Anatomy', *Westminster Review*, vol. x, no. 19 (January 1829), 116-48 at 138, and suggestions drawn from other parts of it incorporated into subsequent passages.

⁴ Letter 3252, *Correspondence*, xii.

⁵ See Letter 3253, *Correspondence*, xii.

sort of success which was then and continues to be so notorious. What it was, we have not been able to learn: all that we could hear is that by M^r Bentham it was regarded as being not only inadequate, but on other grounds in no small degree objectionable.

In its present state, the law on this subject is productive of evil in two shapes. It is injurious to the whole community in respect of health and life, by repressing the progress of medical art and science: it produces mental suffering on the part of individuals, in respect of the wound given to their feelings by the apprehension of the disturbances to which their bodies and those of their relatives will be exposed on their decease.

On M^r Bentham's plan, those bodies and those bodies alone would have been subjected to the operation, in the instance of which it was matter of certainty that by their respective relatives no such suffering would be experienced; for example the unclaimed bodies of prisoners dying under confinement and patients dying in Hospitals. To confine to its minimum uneasiness and opposition on the part of the public at large, M^r Bentham would in his preamble to his Bill have put the lesser evil foremost,⁶ and on this account it was matter of concern to him when he found that the attention of so many whose minds would otherwise have remained undisturbed had been drawn to the subject by the appointment of a Committee.⁷

⁶ For Bentham's draft 'Body-providing Bill' see UC xi. 220–4 (6 November 1826).

⁷ In response to petitions from medical professionals complaining about the shortage of cadavers for anatomical study, on 22 May 1828 the House of Commons appointed a Select Committee to 'inquire into the manner of obtaining Subjects for Dissection in the Schools of Anatomy, and into the state of the Law affecting the persons employed or obtained in dissecting Bodies' (*Commons Journals* (1828), lxxxiii. 260–1), chaired by Henry Warburton (1784–1858), MP for Bridport 1826–41 and Kendal 1843–7. The Report of the Committee was sympathetic to the position of the petitioners (see 'Report from the Select Committee on Anatomy', 22 July 1828, *Commons Sessional Papers* (1828), vii. 1–149) and led to the drafting of a Bill (see 'A Bill For preventing the unlawful Disinterment of Human Bodies, and for regulating Schools of Anatomy', 5 May 1829, *Commons Sessional Papers* (1829), i. 603–13), but no measure was passed until the Anatomy Act of 1832 (2 & 3 Will. IV, c. 75).

TO LEONARD HORNER

3 FEBRUARY 1829

3471

FROM JOSEPH HUME

19 January 1829¹

Bryanston Sq^{are}

19th. Jan^y 1829

My Dear Sir

On my return, Yesterday, from Norfolk² I found M^r Bowring's note asking whether printed Petitions will be received by the House of Commons, and I can answer *No*—having tried it more than once.³

Believe

Your's Sincerely

Joseph Hume

Jer Bentham Esq^{re}

3472

TO LEONARD HORNER

3 February 1829 (Aet 80)¹

To the Warden of the London University

2 Queens Square Place

Westminster 3 Fe^{by} 1829.

Sir,

I hereby nominate Leslie Grove Jones Esq of Gloucester Street, Dorset Square as a Candidate for a Member of the Council of the London University.²

3471. ¹ BL Add. MS 33,546, fos. 259–60. Autograph. Addressed: 'Jeremy Bentham Esqre.' Endorsed: 'Joseph Hume.' Docketed: '1829 Jan 19. Petitions. Hume Bryanston Square to J.B. Q.S.P.' ² Hume's home was Burnley Hall, East Somerton.

³ The rule that no printed petitions would be received had, for instance, been confirmed by a vote in the House of Commons on 12 March 1817, when the question of whether 468 printed petitions in favour of Parliamentary reform should be received had been debated. Burdett had spoken in favour of receiving the petitions, but there is no record of Hume having spoken on this occasion. See *Parliamentary Debates* (1817), xxxv. 991–1004.

3472. ¹ UCL College Archives, College Correspondence No. 1556. In the hand of Bowring, except for the signature, which is in Bentham's hand. Docketed: 'Proprietors put in Nomination to fill up Vacancies in the Council at General Meeting 1829.'

Leonard Horner (1785–1864), geologist and educational reformer, was Warden of London University 1828–31.

² The election took place at the Annual General Meeting of Proprietors of London

15 FEBRUARY 1829

TO DANIEL O'CONNELL

I have the honor to be
Sir

Your obd. hbl^e

Jeremy Bentham.

3473

FROM SIR FRANCIS BURDETT

7 February 1829¹

Dear Bentham

I am most happy to hear a good report of you from a M^r Colls who applies to me to subscribe to a work which he says you approve,² now there is no one thing I more avoid than subscribing to works of which I am ignorant but if you approve I shall not hesitate—should not our Grand Duke be styled Felix?³—I return'd from France just in time to join chorus—

Yours sincerely

F. Burdett

S^t James's Place
7th F. 1829

3474

TO DANIEL O'CONNELL

15 February 1829 (Aet 81)¹

Q.S.P., 15th February, 1829.

Dear, honest, supremely public-spirited, truly philanthropic, consistent, persevering, self-devoting Friend!—

University on 25 February 1829, but Jones was not elected. For a copy of the ballot paper see 'UCL Documents and Notices', vol. 1, 1825–9, no. 75.

3473. ¹ BL Add. MS 33,546, fos. 261–2. Autograph. Addressed: 'To Jeremy Bentham Ee. Queens Sq. Place Westminster.' Docketed: '1829 Feb. 9. Burdett S. James's Place to J.B. Q.S.P. Will subscribe to Colls's Book.'

² i.e. John F. Colls, *A Vindication of Infant Baptism: in which the Arguments of the Antipædobaptists are confuted by Scriptural testimony, and the authority of the Christian Church in its earliest and purest ages*, London, 1829.

³ Burdett presumably had in mind Wellington's support for Catholic Emancipation.

3474. ¹ Bowring, xi. 12.

Presumably in anticipation of O'Connell's arrival in London, Bentham drew up a rudiments sheet with the headings 'O'Connell in Parliament—Heads of Speeches for

I have seen Bowring. O'Connell needing '*introduction*'!—what a joke! And to whom?—to a queer old hermit, half gone in dotage, sinking through it into the grave!²

Enclosed you have here your second '*Brief*':³ *not*, indeed, in *Pimlico-order*, (as our phrase says,) though so near to the Bird-cage Walk into which Q.S.P. looks, (being contiguous to Pimlico and the new Palace;)⁴ but, however, in such order as will serve the purpose—I mean of acceleration: these *proofs* being sent *de bene esse*, till superseded by a completed copy.

So, as to the 'Abridged Petition,' spoken of in the herewith-sent advertisement, it could not accompany its lengthy, '*full-length*' precursor: but will follow it, before your leisure, (not to speak of *patience*,) has been long enough to carry you through the aforesaid long one.⁵

As soon as it *has, serve* me with *notice*—name your day—all other engagements vanish. As late as half-after seven, for the sake of maximizing my *writing-time*, is the time, not before, which my dinner (*tête-à-tête* it will be) usually finds itself on table: but if it does *not* suit you, name yours, and the other vanishes: if it *does* suit you, at $\frac{1}{4}$ —a quarter before the half-hour—for the sake of circumgirating the Hermitage,—come to the embrace of

JEREMY BENTHAM,

Aged 81, if he outlives the present four-and-twenty hours.⁶

him' and 'J.B. for O'Connell. Heads of Speeches and Resolutions and Motions' and dated January 1829: see UC lxxx. 59.

² O'Connell appears to have arrived in London on 9 February 1829 (see O'Connell to Mary O'Connell, dated Shrewsbury, 8 February 1829, *Correspondence of O'Connell*, iv. 8, stating that he expected to be in London by the following night) and was presumably seeking an introduction to Bentham through Bowring. Mary, née O'Connell (1778–1836), had married O'Connell in 1802.

³ i.e. 'Petition for Justice', the first 'brief' being 'Petition for Codification', of which two drafts had been sent to O'Connell: see Letter 3454. O'Connell's name appears on a list headed 'Petitions—Persons to whom it is proposed that Copies be sent', dated 14 February 1829, at UC cviii. 138.

⁴ Buckingham Palace.

⁵ The published edition of *Justice and Codification Petitions* consisted of the following separately paginated elements: 'Advertisement' (Bowring, v. 438–40); 'Preliminary Explanations necessary to be read first' (ibid. 440–4); 'Petition for Justice' (ibid. 444–507); 'Abridged Petition for Justice' (ibid. 507–34); 'More Abridged Petition for Justice' (ibid. 534–8); 'Supplement, which may be added or not to any one of the three or any other proposed petition' (ibid. 539–45); and 'Petition for Codification' (ibid. 546–8).

⁶ Bentham was born on 4 February 1747/8 Old Style (i.e. according to the Julian Calendar), which was 15 February 1748 New Style (i.e. according to the Gregorian Calendar). Hence, Bowring may have mis-dated the present Letter or Bentham may have simply confused the date.

23 FEBRUARY 1829

TO ALBANY FONBLANQUE

3475

TO ALBANY FONBLANQUE

23 February 1829 (Aet 81)¹

Q.S. 23 Feb^y 1829

My dear Albany

I think it was Bowring that proposed—I assenting—that something should be done in the Westminster in relation to *Petitions for Justice &c.* in *two different numbers*: in the first instance, a comparatively slight general notice; in the other, a thorough examination.² I understand (for I have not yet had time to see) that in the said Review there is, or is to be, a regular department under the head of Notices: if so, *that* would be the head for the above. (The Devil is a constant inhabitant of my ink-glass.)

For this proposed [. . . ?] behold two reasons.

Reason 1. My purpose was to send you my copy of the first edition of *Humphreys on real property*, that it might be confronted with the 2^d.³ Every body has hunted and hunted and it can not be found, or the disposal of it recollected. You, I imagine would find no difficulty in borrowing a copy for the purpose. But any such copy would be but an inadequate succedaneum to mine: mine having, if I misrecollect not, a large quantity of my scrawl in it.

Reason the 2^d. For a thorough investigation of the subject, with instructive and convincing deductions such as *you* would draw from it, You ought to have under Your eye the documents furnished by the H. of Commons papers more especially those relating to Irish Judicature as being the most comprehensive and copious:⁴ These Sessional papers I take in; and would have looked out and sent to you those that relate to the present subject.

Yours ever

J.B.

3475. ¹ London School of Economics and Political Science, British Library of Political and Economic Science, Letter Collection, Vol. IV, fos. 49–50. Autograph.

² No articles on Bentham's *Justice and Codification Petitions* by either Fonblanque or any one else appeared in the *Westminster Review*.

³ James Humphreys (1768–1830), law reformer, was author of *Observations on the Actual State of the English Laws of Real Property; with the Outlines of a Code*, London, 1826, which had been reissued with the amended title of *Observations on the Actual State of the English Laws of Real Property; with Outlines for Systematic Reform*, London, 1827.

⁴ The Royal Commission appointed 'to inquire into the Duties, Salaries, and Emoluments, of the Several Officers and Ministers of Justice, in all Temporal and Ecclesiastical Courts, in Ireland' eventually issued twenty-one Reports between 1817 and 1831.

TO FRANCIS PLACE

25 FEBRUARY 1829

3476

TO DANIEL O'CONNELL

25 February 1829 (Aet 81)¹

Q.S.P., 25th February, 1829.

LIBERATOR OF LIBERATORS,—Herewith you receive, in print, the proposed Petition for Codification. Item, the proposed Petition for Justice at full length.

Not yet completed is the proposed Abridged Petition for Justice.² I hope and believe another week will not have passed away, before this is likewise completed—meaning the writing of it: for completed the printing of it will scarcely be, even then.

Of the use expected from the Abridged Petition, the advertisement gives some account.

Besides curtailments, there are additions in it: want of conciseness will, I hope, be found compensated for by amelioration.

As we can see one another so seldom, and to both time is so precious, better we should not meet till you have the *tout ensemble*: special cause of exception excepted.

A primary auxiliary power has presented itself to me, and its assistance engaged. But this, too, will keep till we meet.

I conclude, *more Romano*, for the present. '*Vale et me ama*.'³

P.S.—Cheering, in the highest degree, has been Bowring's information of your sacrifice of professional profit to universal benefit, in being, at any rate, in contemplation, and *on the cards*.

3477

TO FRANCIS PLACE

25 February 1829 (Aet 81)¹

Q.S.P. 25 Feb. 1829

J.B. to F.P.

You would oblige me, if you lend me, for the purpose of the Westm^r Review your copy of the Introd. to Morals and Legislation 2^d

3476. ¹ Bowring, xi. 12.

² For the elements that composed *Justice and Codification Petitions* see p. 101 n. above.

³ i.e. 'in the Roman style' and 'Farewell and love me.'

3477. ¹ University of Illinois at Urbana-Champaign, Jacob H. Hollander Collection Manuscripts 1660–1936, Box 1, Item 3,954. Autograph.

Francis Place (1771–1854), radical and chronicler.

25 FEBRUARY 1829

TO FRANCIS PLACE

Edition:² time for which it will be wanted, certainly not so much as a month: probably not so much as a week. Mine are all gone. This not being scarce should any thing happen to your copy, another which I will procure for you will be a compleat equivalent for it. The sooner it reaches me the better.

Come, here is a little payment for you in advance.

With this you will receive proofs of the first 80 out of the 207 pages contained in my Petition for Justice together with the Advertisement of the three Petitions which I shall circulate for the purpose of procuring signatures.³ O'Connell, with whom I have a large and interesting correspondence, consigned some time ago to the care of the Association⁴ the procuring signatures to the Petition for Codification: those for Justice not being then compleated. He enters into the thing warmly: and talks of quitting his profession for it.

What say you to a night at Drury Lane to see the Pantomime. Covent Garden, for reasons not worth explaining, will not compleatly answer my purpose.⁵

The Advertisement I beg the return of as soon as read and sufficiently considered—having as yet no other copy of it: the other may be kept: not many days will elapse before you will have a compleat copy of the whole together.

² *An Introduction to the Principles of Morals and Legislation. A New Edition, Corrected by the Author*, 2 vols., London, 1823. The work was first printed in 1780; the published edition of 1789 included a number of corrigenda, addenda, and supplementary notes; and further emendations were made for the second edition: see *An Introduction to the Principles of Morals and Legislation*, ed. J.H. Burns and H.L.A. Hart, London, 1970 (CW), Editorial Introduction, pp. xxxix–xl.

³ For the elements that composed *Justice and Codification Petitions* see p. 101 n. above.

⁴ i.e. the Catholic Association.

⁵ Performances at the Theatre Royal, Drury Lane on 25 February 1829 included 'The Slave', 'The Little Captive', and 'Der Freischutz', and an unnamed 'favourite Play', and on 26 February 1829 'The Illustrious Stranger', while performances at the Theatre Royal, Covent Garden on the former date included 'The Recruiting Officer' and 'Midas', and on the latter 'The Sublime and the Beautiful' and 'The Invincibles': see *The Examiner*, no. 1,099 (22 February 1829), 121.

TO HENRY HUNT

11 MARCH 1829

3478

FROM HENRY BICKERSTETH

2 March 1829¹

My dear Sir

Many thanks for the copy of your petition² which I will take the very earliest opportunity of reading—and I will call upon you on Sunday morning³ (the only time I can command) at any hour you will appoint. Whenever the occasion offers I shall be most happy to afford my little aid in the promotion of the cause—but you have been intirely misinformed by those who say that I am giving advice and assistance to the Chancellor⁴—it is true that he has spoken to me on the subject of the proposed alterations in his Court—he has done the like to many others who are in practice before him—& we have all given such answers as his questions suggested—but that is all—and on so slight a foundation I cannot build an expectation that introducing my name in the way you mention would be of any use.

Ever truly yours

H. Bickersteth

Lincoln's Inn
2 March

3479

TO HENRY HUNT

11 March 1829 (Aet 81)¹

The person whose sex was problematical to M^r Hunt² begs leave to offer his tribute of admiration for M^r H.'s letter in the Herald of the 9th instant:³ he hopes to be allowed the pleasure of believing that his

3478. ¹ BL Add. MS 33,546, fos. 263–4. Autograph. Docketed: '1829 March 2. Bickersteth Linc. Inn to J.B. Q.S.P. Answer to J.B.'s proposal for nam(ing) him to Wellington.'

Henry Bickersteth (1783–1851), later first Baron Langdale, Chancery barrister and legal reformer, Master of the Rolls 1836–51.

² Presumably 'Petition for Justice'.

³ 8 March 1829.

⁴ John Singleton Copley (1772–1863), first Baron Lyndhurst, Solicitor General 1819–24, Attorney General 1824–6, Master of the Rolls 1826–7, Lord Chancellor 1827–30, 1834–5, 1841–6, Chief Baron of the Exchequer 1831–4.

3479. ¹ UC x. 261. Autograph draft. Headed: '1829 March 11. J.B. to Hunt the Radical. Sent.'

² See Letter 3445.

³ See Hunt's letter to O'Connell, dated 8 March 1829, printed in the *Morning Herald*, 9 March 1829, p. 4, in which Hunt criticized O'Connell for associating with the Whigs,

12 MARCH 1829

FROM ROWLAND HILL

humble endeavours have been more or less contributory to that good understanding in the continuance of which the great cause common to all three⁴ is so essentially interested.

3480

FROM ROWLAND HILL

12 March 1829¹

Bruce castle

March 12th 1829

Dear Sir

I beg your acceptance of a small pamphlet which is the production of my younger brother Frederick.² I mention the name of the author, because he has the vanity to hope that his performance may meet with approbation in your eyes, but for obvious reasons we are anxious that the fact of our family having taken a part in politics, should not be known generally.

I was vexed to learn from D^r Bowring a day or two ago, that you have not received your 'Hazelwood Magazines' regularly.³ I have written to Hazelwood on this subject, & trust the magazines for the last year will be forwarded immediately.

I remain

Dear Sir

Yours most respectfully

Rowland Hill.

To

Jeremy Bentham Esq^{re}

agreeing to the disenfranchisement of the Irish forty-shilling freeholders, and not attempting to take his seat in the House of Commons, but avoided any personal vituperation.

⁴ i.e. Hunt, O'Connell, and Bentham himself.

3480. ¹ BL Add. MS 33,546, fos. 265–6. Autograph. Docketed: '1829 Mar. 12. Rowland Hill Bruce Castle to J.B. Q.S.P. With his Hazelwood Brother's Pro-Catholic pamphlet.'

Sir Rowland Hill (1795–1879), postal reformer and civil servant, was headmaster of Bruce Castle School, Tottenham, an offshoot of Hazelwood School which had originally been established in 1803 at Hill Top, near Birmingham, by his father Thomas Wright Hill (1763–1851), schoolmaster, and which in 1819 had relocated to Hazelwood.

² Frederic Hill (1803–96), civil servant, was the anonymous author of 'Freedom to Catholics, consistent with Safety to The State. By a Protestant', Birmingham, 1829.

³ The *Hazelwood Magazine* was produced by pupils at Hazelwood School between September 1822 and December 1829.

TO THE DUKE OF WELLINGTON

22 MARCH 1829

3481

FROM WILLIAM ALLEN

19 March 1829¹

Paradise Row Stoke Newington 19th of 3^d month /march/ 1829

Esteemed Friend
Jeremy Bentham

In conformity with the provisions in the articles of Partnership of the New Lanark Cotton Spinning Establishment I hereby offer my share in it to the Company at the price, at which it stood in their Books at the close of the last year, or at any other price that may be mutually agreed upon at the half yearly meeting of the Proprietors, to be held as directed in the articles of Partnership on the 13th of next month.

I remain
with great regard & esteem
thy sincere Friend
W^m Allen

3482

TO THE DUKE OF WELLINGTON

22 March 1829 (Aet 81)¹

Queen's Square Place,
Westminster,

22 March 1829.

Jeremy Bentham to the Duke of Wellington.

Ill-advised man!

Think of the confusion, into which the whole fabric of government would have been thrown, had you been killed, or had the trial of you

3481. ¹ BL Add. MS 33,546, fos. 267–8. Autograph. Addressed: 'Jeremy Bentham Queen Square Place near St James's Park Westminster.' Stamped: 'T-P / Lombard St'. Postmarked: 'NOON / MR-20 / 1829'. Docketed: '1829 March 19. New Lanark. W. Allen Paradise Row Stoke Newington. Offering his share for sale.'

3482. ¹ University of Southampton, Hartley Library, Wellington Papers, 1/1004/17. In the hand of Colls, except for the signature and direction, which are in Bentham's hand. Addressed: 'To The Duke of Wellington.' Endorsed: 'Private.' ☞ This regards the Duke's life. Jeremy Bentham. March 22, Sunday.' Docketed: 'March 22^d 1829. From M^r Jeremy

22 MARCH 1829

TO THE DUKE OF WELLINGTON

for the murder of another man been substituted, in the House of Lords, to the passing of the Emancipation Bill!²

I told you I was your *well-wisher*.³ (Even in the common form of a letter I never speak unadvisedly.) I now *prove* myself so.

The circumstance, that induces me thus to put myself forward, is *this*. For the entire extinction of this most pestilential practice I have a plan, of the success of which I have little more doubt than of my own existence. It is grounded partly on experience furnished by this country; partly on experience by another country;⁴ partly on the attention I have, for between 60 and 70 years past, been paying to the springs of action in human nature; partly on the acquaintance I have made with the *penal code* and the system of *judicial procedure*, as they *are* and as they *ought* to be, in all their details.

If there be that man upon the face of the earth, in whom self-sacrifice, and so much *more* than *self*-sacrifice, to no imaginable good purpose, are less excusable than in any other, it is yourself. In the first place, in your case, what symptom of deficiency in personal courage would be your utter refusal to engage with any man in any such contest? Yes: if for the first time you had just been taking in hand a pair of colours. In the next place, even supposing it conclusive proof of such an infirmity, would it have rendered you incompetent, or any other man competent to conduct the business of government?

Bentham relative to the Duke's meeting with Lord Winchilsea. Ans^d within.' Enclosed within the letter is a slip containing an abstract of Wellington's reply: 'Comp^{ts}. The Duke has received his Letter. Done March 23^d 1829. M^r Jeremy Bentham.' The receipt of the present Letter, and the dispatch of an answer to it, are recorded in the 1829 Wellington Letter Book, MS61/WP6/3/2, p. 78. Printed in Bowring, xi. 12–14, and in *Despatches, Correspondence, and Memoranda of Field Marshal Arthur Duke of Wellington, K.G.*, ed. the Duke of Wellington, 2nd ser., 8 vols., London, 1867–80, v. 546–7.

² Wellington's support for Catholic Emancipation, which would result in the passing of the Roman Catholic Relief Act of 1829 (10 Geo. IV, c. 7), was the source of a disagreement between Wellington and George William Finch-Hatton (1791–1858), tenth Earl of Winchilsea and fifth Earl of Nottingham, politician, defender of Protestantism, and supporter of the Orange party in Ireland. Wellington had challenged Winchilsea over a letter he had written to the Secretary of King's College London in which he had accused Wellington of 'an insidious design for the infringement of our liberties and the introduction of Popery into every department of the State'. According to the account of the duel, which had taken place at Battersea Fields on 21 March 1829, in *The Annual Register, or a view of the History, Politics, and Literature, of the Year 1829*, London, 1830, pp. 58–63, Wellington fired and shot Winchilsea in the coat, whereupon Winchilsea deliberately fired wide and apologised for the language of his letter. ³ See Letter 3466.

⁴ Bentham perhaps had in mind the 'Bavarian Court of Honour', which he mentions in a passage at UC xvi. 165 (6 January 1828), written for an unpublished essay with the proposed title of 'Duelling extinguishable. Shewing the origin of the practice together with the need and sure means of extinguishing it, illustrated by anecdotes of Duelling by the several species of Duellists' (see UC xvi. 133 for the draft title page). Bentham's later writings in opposition to duelling, dating mainly from 1825–8, are collected at UC xvi. 1–249.

In what shape, either to yourself or to your country, would any *evil* be produced by an imputation of that sort, comparable to that which would be produced by your sudden death?

T'other day *O'Connell* was with me. Amongst other things he gave me his history in relation to *duelling*. About a dozen years ago, he happened to kill his man.⁵ He declares himself in private as well as in public and, (strange as it may seem to many of us) as far as I can judge with sincerity, to be a [believer]⁶ in the religion he professes in public. Not without visible signs of emotion did he speak to me of the catastrophe. The effect produced by it on his mind was (he said) such, that he made a *vow*; and that *vow* was to make *atonement* for the transgression; and that atonement consisted in the determination *never* to engage a *second* time in the like contest, but to submit to any *insult* or *indignity*, how atrocious soever, rather than seek, or accept of, *satisfaction* in that shape. Yes: and to make this determination matter of *general notoriety*: and to this determination he had hitherto maintained, and ever resolved to maintain, the most inviolable adherence.

Not so much as five minutes had the report of the occurrence reached me in this my hermitage,⁷ when I sat down to write the scribble, which in the original would not have been legible to you: in the meantime what I hear is—that instead of being the *challengee*, which would have been '*too bad*', you were actually the *challenger*, which is still worse. *Friends* forsooth!⁸ How narrow must have been the views and minds of friends, by whom advice, with such effects in the train of it, could have been given!

These *friends*,—in name, profession, and appearance, to whom were they so in reality? To yourself, to the King, to Great Britain, to Ireland, to the human species at this *present* time? to the same species at any *future* time? Put to each of them these questions: and take note of his answers.

In the United States I am neither unknown nor unheeded. The President and the present Finance Secretary were my familiar

⁵ On 1 February 1815 O'Connell had fought a duel at Bishop's Court, County Kildare, against John D'Esterre (1762–1815), Irish merchant, after O'Connell had criticised the Dublin Corporation, of which D'Esterre was a member. O'Connell shot D'Esterre in the hip and he died from his injuries. ⁶ MS 'beleiver'.

⁷ Reports of the duel appeared in the Saturday evening and Sunday morning newspapers of 21 and 22 March 1829 respectively.

⁸ Wellington's friend or second at the duel was Sir Henry Hardinge (1785–1856), army officer and politician, Secretary at War 1828–30, 1841–4, Chief Secretary to the Lord Lieutenant of Ireland 1830, 1834–5, Governor General of Bengal 1844–8, Master General of the Ordnance 1852, while Winchilsea's was Edward Boscawen (1787–1841), third Viscount Falmouth, first Earl of Falmouth.

22 MARCH 1829

TO THE DUKE OF WELLINGTON

friends.⁹ Propensity to duelling is in that country the cardinal *vice*. In that country, still more than in Ireland, the *plague* in that shape *rages*. If I live two years, or at the utmost three years longer, I shall be in no small degree disappointed if I do not see the '*plague*' (as the Bible phrases it) '*stayed*.'¹⁰

For my own part, in former days I thought I saw some benefit from it to mankind, and committed the mention of them to writing; and, if I misrecollect not, to the press.¹¹—On further consideration I have arrived at the persuasion that they amount to little if anything, and that at any rate they are in a prodigious degree outweighed by the mischievous effects, of which I am prepared to give a list.

Mere insensibility to danger of pain and death is a virtue which man possesses in joint tenancy with the bull, the bear, and their challenger, the dog.

Now then, if to personal and physical, you add *moral* courage, I will tell you what to do. Go to the House of Lords. Stand up there in your place, confess your error, declare your repentance, say you have violated your duty to your Sovereign and your country, and promise that on no future occasion whatsoever, under no provocation whatsoever, in either character—that of *giver* or that of *accepter* of a challenge—will you repeat the offence.

Here am I, leader of the Radicals (in that character at least am I, and I alone, every now and then spoken of) leader of the Radicals, more solicitous for the life of the leader of the Absolutists, than he himself is! What paradoxes, what prodigies, has not the field of politics given birth to, of late!

Jeremy Bentham.

To the Duke of Wellington.

⁹ John Quincy Adams (1767–1848), Secretary of State 1817–25, President 1825–9, and Richard Rush (1780–1859), Secretary of the Treasury 1825–9. ¹⁰ Numbers 16: 48.

¹¹ See the discussion entitled 'Shewing indulgence to duelling', written in about 1780–2 and intended for the section on 'Indirect legislation against misrule' in 'Indirect Legislation', originally intended as a chapter in Bentham's proposed 'Plan of a Penal Code' (which also included the material eventually published as *An Introduction to the Principles of Morals and Legislation*), at UC lxxxvii. 118. While Bentham himself did not publish the essay, a version appeared under the title 'Des moyens indirects de prevenir les Délits' in Dumont's edition of *Traité de législation civile et pénale*, iii. 1–199, of which a translation, edited by Richard Smith, later appeared in Bowring, i. 533–80. The discussion of duelling appears in neither the Dumont nor the Smith versions of the essay.

3483

TO THE DUKE OF WELLINGTON

23 March 1829 (Aet 81)¹

Q.S.P.

23 March 1829

Monday evening.

Jeremy Bentham to the Duke of Wellington.

My dear Duke,

Opened this moment this note of yours.² I must at you once more. I am an Englishman. More than that I have my designs upon you. I want to make you do what Cromwel tried at and found it was too much for him.³ I cannot afford to lose you. Your country remains plunged by you into a danger you seem not to be aware of. I am.

This moment you present yourself to my mind's eye with a brace of bullet holes—not in the skirts of your coat but in your body: dupe to some rascal who has looked to it as a ladder to his ambition or a feast for his vengeance. If one is not enough, others may follow: this in any number.

Think not this is mere fancy: for in aid of imagination, in comes memory. Three cases it presents in the same moment:—O'Connell's once more;⁴ Colonel Burr's;⁵ and Target Martin's.⁶

3483. ¹ University of Southampton, Hartley Library, Wellington Papers, 1/1004/22. In the hand of Colls, except for the heading, signature, direction, and postscript, which are in Bentham's hand. Docketed: 'March 23^d 1829. From M^r Jeremy Bentham.' The receipt of the present Letter, and the fact that no answer was made, is recorded in the 1829 Wellington Letter Book, MS61/WP6/3/2, p. 79. Printed in Bowring, xi. 14–15, and *Despatches, Correspondence, and Memoranda of Wellington*, v. 554–5. An autograph draft, except for the postscript, which is in Arthur Moore's hand, is at BL Add. MS 33,546, fos. 277–9.

² i.e. the reply to Letter 3482 (see pp. 107–8 n. above), which is missing.

³ In Letter 3484 Bentham mentions that he wants Wellington to 'deliver the Country from the tyranny of the Lawyers'. He perhaps had in mind a conversation in which Oliver Cromwell (1599–1658), Lord Protector 1653–8, complained to Edmund Ludlow (1616/17–92), army officer and regicide, of the opposition of lawyers to legal reform: see *Memoirs of Edmund Ludlow*, 3 vols., Vevay, 1698–9, i. 319, cited by Bentham in 'Papers relative to Codification and Public Instruction', Supplement, No. V, p. 131, reproduced in *Legislator of the World* (CW), pp. 158–9.

⁴ For O'Connell's duel see Letter 3482.

⁵ Aaron Burr (1756–1836), Attorney General for New York 1789–91, Senator for New York 1791–7, Vice-President of the United States 1801–5, killed the Federalist politician Alexander Hamilton (1757–1804) in a duel on 11 July 1804.

⁶ Samuel Martin (1714–88), MP for Camelford 1747–68 and Hastings 1768–74, Secretary to the Chancellor of the Exchequer 1754–5, Secretary to the Treasury 1756–7, 1758–63, wounded John Wilkes (1725–97), politician, in a duel at Hyde Park on 16 November 1763. Martin had challenged Wilkes on account of an article in the *North Briton*, no. xl (5 March 1763), 132–4, though according to the *North Briton*, no. cxxxii (28 October 1769), 11,

First as to O'Connell's. What I did not mention before is this. O'Connell was sure of his mark. He had made himself so in an odd way. In his part of the country reigns a commonwealth of dogs: their practice was to attack men on horseback, biting the horse's heels. Think not this incredible.

A similar commonwealth had place years ago and probably has still in Constantinople. Anno 1785 it made war upon me there: fortune saved me.⁷ O'Connell travelled with pistols, and practised with them upon those dogs, till he became expert, as above. Hence the contrition spoken of in my last.

2. Colonel Burr's case. Colonel Hamilton stood in the way of his ambition. Burr determined to put him out of the way. He too had made himself sure of his mark. Not confession this, but boast. I had it from himself. Anno 1807 or thereabouts he was my guest for months.⁸

3. Target Martin's. John Wilkes got him christened by this name: the import of it you see already. In this Martin's case it was an affair of *speculation*. How to use pistols, he had learnt from his target: whom to use them upon, from the case of S^t Becket in Hume's history. George the Third was his Henry the Second.⁹

4. Another case comes in this moment. Adam's, Lord Commissioner Adam's case. Shooting at a great man by his leave, then figuring away and making a friend of him.¹⁰ Speculation this in another shape.

Speculations, such as they are, I have likewise: but, so it is, it has never happened to them to take exactly this turn. Should it ever, you see already how I should proceed, taking you to practice upon. Common Law offers me, as you will see, her licence. When

Wilkes suspected that Martin's challenge was motivated by the administration's dislike of the *North Briton*, no. xlv (23 April 1763), in which Wilkes had criticised George III and the Treaty of Paris of 1763, which had concluded the Seven Years' War.

⁷ There appears to be no other account of this incident.

⁸ Burr visited Bentham at Barrow Green Farm, near Godstone, Sussex, and then resided at Queen's Square Place from 22 August 1808 until the end of the year: see Letters 1982, 1989, *Correspondence*, vii.

⁹ For the account by David Hume (1711–76), philosopher and historian, of the murder of Thomas Becket (1120?–70), Archbishop of Canterbury 1162–70, in Canterbury Cathedral, by four gentlemen of the household of Henry II (1133–89), King of England 1154–89, who had complained that the 'want of zeal' of his servants 'had so long left him exposed to the enterprizes of that ungrateful and imperious prelate', see *The History of England from the Invasion of Julius Caesar to The Revolution in 1688* (first published 1754–63), 6 vols., Indianapolis, 1983, i. 332–3.

¹⁰ William Adam (1751–1839), politician and advocate, having been ridiculed by Charles James Fox (1749–1806), Foreign Secretary 1782–3, 1806, for declaring his support for Frederick North (1732–92), styled Lord North 1752–90, second Earl of Guilford, leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer 1770–82, challenged Fox to a duel, which took place at Hyde Park on 29 November 1779, when Fox was slightly wounded. Following Adam's role in the negotiations that led to the Fox-North coalition government of 1783, Fox and Adam became close friends and political allies.

my target had holes enough through it, I should look back into the Newspapers, and say *to* you, or *of* you, something in the style of what Lord Winchelsea said.—A brace of balls you would put into the skirts of my coat:¹¹ another brace I should put into your body. Here am I then a great man; you a dead one. Now then for this my greatness what should I have to pay? At the outside, the cost of a year's lodging, in a comfortable apartment, in a handsome stone building, called a prison, with a pleasant garden to it. This punishment it is that as above I call a *licence*.¹²

With reminiscences such as these in his mind, could a man do otherwise than I have done and am thus continuing to do? Had I not, I should, in case of your falling a victim as above to rage or speculation, read my own condemnation in my own *penal code*. In it stands a class of offences designated by the title of *negative*. It runs through all the other classes:—Omission to do something from the want of which comes an evil, such as is produced by this or that positive act: in which way murders may as surely be committed, as by sword or pistol. By omitting to administer food, a Jailor for example has murdered his prisoner; a Nurse, her child.¹³

'England expects every man to do his duty.'¹⁴ This done, I have done mine. Whosever head any blood of your's may fall upon, one there is, upon which none of it shall fall, and whose it is you, once more, see.

Jeremy Bentham.

Duke of Wellington.

P.S. Respect for your time has substituted to a lengthy letter this abridgment.¹⁵ My social affections are warm: the promptitude of your attention had called forth the garrulity of old age.

¹¹ Wellington had shot Winchelsea in the coat: see p. 108 n. above.

¹² Although Blackstone, *Commentaries on the Laws of England*, iv. 199, explains that where a man was killed in a duel, 'the law has justly fixed the crime and punishment of murder' on the killer and his seconds, in practice there were very few criminal trials arising from duels and in those cases the courts often took a lenient view, reducing the offence to manslaughter. It is possible that Bentham had a particular case in mind. Richard England, for instance, was indicted at the Old Bailey on 17 February 1796 for the murder of William Peter Lee Rowlls, who he had shot in a duel, whereupon he was found guilty not of murder but of manslaughter and sentenced to a fine of one shilling and twelve months' imprisonment.

¹³ For the distinction between negative and positive acts see *An Introduction to the Principles of Morals and Legislation* (CW), Ch. VII, paras. 8–10, pp. 75–6.

¹⁴ This message was sent to the British fleet by Horatio Nelson (1758–1805), first Viscount Nelson, naval officer, at the Battle of Trafalgar of 21 October 1805.

¹⁵ The draft in question, on which Bentham has noted 'Not sent: but another instead of it', is at BL Add. MS 33,546, fos. 273–6.

25 MARCH 1829

TO THE MARQUIS DE LA FAYETTE

3484

TO THE MARQUIS DE LA FAYETTE

25 March 1829 (Aet 81)¹

Jeremy Bentham to General La Fayette.

Copy: the original scrawl not being sufficiently legible.

Queen's Square Place, West^r

March 25. 1829

Illustrious and ever dear friend,

In the utmost haste, profiting by a sudden opportunity, I send you a literary phenomenon which has just appeared here in a gigantic Newspaper fit for the Country of Brobdengas.²

I hope *O'Connell* by whom I send it will deliver it to you.³ With him I have formed a close alliance. He is to use his endeavors in Parliament to place on the carpet my plan for an all-embracing regeneration of the law. I thought you might not be disinclined to see a man so celebrated and really so beneficent: his having educated his three sons under Jesuits notwithstanding.⁴ The O'Connell, who is Field Marshal or General in the French service, I forget which, a man 88 years old, is his uncle.⁵ The circumstance of his connection with the Jesuits, renders it doubtful to me whether it will be agreeable to him to be himself the bearer of this to you. Paris is familiarly known to him: but it is by the Coté Jesuitique to which, in respect of religion, I believe him sincerely attached; and yet, strange as it may appear, attached at the same time to parliamentary reform, which is republicanism under another name—to law reform, to equality of rights in respect of religion—in a word, to good government, (except as excepted) in *our* sense of the word.

I send you this paper, for the purpose of giving you the chance of seeing this extraordinary man, partly for the momentary gratification

3484. ¹ Cornell University, Carl A. Kroch Library, Arthur H. and Mary Dean Lafayette Collection, 4611, box 43, folder 21. In the hand of Colls, with the exception of the heading, salutation, corrections, valediction, and direction, which are in Bentham's hand.

² In Swift's *Gulliver's Travels*, Part II, Brobdingnag was inhabited by a race of giants. The 'literary phenomenon' has not been identified.

³ O'Connell did not, in the event, travel to Paris: see Letter 3485.

⁴ In fact, O'Connell had four sons, namely Maurice Daniel O'Connell (1803–53), MP for County Clare 1831–2 and Tralee 1832–7, 1838–53, Morgan O'Connell (1804–85), John O'Connell (1810–58), and Daniel O'Connell Jr. (1816–97), all of whom were educated at Clongowes Wood College, County Kildare, which had been established by Jesuits in 1814.

⁵ Daniel Charles O'Connell (1745–1833), Count O'Connell, royalist army officer in the French service, had been appointed Lieutenant-General in the French Army on the restoration of the Bourbons.

of seeing this literary curiosity. It not being worth return, perhaps you would have the goodness to send it on to Julien,⁶ to whom, on account of his *Revue Encyclopédique*, it cannot fail to be interesting, if he has not a copy by other means.

Under the management of my excellent friend, Bowring, who has the honor of being known to you, the *Westminster Review* which, by some untoward circumstances, had been laid asleep for a time, has awakened, and acquired a fresh vigor.⁷ It is an engine of mine, set on foot by me, in my quality of Leader of the new-born one of the three parties—the *Radicals*.

In this quality, and even declaredly, I am in correspondence with *Wellington*, on terms of mutual amity and civility.⁸ I have already told him what I want of him, which is, to make him do what Cromwell tried at and was not able to accomplish—deliver the Country from the tyranny of the Lawyers.⁹

Some time ago, having been fortunate enough to pick up a copy of an account of East Florida, including an appropriate map, published A^o 1769, when that Country was in possession of the English Government, I addressed it to you, by what channel I do not recollect.¹⁰ It would be a satisfaction to me to know that it has reached your hand. No letter accompanied it, I believe. There was not time.

Not many days will elapse before the completion of a printed paper, displaying some of the most flagrant abuses of the law, which O'Connell and I shall circulate: it being in the form of a Petition to the House of Commons for the purpose of obtaining signatures.¹¹ What is above, may be communicated to any of our common friends; but *not* in such sort (let me intreat you) as that it may find its way into any newspaper. But I should be glad if matters could be so arranged as that *Felix Bodin* should hear of this and even have a copy of any part you choose. Since the death of his father¹² I have received a letter from him.¹³

Yours ever

Jeremy Bentham

To General La Fayette

⁶ Marc-Antoine Jullien.

⁷ For the revival of the *Westminster Review* see p. 94 n. above.

⁸ See Letters 3466, 3482 and 3483.

⁹ See Letter 3483.

¹⁰ William Stock, *A Description of East-Florida, with a Journal, Kept by John Bartram of Philadelphia, Botanist to His Majesty for the Floridas; upon A Journey from St. Augustine up the River St. John's, as far as the Lakes*, 3rd edn., London, 1769. Bentham had sent a copy of this work with Letter 3343, *Correspondence*, xii, to Alfred Say (1807–64), businessman, son of Jean-Baptiste Say.

¹¹ i.e. *Justice and Codification Petitions*.

¹² Jean François Bodin (1766–1829), member of the French Chamber of Deputies 1820–4.

¹³ Missing.

27 MARCH 1829

FROM WILLIAM BEACH LAWRENCE

3485

FROM DANIEL O'CONNELL

26 March 1829¹

5 O Clock AM

26th March 1829

I write *this* line to inform my revered Master that I am compelled to go to Ireland *on* a special retainer.² I intend to return within ten days. I will get the Petition for Codification or law reform signed there and bring it back with me.

My journey to Paris is only *postponed*.³

With respect—let me add affection

Daniel O Connell

3486

FROM WILLIAM BEACH LAWRENCE

27 March 1829¹

Avenue de Neuilly N° 21.

Paris March 27. 1829.

Dear Sir,

It has not been, I need hardly say, from want of gratitude for the kind and friendly manner in which you treated me during my residence in London, that I have so long deferred an acknowledgment. I knew that a mere letter of thanks would not be acceptable, and I put off writing, from day to day, in hopes that something might fall under my

3485. ¹ Caroline Archer Clive Autograph Collection, in the quondam possession of the late Mr George Clive, Whitfield, Allensmore, Herefordshire. Autograph. Addressed: 'Jeremy Bentham Esq.' Docketed: '1829 March 26 5 A.M. O Connell Bury Street S' James to J.B. Q.S.P. [...] to Ireland. [...] to Paris. Will bring Codification Petition.'

² O'Connell acted as counsel in *Blackwood v. Blackwood*, a case of disputed inheritance, heard at the spring assizes at Downpatrick, County Down, 1–3 April 1829, reported in the *Northern Whig*, 9 April 1829, p. 1, and *Supplement to the Northern Whig*, 9, 16, and 23 April 1829.

³ O'Connell did not, in fact, visit France until 1847, when he passed through on a pilgrimage to Rome.

3486. ¹ BL Add. MS 33,546, fos. 280–1. Autograph. Addressed: 'Jeremy Bentham Esquire 2 Queen Square Place Westminster London'. Stamped: 'PORT-PAYE'; 'F-P'; and '60 / P.P. / E'. Postmarked: '28 / MARS / 1829'; 'FPO / MR-31 / 1829'; and '12-NOON-12 / MR-31 / 1829'. Docketed: '1829 March 27. Reced 30. W.B. Lawrence Paris to J.B. Q.S.P.'

observation, not wholly unworthy of your notice. Though disappointed in my expectations, I cannot subject myself to the imputation of being ungrateful, by any further delay.

Indeed, though released from public duties, I have had too much of my time occupied by incautiously offering to translate a work in praise of American institutions, written by a French Peer and dedicated to the Dauphin. I think that some good may be done by making the Marquis de Marbois's book accessible to my countrymen,² but I regret that the employment has prevented my winter's passing as profitably, as I could have desired. But whenever, and it has been frequently, I have heard reference made to Philosophy applied to Jurisprudence, I have been gratified to find that, however ungrateful his own countrymen may be, the services of my venerated friend, (I hope that I may be permitted to use that term,) are every where appreciated by enlightened foreigners. Looking back to the state of things in former ages, it was indeed not a little extraordinary to hear, a few days since, your labours made the theme of a warm and eloquent eulogium from the Professor of Philosophy at the *Sorbonne* and which was delivered, as are all M^r Cousin's lectures, before an audience of fifteen hundred or two thousand persons.³

When I get back from Holland, where I am soon going for two or three weeks, I purpose passing a short time longer in Paris to familiarize myself with the practical administration of justice in this country and should, on my return to America, any opportunity of usefulness be offered me, I trust that I shall prove that I have not frequented Queen Square Place to no purpose.

The recent occurrences in England must be particularly grateful to you & other advocates of equal political rights.⁴ As the influence of the

² François, Marquis de Barbé-Marbois (1745–1837), French diplomat, statesman, and judge, Intendant of Saint Domingue 1785–9, Deputy in the Council of Ancients 1795–7, French Minister of the Treasury 1800–6 (when he negotiated the Louisiana Purchase by the United States in 1803), First President of the Cour des Comptes 1808–16, 1816–34, was author of *Histoire de la Louisiane et de la cession de cette colonie par la France aux États-Unis de l'Amérique septentrionale; précédée d'un discours sur la constitution et le gouvernement des États-Unis*, Paris, 1829, which appeared in translation as *The History of Louisiana, particularly of the cession of that colony to the United States of America; with An Introductory Essay on the constitution and government of the United States*, Philadelphia, 1830. Marbois had dedicated the work to Louis Antoine, Duc d'Angoulême (1775–1844), Dauphin of France.

³ Twenty-five lectures of Victor Cousin (1792–1867), Professor of Philosophy at the Sorbonne 1815–21, 1828–30, were compiled in *Cours de l'histoire de la philosophie, par M.V. Cousin, professeur de philosophie à la faculté des lettres de Paris. Histoire de la philosophie du XVIII^e siècle*, 2 vols., Paris, 1829, where Bentham is described (ii. 37) as 'aujourd'hui le grand représentant de l'école politique sensualiste dans l'Europe entière: son âge, sa renommée, sa qualité d'étranger nous donnent, je pense, le droit de nous occuper de lui comme d'un philosophe qui appartient à l'histoire'.

⁴ An allusion to the passing of the Roman Catholic Relief Act, which had received the Royal Assent on 13 April 1829.

9–10 APRIL 1829

TO LORD WILLIAM BENTINCK

clergy has been found to be not omnipotent, may it not be predicted that reform will ere long extend to legal monopoly? I think that you yourself may yet see some of your disinterested efforts to benefit mankind crowned with success.

I did not write respecting the communication which you confided to me for General La Fayette, as he informed me that he had answered you fully on the subject to which it related.⁵

I understand from M^r Hillhouse, (son of an Ex-Senator of the Uni(ted States) who is connected with me by the intermarriage of our relations() that) he has had the gratification of visiting you.⁶ It is a long time sin(ce I) have seen M^r Hillhouse, except momentarily on my arrival here last autumn, but I knew a great deal of him, seven or eight years ago, when he seemed to be zealously engaged in literary pursuits and philosophical enquiries, to prosecute which has been his inducement for submitting to many privations & exiling himself from his family & country. I refer to this gentleman, for whom I have entertained a sincere regard, in compliance with his request. He is as you have doubtless perceived of eccentric manners. With his objects in London I am unacquainted, but presume them to be the same that they were here—the search after knowledge.

I remain, Dear Sir, with respect & veneration
Your very faithful & obliged friend & Serv^t
W.B. Lawrence

Jeremy Bentham Esquire.

3487

TO LORD WILLIAM BENTINCK

9–10 April 1829 (Aet 81)¹

The subjoined paragraph has just fallen under my eye.² It has produced the liberty taken by this address. It assumes me in possession of the advantage of being sufficiently known to you for the present purpose,

⁵ Presumably Letter 3464, in response to Letter 3429.

⁶ See Letter 3456 for Jullien's introduction of Hillhouse, who had married Lawrence's sister Cornelia Ann Lawrence (1802–74) on 23 November 1822.

3487. ¹ UC x. 175–8, consisting of two discrete drafts. The first draft, at UC x. 175–6, dated 9 April 1829, constituting the first four paragraphs, is in an unknown hand and appears to have been dictated by Bentham. The second draft, at UC x. 176–8, dated 9–10 April 1829, is in Bentham's hand. All four sheets are headed 'J.B. to L^d W. Bentinck' and sub-headed 'On the announced Codification.' There is no evidence that the present Letter was sent.

² The paragraph in question has not been located.

myself, my occupations and situation in society. From Col^l James Young of Calcutta you might be made acquainted in detail with whatever particulars may be thought suitable to the purpose. I have had for many years the happiness of numbering him and the Honourable Col^l Lester Stanhope among the most intimate of my friends.³

The paragraph in question, together with another giving account of the sensibility manifested by the natives at Bombay to the services lately rendered to them by the late Chief Justice Sir Edward West, in his judicial capacity,⁴ have determined me to take the following course for the chance of rendering my labours, such as they are, in addition to the accompanying works, more or less contributory to the noble undertaking in which the paragraph speaks of your Lordship as being engaged.

Among the most pressing needs of British India [are a] system⁵ of procedure suitable to the character of the population in all its classes and a correspondent judicial establishment. The judicial territories beyond comparison more numerous than at present, that justice may be universally accessible not in show only but in effect. For this purpose, the class of men I look to for my judges, I need scarcely mention, are the half-castes. Their situation may render acceptable to them salaries, ten times the amount of which they would, by a Judge of the English School, be turned from with contempt.

Of all that I now venture to propose, there is not a syllable that is not perfectly known to M^r Mill, whom you saw at M^r George Grote's and, if I may believe him, as perfectly approved by him.⁶

Jeremy Bentham to Lord William Bentinck
Governor General of British India

Understanding, from these and other tokens that now for the first time the local Government of British India is in the hands of a man

³ Bentham had known Stanhope and Young since 1823.

⁴ Bentham appears to have had in mind an article in the *Morning Chronicle*, 5 February 1829, p. 2, reproduced from the *Bombay Gazette*, 8 October 1828, consisting of 'a last mournful tribute of affection to the memory of . . . our gracious Chief Justice, the Honourable Sir Edward West', signed by 'about 140 of the principal Hindoo Parsees, Mahomedan Merchants, and Inhabitants' and dated Bombay, 1 October 1828. Sir Edward West (bap. 1782, d. 1828), political economist, was Chief Justice of the Supreme Court of Bombay 1823–8. ⁵ MS 'her system system'.

⁶ For Bentinck's meeting with James Mill see Letter 3381, *Correspondence*, xii.

George Grote (1794–1871), historian and politician, one of the founding members of the London University, had been the editor of Philip Beauchamp, *Analysis of the Influence of Natural Religion, on the Temporal Happiness of Mankind*, London, 1822, based on Bentham's 'Juggernaut' writings, which Bentham bequeathed to Harriet Grote, née Lewin (1792–1878), woman of letters (see p. 643 & n. below), who had married George Grote on 5 March 1820.

who to the intellectual power adds the sincere desire of contributing to the happiness of the people of that country by means of appropriate legislation on an all-comprehensive scale, I take up the pen for the simple purpose of making it known to You that my labours, such as they are, are for this purpose at Your command.

Understanding at the same time that, on some physical accounts, reading is a painful exercise to you,⁷ I take the further liberty of stating that for making such my labour available, Colonel James Young, now of Calcutta, will on every occasion be fully competent to make satisfactory answers to all questions which you may feel disposed to put to him in relation to me or any works of mine.

Whether there will be any such promise of success as may warrant my applying my thoughts in any particular manner to the service of the country the destiny of which is in your hands will depend upon the answer, if any, with which it may happen to me to be honored by You after hearing Col. Young report in relation to me as above.

To provide in a manner (it pains me to think how imperfect) for the contingency of Colonel Young's decease, I accompany this with copy of a few recent testimonials in manuscript in addition to those which are in print,⁸ for the purpose of conveying a conception of the position I at present occupy in civilized society.

Not having had the good fortune to be known to you (between 70 and 80 years ago at Westminster School I was not unknown to your ancestors)⁹ I employ this work as a useful at least, if not an altogether requisite succedaneum. The idea of a man who, as a means of honest lively-hood, is soliciting some such situation as that of a country Schoolmaster will apt to be presented[?] to imagination by such documents, but against errors from that source, sound judgment will be your sufficient security.

You will have heard from Mr Mill and others that remuneration in a pecuniary shape is out of the question in my instance.

Whatever is done for the benefit of British India through your means, it is by you yourself—by the weight of the authority of your

⁷ Bentham appears to have misunderstood a remark made to him by James Mill, since Bentinck did not have any such physical difficulty. In Letter 3399, *Correspondence*, xii, Bentham recounts that Mill told him that Bentinck 'was, in his judgment, a well-intentioned, but not a very well-instructed man; but something more particular and proportionably instructive, on this head, was, that he said to Mill,—"I must confess to you, that what I have ever read amounts to very little, and that it is not without pain that I can read anything!"'

⁸ The printed testimonials had appeared in 'Codification Proposal' and its 'Supplement': see *Legislator of the World* (CW), pp. 298–371.

⁹ Bentinck's uncle Lord Edward Charles Cavendish Bentinck (1744–1819), MP for Lewes 1766–8, Carlisle 1768–74, Nottinghamshire 1775–96, and Clitheroe 1796–1802, had entered Westminster School in 1754, before going to Christ Church, Oxford, in 1761, while Bentham had attended the School from 1755 to 1760.

name—that it must be done. It will not in any Member, which the labour at present has any the least prospect of having, have any person who, to the intellectual ability, adds the desire to give effectual support to these your so generous and enlightened endeavours. By what you have done already, you have placed yourself at a height which no such mind as M^r Peel's, is or will ever be able to reach. Your endeavours and his are in a state of diametrical opposition. As to the rule of action, Your endeavours are to render it knowable: his to keep it from being so. As to justice, Your endeavours are to render it accessible: his to keep it inaccessible. I have no quarrel with him: antipathy has no part in the repair I am thus making in relation to him. But, in addition to all public grounds, I have some private ones, composed of an intercourse I have had with him in an epistolary way on a variety of subjects.¹⁰ He is a genuine disciple of Lord Eldon: and is either a dupe or an accomplice of those irreconcilable enemies of mankind—the existing fraternity of lawyers.

In your position You may [. . . ?] them: by [. . . ?] them, awe-strike them: and by awe-striking them, operate upon them in such manner as to preclude resistance and carry them along with you: subdue them on the ground of Indian Codification, in a way similar to that in which Daniel O'Connell has on the ground of Catholic emancipation. For the settlement of British India after the approaching expiration of the existing monopoly,¹¹ their ignorance will not be able [to] conceal from itself the need it has of support and assistance from your intelligence.

Brougham has done most valuable service to this country: and probably will do more, but it is in other ways: he is too thorough a lawyer to do any considerable service in this.

In Parliament—for the service of British India in the line of legislation—O'Connell would, I am satisfied, be more useful than any other man who is in that situation at present or soon likely to be. The misfortune is—that having a family, he sets too high a value on money.¹² In Ireland arrangements are at this moment in progress for buying his labours from the source of injustice, and transferring them to legislation.¹³ Upon such terms, could they be complied with, British India might, I do verily believe, secure his services, and those zealous and faithful ones.

¹⁰ See *Correspondence*, xii, as index.

¹¹ The East India Company Act of 1813 (53 Geo. III, c. 155) had renewed the Charter of the East India Company for twenty years, and hence 'the existing monopoly' was due to end in 1833.

¹² O'Connell had told Bentham that he needed his income from legal work to support his family: see Letter 3426.

¹³ Bentham had been informed by Bowring that O'Connell intended to relinquish his legal practice: see Letter 3476.

3488

FROM JOHN FLOWERDEW COLLS

11 April 1829¹

It is, believe me, with unfeigned reluctance that I now write to you, to tell you that, at the expiration of the month of July next, I must quit your hospitable roof, and take a respectful, and, allow me to add, an affectionate leave of you, though I trust it may not prove a last adieu.² I must confess to you, I had indulged a sanguine hope, in common with every friend of yours and mine to whom the circumstances of my case in connexion with you were known, that matters might have been so accommodated between us, on the plan I took the liberty of submitting to your consideration, some time ago, through the medium of our mutual friend, Dr. Bowring,³ as to have spared me the painful

3488. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 152.

A hostile review of Colls's *Utilitarianism Unmasked* had appeared in the *English Churchman*, vol. ii, no. 58 (8 February 1844), 81–2, where Colls had been described as a 'HYPOCRITE'. The present Letter, together with Letters 3516, 3519, 3527, 3549, and 3783, appeared in the 'Correspondence' section of the *English Churchman* under the heading 'Rev. J. Flowerdew Colls and Jeremy Bentham'. The article begins with an editorial offering 'a few reasons' for 'allowing the biographer and admirer of Jeremy Bentham, (with whom we can have little sympathy) to make use of our columns for the publication of the following letters', and proceeds with the following letter from Bowring:

'To the Editor of "The English Churchman."

'1, Queen-square, Westminster, Feb. 21, 1844.

'SIR,—My attention has been called, through your pages, to the "extraordinary" pamphlet lately published by the Rev. John Flowerdew Colls, D.D., &c. &c. entitled, "Utilitarianism Unmasked." I take the liberty of enclosing copies and extracts of a few letters, which may serve to show whether your strictures upon this divine were well or ill bestowed. If I avoided mentioning him in the "Memoirs of Bentham," you will judge whether or not I acted unkindly towards him. But since it is Dr. Colls' ambition to be better known,—so let it be.—I am, Sir, yours obediently,

'JOHN BOWRING.'

The present Letter is then introduced by Bowring as follows: 'On the 11th of April, 1829, Mr. John Flowerdew Colls communicated to Mr. Bentham his intention to quit his service in the following words:—'

² Colls had ambitions to join the Church of England, and so on 21 October 1826 had been admitted to Trinity College, Cambridge as a 'ten-year man', whereby a man was eligible to be awarded the degree of Bachelor of Divinity ten years after matriculation without having first gained a Bachelor or Master of Arts degree, providing that he had been ordained and passed some academic exercises. Colls graduated as B.D. in 1837 and D.D. in 1842. It was perhaps with a view to increasing the likelihood of being ordained that he entered St Bees Theological College in 1829 (see *The Saint Bees College Calendar for the year 1858*, London, 1858, p. 41), where he attended for four terms over two years. He was ordained deacon in 1830 and priest in 1831 in the Diocese of York and, having held a series of curacies, was installed as Rector of Laindon and Vicar of Basildon, Essex in 1853.

³ Bowring notes at this point: 'This refers to a pecuniary provision, which Mr. Colls

necessity of making the present communication. Since, however, your compliance with my suggestions, with this view, could not be obtained, I relinquished them as soon as I had received an intimation to this effect.

* * * * *

I am far from imagining that my poor testimony can add anything to your honour: still I cannot bring myself to close this letter without assuring you (and it is a declaration which, just at this time, it may not possibly be altogether disagreeable to you to receive from me, insignificant as I am,)—that I shall leave you with a much more favourable opinion of the enlightened and liberal labours in the field of legislation, which have obtained for you so exalted and deserved a reputation from every well-constituted mind, than was the notion I had formed of them during the first years of my residence with you, when prejudice had but too powerful an influence over my young mind. Indeed, so essential to the future temporal happiness of mankind do I now regard your writings on Codification; that if at any time, during the period of vacation, when I shall leave St. Bees for town, it would be convenience for you to have my services, they should be very much at your command. If, too, at the expiration of the two years during which I must be resident at Whitehaven, you should find yourself similarly circumstanced, my time thenceforward, for an almost indefinite period, should be at your disposal; and I would even keep myself disengaged for the chance of the occurrence of any such need on your part, upon receiving an intimation from you that it would be a convenience to you to have a reservation of this sort eventually at your disposal. You must forgive me, however, for taking the liberty of observing to you, that it must be *solely* in the service of *legislation* that I can consent to be employed by you. Nothing in the shape of an attack, directly or indirectly, upon our holy religion, nor even so much as a single observation which can possibly have a tendency to bring into hatred or contempt the sacred principles of Christianity can receive currency at my hands.

wished to be made in his favour by Bentham, but to which Bentham would not give his consent.'

18 APRIL 1829

TO THOMAS SOUTHWOOD SMITH

3489

TO THOMAS SOUTHWOOD SMITH

18 April 1829 (Aet 81)¹

Q.S.P. 18 April 1829

Dear Sir

The inclosed highly esteemed paper of yours on the subject of Education² has now for upwards of half year been a source of anxiety to me under the apprehension of its becoming virtually lost by being, [by means]³ of the weak state of my memory drowned in the ever increasing influx of my papers in print and Ms. For relief under this apprehension, the demand for attention to it having for the present been superseded by the alteration in our mutual friend's situation and pursuits,⁴ I take this means of returning the papers to the respected source from whence it issued.

Having pen in hand, I can not lay it down without a word or two on another subject, as per next page.

Dear Sir,

Yours most sincerely,

Jeremy Bentham

D^r Southwood Smith

18 April 1829

Head-preservation experiments

I do not remember exactly, neither is it material, that I understood from our friend Bowring, that the experiments you had even then made had sufficed to put success altogether out of doubt.

Over sanguineness, if it be a failing, is among the very few and slight failings of this our friend. Perhaps to this cause may be referred the communication thus made to me.

If however it would not too much derange you, it would be of use to me to know at present, how that matter stands.

If the past experiments have not sufficed,⁵ the warm weather I

3489. ¹ UC clxxiv. 58. Autograph.

² Bentham may have been referring to the 'papers about physiology', containing an outline of a course of lectures, mentioned in Letter 3470.

³ MS 'my mean' appears to be a slip.

⁴ Not identified.

⁵ According to *Autobiographical Recollections of Sir John Bowring, with a Brief Memoir by Lewin B. Bowring*, London, 1877, p. 343, in 1823 or 1824 Bentham 'was full of the notion of having his head preserved in the style of the New Zealanders, and had sent to Dr Armstrong to consult him about it. Experiments are to be made, and Armstrong is to

FROM DANIEL O'CONNELL

22 APRIL 1829

should apprehend is too far advanced to admitt of further experiment till the cold season has returned. J.B.

Your negotiation about admission to give the lecture in the London University⁶ has been an object of unceasing solicitude to me.

I should be glad to know how matters stand in that respect between you and the several persons concerned: then I might see whether there be any chance of my being able in any way to forward it.

3490

FROM DANIEL O'CONNELL

22 April 1829¹

22^d April 1829

Bury St

I am sorry sincerely sorry that I have not been able to shew my respect and (I will call it by its right name) my veneration for you sooner since my return from Ireland.² The fact literally is that I have been engaged in Ministerial intrigue and management about *my* seat or *a* seat in parliament³ and my mind was not in tone nor was I in

get a human head from Grainger, the anatomist, which is to be slowly dried in a stove in Bentham's house'. John Armstrong (1784–1829), physician to the St Pancras Fever Hospital 1819–24, lecturer on medicine at the Webb Street School of Anatomy from 1821 and at the school of medicine at Little Dean Street from 1826. The Grainger referred to by Bowring may have been Richard Dugard Grainger (1801–65), anatomist and physiologist, who had taken over the Webb Street School of Anatomy on the death of his brother Edward Grainger (1797–1824), and who carried out the dissection of Bentham's body. It appears from the present Letter and Letter 3600 that Southwood Smith had also been involved in the experiments in head-preservation.

⁶ Possibly Smith's proposed course of lectures on physiology, which may have taken place in early 1831, since an account of the 'second of his present course of lectures on physiology, given at the London University' appears in the *Examiner*, no. 1,204 (27 February 1831), 139

3490. ¹ National Library of Ireland, MS 5759. Autograph. Endorsed: 'Jeremy Bentham Esq.' Docketed by Bentham: '1829 April 22. O'Connell Bury Street St James to J.B. Q.S.P. Steady.' Printed in *Correspondence of O'Connell*, viii. 213–14.

² O'Connell had arrived in London on 8 April 1829: see O'Connell to Mary O'Connell, 8 April 1829, *Correspondence of O'Connell*, iv. 41.

³ On 15 April 1829 O'Connell reported that John William Ponsonby (1781–1847), styled Viscount Duncannon until 1834, first Baron Duncannon [GB] and fourth Earl of Bessborough [I], at this time MP for County Kilkenny and supporter of Catholic Emancipation, had been to see Vesey Fitzgerald, President of the Board of Trade, to find out if the government would oppose O'Connell if he attempted to take his seat in the House of Commons, given his determination not to take the Oath of Supremacy. He also reported that he had received support from Henry William Paget, formerly Bayly (1768–1854), first Marquis of Anglesey, Lord Lieutenant of Ireland 1828–9, 1830–3, who had recently been recalled from Ireland by Wellington. See O'Connell to Mary O'Connell, 15 April 1829, *Correspondence of O'Connell*, iv. 46–7.

22 APRIL 1829

FROM DANIEL O'CONNELL

temper to see you and talk to you of the 'celestial harmonies'—of the coming days. Take my excuse—my apology for what it really is strict truth. My state of uncertainty continues and will cease only in the next week. I am too anxious to be even a pioneer in your great object not to give you every satisfaction—and make any atonement to you in my power. *Scold* me downright—if I deserve it but do not write or feel coolly to me.

I again repeat that my occupations since I came to town have absorbed more of my mind than any others I ever was engaged in. You shall Command whatever energies that mind possesses. Do—I implore of you *Command* them.

I did but little—very little but travel and attend at one *Nisi Prius* case while in Ireland.⁴ That little consists of packing up my Bentham Library and importing it per Steam boat to London. It has not *yet* reached me. And also getting the codification petition newly engrossed. It should be before parliament this Session if I be in the *honorable* house.⁵

With respect to my Correspondence with you make any *use* of it you please. How glad I should be that it were *useful*. I have no sinister interest to oppose to that utility—and if I had I would have much enjoyment in making the sacrifice of that interest.

In my negociations with the ministry I of course did not conceal my reform principles—not in the least.

I have a borough secure if I lose Clare. One which leaves me under no obligation to any body or party. I am impatient for parliamentary utility—and to set you on the Code by authority of parliament before this Session closes.

I will invite myself to you as soon as I can and I look forward to the settlement of this *scoundrel* question about my seat with anxiety that I may be disengaged from every thing but public duty.

Accept my most respectful good wishes and the expression of my sincere gratitude to and ardent Veneration for—the Newton of the Law.⁶

Ever your devoted pupil

Daniel O'Connell

⁴ See Letter 3485.

⁵ In the event, on 19 May 1829 O'Connell refused to take the Oath of Supremacy, whereupon he was excluded from the House of Commons, and on 21 May 1829 it was agreed that a new writ for County Clare be issued.

⁶ Perhaps an allusion to 'Codification Proposal', p. 68 (*Legislator of the World* (CW), pp. 322–3), in which Bentham had referred to this comparison with Sir Isaac Newton (1642–1727), natural philosopher, having been 'bestowed upon' him 'in an Italian publication'.

3491

TO ROBERT PEEL

22 April 1829 (Aet 81)¹

(Copy.)

Commissioners of Inquiry into the Superior Common Law Courts.²
 Jeremy Bentham to the Right Hon^e Robert Peel.

My respect for your time will suffice to explain and justify the condensed form of this address. Topics, these—I. Requests. II. Proof of need: III. Inducements to compliance viz. 1. certainly unagreeable. 2. just possibly agreeable.

I. Requests. In the endeavour thereby to render service to my country (British India included) I have need of two things.

1. From the above Commissioners either assent or dissent with reasons as to the numbered proposition[s] in pages from || to || of the intituled *Petitions*, &c. herewith sent.³

2. Answer to all such *pertinent* questions, as, upon my responsibility, I shall have propounded to them touching their own [Report]⁴ already published⁵ and future intended.⁶

3. For both purposes, a communication from yourself to them in whatsoever may be the most proper form expressive of a desire on your part that such answers may be given.

4. Consent to my publishing at my own expense in my own way all such communications from yourself and from them accordingly made to me.

5. At the public expense advertisement of the above *once* made in every Newspaper and other periodical in the three quondam Kingdoms.

Considering the labour I shall have employed and this without remuneration at the public expense I hope this last request will not be thought an unreasonable one: if yes, and you tell me so, I waive it.

3491. ¹ UC xi. 334–6. Copy, in Colls's hand. Docketed: '1829 April 22. J.B. Q.S.P. to Peel. Proposal for Amity. Answered by him April 29.'

² Following Brougham's speech on law reform in the House of Commons on 7 February 1828, a Royal Commission had been appointed on 16 May 1828 to inquire into the practice and proceedings of the superior courts of Common Law.

³ Bentham listed the 'arrangements' that would be the means of rendering 'justice accessible' in thirty-six propositions in 'Petition for Justice', pp. 176–87, in *Justice and Codification Petitions* (Bowring, v. 496–501).

⁴ MS 'propulsion' appears to be a mistranscription.

⁵ i.e. 'Copy of the First Report made to His Majesty by the Commissioners appointed to inquire into the practice and proceedings of the Superior Courts of Common Law', 20 February 1829, *Commons Sessional Papers* (1829) ix. 1–777.

⁶ A further five Reports were issued between 1830 and 1834.

II. Proof of need. In my endeavours to serve the general interest the war I am necessitated to make upon the particular and confederated interest of lawyers, official and professional taken together (for shortness I say Judge & Co.) is universally known and universally felt. For carrying on this war I have no other means in my power than an appeal to public opinion through the medium of the press. Public opinion Judge: I plaintiff or prosecutor—which you please: Judge and Co. Defendants. Unfortunately Defendants understand but too well that their most effectual defence consists in silence: were they to answer, the closer and more explicit the answer, the wider open would be the eyes of the Judge to the badness of their cause.

To the firm of Judge and C^o belong the said commissioners.⁷ Accordingly, in the application made by them to divers persons for *Opinions* under the name of evidence, say *Opinion evidence*, they have omitted me. They constitute a *board*.—In its original physical sense a Board means a *table*. To every one who chooses, it officiates as a *screen*. Addressing myself to them, as well might I address myself to this table at which they sit: as soon from that Table should I receive an answer as from them.

From Mr. Humphrey's second edition of his valuable work no man could suspect that any such man as myself had ever been in existence.⁸ This silence speaks Volumes. His merits, his hapless situation, and the state of his health, concur in rendering him on my part an object of the sincerest sympathy: the policy he himself there maintained was, (it is a pleasure to me to believe) the forced result of the policy he saw maintained by all around.

1. From your Real Property Commissioners I have received a copy of the Queries they have circulated.⁹ It is come tardily and perhaps reluctantly: but, at any rate, it is come. To these Queries I have it in contemplation to return *answers* when the first of these announced

⁷ The Commissioners were Edward, later Sir Edward, Hall Alderson (bap. 1787, d. 1857), Justice of Common Pleas 1830–4, Baron of the Exchequer 1834–41; John, later Sir John, Bernard Bosanquet (1773–1847), Justice of Common Pleas 1830–42, Lord Commissioner of the Great Seal 1835–6; John, later Sir John, Patteson (1790–1861), Justice of Common Pleas 1830–52; Sir James Parke (1782–1868), later first Baron Wensleydale, Justice of King's Bench 1828–34, Baron of the Exchequer 1834–55; and Henry John Stephen (1787–1864), legal writer and serjeant-at-law.

⁸ Bentham was not mentioned in either the first or the second editions of Humphreys, *Observations on the Actual State of the English Laws of Real Property*.

⁹ See 'Appendix. Part the First. The Questions Circulated by the Commissioners on the several subjects of Tenures, Descent, Dower, Curtesy, Alienation by Deed, Settlement, Fines and Recoveries, and the Limitation of Action and Prescription, with the Written Answers received', in 'Copy of the First Report made to His Majesty by the Commissioners appointed to inquire into the Law of England respecting Real Property', 19 May 1829, *Commons Sessional Papers* (1829), x. 1–671 at 87–226, with the Questions themselves at 87–96.

Reports has appeared. In this paper of their's I see very considerable cause for praise. To them my answers would be accompanied with queries: use and demand for these Queries the same in this case as in that other.

By the other Commissioners,¹⁰ to men in abundance, by not one of whom the law as it is has ever been made a study of, for the purpose of learning what it ought to be, application has been made. To the only man by whom that subject has been made a study of for that purpose and who in that study has been engaged for more than 60 years, no application is made.

To men in abundance not so much as one of whom can afford information applying to the root of the evil without self-sacrifice they make their application for this same opinion: to the only man by whom, he being so qualified as above, such information can be given without self-sacrifice, the application is not made.

2. By these same commissioners I see Opinion evidence elicited from a professional man whose place in the scale of professional eminence is on the highest level.¹¹ From two more whose place in that same scale is not inferior to him and superior to that of every other man, I have under their hand evidence of my appropriate aptitude to afford useful information on the conjunct topics of Law as it ought to be and Law as it is. To both I am a declared object of 'reverence' (to which affection is moreover added): in both instances the relation they bear to me is that of a Scholar to his Master.¹² This, neither you yourself nor your Commissioners were apprised of: but *you* now are:

¹⁰ i.e. the Commissioners appointed to inquire into the practice and proceedings of the Superior Courts of Common Law.

¹¹ Presumably James Scarlett, the Attorney General: see 'Appendix (A.), N^o 10. Answers of Sir James Scarlett, M.P., King's Counsel', in 'Copy of the First Report made to His Majesty by the Commissioners appointed to inquire into the practice and proceedings of the Superior Courts of Common Law', *Commons Sessional Papers* (1829), ix. 231-2.

¹² One of the admirers that Bentham had in mind was, no doubt, Brougham. See *Present State of the Law. The Speech of Henry Brougham, Esq., M.P., in the House of Commons on Thursday, February 7, 1828, on his motion, that an humble address be presented to His Majesty, praying that he will graciously be pleased to issue a commission for inquiring into the defects occasioned by time and otherwise in the laws of this realm, and into the measures necessary for removing the same*, London, 1828, p. 85 n.: 'It is fitting that we speak with reverence even of the unfounded doubts of so great a man and profound a Jurisconsult as Mr. Bentham. He is, beyond all dispute, the first who taught men to examine the foundations of our Institutions, and the abuses that have grown up with them.' Bentham's copy is at BL shelf-mark C.28.1.13, inscribed by Brougham: 'J. Bentham Esq. (one of 30 Copies) H.B.' On a slip pinned to the verso of the title page, Bentham has noted: '9 June 1829.

'Object of J.B's enquiry, how the ends of justice may be most effectually attained.

'of H.B.'s, how the actual ends of Judicature being still the ends aimed at, the [. . . ?] evils from that pursuit may be rendered more tolerable.'

The other admirer Bentham had in mind may have been Bickersteth.

and a sight of the passages in question together with whatsoever others can contribute to your satisfaction on this head is at your command.

That such as above was the relation borne to me by the late Sir Samuel Romilly from his entrance into the professional career up to the period of his greatest celebrity is matter of Record in the Debates of the House of Commons.¹³

From time to time accident brings to my ear opinions entertained by M^r Robert Peel in favour of such my appropriate aptitude. But of this I have no means of incontestible proof, and the Home Secretary might either do (as Judge and Co. would without scruple) deny the fact or what would be more prudential, after explicitly or implicitly admitting it, '*say Opinion has changed.*'

III. Inducements to compliance. Compliance, if from any body, must come from you. Of whatsoever faint degree of sensibility, if any, matchless constitution,¹⁴ on an occasion such as the present, admits of, your breast, and your's alone, is the seat: wood being the material which the Board in question is made of, as above. In the situation you occupy, of reluctance as to such compliance, that same situation, is circumstantial evidence, and that evidence conclusive.

But *per contra*, how faintly probable so ever, what is not physically impossible is—the existence of some velleities towards compliance.

The person I am addressing has two natures; that of the Home Secretary and that of M^r Robert Peel. The Home Secretary is in league with Judge and Co.: this is matter of certainty. But in the breast of Mr. Robert Peel may have place some sparks of regard for the present good opinion of the civilised world, for the future good opinion of posterity, and even of sympathy for the happiness and misery of the subject many, here and now. The course I am pursuing looks to both these natures.

The question is—as to my competence to afford such information as on the present occasion may be [contributory]¹⁵ to the professed purpose. To presumptive proofs of the affirmative, reference has already been made. Of my desire so to do, the strength is sufficiently manifest. But, without adequate inducements, on the part of both those natures, compliance with this desire would be an effect without a cause.

¹³ Bentham presumably had in mind Brougham's statement in the debate on Parliamentary reform in the House of Commons on 2 June 1818 that Sir Samuel Romilly (1757–1818), lawyer and politician, Solicitor General 1806–7, 'looked up to Mr. Bentham with the almost filial reverence of a pupil for his tutor': see 'Codification Proposal', p. 54 (*Legislator of the World* (CW), p. 302).

¹⁴ i.e. the British Constitution: see p. 37 n. above.

¹⁵ MS 'contributory'.

I. First as to inducements certainly unagreeable.

Si vis pacem (says the adage) *para bellum*.¹⁶ Spite of repugnance and regret, strong and sincere Necessity, inevitable necessity, forces upon me the recollection of this same adage. Of non-compliance the consequence will be war upon you in every part of the field of space, on every part of the field of time. I have my πῶ δὼ¹⁷ everywhere. More particularly in British India, in divers others of the distant dependancies, in the United States, in France, in the Netherlands, not to mention so many other places. Every where shall I denounce Mr Robert Peel as being actually engaged as an accomplice in a conspiracy of Judge and Co., with whom, so unhappily for the community, the Home Secretary is a partaker in sinister interest. This war will be continued in the same spirit as that manifested in the Indications respecting Lord Eldon and the Observations on the Police Magistrates Salary raising Bill; and this with whatsoever increased advantage it may happen to have derived from the Petition which the herewith inclosed tract employs its endeavours to procure, and from the parliamentary assistance I have secured. The Home Secretary will have no rest that it is in my power to deprive him of: should any such loss happen to him, whether any of it will be shared by Mr. Peel, Mr. Peel will judge. The stronger the inclination, if any, towards compliance on the part of Mr. Peel, the greater the accom[m]odation he will see afforded to him by whatever menace can contribute to the attainment of compliance at the hands of the Home Secretary. Thus *quâcunque viâ data*,¹⁸ all inducements of the unagreeable kind have their uses.

II. Inducements possibly and just possibly agreeable.

Rex at the relation of the subject many *versus* Judge and Co.: in this you see the name of the suit for the purpose of which it is that I stand in need of the documents here requested—Court, the Public Opinion Tribunal: Give them to me, I will, to the extent of my means make suitable payment. Before my eyes lies constantly spread out a map of the whole field of legislation, not to speak of another of the whole field of thought and action by the side of it. At a minute's warning I can at any time lay my finger upon any part of it. If among all your measures there be any one which presents itself to me as affording a promise of net benefit to the community in general, every such measure shall have my sincere and zealous support: provided always it be understood, that by no such limited aid will be slackened my opposition to any such

¹⁶ i.e. 'If you want peace prepare for war': see Vegetius (Flavius Vegetius Renatus), *Epitoma rei militaris*, III. Preface.

¹⁷ Doane appears to have mistranscribed a Greek word. As it stands, the phrase might be rendered 'home to some degree', but some such word as 'followers' or 'disciples' may have been intended.

¹⁸ i.e. whichever way it is considered.

other measures as in my view of them threaten the production of the opposite effect. Of the agreeable cast with reference to you will be the inducement, if any, which the offer thus made will afford: nor can any inducement which is unagreeable to you be agreeable to me.

By the eminent men above alluded to the *reverence* declared will naturally on this occasion be in mind, but of the so declared reverence, declared *affection* is the accompaniment. Affection—I do always endeavour, awe I never feel, nor endeavour, nor wish, nor like, to inspire.

Of the inducements above spoken of, I conclude with that class which is the only one I can contemplate without uneasiness. To no man can I ever endeavour to give pain without at the same time, as well as antecedently, smarting under it myself. To contribute to the comfort of others on the smallest scale as well as on the largest scale is almost the only comfort left me, nor yet is it insufficient to the preserving me in a state of preponderant and habitual gaiety.

Give me but the abovementioned proof of honest intention on your part, my doors, my Hermit's table, my very heart shall be open to you. I say my *doors*: for a physical infirmity suffices to prevent my darkening any others. On your face, necessity, if you come, will keep at the hermitage the mask you cannot but wear in the Cabinet: to my face no such cover ever applies itself: my situation renders every thing of that sort needless to me: a license from your Duke¹⁹ you will take or not as you think best: after learning from me, as you now do, that with nothing that goes commonly under the name of *politics* have I any desire to intermeddle: and that to my own desires satisfaction may be afforded, namely as above, without any such interview.

As to publicity, not without pain to my own feelings shall I be able to give it to this letter: but, this I must and will do, unless compliance with the above requests, or something which shall be equivalent to it, be the result. I have never been fond of having my teeth drawn, but I have more than once submitted to the momentary torment to rid myself of the enduring one.

On this occasion I reemploy an expedient which on a former occasion I had the pleasure of thinking was to you a not unpleasant one.²⁰ If after the date of this day seven clear days shall have elapsed, and in that time no answer from you [has] been received by me, silence will be refusal, and I shall hold myself as having your consent to exhibit copies of this letter to the Public Opinion tribunal wherever it sits.

{*Confidential* was a word superscribed on a Letter of yours²¹ which I have. You have found no reason to repent of the risk, which, whatever it

¹⁹ i.e. the Duke of Wellington, leader of the administration.

²⁰ In fact, on two former occasions: see Letters 3252 and 3280, *Correspondence*, xii.

²¹ Letter 3253, *Correspondence*, xii.

was, you on that occasion exposed yourself to. You thereby confessed the having given exercise to a dispensing power:²² *misprision* thereof was an offence you thereby called for at my hands. Had the so called Constitution been what it professes to be, I should not have then rendered myself your accomplice: but this same constitution being as far as it is anything the reverse of what it professes to be, left me at liberty to be determined by the consideration of your ease as well as mine. Whatsoever secrecy it may be your pleasure to require in like manner at my hands I will preserve—provided always that among the effects of it be not that of the putting an end to my endeavours for the attainment of the requisites so often mentioned. What is thus inclosed in brackets will accordingly be omitted in any copy which as above may happen to be committed to the press.}

P.S. A Supplement to the Petition for Justice wants little of being in complete readiness for the press.²³ Contents of it, these.

§ 1. Explanation relative to the Abridged Petition for Justice.

Additions, curtailments, substitutions—numeral figures to paragraphs.

§ 2. Elucidations from parallel practice of summarily proce[e]ding Courts:

1. Justice of Peace Courts.
2. Small Debt Courts.
3. Courts Martial.
4. Parliamentary evidence-elicitation practice.

§ 3. Plan for the disposal of Equity suits in pendency.²⁴

N.B. In the Equity Courts the arrear has been affirmed and without denial to be continually on the increase without any prospect of decrease: and for arresting the progress of this evil no plan has ever been brought to view.²⁵

²² Peel had explained that he had adopted measures by which ‘the difficulty of procuring Bodies for dissection in the Schools of the Metropolis, has been of late very materially diminished’ and that the introduction of legislation ‘would throw new impediments in the way of anatomical Science’.

²³ The ‘Supplement’ to the various ‘Petitions for Justice’ that appeared in the published *Justice and Codification Petitions* (see p. 101 n. above) was not that described below, except that § 1 appeared as ‘Preliminary Explanations necessary to be read first’. For further details of § 2 of this proposed ‘Supplement’ see Letter 3500.

²⁴ This section would be expanded by Bentham to form *Equity Dispatch Court Proposal: containing a plan for the speedy and unexpensive termination of the Suits Now Depending in Equity Courts. With the Form of a Petition, and some account of a Proposed Bill for that purpose*, London, 1830 (Bowring, iii. 297–317) and ‘Equity Dispatch Court Bill’ (the first eight sections were printed by Bentham, and a full version was first published in Bowring, iii. 319–431). For related manuscripts see UC lxxxi. 95–167, 306, 398–400.

²⁵ In the House of Commons on 6 and again on 10 February 1829, Michael Angelo Taylor (1757–1834), politician, MP for Poole 1784–90, 1791–6, 1812–18, Heytesbury 1790–1,

23 APRIL 1829

TO LEICESTER STANHOPE

3492

TO LEICESTER STANHOPE

23 April 1829 (Aet 81)¹

Q.S.P. 23^d April 1829.

My ever dear Leicester

The man you mention² will not have to repent the being on good terms with me. I can now give him O'Connell who will be a hon: [. . .?] worth to him ten times the other man³ whose *proprium quarti modi*⁴ is the never being to be depended upon.

But nothing can be done till after conference between you and me for explanation of details. Could not you come tomorrow evening? Fresh Proofs of O'Connell's steadiness and devotedness shall then meet your eyes.⁵

Still better will be $\frac{1}{2}$ *after one* tomorrow.

Aldeburgh 1796–1800, Durham 1800–2, 1818–31, Rye 1806–7, Ilchester 1807–12, and Sudbury 1832–4, had drawn attention to the increase in the number of outstanding cases in the Court of Chancery, and while Peel had stated that the Lord Chancellor was proposing to introduce a measure to expedite the business of the Court (see *Parliamentary Debates* (1829), xx. 102, 176–7), no such measure had as yet been proposed.

According to 'Court of Chancery. Returns of the number of rehearings and appeal causes; of rehearings, exceptions, and further directions, and causes, which stood for hearing before the Lord Chancellor, Vice Chancellor, and the Master of the Rolls, on the first day of Hilary term 1828', 29 February 1828, in *Commons Sessional Papers* (1828), xx. 1–2, the figure on the first day of Hilary Term (23 January) in 1828 had been 825, whereas according to 'Court of Chancery. Returns Of the Amount of Effects of Suitors,—of Rehearings and Appeals before the Lord Chancellor and Vice-Chancellor,—and of the Number of Bankrupt Petitions which stood for hearing before the Lord Chancellor and Vice-Chancellor on the First day of Hilary Term 1829', 23 February 1829, in *Commons Sessional Papers* (1829), xviii. 1–3, the total number of cases of various sorts outstanding in the Court of Chancery (excluding bankruptcy cases, which were not included in the returns for 1828) on the first day of Hilary Term (23 January) in 1829 was 911.

3492. ¹ UCL Library, Stanhope Letter Collection, no. 29. Autograph. Docketed: 'From J. Bentham to LFS about Craufurd & O Connell.'

John Craufurd (1783–1868), orientalist and colonial administrator, had served the East India Company in Java 1811–16, Siam and Vietnam 1821–3, and as Governor of Singapore 1823–6, but had retired to England in 1828, and was the author of *A History of the Indian Archipelago*, 3 vols., London, 1820.

² Presumably Craufurd.

³ Unidentified.

⁴ i.e. end or purpose. Bentham's allusion is to the fourth and final cause of the explanatory scheme advanced by Aristotle (384–322 BC), the celebrated Athenian philosopher.

⁵ Presumably Letter 3490, where Bentham had noted in the docket that O'Connell was 'Steady.'

3493

FROM JOHN CRAWFURD

26 April 1829¹My dear M^r Bentham

Most unluckily I am again engaged on Tuesday, but if Wednesday² will answer I will wait upon you with pleasure. I am also disengaged for the future with the exception of the monday and tuesday of the following week.³ If Wednesday will answer do not take the trouble of replying to this note. I am

My dear Sir,

Your faithful & devoted Servant

J. Crawford

April 26th 1829.

3494

FROM ROBERT PEEL

29 April 1829¹Whitehall
April 29 1829

Sir,

I beg leave to acknowledge the receipt of your letter of the 22nd. April—and of the Publication which accompanies it.² For that Publication I return you my thanks.

I must decline to call upon the Commissioners of legal inquiry—to enter into a Controversy with you in respect to the Merits of the

3493. ¹ BL Add. MS 33,546, fos. 284–5. Autograph. Addressed: 'Jeremy Bentham Esqre. 2 Queens Square Place West^{m^r}' Docketed: '1829 Ap. 26. Crawford to J.B. Q.S.P. Pransurus 29th Wednesday.'

² 28 and 29 April 1829.

³ 4 and 5 May 1829.

3494. ¹ UC xi. 337. In the hand of a secretary, with the exception of the signature. Docketed: '1829 Apr. |]. Peel &c. Whitehall to J.B. Q.S.P. Reced Petition Pamphlet. Declines promoting Controversy with Commissioners. Not the smallest objection to publication of J.B.'s Letters to him.'

Following receipt of this letter, Bentham composed a series of notes, headed 'J.B. on Peel to J.B. Rudiments' and dated 30 April and 1 May 1829: see UC xi. 338–9. A further sheet, partly in the hand of George Bentham and partly in the hand of Bentham, headed 'J.B. on Peel to J.B. Rudiments' and dated 7 May 1829, is at UC xi. 340. A sheet headed 'J.B. to Peel' and dated 12 May 1829, which contains further rudiments, is at UC xi. 341.

² i.e. Letter 3491 and a copy of *Justice and Codification Petitions*.

5 MAY 1829

FROM JOHN GILLIES

various propositions contained in certain pages of the printed Tract which you have forwarded me—and I must also decline to desire them to answer such pertinent questions as you may propound to them—touching their own Suggestions already made, or hereafter to be made, for the better administration of Justice.

If I had considered that my interference with the discretion of the Commissioners in the performance of the duties assigned to them was warrantable—and was also likely to promote the objects of their inquiry—I should have been, at least as much disposed to interfere upon a simple appeal for my assistance—as I now am upon an Appeal accompanied by the menace—alarming in terms certainly—of your intention ‘to make war upon me in every part of the field of Space—and on every part of the field of Time.’

I beg to assure you, that I have not the slightest Objection to the Publication of the Letter which you have addressed to me.

I have the honour to be

Sir

Your most Obedient Humble Servant

Robert Peel

Jeremy Bentham Esq^e.

3495

FROM JOHN GILLIES

5 May 1829¹

Dear Sir

I have today endeavoured to procure for you a copy of the *Constitucion dela Republica Argentina*, but as yet have only met with an official Copy to which are attached the original signatures,² this copy the proprietor³ has promised to send you, on my engaging that it would be returned to him on your being done with it, & I trust you will do me the favor of redeeming my pledge with your convenience & you may be assured that I will use every endeavour to procure you another

3495. ¹ BL Add. MS 33,546, fos. 291–2. Autograph. Addressed: ‘Jeremy Bentham Esq^e. Queens Square Place.’ Docketed: ‘1829 May 5. Recd 10. Gillies Charing Cross to J.B. Q.S.P. Announces Argentine Constitution. *Not* recd May 10.’

John Gillies (1792–1834), naval surgeon, had visited Buenos Aires in 1820 and lived in Mendoza 1823–8 before returning to Britain in 1829.

² See ‘*Constitucion de la Republica Argentina, sancionada por El Congreso General Constituyente El 24 de Diciembre de 1826. Y el Manifiesto con que se remite a los pueblos para su aceptacion*’, Buenos Aires, 1826, where the names of the signatories appear at pp. 52–5.

³ Unidentified.

TO PRINCE LIEVEN

5 MAY 1829

copy for your own library as soon as possible & remain dear Sir with much respect—

Your sincere & obliged Ser^t

John Gillies

Jeremy Bentham Es^c.
16 Charing Cross 5th May 1829

3496

TO PRINCE LIEVEN

5 May 1829 (Aet 81)¹

Queens Square Place Westm^r

5 mai 1829

M. le Prince

L'extrait ci-inclus² pourroit faire savoir à votre Excellence le motif de la liberté prise par cette adresse. Si tant est qu'à ce sujet il vous paroît convenable de seconder à cette occasion les travaux officiels de M^r Mordvinoff, peut-être que vous ne trouverez pas mal-à-propos de lui faire transmettre quelques ouvrages de ma façon, dont je cherche les moyens de faire présent à mon ancien ami,³ prenant par là un plaisir sincère à faire à cette occasion comme à d'autres ce qui dépend de moi pour le service de l'Empire Russe et son auguste Autocrate.⁴

Je suis avec la considération qui vous est due à tant de titres, Monsieur le Prince

Votre serviteur

Jérémie Bentham

A Monsieur le Prince Lieven
Ambassadeur de l'Empereur
de toutes les Russies à la
Cour de Londres.

3496. ¹ BL Add. MS 33,546, fo. 290. Autograph draft. Under the heading '1829 May 3. J.B. to Prince Lieven', Bentham has noted: 'Copy sent 5 May by A. Moore.'

Prince Christoph Andrei Lieven (1774–1839), Russian Ambassador to Britain 1812–34.

² The following heading appears at the bottom of the letter, but has been crossed through: 'Admiral Mordvinoff &c. &c. &c. President of the Senate of Russia to Sir Samuel Bentham London. Extract.' Bentham was presumably acting in response to a comment made by Nikolai Semënovich Mordvinov (1754–1845), naval officer and politician, Minister for the Russian Navy 1802, Chairman of the Department of Economics 1810–11, 1816–18, Chairman of the Department of Civilian and Religious Affairs of the State Council 1821–38, and friend of Sir Samuel Bentham.

³ For the works Bentham had previously sent to Mordvinov see Letter 3128, *Correspondence*, xii.

⁴ Nicholas I (1796–1855), Emperor of Russia 1825–55.

17 MAY 1829

TO ROBERT PEEL

3497

TO WILLIAM REYNELL

13 May 1829 (Aet 81)¹

Queens Square Place

Westm^r 13 May 1829.

Dear Sir

Understanding that, doubtless through some mistake, several copies of several works of mine have been taken into the possession of the Assignees of Mess^{rs} Hunt and Clark² I write this to beg the favour of your doing what depends upon you to the purpose of getting all those several copies into Your custody. Never on any occasion have I made over to Mess^{rs} Hunt and Clark any copy of any one of my works: it is on my account that they have disposed of whatsoever of mine they have sold.

Dear Sir, Your's sincerely

Jeremy Bentham

M^r William Reynell
Printer.

3498

TO ROBERT PEEL

17 May 1829 (Aet 81)¹

Jeremy Bentham to the Right Honb^{le} Robert Peel²

Sir

On the || of | | last I took the liberty of sending to you a letter of that date, with a few accompanying printed Sheets intituled | |.³

3497. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.42. Autograph. William Henry Reynell (*fl.* 1829–40), publisher and printer.

² Hunt and Clark were the publishers of *Rationale of Judicial Evidence*

3498. ¹ UC xi. 342–3. Autograph draft. Headed: '1829 May 17. J.B. to Peel for explanation.'

An alternative draft of the introduction to this letter, headed '1829 May. J.B. to Peel in Explanation', is at UC xi. 344: 'Sir. On reconsideration of that letter of Your's, with which I was honoured on the || it has occurred to me that perhaps you have misconceived me, or I you: and that in either case it might be of no inconsiderable advantage to the public service that explanation should have place.'

There is no evidence that the present Letter was sent.

² In the text, Bentham has noted at this point: 'Proposed to be sent a little before the Petitions &c. are published, that in the event of his silence the general Attack upon his character may be inserted as a Supplement to the whole.'

³ Letter 3491 and a copy of *Justice and Codification Petitions*.

On the || of | | I was honored with the receipt of your answer thereto of that day's date.⁴

Before I take any ulterior step in consequence of it, it occurs to me that a few words of explanation on my part are what justice as well as ordinary benevolence require at my hands.

Included in the request preferred in and by that letter are two perfectly distinct and different operations.

One is the sending to me a copy of the paper of Queries in question accompanied with a consent to receive the answers and an assurance of giving publicity to them on the same footing as to the answers sent in from other hands. By no compliance with this request (I rely with confidence on your agreeing with me, Sir,) will [any]⁵ controversy be carried on: unless indeed a reply should be made to any such answers given by me. But in that same request no such reply is desired: nor do I ever desire it.

The other is the engaging to make answer to any such questions as it may happen to me to propound to the Gentlemen in question. True it is, that were any answer or answers put in by them[?] and was I thereupon to put in a reply, in this case a controversy might without impropriety be said to have place. But in the event of their delivering in and giving as above publicity to any such answers, I hereby offer and promise not to make reply to so much as a single one of them: and that in this case likewise, nothing that with propriety can be called a controversy, nothing I am persuaded that you yourself would call or deem a controversy would have place.

Thus it is—that what in relation to the beforementioned matter I do request is this: namely that not merely in relation to this or that one pitched upon by choice, but in relation to every such question so propounded by me, an answer of some sort or other shall be attached.

For this purpose a single word and that a short one may in any number of instances suffice. Each of my questions being taken for consideration, either it will appear to have just claim to an answer or it will not: if yes, such answer will of course be given: if no, for giving expression to such opinion the word *Nil* will suffice. To the application of this word to this purpose I do not anticipate on your part any disapprobation: it being matter of official practice exemplified every day in the paper printed for the use of the Members of the House of Commons.⁶

⁴ Letter 3494.

⁵ MS 'no' is a slip.

⁶ In 'Notices of Motions, and Orders of the Day, which now stand in the Order Book of the House of Commons for the ensuing week' (the 'Order Paper' circulated with the *Votes*

17 MAY 1829

TO ROBERT PEEL

How strong so ever may be any sentiment of disapprobation awakened in the breast of any of the gentlemen in question, or in your own, by any thing which on the occasion of any such answer given by me in the one case, or question put by me in the other case, no sentiment of resentment, nor consequently any expression of any such sentiment will it ever elicit from me: how strong so ever may the sentiment of aversion or contempt in relation to me to which expression shall have been so given. So far as regards any apprehension from me, they will thus, at sight of this, feel themselves perfectly at their ease.

The practice which has twice had the honor of your compleat approbation, I hereby on that account have recourse to for this third time.⁷ Silence which by the || of | | will be a silence of seven clear days will then be deemed and taken as and for a negative.⁸

Should this be the result, the course which I shall have to take will be matter of pungent regret to me, but consistently with my principles it will not be an avoidable one: being as I am

Sir

Your sincere well-wisher

Jeremy Bentham

P.S. For the length of time which I have suffered to elapse I trust for proof of the sincerity of this my declaration, of the absence of all hostile disposition and feeling on my part, and my anxiety to avoid doing you any injustice.

Whatsoever may be my apprehensions, I avoid grounding any thing upon them as if they were realities.

and Proceedings), the word 'Nil' indicated that no business was set down for that particular day.

⁷ In fact, for the fourth time: see Letters 3252 and 3280, *Correspondence*, xii, and Letter 3491.

⁸ In the margin, Bentham has added at this point: 'Inclosed I take the liberty of submitting to you an idea which I expect to find new, and which in my view presents itself as affording no slight[?] preventive of and security against *mala fides* in disputation whatsoever be the subject. It was but t'other day that it presented itself to me.' The proposed enclosure has not been located.

3499

FROM JOSÉ DEL VALLE

19 May 1829¹

Guatemala 19 de maio de 1829.

Señor

La falta de portadores, producida p^r la de relaciones entre esta y esa capital, ha sido la causa de mi silencio en los meses anteriores.² Yo no he podido dirigir mis letras: no he tenido el honor de hablar en ellas al señor Bentham. Pero he oído su voz respetable en las obras q^e ha escrito p^a bien universal del genero humano. V., señor, se ha multiplicado en ellas: vive en todos los paises del mundo civilisado: vivirá en todos los siglos. Un Sabio es, entre todos los seres, el q^e se aprocsima mas á la divinidad, q^e está presente en todo el universo.

Yo aprovecho desde luego la ocasion q^e se presenta ahora. El señor J. Ackerman³ vá á salir p^a esa ciudad; y con el tengo la satisfacion de remitirle una coleccion de las monedas de oro y plata de esta republica.

Ni las de aqui, ni las de otra nacion del mundo antiguo y nuevo son como yo deseo q^e sean. En las monarquias tienen el busto del rei, y sus armas: en los Estados-unidos el busto de la Libertad y un aguila con la divisa del sistema federal, *e pluribus unum*: en la republica megicana el gorro de la Libertad, y un aguila sobre un nopal con una serpiente en el pico: en la de Centro-america el arbol de la Libertad, y cinco volcanes representantes de los cinco estados q^e forman la republica: en la peruana una dama q.^e representa la Libertad, y las armas de Lima: en las provincias-unidas de la Plata el sol, el simbolo de la

3499. ¹ BL Add. MS 33,546, fos. 293–4. Autograph. Docketed: '1829 May 19. Del Valle Guatemala to J.B. Q.S.P. Brought by Prospero Herrera 7 Sept. 1829. With a box containing Guatemala Coins.' Extract with English translation printed in 'Codification Proposal, addressed by Jeremy Bentham to All Nations professing Liberal Opinions', Second Supplement to Codification Proposal. Part II, London, 1830, pp. 116–17, and reproduced in *Legislator of the World* (CW), pp. 381–2.

José Cecilio Díaz del Valle (1776–1834), Guatemalan lawyer, economist, and politician, was a member of the ruling triumvirate in Central America after its separation from Mexico in 1823. He was elected President of Central America in 1833–4 but died before taking office. Próspero de Herrera, son of Juan Jacinto de Herrera of Choluteca and José del Valle's aunt Paula, came to London from Guatemala in 1825 in an attempt to raise English capital to exploit mines owned by his family. He established contact with Bentham and instigated correspondence between Bentham and Valle.

² Presumably an allusion to the Central American civil war of 1827–9.

³ George Ackermann (1803–91), publisher and artist, had travelled to Mexico City in around 1826, where he established an outlet for the sale of Spanish books published by Ackermann & Co., of 101 Strand. He subsequently went to Guatemala, where he opened another outlet and from where he was summoned home to London on account of the health of his father Rudolph Ackermann (1764–1834).

19 MAY 1829

FROM JOSÉ DEL VALLE

union, y el gorro de la Libertad: en Chile un volcan arrojando fuego, una columna sosteniendo una esferita, arriba una estrella, y mas alto la palabra Libertad, cet.

En todas las naciones q^e no sean oprimidas p^r tiranos ó despotas debe haber Libertad legal. El simbolo q^e la representa podría á este aspecto ponerse en las monedas de todos los gobiernos constitucionales: es p^r consiguiente demasiado general; y los de una moneda deben ser tan propios del pais donde ha sido acuñada q^e no puedan extenderse á otros. Los demas simbolos de las republicas de America tienen igual defecto p^r q^e son diversas las naciones donde hai aguilas, nopales, cet. En las pinturas de serpientes, soles, aguilas, cet.—veo no sé que reliquias de la antigua barbarie; y el gorro de la Libertad me parece una afectacion, innecesaria cuando la hai positivam^{te}, y risible cuando ha llegado á ser nominal.

Yo deseo q^e en las monarquias y en las republicas, las monedas tengan en el anverso una imagen q^e represente el congreso, parlamento, ó cortes, y en el reverso el busto del rei ó gefe supremo de la republica: q^e en el primero se exprese el nombre del congreso, parlamento, ó cortes, y el numero de diputados y senadores q^e deban formarlo; y en el segundo se manifieste el nombre del monarca ó gefe respectivo de la nacion.

Las monedas participarían entonces del caracter augusto q^e distingue á los altos poderes. Serían p^a la historia monumentos preciosos de los periodos constitucionales, y oprobio eterno de los tiranos q^e sofocasen la constitucion de los Estados p^a ser absolutos.

Otro pensamiento q^e me ocurre en este instante sería á mi juicio de igual importancia. Podría ponerse en el anverso una imagen q^e representase los dos Poderes supremos, el legislador y el executor; y en el reverso el mapa del reino ó republica, reducido á un punto minimo.

La carta de una nacion daría á sus monedas el caracter mas inequivoco de nacionales. Serían mas conformes al espiritu del siglo q^e no se place, como los anteriores, en leones, castillos, escalas y monos, sino q^e busca lo q^e es positivam^{te} util y conforme a la cultura de los tiempos. Se inspiraría gusto p^r la geografia respectiva del pais, y hasta los ultimos hombres del pueblo tendrían alg^a idea del mapa de su patria.

No sé si V., señor Bentham, ha vuelto alg^a vez á las monedas el pensamiento q^e ha sabido fixar con tanta utilidad en la ciencia legislativa. Si los mios fueren dignos de sus votos, yo tendré esta pura satisfacion; y en caso contrario, gozaré al menos la de desear q^e se mejore lo q^e me parece ecsigir reforma.

Sirvase aceptar las consideraciones con q^e tengo el honor de repetirme cordialm^{te}.

Su mas at^o serv^r

Jose del Valle

Post-scriptum. Acaba de concluirse la impresion de la obrita q.^e he publicado à los primeros momentos de libertad de imprenta. Yo la remito à V. como un testimonio pequeño de mis respetosos afectos.⁴

TRANSLATION

Sir

Want of conveyance, in consequence of the interruption so long suffered in the intercourse between this country and England, has been the cause of my silence during recent months. During all this time I have been bereft of the honour of holding mutual converse with Mr Bentham; but his respected voice has reached me through the works which have been written for the good of all mankind. Yes, Sir, in these you have multiplied yourself—you are living in all civilised countries—you will live in all ages. A wise man is, of all beings, the one who most approaches Divinity, which is omnipresent.

I avail myself of the opportunity which now presents itself. Mr Ackermann is going to depart for your city; and with him I have the pleasure of sending you a collection of the coins, gold and silver, of this Republic.

Neither the coins of this country nor those of other nations of the old or new world are as I would wish them to be. Those of the monarchies bear the images of monarchs and their arms; in the United States, the statue of Liberty and an eagle with the device of the federal system, *e pluribus unum*; in the Mexican republic, the Liberty cap with an eagle perched on a cactus with a serpent in his beak; in Central America, the tree of Liberty, and five volcanoes representing the five states that form the Republic; in the Peruvian, a woman who represents Liberty, and the arms of Lima; in the United Provinces of River Plate, the sun, the symbol of unity, and the Liberty cap; in Chile a volcano emitting fire, a column supporting a small globe, above it a star, and higher still the word Liberty, etc.

In all nations which are not oppressed by tyrants or despots, Liberty ought to be legally enshrined. The symbol which represents it might in this case be stamped on the coins of all constitutional governments. However, it would be too general; the symbols of a coin should belong solely to the country where they were forged, so that they could not be adopted by another. The rest of the symbols of the American Republics

⁴ 'Discurso sobre la libertad de imprenta escrito en frances por el Visconde de Chateaubriand y traducido al castellano por J. del Valle', Guatemala, 1829, a translation of *Opinion de M. le Vicomte de Chateaubriand, pair de France, sur le projet de loi relatif à la police de la presse*, Paris, 1827, by François René, Vicomte de Chateaubriand (1768–1848), French writer and statesman, and reproduced in *Œuvres complètes De M. le Vicomte de Chateaubriand pair de France, membre de l'Académie Française*, 28 vols., Paris, 1826–31, xxvii. 127–234. The copy of Valle's translation sent by him to Bentham is at BL shelf-mark C.T.54.(15.)

19 MAY 1829

FROM JOSÉ DEL VALLE

have the same defect, as there are several nations where eagles, cacti, etc. exist. In the pictures of serpents, suns, eagles, etc. I see relics of ancient barbarism; and the Liberty cap appears to me as an unnecessary affection where liberty exists, and ridiculous where it is but nominal.

I desire that, in both monarchies and republics, the coins bear on the front an image representing congress, parliament or the courts, and on the reverse, the image of a king, or the supreme chief of the republic; that the one side declare the name of congress, parliament, or the courts, and the number of congressmen and senators composing them; and that the other display the name of the monarch or head in question of the nation.

The coins would then partake of the august character which distinguishes these important bodies. They would be precious historical monuments of the constitutional era, and an eternal opprobrium to the tyrants who seek to annihilate constitutional governments and make themselves absolute.

Another thought which occurs to me at this moment seems in my judgment of equal importance. Might there not be on the reverse an image representing the two highest powers, the Legislature and the Executive, and on the front a map of the Kingdom or Republic, reduced to a miniature.

The map of a nation would give its coins the most unequivocal character of nationality. They would conform more to the spirit of our century which is unlike any previous era, pleased with lions, castles, scales and monkeys, but, on the contrary searches for what is positively useful and in keeping with the spirit of the age. It would inspire a taste for the study of the geography of the country, and even the humblest of people would have an idea of the map of their nation.

I do not know whether you, Mr Bentham, have ever turned the reflection which you have applied with great dexterity in the science of legislation to the subject of coins. It would give me great satisfaction if mine were worthy of your attention; otherwise, I shall at least enjoy the hope of correction.

Accept the assurance of the respect and affection with which I have the honour to be yours,

(Signed)
José del Valle

P.S.—They have just finished printing a little work which I sent to the press in the first moments of its liberty. I send it to you as an additional testimony of my affectionate respect.

3500

TO DANIEL O'CONNELL

25 and 27 May 1829 (Aet 81)¹

Jeremy Bentham to Daniel O'Connell.

Q.S.P. Monday 25 May 1829

My ever dear and intensely admired friend.

Just received Bowring's Report of you: highly satisfactory. You will not be so barbarous as to break your promise of a visit, meaning always a dinner visit, before your departure.

Your letter to Clare² is an object of admiration to him: I have not yet been able to look at it: but of course it cannot fail of being so to me.

Herewith, goes to you a something you could little have been in expectation of. A projected Institution which has sprung out of my 'Petition', since you saw me.³

What will you say to it, as you go on, (and it is strictly true) that it has the entire approbation, (as being objection proof,) of a practising Barrister of the first eminence, who for professional eminence, and general intellectual and *moral* worth, including *political*,⁴ as that does attachment to *our principle*—the greatest happiness principle—*all taken together*—is by far the first man in England.⁵ But say nothing of this to any body till we meet: to which time I reserve the mention of his name.

It will be of great not to say indispensable benefit that you should have run over this before we meet, that we may then be in a condition to concert measures in relation to it: as likewise in relation to the *tout ensemble* of the *Pasticcio*,⁶ of which what you have yet seen forms not the one half.

A sort of *hors d'oeuvre* that has also grown out of the said Petition, has hitherto borne the name of Supplement: or *Elucidations* etc.,

3500. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/203. In the hand of Colls, with the exception of the heading, date, salutation, final paragraph, and corrections of the part of the Letter dated 25 May 1829, which are in Bentham's hand. The addendum dated 27 May 1829 is in Bentham's hand.

² O'Connell's address to the Electors of County Clare, dated London, 25 May 1829, and printed in the *Morning Chronicle*, 25 May 1829, p. 3, came to be known as the 'Address of the Hundred Promises' on account of the numerous reforms to which he committed himself.

³ i.e. the Equity Dispatch Court.

⁴ The following phrase appears to be garbled. ⁵ i.e. Bickersteth: see Letter 3663.

⁶ The 'pasticcio' was Bentham's term for the work he eventually published in 1830 as *Official Aptitude Maximized; Expense Minimized*, which contained a collection of essays on the general theme of official corruption.

meaning of the matter of those same Petitions—Heads, under which the matter of it is ranged, the following. 'Elucidations of the here proposed, from parallel arrangements in the existing, system.'⁷

§. 1. Justices of Peace summarily-proceeding Court—single seated: procedure and Judiciary Establishment together.⁸

§. 2. D^o *many-seated* d^o.

§. 3. History and Ætiology of both those branches of the Justice of peace Establishment.⁹

§. 4. Small Debt Courts—Scotch &c. English.¹⁰

§. 5. Courts Martial.¹¹

§. 6. Parliamentary *Evidence-elicitation* practice.¹²

§. 7. Danish Reconciliation Commissions.¹³

§. 8. French Procedure, considered:¹⁴ viz. under the heads constituted by the several Devices brought to view in the Petition.¹⁵

Under the head of the above *Supplement* may also be comprised the *Proposal* herein first mentioned: name, in it's most compressed form, *Dispatch Court Proposal*.

The notion is—that these *three* Articles should be printed, as to be capable of being published separately.¹⁶

Both *Dispatch Court Proposal* and *Elucidations* &c. are in a state for the press, except some additaments, which may or may not be employed. But, it not being necessary, I forbear attempting to trouble you at present with any thing more than is now sent.¹⁷

Having no other copy, and continual occasion to make reference to this, I must beg of you to keep it no longer than is necessary for a short glance, and when glanced over to return it either by a Servant of your own, or by the boy whom I *now send* with it,¹⁸ and with whom, he being an intelligent boy, you may talk on the subject. I say *by him*,

⁷ The following list of contents represents an expanded version of § 2 of the proposed 'Supplement' described in Letter 3491 and a revised version of a list of contents that appears at UC lxxx. 305 (2 May 1829).

⁸ For manuscripts related to this and the following section see UC lxxx. 307–36 (28 March, 2–5, 10–13, 19 April 1829).

⁹ For related manuscripts see UC lxxx. 376–97 (25–7 April, 4 May 1829).

¹⁰ For related manuscripts see UC lxxx. 67–9, 337, 339–51 (10, 14–15 April, 21, 23 May, 16 June 1829).

¹¹ For related manuscripts see UC lxxx. 71, 352–6 (18–19, 22 April 1829).

¹² For related manuscripts see UC lxxx. 357–63 (23 March, 11 April, 2 May 1829).

¹³ For related manuscripts see UC lxxx. 229–304, 406–12 (23, 25–8, 31 May, 1–7, 12–14, 17 June 1829).

¹⁴ For related manuscripts see UC lxxx. 367–75 (24 April, 24, 28 May 1829).

¹⁵ 'Petition for Justice' was organized around fourteen 'devices' by which, Bentham claimed, 'the existing system has been rendered thus adverse to the ends of justice': see 'Petition for Justice', p. 5, in *Justice and Codification Petitions* (Bowring, v. 445).

¹⁶ Presumably *Justice and Codification Petitions*, its 'Supplement', and *Equity Dispatch Court Proposal*.

¹⁷ i.e. a manuscript draft of *Equity Dispatch Court Proposal*.

¹⁸ Possibly William Stockwell.

FROM DANIEL O'CONNELL

28 MAY 1829

because, on your sending me a line by the twopenny post, I would send him to your house for these papers.

I have no other copy of the Ms herewith sent. I must send for it very soon if you have not time to read it.

Wednesday 27 May.

I have heard read this same speech:¹⁹ and my admiration has been wound up by it to the highest pitch possible. Nor did I observe a single proposition in which I did not compleatly and heartily concurr.

Yours ever

Jeremy Bentham

Daniel O'Connell Esq.

No. of pages in the Ms sent, 50.

3501

FROM DANIEL O'CONNELL

28 May 1829¹

My revered Master has given me great Satisfaction by his 'Dispatch Court'.² Would it were instituted tomorrow. I return the entire manuscript. Some portion I am unable to decypher—but I have read the rest and derived great pleasure from the perusal. It must be. There must be a dispatch Court. There is a pressing and daily encreasing necessity for such an experiment—and the experiment once made every court will soon become a Court of dispatch. We must not however lose sight of the right of appeal. As a general rule it must be preserved—though the experimental dispatch Court *may* be without appeal. In page 11 a blank is left for 'the uses of appeal'.

I have *consumed* some time struggling for my Seat for Clare. I hope it is not time lost. I am certain it has enabled me to be in disposition and from conviction more independent of party of every kind in the house. I expect to be returned for Clare again.³ I expect it confidently. Then for Utility—Utility.

¹⁹ i.e. O'Connell's 'Address of the Hundred Promises'.

3501. ¹ National Library of Ireland, MS 5759. Autograph. Headed by Bentham: 'From Bury Street 28th May 1829. By Special Messenger. Daniel O'Connell to Jeremy Bentham.' Docketed: '1829 May 28. O'Connell Bury Street to J.B. Q.S.P. Approves Dispatch Court Proposal. Pransurus cras. Abiturus postendie.' Printed in Bowring, xi. 15–16, and in *Correspondence of O'Connell*, viii. 215–16.

² See Letter 3500.

³ In the event, O'Connell was returned for County Clare on 30 July 1829 without a contest.

28 MAY 1829

TO DANIEL O'CONNELL

Law—Church—Finance—Currency—Monopoly—representation.
How many opportunities to be useful.

I leave this City for Dublin on Saturday morning.⁴ Let me have a line by the post to say whether you can allow me to go to you at a quarter before seven on Friday—the 29th—and to remain with you till eleven. You must in that case give me some fish as I do not eat meat on Friday. Any one kind of fish I am entirely careless what. I have a most orthodox dislike to every kind.

I do most fervently hope that you will live to see the British Isles blessed with your Code. My humble efforts shall be most persevering to attain that most useful object.

I will not express—indeed I could not express my affectionate veneration to you. It increases as the period when I can start forward in the race of legal utility approaches and becomes more certain. Luckily the new Chancery bill—and justices of peace bill are postponed until next session.⁵ Much has been made of more untoward materials,

With the greatest respect,
Your-to-be-useful disciple

Daniel O'Connell

3502

TO DANIEL O'CONNELL

28 May 1829 (Aet 81)¹

Q.S.P. 28 May 1829.

Jeremy Bentham to Daniel O'Connell

Child of my heart! Had the King invited himself to me, I would have put him off to receive you.

⁴ i.e. 30 May 1829. O'Connell arrived in Ireland on 2 June 1829: see *Correspondence of O'Connell*, iv. 72 n.

⁵ In the House of Commons on 25 May 1829 Peel had stated that it was his intention to postpone the second reading of the Suitors in Chancery Bill until the next session: see *Parliamentary Debates* (1829), xxi. 1565. According to 'Orders of the Day, for Friday 22 May 1829', *Votes and Proceedings of the House of Commons*, no. 68 (21 May 1829), p. 449, the Justice of the Peace Bill was scheduled to be discussed in Committee on 22 May 1829, but was repeatedly deferred and not considered further in this session.

3502. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/204. Autograph. Printed in the *The Irish Monthly*, vol. xi, no. 123 (1883), 515.

FROM HENRY BICKERSTETH

20 JUNE 1829

Yes: *to morrow* the 29th at ¼ before 7: yes: and all night long, rather than that any thing unuseful should remain unheard.

Fish will no more be forgotten by me than they were by St Peter.²

3503

FROM HENRY BICKERSTETH

5 June 1829¹

My dear Sir

I am sorry that it will not be in my power to wait upon you either on the next or the following Sunday;² but if you will permit me to name Sunday the 21st instant, I shall be very happy to attend you.

I am ever
Faithfully yrs

H. Bickersteth

5 June 1829

3504

FROM HENRY BICKERSTETH

20 June 1829¹

My dear Sir

This comes petitioning for an answer to the note in which I ventured to propose giving myself the pleasure of waiting upon you at dinner.² I am at your orders on any Sunday except the 28th inst.

Ever truly yours

H. Bickersteth

Saturday

20 June 1829

² For St Peter's occupation as a fisherman see, for instance, Matthew 4: 18–19, 17: 27; Luke 5: 1–11; and John 21: 1–14.

3503. ¹ BL Add. MS 33,546, fos. 297–8. Autograph. Addressed: 'Jeremy Bentham Esq. Queen's Square Place.' Docketed: '1829 June 5. Bickersteth—Linc. Inn to J.B. Q.S.P. Prandat 21st' ² 7 and 14 June 1829.

3504. ¹ BL Add. MS 33,546, fos. 301–2. Autograph. Addressed: 'Jeremy Bentham Esq. Queen's Square Place.' Docketed: '1829 June 20. Bickersteth to J.B. Q.S.P. Uncertain as to his engagement for tomorrow.' ² Letter 3503.

27 JUNE 1829

FROM WILLIAM MILLER

3505

FROM WILLIAM MILLER

27 June 1829¹

27th June, 1829.

I shall give you my opinion as to the best form of government for the new States of America, for the sake of obtaining, in return, the benefit of yours.

Let us begin with Buenos Ayres, or the United Provinces of Rio de la Plata, which I consider one of the most important points of South America, on account of its position, productions, navigable rivers, and commercial capabilities.

Soon after Rivadavia was appointed Secretary of State, (in 1821, I think it was,)² he made the federal system the ground-work of his administration; and the flourishing state of affairs which ensued, goes to confirm my impression that federalism is, of all forms, the best adapted to the wants and genius of the natives of the provinces of the Rio de la Plata, if not of the whole of South America. The prosperity of Buenos Ayres excited the attention of the other provinces, and, I think, proves the soundness of their judgment; they successively sent in their voluntary adhesion, and they were admitted into the federative union.

In 1826, Rivadavia was advanced to the Presidency of the Republic, when, most unfortunately, he could not let well alone. The system which had worked so well was discarded, and the spirit of innovation substituted the 'one and indivisible,' or, as they called it, the 'central' form of government; but *gaucho* sense would not tolerate the measure which deprived them of a positive good, nor *gaucho* pride brook the change which conferred on Buenos Ayres a palpable supremacy. Division arose, and the provinces severally withdrew from the federation.³ We have seen that fine portion of America retrograding from bad

3505. ¹ Bowring, xi. 16–17.

William Miller (1795–1861), army officer, had served in the Iberian Peninsula 1811–14 and then distinguished himself fighting for the forces of Buenos Aires, Chile, and Peru in their struggles for independence 1817–26. He had thereupon returned to England, arriving at Falmouth on 6 July 1826: see John Miller, *Memoirs of General Miller, in the service of the Republic of Peru*, 2 vols., London, 1828, ii. 368. John Miller was the brother of William.

² Bernardino de la Trinidad González Rivadavia (1780–1845), Buenos Aires Secretary of Government and Foreign Affairs 1821–4, first President of the United Provinces of Rio de la Plata 1826–7.

³ The office of President of the United Provinces of Rio de la Plata had been created by the national Congress in early 1826 and was followed at Rivadavia's request by the promulgation of a unitary constitution, but this provoked resistance from the provinces and forced his resignation in 1827.

to worse, until it has become a question, whether a war of colour will be the fatal consequence of Rivadavia's grievous error. Where this horrid state of things is to end, is difficult to foresee; but it appears certain, to my mind, that Buenos Ayres might slowly restore the provinces to the federal bond by the re-establishment of a good government; but that she will never be able to conquer them by force of arms. Nor, indeed, ought she to wish it; for provincial jealousies and petty feuds cannot deprive her of the metropolitan precedency, which geography assigns to her, in the Argentine territories, and which might render her an emporium, like what Venice was in former days. Having said so much relative to Buenos Ayres, it is unnecessary to add much with regard to Peru, or any other of the States; for I have observed that a strong family likeness runs through the different Spanish-American nations as far as I have had an opportunity of observing them. Peru, under a liberal, steady, honest, economical administration, would soon be possessed of the elements of wealth, strength, and happiness. More than one Palmyra⁴ would probably be seen to arise in the midst of her arid and now tenantless deserts, and Lima might become a second Tyre.⁵ If the mines of Potosi could draw 180,000 inhabitants to one of the most barren of regions,⁶ can we doubt the power of the precious metals, the staple produce of Peru, reperforming a similar miracle, whenever human enterprise, prompted by the love of gain, shall be left uncramped by vexatious restrictions and oppressive misrule?

I have sometimes been asked, if I thought monarchy suitable to the wants and wishes of the South Americans. To this question my answer has invariably been a negative. In this I am borne out by the untimely fate of Iturbide,⁷ and by the failure of the 'President for life'—that half-way-house sort of elective monarchy which was

⁴ Palmyra, a largely limestone city in Asia Minor, had been a prosperous centre of trade under the early Roman Empire.

⁵ Tyre was a wealthy commercial city in Southern Phoenicia under the Roman Empire, famous as the seat of the purple-dying and glass industries.

⁶ The mines of Potosi, where Miller had served as Governor 1825–6, had been discovered in 1545 and were a major source of silver. According to Miller, *Memoirs of General Miller*, ii. 238–9, the population of Potosí had numbered 150,000 in 1611, but had fallen to 8,000 by 1825.

⁷ Agustín de Iturbide (1783–1824), military officer, had fought in the royalist army against those seeking Mexican independence from Spain until 1820 when, following the reintroduction of the liberal Constitution of Cadiz in Spain, Iturbide allied himself and the army with the radical forces of Vicente Guerrero (1782–1831), Mexican revolutionary. Their combined force took control of Mexico, whereupon Spain recognized Mexican independence by the Treaty of Córdoba of 24 August 1821. Iturbide acted as President of the Regency of Mexico from September 1821 to May 1822 and was Emperor of Mexico from May 1822 until March 1823, when he abdicated in the face of opposition led by Antonio López de Santa Anna (1794–1876), President of Mexico 1833, 1834–5, 1839, 1841–2, 1843, 1844, 1847, 1853–5. Iturbide went into exile in Europe in 1823 but returned to Mexico in 1824 and, within a few days of his arrival, was executed.

1 JULY 1829

TO MARIA HUME

overturned in Peru and Bolivia, and rejected in Colombia.⁸ I do not mean to say that no monarchies can be established in South America. What I assert is, that no king can be forced, or force himself, upon the South Americans. There is scarcely a fortified town throughout the continent, and there is no aristocracy upon which to rely. The only way in which a monarchical form of government will again be adopted in these States, will be from some President—let us suppose in Chili, for the sake of argument—rendering himself extremely beloved and popular; the people might then elect him king.

Of the democratic forms, I give an unhesitating preference to the federal. It is upon this point that I should feel most happy to be favoured with your friendly instructions. Let them be plain, and suited to the capacity of an unlettered soldier of fortune, who may, perhaps, be placed in circumstances where his opinion may be called for, and where it may be listened to with some attention.

In taking into consideration any legitimate system, as applicable to Spanish America, do not, I beseech you, lose sight of the facts that the people there must be counted as something; that standing armies are there peculiarly incompatible with lasting tranquillity; and that no government, however strongly fenced round by bayonets, can long stand its ground, unless it be the people's choice, and upheld by that support which is to be permanently secured only by justice and integrity.

3506

TO MARIA HUME

1 July 1829 (Aet 81)¹

Q.S.P. 1 July 1829

Dear Madam

I am all gratitude for this token of your kind remembrance: but mortified, to the degree you may imagine, at the thought of your

⁸ In 1827 Peru had rejected Simón Bolívar (1783–1830), the Liberator, President of Gran Colombia 1819–28, Dictator 1828–30, as candidate for President for Life and had instead appointed José de la Mar y Cortázar (1778–1830), who was himself removed from office in 1829. In Bolivia, the proposal of a President for Life had been accepted in 1826, whereupon Bolívar's preferred candidate Antonio José de Sucre y Alcalá (1795–1830) filled the office until 1828, when rebellion led to his resignation. Bolívar's assumption of the office of President for Life in Gran Colombia provoked the secession of Venezuela in 1829 and Ecuador in 1830.

3506. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Addressed: 'To M^{rs} Hume.' Endorsed: 'Jeremy Bentham.'

Maria Hume, née Burnley (1786–1871) had married Joseph Hume on 17 August 1815.

finding it necessary to have recourse to an Amanuensis; and such an Amanuensis!² He is destined I think to be everlastingly in the way between us. Could not some means be found for sending him on another trip to Scotland for a few months?

As to tea, whether I am able to distinguish such choice tea from ordinary tea remains to be tried: sure I am, that I am not able to distinguish, except by the colour, ordinary tea from coffee. But, though this, with a whole parcel of other senses, either have left me or are leaving me apace, a sense of favours received, especially when from the ladies, remains unimpaired.

Though I say it that should not say it (I speak it without vanity) I am the last man in the world to say or do any thing that can tend to disturb the harmony desirable between man and wife, except on very particular occasions: and accordingly I would beg leave to recommend to you to summon up all your delicacy when endeavouring to draw his attention to the amiability of the virtue of sobriety especially in a man who is married, and so married. Was it after the second, or only the first *bottle* that he wrote to me these words 'I think the whole of the Members whose names are in the inclosed paper will support legal reform'. Poor gentleman! I hope the course of *legal* 'reform' is not quite so desperate, but that a few more Members may be found supporting it, than are to be found, they or their names, inclosed in the cover of that same letter of his, or accompanying it.³ The tea packet has been rummaged for them, but all in vain.

My dear Madam—I am *that* I am⁴ but prudence interposes and prevents me from saying what *that* is.

M^{rs} Hume.

P.S. You may have heard or not heard that the King of the Radicals is organizing an army to storm Blackstone's old Castle⁵ ycleped Harpy Castle next campaign under Marshall O'Connell. Yesterday came in a fine young fellow in quality of Volunteer, sent in by that same husband of yours. He has been inlisted, has received either bounty money, or what he regards as an equivalent, and, I trust, is not altogether dissatisfied.⁶

² Maria Hume has noted at this point: 'M^r Hume.'

³ Hume's letter is missing.

⁴ Exodus 3: 14.

⁵ For Blackstone's comparison of the Common Law to 'an old Gothic castle' see *Commentaries on the Laws of England*, iii. 268.

⁶ Maria Hume has noted at this point, 'I cannot recollect who this was. M.H.', and added the docket, 'from Jeremy Bentham.' The 'Volunteer' was perhaps Charles Sinclair Cullen (d. 1830), Commissioner of Bankrupts 1822–30.

8 JULY 1829

FROM HENRY BICKERSTETH

3507

TO ALBANY FONBLANQUE

6 July 1829 (Aet 81)¹

Q.S.P. 6 July 1829

Monday

My dear Albany

We have not had a gossip this age. What say you to Friday?² If that does not suit, name some other day. At any rate you must not make your usual escape to Brighton³ before we meet.

Yours most truly

Jeremy Bentham

3508

FROM HENRY BICKERSTETH

8 July 1829¹

My dear Sir

I am very sorry to find that I am deprived of the pleasure of seeing you on Sunday next² by an invitation, which I am told I ought to consider as a command, to dine with the Duke of Sussex³ on the same day.

I hope you will excuse me, and as proof of it permit me to dine with you on Sunday the 26th inst^t which is my next open day. I shall do so unless you forbid me, and I leave the bust⁴ I so much value in your possession as a pledge that I mean to fulfil my engagement.

Ever most truly yours

H. Bickersteth

Wednesday

8th July

3507. ¹ London School of Economics and Political Science, British Library of Political and Economic Science, Letter Collection, Vol. IV, fos. 51–2. Autograph.

² 10 July 1829.

³ Fonblanque had been visiting Brighton since 1820 for the sake of his health.

3508. ¹ BL Add. MS 33,546, fos. 303–4. Autograph. Addressed: 'Jeremy Bentham Esq.' Docketed: '1829 July 8. Bickersteth to J.B. Q.S.P. Non venturit Sunday. Dines with D. of Sussex.'² 12 July 1829.

³ Prince Augustus Frederick (1773–1843), Duke of Sussex, sixth son of George III.

⁴ Perhaps a copy of the marble bust of Bentham by the French sculptor Pierre Jean David, known as David d'Angers (1788–1856), which Bentham had received in 1828 and

FROM LEWIS GOMPERTZ

9 JULY 1829

3509

FROM LEWIS GOMPERTZ

9 July 1829¹

*Committee Room,
32, Lincoln's Inn Fields.*

Sir

The Committee of THE SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS being deeply impressed with the great importance of establishing Annual Sermons, on the moral and religious duty of man to the animal creation, beg to inform you that on Sunday, the 12th instant, the Rev. G. WRENCH, M.A. Rector of St Michael's, and Governor of Christ's Hospital,² will preach at the request of the Society, at St. Michael's, Cornhill. Service will commence at Eleven o'Clock in the forenoon.

No collection will be made, but persons wishing to contribute, or to leave their addresses, are requested to walk into the Vestry after the service.

I have the honor to remain,

Sir

Your obedient Servant,

LEWIS GOMPERTZ,

HON. SEC.

Oval, Kennington.

9th July 1829

*The attention and co-operation of the Subscribers is particularly
requested to the following*

EXTRACT FROM THE RESOLUTIONS OF THE COMMITTEE.

'XXI.—That on a subscriber sending the name of any clergyman or minister, favourably disposed to the cause, to the Honorary Secretary,

which was exhibited at the Royal Academy in 1829. David had begun work on the bust in 1825 during Bentham's visit to France: see Letters 3225 and 3227, *Correspondence*, xii.

3509. ¹ UC cix. 328. Printed letter, with autograph salutation, the word 'Sir' in the valediction, date, and address. Addressed: 'Jeremy Bentham Esq. 2 Queen Square Place.' Docketed: 'Cruelty to Animals Society.'

Lewis Gompertz (1783/4–1861), animal rights campaigner and inventor.

² Thomas Robert Wrench (1764–1836), Rector of St Michael, Cornhill 1793–1836. The initial 'G.' is a slip, repeated in the account of Wrench's sermon in *Weekly Free Press of Trade, Manufactures, and Commerce*, 18 July 1829, p. [4].

10 JULY 1829

FROM THOMAS PERRONET THOMPSON

he shall write in the name of the Society, requesting him to preach a sermon on the duty of humanity to the animal creation, and if acquiescing, to inform the Secretary of the time and place in which such sermon will be delivered.'

Committee Room, Green's Hotel
32, Lincoln's Inn Fields.

3510

FROM THOMAS PERRONET THOMPSON

10 July 1829¹

10th July, 1829.

My dear Sir,

I am afraid I am engaged for Saturday.² And besides, the commons are all retired to the Mons Sacer,³ on account of the letter in the Examiner.⁴

3510. ¹ MS biography of Thomas Perronet Thompson by his granddaughter Edith Thompson, at University of Hull Archives, U DTH/5/19, pp. 67–8. Copy, with a correction and emendations in another hand. Printed in L.G. Johnson, *General T. Perronet Thompson*, London, 1957, p. 156. ² 11 July 1829.

³ The Mons Sacer was a hill near Rome which formed the destination of the plebeians when they seceded from the city in 494 and 449 BC.

⁴ The letter in question concerned an anonymous article by Thomas Babington Macaulay (1800–59), later first Baron Macaulay, 'Utilitarian Logic and Politics. Art. VII.—Essays on Government, Jurisprudence, the Liberty of the Press, Prisons and Prison Discipline, Colonies, the Law of Nations, and Education. By James Mill, Esq. author of the History of British India. Reprinted by permission from the Supplement to the Encyclopædia Britannica. (Not for sale.) London, 1828', *Edinburgh Review*, vol. xlix, no. xcvi (March 1829), 159–89, which was in turn primarily a critique of James Mill's 'Essay on Government', which had first appeared in *Supplement to the Encyclopædia Britannica* in 1820. According to 'The Utilitarian Philosophy and the Edinburgh Review', *The Examiner*, no. 1,117 (28 June 1829), 402–3 at 402, a forthcoming response in the *Westminster Review* to Macaulay's article 'emanates from the first Jurist of this or any other age or country, and it is as remarkable for its logical ability as for being the production of a man who has turned his eightieth year, and yet retains the vivacity of the gayest youth, in conjunction with the accumulated wisdom of years of patient thought and ever-watchful experience'. This attribution had prompted Bentham to write to the Editor (see 'To the Editor of the Examiner', dated Queen's Square Place, Westminster, 1 July 1829, *The Examiner*, no. 1,118 (5 July 1829), 418) to disclaim authorship of the article, explaining that he had 'either offered or consented (I forget which) to furnish, and did accordingly furnish, a few pages composed of memorandums, forming a sort of history of that principle [i.e. the greatest happiness principle] from its birth to the present time: a heap of rough materials which, were I ever to see them in the form, whatever it may be, that has been given to them by the Editors [of the *Westminster Review*], I should expect to find employed to much better advantage than by the original compiler they had been or could have been'. Bentham's 'materials', dated between 2 and 11 June 1829, are reproduced as 'Article on Utilitarianism' in *Deontology together with A Table of the Springs of Action and Article on Utilitarianism*, ed. A. Goldworth, Oxford, 1983 (CW), pp. 283–328.

The article responding to Macaulay was [Thomas Perronet Thompson], "'Greatest Happiness" Principle. Art. XVI.—Edinburgh Review, No. XCVII: Article on Mill's

TO THOMAS PERRONET THOMPSON

11 JULY 1829

A *beau*⁵ *chef de conspiration*, who after encouraging unhappy men to risk their lives and fortunes in an attack upon the Edinburgh, is found crying out '*c'est lui, ce n'est pas moi*.'⁶ An enemy hath done this; as the man said when he found dandelions among his wheat.⁷ The other side has agents in the camp; and they cut our sinews. Nevertheless I am placable; and only want some of what the Tories call 'security for the future,'⁸ to go on.

I remain,

My dear Sir,

Yours truly and sincerely,

T. Perronet Thompson.

J. Bentham Esq.

Queen's Square.

3511

TO THOMAS PERRONET THOMPSON

11 July 1829 (Aet 81)¹

Q.S.P. 11 July 1829

My dear fellow

You tell me of a day on which you will not come,² and of none on which you will come. How long is this to last? Not longer I hope than Monday.³ If not on that day, on what other?

Essays on Government, &c., *Westminster Review*, vol. xi, no. xxi (July 1829), 254–68. Macaulay then responded to Thompson's "'Greatest Happiness" Principle' with 'Bentham's Defence of Mill. Utilitarian System of Philosophy. Art. I.—The Westminster Review. No. XXI. Article XVI. Edinburgh Review. No. XCVII. Article on Mill's Essays on Government, &c.', *Edinburgh Review*, vol. xlix, no. xcvi (June 1829), 274–99, and Thompson responded again with 'Edinburgh Review and "Greatest Happiness Principle." Art. XVI.—Edinburgh Review, No. XCVIII, Art. I. On the Answer of the Westminster Review to the Article on "Utilitarian Logic and Politics"', *Westminster Review*, vol. xi, no. xxii (October 1829), 527–36. ⁵ MS del. '*brave*'.

⁶ See Nicolas Thomas Barthe, 'L'Homme Personnel, Comédie en cinq actes et en vers, de Barthe, Représentée, pour la première fois, en 1778', Acte IV, Scene VI, p. 167, in *Théâtre Français. Répertoire complet. Boissy et Barthe*, Paris, 1822, where the character of M. de Soligni states: 'Mais, mon oncle, c'est lui, Ce n'est pas moi qui parle'.

⁷ An allusion to the parable of the tares: see Matthew 13: 24–31, 36–43.

⁸ An echo of the war aims enunciated by Pitt in the House of Commons on 25 April 1793, soon after the commencement of the French Revolutionary Wars: 'this country was justly entitled to proceed on the war against France, to repel her unjust attacks, and, if possible, to chastise and to punish her, and to obtain indemnification for the past, and security for the future.' See *Parliamentary History* (1792–4), xxx. 715.

3511. ¹ MS biography of Thomas Perronet Thompson by his granddaughter Edith Thompson, at University of Hull Archives, U DTH/5/19, pp. 68–70, where it is introduced

11 JULY 1829

TO THOMAS PERRONET THOMPSON

An odd coincidence. From various quarters I have been receiving congratulations, and those purely spontaneous, on the brilliant service done to the Westm. by this same letter.⁴ The Standard trumpeting it! as to which see Morn. Chron. of Wednesday.⁵ Inner Temple Hall ringing with it: so per Richard Doane; &c. &c. for most of all this see black and white. Came yesterday a present to me of a paper of the Scotchman.⁶ This or the Morn^s Chron. I believe I must herewith inclose. As you are 'placable' I will not absolutely despair of your forgiveness, being as I am

Most admirably
and affectionately Yours

Jeremy Bentham

Col. Perronet Thompson.

By the Morn. Herald my letter was spontaneously reprinted.⁷

P.S. *Sub pœnâ duces tecum*⁸ the paper or papers herewith sent.

as follows: 'The Prophet's answer [to Letter 3510] is written in a neat, "niggling" hand, clear when at its best, but in parts becoming feeble & so illegible that I can not pledge myself to have deciphered ev[er]ly word accurately.' Copy. Printed in Johnson, *General T. Perronet Thompson*, pp. 156–7.

² See Letter 3510.

³ 13 July 1829.

⁴ i.e. Bentham's letter of 1 July 1829, printed in *The Examiner*, no. 1,118 (5 July 1829), 418.

⁵ See the *Morning Chronicle*, 8 July 1829, p. 2: 'Several of our Contemporaries are at this moment engaged in discussing the merits of the controversy between *The Edinburgh* and *Westminster Reviews*, between the Utilitarians and Anti-Utilitarians. *The Westminster Review* at its outset assailed *The Edinburgh Review* for its want of principle. *The Edinburgh Review*, in its last two numbers, has retaliated by a ferocious onset on Mr. BENTHAM and Mr. MILL, and the principles which they have advocated. Others have been drawn to take a part in the warfare, as is usual on such occasions; this will in the end be productive of good.' The newspaper thereupon reproduced articles on the controversy first from *The Scotsman*, or *Edinburgh Political and Literary Journal*, vol. xiii, no. 990 (4 July 1829), 417, in which it was noted that the writer of the *Edinburgh Review* article 'has obviously no reverence for age and talent united—for one who, as soon as he could think, committed himself, heart and soul, with the great interests of his race, and to the promotion of which, on views honestly taken, and supported with high talent, he has devoted a long life. We need not say, we allude to JEREMY BENTHAM. There is a radical defect of moral feeling in the manner in which Mr. BENTHAM is treated here . . . by this anti-utilitarian'; and second from *The Standard*, 7 July 1829, p. 2, which, in its comment on the controversy, was critical of both the *Westminster Review* and the *Edinburgh Review*, but noted that though the *Westminster Review* was 'unfortunately as much estranged from the established principles in ethics and in state policy as *The Edinburgh Review* itself', it was 'honest, which the other never was, and its honesty gives the votary of *true philosophy* an advantage over it as great as that which, through their total want of talent, he enjoyed before over the Edinburghers'.

⁶ Presumably a copy of *The Scotsman*, 4 July 1829.

⁷ See the *Morning Herald*, 6 July 1829, p. 2.

⁸ i.e. a writ ordering an individual to appear in court in person, along with any documentary or other evidence required of them.

FROM JABEZ HENRY

ANTE-11 JULY 1829?

3512

FROM THOMAS PERRONET THOMPSON

11 July 1829¹

12. Baker St. 11th July, 1829

My dear Sir,

I shall be happy to move from one Mons Sacer² to the other, on Monday.³ The sub-pœna'd papers⁴ shall be brought with me.

I remain My dear Sir,

Yours truly and sincerely

T. Perronet Thompson

Jeremy Bentham Esq.

3513

FROM JABEZ HENRY

Ante-11 July 1829?¹

Dear Sir

When I last had the Honor to dine with you in Queen Square Place—You were pleased (after some Prefatory observations which I am far from feeling that I merit) to recommend me to undertake a New Edition of Vattel² or rather a New Work upon a similar Principle

3512. ¹ MS biography of Thomas Perronet Thompson by his granddaughter Edith Thompson, at University of Hull Archives, U DTH/5/19, p. 71. Copy. Printed in Johnson, *General T. Perronet Thompson*, p. 157.

² See Letter 3510.

³ 13 July 1829.

⁴ See Letter 3511.

3513. ¹ Letters of J. Bentham, etc., BL Add. MS 30,151, fos. 22–3. Autograph draft. Docketed: 'Letter to J. Bentham on his Invitation to me to undertake a new Vattel.' The date for this Letter is suggested by the fact that on 15 July 1829 Colls sent four sheets, consisting of two text sheets and two marginal summary sheets, each headed 'International Law' and dated 11 June 1827, to Henry, stating that he had copied them from Bentham's manuscripts and that they had been corrected by Bentham (see BL Add. MS 30,151, fos 11–18), and that this may have been in response to the request made in the present Letter that Bentham furnish Henry 'with something like a Scheme Program or Outline of the Plan for its Execution'. Bentham's draft of this material is at BL Add. MS 33,551, fos. 122–5 (11 June 1827), and a partial rough copy, in the hand of Colls with corrections by Doane, is at *ibid.*, fos. 120–1 (11 June 1827).

Jabez Henry (1775–1835), colonial judge and writer on conflict of laws. Bentham had first contacted Henry in July 1827 to invite him to dine at Queen Square Place: see Letter 3353, *Correspondence*, xii.

² Emerich de Vattel (1714–67) was the author of several works on the law of nations, of which the most celebrated was *Le droit des gens ou principes de la loi naturelle appliqués à la conduite & aux affaires des nations & des souverains*, 2 vols., Leiden, 1758. The first

23 JULY 1829

TO ALBANY FONBLANQUE

including also something like a General Code of International Law of Crimes & Punish^t as affecting Foreigners.

The Reasons you then gave for the undertaking of some such work considering the Great Changes that have taken place since the time of Vattel were I must confess more than sufficient to satisfy me of the Propriety & Utility of such a work & could I as easily satisfy myself that I might hope to succeed in it so far as to meet your enlarged & enlightened Philosophic views on the Subject & lay down some Laws for the great Family of [...] I know nothing that now w^d more reconcile me to the Labor. I must indeed own that your Invitation & the offer of your own Valuable Collection & Notes on the matter³ is a great Encouragement. If Sir You are still of the same opinion I sh^d feel almost tempted to make a beginning after the Close of my Parliamentary Commission next year.⁴

Perhaps Sir You will so far favor me as to let me know at Your Convenience what are your present views on the Question & to furnish me with something like a Scheme Program or Outline of the Plan for its Execution as if I begin wrong or upon a false Principle it will assuredly be a failure. Till I am honored with this I shall reserve myself & make no further steps.

I shall remain Most dear & Respected Sir
Your sincere & obliged
Friend & Servant
J.H.

3514

TO ALBANY FONBLANQUE

23 July 1829 (Aet 81)¹

Q.S.P. 23 July 1829

My dear Albany

You do not intend, I hope, to be everlastingly out of order and

English edition appeared as *The Law of Nations; or Principles of the Law of Nature; applied to the conduct and affairs of Nations and Sovereigns*, 2 vols., London, 1759.

³ A collection of Bentham's manuscripts on international law, from which 'Principles of International Law', Bowring, ii. 535–60, was compiled, are at UC xxv. 1–135.

⁴ Henry had been author of three reports issued by the Commissioners of Enquiry into the Administration of Criminal and Civil Justice in the West Indies and South American Colonies, the first on Jamaica, dated 29 June 1827, the second on Demerara and Essequibo, dated 14 April 1828, and the third on Honduras and the Bahama Islands, dated 24 February 1829.

3514. ¹ London School of Economics and Political Science, British Library of Political and Economic Science, Letter Collection, Vol. IV, fos. 53–4. Autograph.

FROM DANIEL O'CONNELL

30 JULY 1829

invisible. Instead of my keeping plying you with distringases by aliases and pluris,² the shorter, and (since no fees are to be got by the longer course) the better will be, if you will condescend to inform me, that when Your *essoign de male lecti*³ is at an end, you will write to name a day wherein, if not informed of my being engaged, you will come and take the benefit of the air of this garden, which for London air, is I hope not altogether contemptible.

Your's ever

J.B.

Albany Fonblanque Esq^{re}⁴

Just occurred after folding up.

Sometime ago Harfield⁵ brought in spontaneously a book catalogue which was a bulky and (so he said) a valuable one. It has disappeared. He says I told him I had lent it to somebody. Of this I have no recollection. Is it possible that it should have been to you that I lent it?

3515

FROM DANIEL O'CONNELL

30 July 1829¹

Ennis
County Clare

30th July 1829

Benefactor of the human Race!

I avowed myself on the Hustings this day² to be 'a Benthamite'—and explained the leading principle of your disciples—'the greatest happiness principle.' Our sect *will* prosper.

I begin my parliamentary career by tendering you my constant zealous and active services in the promotion of that principle. You

² The alias and pluries writs were issued in the course of proceedings leading to an outlawry: see Blackstone, *Commentaries on the Laws of England*, iii. 283.

³ i.e. an excuse for not appearing in court due to ill health.

⁴ The instruction 'Volti', i.e. 'Turn the page', appears in the Letter at this point.

⁵ James Harfield (b. c. 1801, d. 1851), writer for the *Morning Chronicle*.

3515. ¹ In the quondam possession of the late Mr Denis Roy Bentham. Autograph. Docketed: '1829 July 30. Reced Aug. 4. O Connell Ennis to J.B. Q.S.P. All-devotedness!' Printed in Bowring, xi. 20, and *Correspondence of O'Connell*, viii. 216–17.

² O'Connell had just been returned unopposed for County Clare. His speech is reported in the *Morning Chronicle*, 4 August 1829, p. 1 (reproduced from the *Dublin Morning Register*, 1 August 1829, p. 3), but there is no mention of his avowing himself to be 'a Benthamite'.

30 JULY 1829

FROM DANIEL O'CONNELL

have now one Member of Parliament *your own*. Stay with us my venerable friend, remain with us in person and in intellect for a few Years—at the least—longer and you will see—the fee system and the cobwebs of fiction destroyed—those cobwebs which catch the little flies and allow the wasps to break through.

I do most potently believe—that the hour for successfully introducing a rational plan of procedure and 'a Code' is fast approaching. I have sent my Bentham Library to my Country House³ where I shall be able to spend six weeks of the 'long vacation'. There will be this advantage from the adjournment of Justice till November—that my Zeal for codification will be accompanied by more of Knowledge before I have the pleasure of seeing you again.

Accept the assurance of my most unfeigned respect and admiration. My homage to you is the more sincere for being capable of springing from one cause only—namely my Conviction of your paramount Utility to mankind. An Utility which could never have existed if to the most clear intellect in the world you had not added the perpetual and cheerful energy of continued perseverance.

I intend to get up a *shorter* Codification petition—indeed several petitions for '*Codification*', that is for the draft of a Code. I think the *honorable house*, as there is to be no expence but that of printing, will yield to my reasoning or if not to my *repetition*—not to say my teasing—and advertise on your plan for a Code.

Should you desire to communicate any information to me, be so good as to direct your letter to Dublin and it will be forwarded without delay to my *then* place of abode.

I write in haste to announce to you the return of 'your Member.' You see you have the same property as a borough monger.

I have the honour to be with veneration and let me add affection
Your faithful disciple

Daniel O Connell

³ Derrynane House, County Kerry.

3516

FROM JOHN FLOWERDEW COLLS

30 July 1829¹

33, Canterbury Square, July 30th, 1829.

My ever dear and respected Sir * * * I shall leave your hospitable roof with the most poignant feelings of regret, not so much on account of the affections of locality, which have for so many years endeared me to your Hermitage, nor by reason alone of the esteem I must ever entertain for every one within your dwelling, to whom I am under many and great obligations, but chiefly because of the deprivation I must consequently suffer of the honour, the pleasure, and the advantage of assisting, though as it were, only mechanically, one who, I am persuaded, will one day become the great legislator of mankind, and who, as such, must ever stand in the greatest degree of prominence in the respect and veneration of every well-constituted mind.

* * * * *

I trust you will not think me chargeable either with ingratitude, or even neglect, in adopting this method of taking leave of you, and of thanking you for the numberless marks of kindness which it has been my good fortune to receive at your hands. The truth is, that I am so much the creature of sentimentality, that I can never bring myself to bid adieu, even for a season, to any one for whom I have a more than ordinary regard; and I believe you will hardly give me credit for the possession of so much of that feeling as I must ever entertain for you, dear sir; since too, I have had so many proofs of the existence in your beneficent breast of the like sentiment towards me. I am the more anxious to avoid a scene, the effects of which could not but be more or less painful to us both.

Receive then, I pray you, my dear sir, in this form, the renewed expression of my respectful and affectionate attachment, and believe me, with perfect truth, your much obliged, most obedient, and very faithful servant,

JOHN F. COLLS.

P.S. I shall be returnable somewhere about the 20th of December, when I shall petition for admittance at the Hermitage, to receive your blessing.

3516. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 152, where it is introduced by Bowring as follows: 'The following preceded Mr. J.F. Colls' departure for St. Bees:—'

30 JULY 1829

TO JOHN FLOWERDEW COLLS

3517

TO JOHN FLOWERDEW COLLS

30 July 1829 (Aet 81)¹

Q.S.P. 30 July 1829

My ever dear Jack!

Altogether unexpected at the moment was this farewell letter of your's.² It cost me some tears: but preparation time there had been in abundance; and the separation was inevitable. You did well to spare us the pain of parting.

Along with this You will receive a draught for what was due on the 9th of this month, together with what would have been due on the 9th of next month.

The present is not an occasion for nicety in the operation of balancing.

When you have had time to turn yourself round at your place of exile,³ it would be matter of sincere pleasure to me to hear from you the *particulars*^(a) of Your situation. Your pen is 'the pen of a ready writer'.⁴ Vague generalities—you know how insipid, uninteresting, and even unpleasant, they are to me. A Journal, expressive of whatever you saw that interested you, and in what way it interested *you*, would be highly interesting to *me*, and proportionably acceptable.

Of the importance of SECRESY to you, on such an occasion, I am as sensible as you yourself can be. Your name should NOT appear: nor need the YEAR; but months and days of the month, YES. It will be my especial care that nothing of it shall ever rise up against you.

Yours most sincerely
and affectionately

Jeremy Bentham

J.F. Colls Esq^{re}.

P.S. I can not doubt but that, after what he has seen of you, and all that has passed, Rochester⁵ will make a point of making provision for you when the time comes.

3517. ¹ Free Library of Philadelphia, Hampton L. Carson Collection, Letters—English. Autograph.

³ i.e. St Bees College.

² Letter 3516.

⁴ Psalm 45: 1.

⁵ George Murray (1784–1860), Bishop of Sodor and Man 1814–27 and Rochester 1827–60.

FROM JOHN FLOWERDEW COLLS

3 AUGUST 1829

^(a) Ex. gr. 1. Company on the road, and there. 2. Characters of such of your fellow exiles as your situation brings you in contact with. 3. Means and matter of reading. 4. Collegiate discipline if any. 5. Local situation, oppidal or rural. Lodging, whether in chambers, or in a family, i.e. in a boarding house. 6. Diet. 7. Amusements—musical or any thing else that goes by that name.

3518

FROM LESLIE GROVE JONES

August 1829¹

My dear Sir

Do not expect me tomorrow night, for after three hours hard work at agitation,² I shall be unequal to walk down from Rathbone Place to Queen Square & much more to receive instruction from its great Lawgiver.

Sincerely Yours

Leslie Grove Jones

Monday Morning³

3519

FROM JOHN FLOWERDEW COLLS

3 August 1829¹

Jeremy Bentham, Esq., 2, Queen's Square Place, Westminster.

St. Bees, near Whitehaven, Aug. 3d, 1829

My dear and revered Master,—Your very kind and most affectionate letter² has not only unnerved me quite, but has made me revoke my former determination with regard to ordination, notwithstanding all that has passed; and I now write this to entreat you to receive me back again to your hospitable roof upon any terms, and upon any conditions, you may think proper to lay down. Only restore me to my former envied place in your establishment, and you shall never be harassed by any further schemes for *clericalizing* me; for

3518. ¹ BL Add. MS 33,546, fos. 307–8. Autograph. Addressed: 'Jeremy Bentham Esqre.' Docketed: '1829 Aug. No day. Col. Jones to J.B. Q.S.P. Appointment put off.'

² In Letter 3525 Bentham mentions that Jones was '*agitating* against the aristocratical Select-Vestry system'. ³ Either 3, 10, 17, 24, or 31 August 1829.

3519. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 152.

² Letter 3517.

3 AUGUST 1829

FROM JOHN FLOWERDEW COLLS

during the very short time I have been at this Institution, I have been so disgusted, both with the place, and with its occupants, that, in any case, I cannot bring myself to continue here. I have already spoken to this effect to Dr. Ainger, the principal of the College,³ who, I must say, with every disposition to make my residence here as comfortable as possible, gives me but a slender hope of success in the object of my visit, on account of my age, the Bishops generally being now extremely averse to ordain literates, even though they may have been educated at St. Bees; floods of tears did I shed before I departed at the thoughts of leaving the very best of men—oceans of them do my eyes now pour forth at the reflection upon this separation, nor will they cease to flow till you have taken compassion upon me, and summoned me back again to that seat of true happiness, goodness, and learning—your Hermitage. Say the word only, then, my much respected and ever to be venerated Sir, and you shall find me at your feet as quickly as the conveyance here will bring me to you. If you do take compassion upon me and receive me, I shall be able to give you such an idea of this place as will stimulate your active and expansive mind to still further exertion, if possible, in the endeavour to destroy that bigotry and intolerance which have still but too firm a hold upon the minds of too many of the human race. Agreeably to your desire, I have taken note of such things as struck my eye and ear; but my heart is too full to allow of my giving them here. Suffer me, I pray, to communicate them by word of mouth to you, in my former and now much-longed-for place, opposite you in your workshop, as you are pleased to term your study, and you will make me as supremely happy as I am now unfortunately absolutely miserable.

I enclose this in a letter to my father,⁴ that your name may not appear at St. Bees in my hand; so basely bigoted and intolerant are these fellows here that they would absolutely scout me were they to know of my connexion with you. I have informed the worthy folks at home of my contemplated return, and of my hope that you will again receive me, never more to be separated except by the hand of death.

Accept, dear Sir, again and again, the renewed expression of my most affectionate and respectful attachment, and believe me to remain,
your faithful humble servant,

JOHN F. COLLS.⁵

³ William Ainger (1785–1840), Principal of St Bees College 1816–40, Perpetual Curate of St Bees 1816–40.

⁴ Robert Colls (1770–1832).

⁵ Bowring has noted at this point: ‘This proposal of Mr. Colls could not be accepted: Bentham had supplied his place with another secretary.’ Arthur Moore had replaced Colls as Bentham’s amanuensis.

3520

FROM EDWARD LIVINGSTON

10 August 1829¹

Sir,

New York, 10th August, 1829.

I HAD intended to delay the request that you would do me the favour to accept and peruse the codes of criminal law which I am preparing for the State of Louisiana, until I could offer the whole system for your examination; but a delay has taken place of which you are the cause, in preparing the code of evidence, and my impatience to have a direct communication with you, has induced me, perhaps indiscreetly, to send you the parts of the system which have been presented for consideration, together with the preliminary reports, explanatory of their provisions.² The Code of Evidence which is wanting to complete the system, was ready about two years since to be put to the press, when I heard of the publication of your 'Rationale of Judicial Proof,'³ and I could not think of taking another step until I had received all the lights I was sure this work would throw on the course I was pursuing. Notwithstanding all my endeavours to procure a copy from England, I have, by some unaccountable fatality, been constantly disappointed, but have lately been fortunate enough to procure the only set I believe in the United States. I am now studying it closely and already find more than enough to make me rejoice that I was not more precipitant in my publication, while at the same time I feel a pride in discovering that many of the provisions I had inserted have received the sanction of your judgment.

3520. ¹ 'Second Supplement to Codification Proposal. Part II. Testimonials', pp. 117–18 (reproduced in *Legislator of the World* (CW), pp. 382–4). Printed in Bowring, xi. 23.

Edward Livingston (1764–1836), lawyer and diplomat, Representative for New York in the United States Congress 1795–1801, Mayor of New York 1801–3, Member of the Louisiana House of Representatives 1820–2, Representative for New Orleans in Congress 1822–9, Senator for Louisiana 1829–31, Secretary of State 1831–3, Minister to France 1833–5.

² Livingston had produced, both in English and in French, a 'Code of Crimes and Punishments', a 'Code of Procedure', a 'Code of Evidence', and a 'Code of Reform and Prison Discipline', each with an explanatory report, as well as a more general introductory report to the proposed system of penal law. This material was later collected and published as *A System of Penal Law, for the State of Louisiana: consisting of A Code of Crimes and Punishments, A Code of Procedure, A Code of Evidence, A Code of Reform and Prison Discipline, A Book of Definitions. Prepared under the authority of a law of the said state. To which are prefixed a preliminary report on the plan of a penal code, and introductory reports to the several codes embraced in the system of penal law*, Philadelphia and Pittsburgh, 1833. It appears that Livingston sent Bentham a copy of the 'Code of Crimes and Punishments' and the 'Code of Procedure': see Letters 3582 and 3618.

³ i.e. *Rationale of Judicial Evidence*.

It is more than thirty years ago, that then representing this city in the House of Representatives of the United States, I made an ineffectual attempt to mitigate the severity of our penal laws.⁴ The perusal of your works, edited by Dumont,⁵ fortified me in a design to prosecute the subject whenever a fit occasion should offer: it occurred about twenty years after by my election to the Legislature of Louisiana, whither I had removed,⁶ and I used the confidence of that state, by offering them the system you will find in the accompanying package. It is now under the consideration of a Joint Committee of both Houses, and its fate will be decided in the course of the Winter Session.⁷ The favourable notice taken of the first report in England and elsewhere in Europe,⁸ has had a considerable effect in predisposing the public mind to receive it.

In laying before you this work, I offer you little that you have not a legitimate title to: for, hereafter, no one can in criminal jurisprudence, propose any favourable change that you have not recommended, or make any wise improvement that your superior sagacity has not suggested.

⁴ In December 1795 and again in December 1796, when serving as Representative for New York, Livingston had secured the appointment of committees to investigate whether the punishments inflicted under the United States penal laws might be mitigated: see *The Debates and Proceedings in the Congress of the United States*, Washington, 1855, First Session, Fourth Congress (1795–6), cols. 144, 158, 185, and Second Session, Fourth Congress (1796–7), col. 1685.

⁵ For the works of Bentham edited by Dumont see p. 19 n. above.

⁶ Livingston had arrived in New Orleans in February 1804, having resigned as Mayor of New York after becoming embroiled in a financial scandal. He had resumed his practice at the bar until his election to the Louisiana House of Representatives in 1820.

⁷ Having adapted his system of penal law for the federal government, Livingston had presented it to the House of Representatives, who had ordered it to be printed (see 'A System of Penal Law for the United States of America: consisting of A Code of Crimes and Punishments; A Code of Procedure in Criminal Cases; A Code of Prison Discipline; and A Book of Definitions. Prepared and presented to the House of Representatives of the United States, By Edward Livingston, one of the Representatives from the State of Louisiana', Washington, 1828). On 31 May 1829 Livingston had then brought in a Bill to provide a system of criminal law for the United States. A joint-committee was established by the Senate and House of Representatives to consider Livingston's Bill, but, according to Livingston, 'the prevalence of the yellow fever and other circumstances prevented their meeting' (see Letter 3702). Livingston later re-presented his Bill on 3 March 1831, but resigned his Senatorship upon his appointment as Secretary of State on 24 May 1831, and the measure was dropped. See *Journal of the Senate of the United States of America*, Second Session, Twentieth Congress (1828–9), 357, and Second Session, Twenty-first Congress (1830–1), 228.

⁸ Livingston's 'first report' was the work published in England as *Project of A New Penal Code for the State of Louisiana*, London, 1824, and in France as *Rapport sur le projet d'un code pénal, fait à l'assemblée générale de l'état de la Louisiane, par M. Edouard Livingston, suivi des observations sur les conditions nécessaires à la perfection d'un code pénal, par M. Mill, avec une introduction et des notes par M.A.H. Taillandier, avocat aux conseils du roi et à la cour de cassation*, Paris, 1825. Both the English and French versions had first appeared at New Orleans in 1822.

TO CHARLES JAMES SWANN

15 AUGUST 1829

With the greatest veneration for your character, and the highest admiration of your useful labours,

I am, Sir,

Your most obedient servant,

(Signed) EDWARD LIVINGSTON.

3521

TO CHARLES JAMES SWANN

15 August 1829 (Aet 81)¹

Queens Square Place West^r 15 Aug. 1829

Sir

I have to acknowledge the having received in the afternoon of yesterday and not before, a letter under your signature dated the 8th of August, introducing a paper beginning with the words, 'The Commissioners appointed' &c. bearing for its date the words 32 Norfolk Street Aug. 6 1829.² Of the mention thus made of date, the propriety is suggested to me by a Postscript of yours in which it is said as the subject is under the immediate consideration of the Commissioners, they would be glad to receive, at as early a period as possible, any suggestions with which you may favor them.

In this letter of your's, which, being in lithograph is (I infer) a circular one, You say 'I have also to request that you will inform the Commissioners whether you would have any objection to your communications in any part of them being made public.'

To the desire of the Gentlemen in question as thus expressed my answer is as follows—

As to the publication of my *communications*, meaning evidently the *whole* of them,—should any such be made by me, so far should I be from making any objection thereto, that, to my preparing any written matter for the purpose of making communication of it to them, a condition *sine quâ non* would be an assurance in *positive* terms, that whatsoever portion of written matter I make communication of for the declared purpose of its being made public shall be made public accordingly: and this without any defalcation whatsoever.

3521. ¹ UC lxxvi. 14–17, 19, xxiii. 43^v, of which lxxvi. 14 is dated 14 August 1829 and headed 'Jeremy Bentham to C.J. Swann Esquire, Secretary to The Commissioners appointed by his Majesty to enquire into the Law of Real Property in England'. Autograph draft.

Charles James Swann (1798–1833), barrister, had been appointed as Secretary to the Real Property Commission on 6 June 1828.

² The letter is missing.

To the giving any such assurance an obvious objection on their part (I am sensible) is—that this is too much to engage for: considering that in such case in what they engaged for giving publication to, might be in an indefinite quantity matter unfit to see the light: matter even libellous and as such subjecting to prosecution and condign punishment all persons concerned in the dissemination of it.

To the thus supposed objection I take leave to submit the reply here following—

1. That I have a character to lose, and that, having already been, considerably more than half a century before the public in the capacity of a man whose wish is to see, on every part of the field, the law of this country more nearly approaching to what it ought to be than to him it seemed to be; and having, on various occasions, seen suggestions of mine to no inconsiderable extent adopted by Parliament, and having never yet seen myself accused of harbouring designs injurious to the community of which I am a Member, I feel little difficulty in presuming that the Gentlemen in question will not regard themselves as exposing themselves to any very serious risk, in the event of their favoring me with this requested assurance.

2. That in the event of their observing, in any portion of written matter so communicated by me, any thing which, in their eyes, calls for disapprobation at their hands, no terms does the language contain, no terms how strong so ever, which on my part would produce, in private or in public, any expression of resentment, or any the least particle of the sensation itself so denominated.

3. That in that same event, to put an extreme case, supposing me insane enough to transmit to them for such publication, matter amounting to a treasonable libel,—still, they forming, as they do, part and parcel of the aggregate commonly called the *constituted authorities*, they would not by giving publication to it accordingly be exposed either to punishment at the hands of the legal tribunal, or to censure at the hands of the Public opinion tribunal, any more than would his Majesty's *Attorney General*, in filing a criminal information against me on the ground of it, or in making a Motion for leave to file one. On the part of that high functionary the text of the libel would of course be accompanied by the appropriate and requisite terms of disapprobation; so, accordingly on their part.

4. That, after the observations they made, and assurances thus given by me,—should the result on their part be silence for the space of 7 days the present day exclusive, or an answer giving me to understand that they declined receiving any communication from me on these terms, a conclusion which it would not be in my power to avoid coming to in my own mind, and to which I see no reason why I should forbear

giving whatsoever publicity may be in my power, is—that the considerations by which such refusal, declared or virtual, had been produced, was—the apprehension of incurring the displeasure of constituted authorities, of an order still superior to their own: a conduct which, in my eyes could have, for its exact parallel, that of a Judge, who on the occasion of a suit brought before him should lend his ear all along to the parties on one side, refusing it throughout to those on the other.

5. That, lest to their observation any such appellative as that of a *menace* should be applied, in such sort that the existence of any such sentiment as disrespect on my part towards the gentlemen in question should be inferred from it, I embrace with pleasure the opportunity of declaring, which with perfect simplicity and seriousness I do accordingly, that in the scale of my estimation, by which it has as yet fallen in my way to see of them and their proceedings in the execution of the high trust reposed in them, they have placed themselves on a high level.

In transactions between man and man, especially on the field of politics and legislation, occasions are ever wanting, in which to the production of the *reality* of liberty, an outward shew of compulsion is either absolutely necessary, or at any rate very conveniently conducive.

In the present instance, had I not seen, in the proceedings of the distinguished functionaries in question, circumstances³ which induced on my part a belief, that, in the minds of all, or at least a majority of them, the sentiment produced by the thought of lying under the necessity of giving compliance to this request, has more in it of satisfaction than of dissatisfaction, I should not have expended the time necessary to the making of the communication thus made by me.

Fully sensible as I am, and compleatly aware, how full of suspicions absolutism is where it has place, I should not have thus run the risk of communicating this my opinion of them to higher-seated minds, could I have regarded it as probable that in the quarter in question absolutism, supposing it to have place, has for its accompaniment injustice, to such a degree flagrant, as to let loose resentment against any one man on no other ground than that of something thought or said of his opinion by another to whom he is altogether unknown.

Should ever the assurance thus requested by me at the hands of the Commissioners reach me, I am not quite sure, that the multitude of operations for the performance of which I stand pledged to public men in other situations will allow me the time necessary to the making of any such communication as that now called for at my hands. But I am, and unquestionably should be sincerely desirous of so doing: and,

³ A copy of the remainder of this and the next four paragraphs, in the hand of George Bentham, is at UC lxxvi. 18.

15 AUGUST 1829

TO CHARLES JAMES SWANN

antecedently to experience it is not possible for me so much as to say to myself, to what a degree, in the character of a *stimulus* the encouragement, afforded by such an assurance, might add to the *quantum* of mental power which I am at present conscious of.

To clear away, in so far as lies in my power, any difficulties which might present themselves as being thrown in the way of the gentlemen in question by the proposition I am thus troubling them with, would be matter of sincere pleasure to me. In this view it is that I take the liberty of offering to their consideration four words, from one or another of which, in the event of their seeing, in any part of what I send, a demand for an expression of disapprobation on their part, not only the sentiment itself, but the ground of it, in the particular instance in question, might receive expression with the smallest possible trouble to themselves.

Irrelevant—ungrounded—erroneous—indecorous. Such are the words I submit to their consideration, as affording proof and exemplification of the smallness of the verbal expence, necessary to their preserving themselves from the imputation of approving of any obnoxious sentiments, of which in fact they do *not* approve: not meaning at the same time to be understood as entertaining any such wish as that they should on *any* account restrict themselves to any such brevity, or put aside so much as a single word that shall have presented itself to them as called for at their hands.

Time, labor and paper in a quantity not altogether inconsiderable having been already expended by me on the subject committed to their charge, and the result of that expenditure having for this year or two been before the public—it would be affectation in me even to be representing myself as doubting whether the paper in question⁴ had met their eye or been otherwise than habitually present to their minds. But partly for convenience in respect of reference, partly as an additional testimony of that respect of the existence of which I should be sorry if in their minds any doubt had place, I herewith take the liberty of transmitting copies of the paper in question | | in number, whereof one for the Commission in the aggregate, one for each Member in his separate capacity, together with one, Sir, for yourself.

Once more and lastly, with all the simplicity of sincere respect and without any absurd how so ever customary[?] [. . . ?] of honor

I am Sir
Your's

Jeremy Bentham

⁴ i.e. 'Article Eight of the Westminster Review No. XII. for October, 1826, on Mr. Humphreys' Observations on the English Law of Real Property, with the Outline of a Code, &c.', London, 1827.

TO THE REAL PROPERTY COMMISSIONERS 19 AUGUST 1829

P.S. In page || of the tract in question may be seen mention made of a mode of writing therein stiled the manifold mode.⁵ Should it be agreeable to the Gentlemen in question to receive it, it would be a pleasure to me to communicate to them an instructive sample of it.

3522

FROM HENRY BICKERSTETH

17 August 1829¹

My dear Sir

I have not yet succeeded in obtaining a copy of Eden on the penal law.² I hope to be able to send you one in a day or two.

I now send Eunomus³ and the 2d edition of Humphreys.⁴

Ever faithfully yours

H. Bickersteth

17. Aug^t 1829

3523

TO THE REAL PROPERTY COMMISSIONERS

19 August 1829¹

To the Real property Commissioners

In answer to the copy I was presented with of your circular call, I stipulated for a promise on your part that whatsoever communication

⁵ See *ibid.*, pp. 42–5 (Bowring, v. 406–7).

3522. ¹ BL Add. MS 33,546, fos 305–6. Autograph. Addressed: 'Jeremy Bentham Esq.' Docketed: '1829 Aug. 17. Bickersteth Linc. Inn to J.B. Q.S.P.'

² William Eden, *Principles of Penal Law*, London, 1772.

³ Edward Wynne, 'Eunomus; or, Dialogues concerning the Law and Constitution of England. With An Essay on Dialogue', 4 vols., London, 1774.

⁴ Humphreys, *Observations on the Actual State of the English Law of Real Property*.

3523. ¹ UC lxxvi. 20–1, 23, which are headed 'J.B. to Real Property Commrs' and dated 19 August 1829, and of which lxxiv. 20 carries the following note: 'Fair copy transmitted to them by Arthur [Moore] this day or the next, and by them answered.' The sheets are sub-headed 'Beginning', while UC lxxvi. 23 carries the additional sub-heading 'Principles', but these sub-headings may be later additions. It seems unlikely that these sheets constitute the whole of the Letter, nor can it be certain that the whole of their content was included in the letter that was sent. A further fragment, headed 'To Real Property Cmmrs' and dated 17 August 1829, is at UC lxxvi. 22.

it might happen to me to make in obedience to it should come forth uncastrated.² You gave it me.³

Given to a man of my known principles, truly magnanimous was this promise: I take up the pen to profit by it. At the very outset my task I perceive is a most irksome one. I Counsel for the public—such is the function I have taken upon myself. At the very outset, I accuser, you accused, such is the unwelcome relation that has place between us. The unktion of flattery you have given to me, the acid of accusation alas, this is at the very outset the return I find myself under the necessity of making to it. I can not spare you. I stand pledged to shew myself from beginning to end seductive proof.

For what was it you were appointed? this question I do not here ask: the answer has been given elsewhere. For what is it that you ought to have been appointed? This question I do ask: and that for the purpose of presenting to view the only answer it will admitt of. Real property being the subject given, on this part of the field of law, the rights established, the correspondent obligations imposed, being (by supposition) such as the dictates of the greatest happiness prescribes, rendering it as easy as possible to all persons to avail themselves of those same rights, to fulfill those same obligations, for thus it was that you ought to have been appointed. The task so given you to perform, you have performed but too well. This being that which should have been the object, what is the part Your Report has taken in relation to it? to promote the attainment of it? No: but to prevent it. For by many men in your situation, what more is there that can be done towards preventing the accomplishment of any object than by declaring it unpracticable.⁴

² See Letter 3521.

³ The response of the Real Property Commissioners is missing, but in his comments on registration, dated 4 July 1831 and eventually printed in the Appendix to their Third Report, Pt. III, 'Communications on the Subject of a General Register', in *Commons Sessional Papers* (1831–2), xxiii. 430–50 at 430 (reissued as 'Outline of a Plan of a Register of Real Property: contained in A Communication to the Commissioners appointed under Letters Patent, of date the 6th June 1828, to inquire into the Law of England respecting Real Property, and first printed in the Appendix to their Third Report, ordered by the House of Commons to be printed, 24th May 1832', in Bowring, v. 417–35 at 417), Bentham noted: 'By your letter of the 18th of August 1829, addressed to myself alone, in answer to mine to you of the 15th of that same month, you were pleased to honour me with an assurance in these words: "They" (meaning you the said Commissioners) "have no hesitation in saying, that they should think it their duty to include whatever may proceed from him (meaning myself) in any Appendix to the Report which they may hereafter make to His Majesty."'

⁴ Bentham has added the following note at this point: 'S.B. and Navy Board.' Bentham perhaps had in mind the obstructiveness that Sir Samuel Bentham, in his role as Inspector General of Naval Works, had often encountered from the Navy Board when advocating reforms of the dockyards.

To a Philosopher of old a question being put by some candid sophists—the question whether Motion was possible, he got up and walked: such was the answer given by him to it.⁵ By Your Report the possibility of | |. To this question I conceive myself to have given | | months ago the sort of practical answer abovementioned.

The Report speaks of principle. Principle is a word that frequently presents itself in the denomination of an object by contemplation of which practice should be guided: and in case of principles more than one, simplicity comes in and recommends in so far a single one, to officiate in the character of a or the *fundamental*, or as some say changing the metaphor, a or the *leading* principle.

Now then what such principle does the Report give? Looking for one throughout carefully, no such principle have I been able to find.

To supply the deficiency, I will venture to submit to you mine.

For this as for every other part of the field of law and whatsoever superstructure is any where raised on it, Leading principle or fundamental principle—I have on every occasion said the greatest happiness principle.

Now for a principle in detail, a [principle]⁶ subordinate and *ancillary*, as learned Gentlemen phrase it, to that all-comprehensive principle, a principle or set of principles applying to this part of the field in question in particular.

Mine, now and here as already and elsewhere given, in subordination to it, these [four]⁷—

1. Non-disappointment principle.
2. Constitution-regarding and Constitution-preserving principle.
3. Over-population-preventing principle.
4. General-wealth-promoting principle.

⁵ The philosopher was Diogenes (c. 403–c. 321 BC), founder of the Cynic sect in Athens. According to Diogenes Laertius, *Lives of Eminent Philosophers*, vi. ii. 39, ‘when somebody declared that there is no such thing as motion, [Diogenes] got up and walked about’.

⁶ MS ‘principal’.

⁷ MS ‘three’.

23 AUGUST 1829

TO LEICESTER STANHOPE

3524

TO LEICESTER STANHOPE

23 August 1829 (Aet 81)¹

My ever dear Leicester

Q.S.P. Sunday

23 Aug. 1829.

I have seen Bowring. I am now enabled to mention Thursday next the 27 as the day on which I hope for the pleasure of seeing D^r Macleod² at the same hour as before.

J.B

3525

TO DANIEL O'CONNELL

25 August 1829 (Aet 81)¹

(Copy.)

Q.S.P. 25 Aug^t 1829.

Jeremy Bentham to Daniel O'Connell, Dublin.

O'Connell 'atavis [edite]² regibus

'Oh et praesidium et dulce decus meum!

'Quod si me *Domuum* vatibus [inseris],³

'Sublimi feriam sidera vertice.'⁴

Before me lies yours of the 30th last dated the very day of your election:⁵ it was like a gulp of the intoxicating gas⁶ to me.

3524. ¹ UCL Library, Stanhope Letter Collection, no. 4. Autograph. Docketed: 'From J. Bentham to LFS.'

² Possibly Roderick Macleod (1795–1852), physician and medical editor.

3525. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/205. In the hand of Doane, with the exception of note ^(a) and the date preceding the copy of Bowring's 'paper', which are in Bentham's hand, and the copy of Bowring's 'paper', which is in an unidentified hand. Despite Bentham's fears that the original letter had miscarried, O'Connell acknowledged its receipt in Letter 3534. The present copy was sent to O'Connell with letter 3530. Extracts are printed in Bowring, xi. 20–1. Printed in the *Irish Monthly*, vol. xi, no. 123 (1883), 515–17. ² MS 'editi'. ³ MS 'inseres'.

⁴ Horace, *Odes*, i. 1–2, 35–6: i.e. O'Connell 'descended from royal lineage, my protection, my fame and my joy! If you rank me among the [Houses], I shall soar aloft and strike the stars with my head.' Bentham has replaced the word 'lyricis', i.e. 'lyric poets', with '*Domuum*', alluding to the Houses of Parliament. ⁵ Letter 3515.

⁶ i.e. nitrous oxide, the discovery of which had been first recorded by Joseph Priestley

I was projecting a long letter to You, reporting progress: but the receipt last night of a paper from *Bowring*, of which what is on the other leaf is a copy,^(a) proved the necessity of an immediate communication without a moment's loss of time.

'I avowed myself on the Hustings a Benthamite, and explained the leading principles' &c.⁷ Nothing of this have I been able to find in our Newspapers. The suppression of so remarkable a feature, what can it have had for its cause?

Brougham, as he cannot take the lead in Law Reform, and if he really wishes it, which to any effectual extent is worse than dubious, will in his wishes be against us, and in his endeavours if he dares. To diminish—nay to *minimize* his influence *quoad hoc* is therefore matter of necessity. In the next No. (22) of the Westminster Review, which will come out here the 1st of October, you will see his Speech torn to rags and tatters.⁸ I have not seen him, nor heard from him since he let it fly. We have no quarrel; but being both of us so fully occupied, nothing has intervened to bring us together.

I am endeavouring to enlist Daniel Whittle Harvey⁹ to serve under you. In the House of Commons I hear from various quarters that it is matter of doubt which is listened to most—he or Brougham. To Law Reform he has already done considerable service, by eliciting ammunition wherewith to batter Harpy Castle.¹⁰ He has no such feelings as those by which you and I are actuated: and upon his character for probity there is a blot (I have not the particulars) which is public and diminishes his influence.¹¹ But if he inlists under you

^(a) If I misrecollect not, it is the *original* that was sent, for it has disappeared from hence.¹²

(1733–1804), theologian and natural philosopher, in 'Observations on different Kinds of Air', *Transactions of the Royal Society*, vol. lxii (1772), 147–264.

⁷ See Letter 3515.

⁸ 'Bentham, Brougham, and Law Reform. Art. IX.—Petition for Codification, by Jeremy Bentham, Esq., Bencher of Lincoln's Inn. Robert Heward. 8vo. 1829. 2. Petitions for Justice. By the same Author. 3. Elucidations relative to the proposed Summary mode of Procedure. Idem. 4. Plan for an Experimental Dispatch Court. Idem. 5. Mr. Brougham's Speech of 7th February, 1828, on the present state of the Law. Colburn. 1828', *Westminster Review*, vol. xi (October 1829), 447–71. Brougham's speech was, of course, that given in the House of Commons on 7 February 1828.

⁹ Daniel Whittle Harvey (1786–1863), politician, newspaper proprietor, and police administrator, MP for Colchester 1818–20, 1826–34 and Southwark 1835–40, and later the first Commissioner of the City of London Police 1840–63.

¹⁰ For 'Harpy Castle' see Letter 3506. The 'ammunition' that Bentham had in mind was perhaps Harvey's motion in the House of Commons on 13 March 1827 for an account of fees received at the Bankrupt Office: see *Parliamentary Debates* (1827), xvi, 1,174.

¹¹ In 1822 Harvey had become proprietor of the *Sunday Times*. An article in the edition of 9 February 1823 had declared that George IV was mad like his father George III. Harvey had been found guilty of libel, fined £200, and imprisoned for twelve months.

¹² i.e. the original of Bowring's paper (which is reproduced at pp. 179–80 below) was sent with the original of the present Letter.

25 AUGUST 1829

TO DANIEL O'CONNELL

and gives exercise to his powers, that blot will be covered over by merits. My temperament, like yours, is a sanguine one. My opinion is—that, if he sticks close to you, you and he will be able to drive out the present Ministry and seat yourselves in their place. This opinion I am conveying to him directly & indirectly, through divers channels which I have. His apparent aspect towards me (and I have no reason to doubt the sincerity of it) is such as I could wish—*Bowring* is on confidential terms with him, and will second with all his might. Being repulsed from the Bar, he has, after having taken his name out for the purpose of entry into the Bar, replaced it in the Solicitors' list.¹³ But confining his practice to Parliamentary business, he has no interest adverse to Law Reform in any part of its extent, one odd corner excepted. Amongst other nuisances the House of Commons Clerks, in virtue of their fees, and the Speaker, in virtue of his patronage, have an interest in maximizing the number of *Bills* converted or seeking to be converted into Acts: and in this sinister interest you see he is a partaker.¹⁴ On this ground I project for you an attack upon the Speaker.¹⁵ You will attack him with advantage, and in such sort cover him with shame as to probabilize the clearing the practice of a highly mischievous nuisance.

Bowring has formed widely-extending connections with the Provincial Periodicals for the Westminster Review and other purposes.

Col. Jones (late of the Guards), a zealous Radical and Pro-Catholic, is *agitating* against the aristocratical Select-Vestry system,¹⁶ has adopted the word Rents, and projected Rents for the purpose of buying seats in Parliament. He has got already between £1,100 and £1,200 he tells me, but I have no great expectation of success. I have put *Petitions*¹⁷ in his hands with a view to engage him to *agitate* for Law Reform.

You have not, I am sure, forgot the project for sending forth *Preachers* of Law Reform.¹⁸ Major Cartwright by circuiting and preaching (though

¹³ In 1819 Harvey had applied to be called to the bar at the Inner Temple, but was refused on account of the stigma attached to his failed prosecution for slander of Thomas Andrew (d. 1826), a Colchester attorney. Following an appeal by Harvey, the judges, in their role as visitors, had in February 1822 upheld the decision.

¹⁴ Bentham returns to this theme in Letter 3621, though Harvey's sinister interest in this respect is unclear, unless it is related to his activities as a Parliamentary agent, which was the subject of discussion in the House of Commons on 19 and 26 February 1830: see *Parliamentary Debates* (1830), xxii. 727–34, 1011–41.

¹⁵ Sir Charles Manners-Sutton (1780–1845), later first Viscount Canterbury, Speaker of the House of Commons 1817–35.

¹⁶ See, for instance, Grove Jones's letter, dated 11 August 1829 and headed 'Marylebone Select Vestry', in the *Examiner*, no. 1,124 (16 August 1829), 518, in which he argued that every rate-payer should have the right to vote in the election of the parish vestry, in opposition to the Select Vestry Bill, then before Parliament, which gave 'the right of voting to the property'.

¹⁷ i.e. *Justice and Codification Petitions*.

¹⁸ See Letter 3534 for O'Connell's response to this 'project'.

in voice and manner a most feeble preacher) obtained Petitions with I think it was not less than 1,200,000 signatures.¹⁹

Real Property Inquiry Commissioners' original number 5, as per their 'First Report'; lately 3 have been added, though not yet publicly announced.²⁰ I have from all of them, all 8, an engagement to publish without any reservation, whatsoever I shall address to them in such their quality. The correspondence is curious,²¹ and I think of sending it to the Newspapers.

Dispatch Court Bill wants not much of being completed. Completed it certainly will be unless I am dead and disabled first,²² before the times are in readiness for putting it to use. My friend Bickersteth, who in his capacity of Silk-Gownsmen at the Chancery Bar is quite overwhelmed with business, approves of the Bill without reserve, as far as it has gone, and will guarantee it against all imputations on the score of ignorance.

If itinerant agitators go to preach Law Reform and procure signatures, they should go in *couples*—an Irishman for eloquence, and to give statements of such Law Abuses in Ireland as apply also to England: an Englishman to obviate local prejudices: a fit Irishman, you would I imagine easily find:—but an Englishman ! there would be the difficulty.

The space originally destined for the reception of the matter respecting the Westminster Review is now preoccupied. You will see it in a separate slip. It was purposely made *separable*.²³

London 25 August 1829

Wyse's History of *the Catholic Association*²⁴ is very good in the

¹⁹ John Cartwright (1740–1824), political reformer, claimed that, on his lecture tour between 17 January and 15 February 1823, he had collected 292 petitions containing around 199,000 signatures, with more to come, in favour of Parliamentary reform: see *The Life and Correspondence of Major Cartwright*, ed. F.D. Cartwright, 2 vols., London, 1826, ii. 47, 60. The addition of an extra million to this figure appears to be a slip.

²⁰ The five original Commissioners were John Campbell (1779–1861), first Baron Campbell of St Andrews, Solicitor General 1832–4, Attorney General 1834, 1835–41, Chancellor of the Duchy of Lancaster 1846–50, Chief Justice of Queen's Bench 1850–9, Lord Chancellor 1859–61, who had been appointed Chairman of the Commission in May 1828; William Henry Tinney (b. c. 1784, d. 1871), barrister, Master in Chancery 1847–60; John Hodgson (b. c. 1786, d. 1849), barrister; Samuel Duckworth (1795–1847), lawyer and politician, MP for Leicester 1837–41, Master in Chancery 1839–47; and Peter Bellinger Brodie (1778–1854), barrister and conveyancer. The three additional Commissioners, who were officially appointed in November 1829, were Francis William Sanders (1769–1831), legal writer, barrister, and conveyancer; Lewis Duval (1774–1844), barrister and conveyancer; and John Tyrrell (1789–1840), barrister.

²¹ See Letters 3521 and 3523.
²² Although he appears to have completed a manuscript draft of 'Equity Dispatch Court Bill', Bentham printed only the first eight sections: see p. 133 n. above.

²³ The following paragraph is Bowring's 'paper' referred to at p. 177 above.

²⁴ Thomas Wyse, *Historical Sketch of the late Catholic Association of Ireland*, 2 vols., London, 1829.

8-13 SEPTEMBER 1829

TO JOSÉ DEL VALLE

main but defective in the modern & more interesting part,—that epoch of the Association in which O Connell took the direction of the machinery. I want an article on Wyse's book for the next Westminster Review & if that is impossible for the following one—but O'Connell should write it—who knows more than any body—if that *cannot be*, he will perhaps ask Shiell to do it—who is the next best man. At all events O Connell will perhaps get the Article done,—the last day for N 22 will be the 15 Sept.

3526

TO JOSÉ DEL VALLE

8-13 September 1829 (Aet 81)¹

September 8-13, 1829.

Coins.—What you say on this subject shows the expandedness and expansiveness of your mind. It would, however, have been still more gratifying to me, to have seen it when applying itself to subjects on which its labours might have been employed in the production of effects, in which contribution to public happiness had been more determinate and unquestionable.

First, as to exhibiting the outline of the territory of the State. This, by wars and treaties, would be constantly exposed to variation; and in case of cession, could be liable to excite painful comparisons and recollections.—Secondly, as to numbers of the members of Legislative Assemblies. These too, whatsoever be the number of the Assemblies of which the Legislature is composed, would be continually experiencing variations: naturally and generally in the way of increase—such variations have been experienced in England, in France, and in the Anglo-American United States, &c., &c.: I am inclined to think almost everywhere.²

3526. ¹ Bowring xi. 18-19, where it is introduced as follows: 'The following are extracts from Bentham's answer:—', i.e. to Letter 3499.

² The membership of the British Parliament had most recently been increased in 1801 with the addition of 100 Irish MPs, twenty-eight Irish peers, and four Church of Ireland bishops, following the Act of Union of 1800 (39 & 40 Geo. III, c. 67). The number of temporal peers in the House of Lords fluctuated, of course, with the creation and extinction of peerages. The number of members in the United States House of Representatives was distributed according to the ten-yearly census mandated by the Constitution, Art. 1, § 2, with each state apportioned seats correspondent to the total population. The most recent increase had been in March 1823, following the census of 1820, when the membership had been increased from 187 to 213. Each state sent two Senators, hence the number increased on each occasion that a new state was admitted to the Union, most recently Missouri in 1821. According to the French Charter of 1814, Art. 24, the King appointed members of the Chamber of Peers at pleasure, which led to a fluctuation in its numbers, while according to

Liberty of the Press, in the ordinary acceptation of the word.—So far, so good; but in that sense it may have place, and at the same time a state of things opposite to that looked for from it. Under every government, and in particular a democratical one, the principally effective literary instruments of good and evil are the periodical; and amongst the periodical, the most effective, those of which the recurrence is most frequent: the daily, more than the every-other-day papers; the every-other-day, more than the weekly; and so on. Suppose now, one such paper in existence, and no more, here the liberty would be a mere illusion; instead of useful, that paper might be worse than useless. First, take that which is the most natural supposition—this one paper edited by government, or under the influence of government. All truths by which indication is given of imperfections in the system of government, or misconduct on the part of the governors, are suppressed: all lies and bad arguments, tending to produce, on the part of the people, approbation of those imperfections, or that misconduct, or disbelief of their existence, are inserted; and all contradictions to those lies, and counter-arguments against, and refutations of those bad arguments, are kept excluded.

Even suppose that, for a time, the newspaper editor—this master of public opinion—is honest, and gives insertion to communications, which, on any of the above accounts, are unpleasant to Government. Of such a state of things, the duration will always be precarious. For the more active he is in this line of beneficence, the more troublesome will he be to the constituted authorities, and the stronger will be the interest by which they will be incited to gain him over at any price. Being thus gained over, he will not only be useless to the cause of the subject many, but worse than useless. Good, in the shape of reward, thus misapplied, does double the mischief that could be done by evil thus misapplied, in the shape of punishment. All that the fear of punishment could do, would be to restrain the man from serving the cause of the people; while hope of reward, besides producing that negative bad effect, might, in any degree, be productive of the positive bad effect of causing him to do positive disservice to the interest of the people.

Even suppose him still honest and honest to the end, still by giving publicity to his own notions, to the exclusion of all others, he might lead public opinion astray to any degree; and would be sure so to do, to a more or less considerable degree, though without intending it.

Now, then, how to obviate this evil, and reduce it to its lowest pitch: in one of the new words of my coinage, to minimize it. This is matter

Art. 35, the membership of the French Chamber of Deputies was to be determined by law, which again led to fluctuations in its numbers.

of no small difficulty; and, as yet, has never anywhere, that I ever heard of, been attempted.

As to what is written in the person of the editor, there is no remedy: of this part the tendency will be such as by whatsoever motives he is inclined to make it. Against this partiality the only remedy is that which can be applied by other persons in the character of his correspondents. If matters can be so ordered that he shall stand bound to give place to observations in equal quantity made in opposition to his own, or those of any other writer upon the side which he advocates, this is as much as can be done. When Miranda, son of the celebrated General Miranda, with whom I was on intimate terms, went some years ago from this country, in which he was born and bred, to Colombia, I think it was—at that time Venezuela—to set up a newspaper in the English style, I drew up for his use a little plan, having for its object this species of impartiality and independence, as far as practicable.³ At so short a warning, I have not been able to lay my hands on it, or I would have sent it to you, or a copy of it,—if I succeed, you shall have a copy by the next conveyance. In the meantime, you will perhaps turn your thoughts to the consideration in what manner, as matters stand in your country, the problem may be accomplished.

The King of France⁴ is determined to endeavour to reëstablish despotism. I have before me the words of a short but decisive conversation on the subject between him and the Duke of Orleans.⁵ This from a man who had it from the duke. The people are determined to resist the king; in which case, if *they* succeed, the Duke of Orleans will succeed to the crown: probably with an authority still more limited than at present. Here there will be a civil war, unless the king grows frightened and yields, which seems most likely. A man is taking a lithographic copy at a press I have, of a pamphlet on the popular side, destined for dissemination in France.⁶ I believe this leaf will contain

³ According to Colls's Journal, BL Add. MS 33,563, fo. 117, on 7 January 1823 Doane had taken a manuscript containing instructions for establishing a newspaper in Bogotá to Leandro Miranda (1803-86), son of Francisco Sebastian de Miranda y Rodriguez de Espanola (1750-1816), Venezuelan patriot. The paper headed by Bentham 'M^r Walker's Outline of a Plan for a Newspaper: drawn up for the Use of L. Miranda on his departure for Bogota' and dated '1822 or thereabouts' at BL Add. MS 33,551, fos. 363-4 may be a copy of this manuscript (see also Letter 2940, *Correspondence*, xi). Leandro Miranda had gone to Bogotá in 1823 and had become editor of the daily newspaper *El Constitucional*, which had been published from 27 May 1824 to 8 November 1827.

⁴ Charles X (1757-1836), King of France 1824-30.

⁵ Louis Philippe, Duc d'Orleans (1773-1850), later Louis Philippe I, King of the French 1830-48.

⁶ Colls states that he was due to call on Bowring on 1 June 1822 in order 'to see [a] Lithographic Press' (see UC lxxx. 16, headed 'Memoranda. Tuesday 28 May 1822', in the hand of Colls with additions in Bentham's hand), and it is possible that Bentham acquired a lithographic press in consequence. The pamphlet in question may have been *Emancipate Your*

the last words of my long and miscellaneous epistle. Regard the length of it as a measure of the affection with which I am yours, &c.⁷

3527

FROM JOHN FLOWERDEW COLLS

18 September 1829¹

St Bees, near Whitehaven, 18 Sept. 1829.

My much respected and esteemed good Master,—Believe me I should long ago have availed myself of your kind permission to write to you, if I had had an opportunity of doing so. I value the privilege

Colonies! Addressed to the National Convention of France, A^o 1793, Shewing the Uselessness and Mischievousness of Distant Dependencies to an European State, London, 1830, which had originally appeared as 'Jeremy Bentham to the National Convention of France', London, 1793 (reproduced in *Rights, Representation, and Reform (CW)*, pp. 289-315).

⁷ In a letter to Valle's cousin Próspero de Herrera, Bentham wrote, 'Have the good fortune to add to my letter to Del Valle what follows. After my death, Bowring shall have instructions to send you any such future works of mine as I shall not myself have sent to you': see Herrera to Valle, 7 October 1829, cited in L. Bumgartner, *José del Valle of Central America*, Durham, N.C., 1963, p. 259.

At the close of the letter, Bowring adds: 'The following is a list of editions of the Works of Bentham that had appeared in the Peninsula, transmitted for the use of Del Valle:—

'In Spain, Dr Toribio Nuñez, dedicated to the Spanish Cortes (in 1820, printed at Salamanca) his *Espíritu de Bentham*, or the Social Science, founded on the works of J.B.

'In 1821, Jacobo Villanova translated Bentham's *Panopticon*, in consequence of which the Cortes decreed that all the prisons of Spain should be in future built on the *Panopticon* plan.

'In 1822, Dr Ramon Salas printed, at Madrid, a Translation of the *Traités*, in which, however, he has introduced other matter from the works of J.B.

'In 1825, the *Tratado de Pruebas Judiciales y Teoria de Penas Legales* was printed at Paris, edition in 4 vols. 18mo, to be had at Bossange Frères.

'In 1822, the Cortes of Portugal decreed the translation of J.B.'s works into Portuguese, at the expense of the nation.'

Toribio Nuñez (1786-1834), Librarian at the University of Salamanca, was the redactor of *Espíritu de Bentham. Sistéma de la ciencia social*, Salamanca, 1820. For Salas's translation see p. 19 n. above. For the proposed construction of panopticon penitentiaries in Spain see 'Extract from the Report of the Prison Committee of the Cortes, recommending the application of Mr. Bentham's Plan of Construction and Management, styled the *Panopticon* Plan, to all Prisons throughout Spain and her Dependencies.—28 September, 1820', in *Legislator of the World (CW)*, pp. 313-14, and John Bowring, 'Some Account of the State of the Prisons in Spain and Portugal', *The Pamphleteer* (1824), xxiii. 290-308 at 292-3. According to Robert von Mohl, *Die Geschichte und Literatur der Staatswissenschaften*, 3 vols., Erlangen, 1855-8, iii. 615 n., a Spanish translation of 'Panopticon' by Jacobo Villanova y Jordán appeared in 1821, though no copy has been located. The Portuguese Cortes had ordered a translation into Portuguese of 'the whole Collection' of Bentham's works by an order dated 13 April 1821, whereupon a translation of *Théorie des peines et des récompenses* was published by the Imprensa Nacional under the title of *Tradução das obras politicas do sabio jurisconsulto Jeremias Bentham, vertidas do inglez na lingua portugueza por mandado do soberano congresso das Cortes Geraes, Extraordinarias, e constituintes da mesma nação*, 2 vols., Lisbon, 1822.

3527. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 152.

too highly, however, any longer to run the risk of forfeiting it by any *apparent* neglect of it, so that I have made up a packet for Canterbury Square,² mainly for the purpose of renewing unto you, in this form, the assurance of my unaltered and unalterable veneration and attachment. * * * * *

Give me leave to assure you, on my part, that not a day has passed over my head since I left Q.S.P. that I have not thought of you and yours, though with but a melancholy satisfaction, I must allow; indeed, I feel it would be utterly impossible for me, at any time, howsoever distant, or in any part of the world how far soever removed, to forget the many happy years I have spent, not altogether fruitlessly, I trust, in the Vineyard of *Utility*. The present term at this college will close on the 20th December, when I shall be permitted to go at large till the 7th February, 1830; but whether I shall return to London or no for the vacation, I will frankly confess, will altogether depend upon your pleasure. While I am at St. Bees I have to work very hard at *divinity*, but during the vacation I shall have nothing to do; so that, if you would accept my feeble services during this interval, they are altogether at your disposal, and by commanding them you would make me truly happy. It is not, as I have told Richard,³ in my letter to him, for filthy lucre that I ask this favour at your hands; but from a sincere attachment to your person and Hermitage, and because I could nowhere in town be so comfortable as I know I should be at Q.S.P. But this is a fact, true though as it is, which I would not pay the bellman to publish beyond the circle of your household. If it should be inconvenient to you to take me in, I shall have several very good excuses to make to my worthy parents for continuing at Whitehaven during the vacation, without having to assign the true one for my non-appearance, so that, much as I should desire to be located for a season at the Hermitage, I by no means wish to palm myself upon you, or to hazard the chance of being thought an intruder. You will therefore, perhaps, betwixt this and then, have the goodness to let me be informed of your pleasure in this particular, that, when the time shall come, I may know what to say to them at home. If you receive me, I should not desire to go to see them oftener than I was wont formerly; Richard would have the goodness, I flatter myself, to take the trouble to convey to me an intimation from you to this effect; along with it, I hope you will permit him to give me some account of your important labours since I transferred the portfolio to other hands, for in these I must ever take the deepest interest. I understand you have had need of the assistance of my worthy brother Robert,⁴

² i.e. the home of Colls's parents.

³ Richard Doane.

⁴ Robert Russell Colls (1805-93), quondam coal merchant at Southville, Bristol.

FROM JACOB LOUIS DUVAL

4 OCTOBER 1829

as a copyist; when the information was communicated to me, I really could not refrain from envying him in secret, and wishing that, whilst thus engaged, we could have exchanged occupations. But, by scribbling on at this rate, I am far from setting that high value upon your time which I feel, and have expressed it is worth. I will forthwith conclude, then, dear and revered Sir, with wishing you still many years of health and happiness, and that you may live to see your all-important labours crowned with success, though not in the old world, at any rate in some of the countries of the new hemisphere.—I remain, with the truest sentiments of respect and dutiful affection, your faithful, humble servant,

Jeremy Bentham, Esq.

JOHN F. COLLS.

3528

FROM JACOB LOUIS DUVAL

4 October 1829¹

(Translation.)

Geneva, 4th October, 1829.

The friendship which you felt for our excellent uncle, his attachment and admiration for you, imposes on his family the painful duty of announcing the misfortune we have just experienced. M. Dumont has been removed from us—removed most unexpectedly; and what adds, if it be possible to add, to our grief, far away from his family. He left us, a few weeks ago, full of health, for a journey in Italy. At Venice, a slight indisposition induced him to precipitate his departure; but, arrived at Milan, the disorder assumed a serious character, and in a few days he died. If anything could lighten our loss, it would be to think that no sufferings accompanied his last moments, and that he slumbered away in the arms of the friend who accompanied him.² Accept, Sir, the expression of the sentiments of respect and veneration with which the excellent man, for whom we mourn, has inspired us for your person.

3528. ¹ Bowring, xi. 23–4, where it is introduced as follows: ‘Dumont, the most distinguished of Bentham’s disciples, preceded him, by a few years, to the grave. The announcement of this event was communicated to him by Dumont’s nephew:—’

Jacob Louis Duval (1797–1863) was in fact Étienne Dumont’s great-nephew, grandson of his sister Marie Louise (c. 1745–1815), who had married Louis David Duval (1727–88), crown jeweller to Catherine II (1729–96), Empress of Russia from 1762. Duval later edited Dumont’s *Souvenirs sur Mirabeau et sur les deux premières assemblées législatives*, Paris, 1832.

² Dumont died on 29 September 1829 in the care of his servant Henri, who had been with him since around 1812.

3529

TO JAMES MILL

c. mid-October 1829 (Aet 81)¹

I am not 'deeply affected'² by an event for which, by his age and habits of living I have been so fully prepared.

In a day or two I shall have the satisfaction of transmitting for you and John³ two copies of a missive of a more agreeable nature. Petitions for Justice and Codification⁴ with [...?] of Dispatch Court Bill and Proposal⁵ [...? ...?] which said Bill O'Connel is pledged to move and support in Parliament.

3530

TO DANIEL O'CONNELL

16 and 17 October 1829 (Aet 81)¹Q.S.P. 16 Oct.^r 1829

By what fatality the original of which the accompanying paper is the copy² failed of receiving an answer, I know not. I think—I can not but say I *hope* it never reached you. I shall be at my wit's end should this share the same fate

Of the slip of paper in question the purport was a proposal to you either to write or to cause to be written for the N^o which is now out³ a sort of continuation to M^r Wyse's History of the Association: it having been observed with regret that the most prominent part taken in it—that is to say your's—had received but a very scanty and inadequate delineation. Supposing it not agreeable to you to execute the work yourself <...> find out a workman for it, *Sheil* was mentioned.⁴ I hear his account of Stoney-hurst College, which has made its appearance in the New Monthly Magazine and has been copied into the Morn^g

3529. ¹ Yale University Library, Manuscripts and Archives, John Stuart Mill Papers, 1812–1888, MS 350, box 1, folder 2. Autograph. Addressed: 'To James Mill Esq^{re}.' The date is inferred from the apparent reference to the death of Dumont, news of which was conveyed to Bentham by Letter 3528, and which he states had 'just arrived' in Letter 3530.

² Bentham is presumably quoting from a missing letter from Mill.

³ John Stuart Mill.

⁴ *Justice and Codification Petitions*.

⁵ 'Equity Dispatch Court Bill' and *Equity Dispatch Court Proposal*.

3530. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/207. Autograph, with corrections in the hand of an amanuensis.

² Letter 3525.

³ *Westminster Review*, vol. xi, no. 22 (October 1829).

⁴ See Letter 3525.

Chronicle,⁵ much lauded. Supposing this proposal in any part agreeable to you, the article in question, might make its appearance in the next number; in which case I see not any sensible difference in point of effect that would be made by the postponement.

The Westminster Review has greatly increased in sale—has received various and extensive laudation and is acknowledged nemine contradicente to have increased in merit. Copies, both of that of July and that of this month October, having been sent by Bowring to Dublin, one of each, (I think,) can not fail to have reached your hands. Of the article of that of July which gives the history of the Greatest happiness principle,⁶ a cheap Edition has been made, and upwards of 4,000 copies of it sold.⁷

Of the greatest part of it the matter was supplied by me: the *form* by others.⁸ Of the comparative view of my plan of Law reform and Brougham's⁹ the whole of the matter was supplied by me (nobody else could have supplied it), the form throughout by other hands. Neither of the one nor the other have I either read yet or heard read a single syllable. The part I had in that article will of course be guessed at: but I beg of you not to speak as if you knew of my having had a hand in it.

I have just now sent to Baldwin and Cradock's,^(a) for you what was wanting to you of the 'Petitions' with their *et cæteras* to make into a Volume of 343 pages.¹⁰ In addition to the 'Abridged Petition' you will find a still 'More abridged' one. If I had thought of it time enough I would have accompanied it with a copy or two of the abovementioned Greatest Happiness Article; of which you may have copies by dozens gratis by saying *Yes*.

^(a) This was directed to you under cover to Mr. Wakeman,¹¹ the Dublin correspondent of Baldwin & Cradock's, through whom it was sent to him.

⁵ See 'Schoolboy Recollections of the Jesuits', *New Monthly Magazine and Literary Journal*, vol. xxvi, no. ii (1829), 97–106, 352–66, partially reproduced in the *Morning Chronicle*, 8 August 1829, p. 3 (where the author is identified as 'Mr. Sheil'), and 14 October 1829, p. 4.

⁶ "'Greatest Happiness" Principle', *Westminster Review*, vol. xi, no. xxi (July 1829), 254–68.

⁷ See *The "Greatest Happiness" Principle in Morals and Government, Explained and Defended. In Answer to the Edinburgh Review*, London, 1829, which was sold for twopence.

⁸ For Bentham's letter 'To the Editor of The Examiner', which had appeared in *The Examiner*, no. 1,118 (5 July 1829), 418, disclaiming authorship of the forthcoming article in defence of the greatest happiness principle in the *Westminster Review* in response to the attack in the *Edinburgh Review*, see pp. 156–7 n. above.

⁹ 'Bentham, Brougham, and Law Reform'.

¹⁰ The various components of *Justice and Codification Petitions* (see p. 101 n. above) together in fact total 373 pages.

¹¹ William Frederick Wakeman (*fl.* 1829–44), publisher, of D'Olier Street, Dublin.

I have received as a present a thick 8^{vo} Volume on the subject of Real property Reform from M^r Tyrrell, an eminent and experienced Conveyancer who is one of the three additional Commissioners.¹² What is certain is—that it has never been sold. I think of begging for another copy for you. It is a most interesting and instructive work: and, to all appearances so well-intentioned, that I do not despair of bringing him over to the plan of an all-comprehensive Code instead of his plan of separate Statutes for so many different topics.

While I am writing comes from Livingston of New Orleans through the medium of Mac Lane,¹³ the new Minister from the United States,¹⁴ a large bundle of papers including a proposed Penal Code in terminis which is about to be taken into consideration by a joint Committee of their two *Houses*.¹⁵ I shall send him a Copy of my Petitions. Have you any objection to my sending him a copy of your last letter to me? *His* to me is in the strain of a disciple. Some few years ago some of his papers on the subject were translated into French and published at Paris by Taillandier,¹⁶ whom I saw.¹⁷

The papers will have informed you that Guatemala is at length restored to peace (e . . .) the subjugation of a Monarchico-Aristocratical party headed by a man of the name of *Arce*, who had raised a rebellion against the Constitution.¹⁸ My disciple Del Valle, whose letter you may see in Codification Proposal,¹⁹ though he took no part in the war, his function being the peaceable one of Legislative *draughtsman*, was of course on the democratical side. By the earliest opportunity he wrote me another *worshipful* Letter²⁰ to inform me of this, accompanying it with a specimen of the several coins of this new-born State. *Herrera*, Prospero Herrera—a first cousin of his who has been here for several years—an intelligent and to all appearance a highly well intentioned man, I have pitched upon to qualify him for the function of *Justice Minister* and he has given me his consent.

Peru I have also very considerable hope of through the medium of Gen^l Miller, whose most amusing, instructive and interesting Memoirs

¹² John Tyrrell was author of 'Suggestions sent to the Commissioners appointed to inquire into the Laws of Real Property: with minutes of the evidence given before them', London, 1829. For the membership of the Commission on Real Property see p. 179 n. above. ¹³ The amanuensis has added 'M' Lane'.

¹⁴ Louis McLane (1786–1857), United States Minister to Britain 1829–31.

¹⁵ See Letter 3520.

¹⁶ Alphonse Honoré Taillandier (1797–1867), French politician and member of the Chamber of Deputies 1831–4, 1837–9, 1839–42, 1843–6, 1846–8. For Taillandier's translation see p. 168 n. above. ¹⁷ Presumably on Bentham's visit to Paris in 1825.

¹⁸ Manuel José Arce (1786–1846) was the first President of the United Provinces of Central America 1825–8 following their separation from Mexico in 1823.

¹⁹ Bentham had printed Letter 3261, *Correspondence*, xii, in 'Supplement to Codification Proposal', p. 105 (*Legislator of the World* (CW), pp. 370–1). ²⁰ Letter 3499.

you ought to get and read: a copy of the second edition of them he has given me.²¹ Of him I may say '*Virgilium tantum vidi*'.²² I look upon him as one of the truly greatest and best men this earth of our's ever produced.

You would see an account of Bolivar; though from prudential and honorable motives much softened down. After what you have said of him in publick,²³ sorry will you be to hear that he is become a selfish and maleficent despot; What Iturbides²⁴ was, and Arce endeavoured to be: his Constitution a most execrable one:²⁵ This I have from various unquestionable sources.

First Report of the Real Property Commissioners.²⁶ If you have it not already, you ought to have it. It being printed among the House of Commons Papers, you in your quality of M.P. must I think be entitled to a Copy; and, if I am not mistaken, to a Copy of a great number of others far back.

Oct. 17. They are printing at Brussels a complete edition of all my works that are in French.²⁷ Just now has called a French Avocat who has a project for translating into French all those that are in English.²⁸

News just arrived to me that Dumont has departed this life at Milan.²⁹

While on the point of closing this letter comes in my late breakfast with the Morning Chronicle and the account of your accident:³⁰ nothing worse than 'an hour's insensibility' being mentioned, and in these cases report being commonly worse than the reality, a great part of my alarm is tranquillized, but I still wait with no small anxiety for a line from you—though it were but a single one, to dissipate the remainder. How lamentable a difference would it have made in the destiny of the population of this our globe, had your fall been on the wrong side of that too little elevated wall! Another time I hope you will prefer walking to the being carried over that pass.

²¹ John Miller, *Memoirs of General Miller in the Service of the Republic of Peru*.

²² i.e. 'Virgil I only saw': see Ovid, *Tristia*, IV. x. 51.

²³ During his so-called 'Bolivar speech', delivered before a Catholic Association meeting at the Corn Exchange in Dublin on 17 December 1824, O'Connell was reported as saying that, 'if she [i.e. Ireland] were driven mad by persecution, he wished that a new Bolivar might be found—might arise—that the spirit of . . . the South Americans, might animate the people of Ireland!!' See, for instance, the *Freeman's Journal*, 22 December 1824, p. 2; the *Morning Chronicle*, 25 December 1824, p. 2; and the *Caledonian Mercury*, 25 December 1824, p. 2.

²⁴ Agustín de Iturbide.

²⁵ i.e. the Bolivian Constitution of 1826.

²⁶ See p. 128 n. above.

²⁷ See Letter 3531.

²⁸ Adolphe Hauman: see Letter 3531.

²⁹ See Letter 3528.

³⁰ An account of the accident, which took place on 14 October 1829, appeared in the *Morning Chronicle*, 17 October 1829, p. 1, which reported that O'Connell had received 'so violent a shock, that he remained in a state of insensibility for more than an hour after'. Maurice O'Connell has added the following note at this point: 'a carriage upsetting on a mountain road & runaway horses. MOC.'

20 OCTOBER 1829

TO JACOB LOUIS DUVAL

3531

TO JACOB LOUIS DUVAL
20 October 1829 (Aet 81)¹

Jeremy Bentham London
to
J.L. Duval Geneva.

Queens Square Place Westminster

Tuesday Oct. 20. 1829

Sir

I have to acknowledge the receipt of your favor of the 4th instant² informing me of the decease of your Uncle Stephen Dumont.

The affection, in which I am a sharer with all his friends, receives in my instance a peculiar aggravation, from the diminution it has produced in my means of usefulness to mankind.

Just at this moment takes place an occurrence, which imposes on me the obligation of troubling you with some particular enquiries, and, should such be your pleasure, a correspondence with another person, in relation to this subject.

I understood some time ago—(I forget whether it was immediately from my lamented friend or from some common friend)—that he had at that time made more or less progress in two ulterior volumes, which he had projected of translations of, or extracts from, my works. These two volumes have they—or the *first* of them has it—been brought into such a state as that the persons, who have charge of his affairs, have published them or have determined to publish them? If any thing be wanting to their completion, a Gentleman who called on me yesterday, and to whom I think of giving the charge of transmitting this letter, would be glad to enter into some arrangement with the persons on whom it depends for the giving to the public whatsoever benefit may be derivable from them. He will accompany this with whatsoever he has to propose. He is by nation a *Fleming*—an Advocate of the Brussels Bar: and brings with him the first of six *half-Volumes*, the last of which is to be published some time in March, containing the whole of those works of mine which have appeared in French; to which he proposes to add such of my as yet untranslated works as present the best promise of general interest where the French is the current language. *Adolphe Hauman* is his name. '*Louis Hauman et Compagnie*'

3531. ¹ Bibliothèque de Genève, ms fr 3787, fos. 6–7. Autograph.

² Letter 3528.

the name of the Bookselling firm by which the publication is undertaken: he and *Louis* are Brothers.³

The work is handsomely printed at Brussels: and, such is the economy, that it will be sold—has *begun* to be sold—at about *one third* of the *Paris* price. To the family of my lamented friend I have the satisfaction of believing that this new undertaking will not be productive of any loss: understanding that it was not in his own account that any one of the works was published: but, I can not without regret think of the consequence to *Bossanges Frères*, for whom whatever I have seen or heard of them has concurred in producing on my part high esteem and sincere affection.⁴ My Nephew,⁵ who has had much intercourse with them,⁶ is to be with me tomorrow, and I shall give it to him in charge to apprise them of this formidable rivalry that they may take their arrangements accordingly.⁷

From what I have read of the Prospectus drawn up by M^r A. Hauman, and seen and heard of and from him at a long interview, I have been led to flatter myself with the thought, that for my so deservedly admired harbinger to the French world a more worthy successor could not have been found.

Dear Sir—for this attributive, the relation you bear to my friend, who is no more, commands at my hands—

I am Your's sincerely

Jeremy Bentham.

P.S. Manuscripts of the original on the subject of *Tactique des Assemblées politiques*. I know not by what fatality it has happened

³ Louis Hauman of Louis Hauman et compagnie, Brussels, publisher of *Œuvres de J. Bentham*, ed. É. Dumont, 3 vols., Brussels, 1829–30.

⁴ For the Spanish works of Bentham published by the Bossange brothers see p. 20 n. above. They had published editions of all five of Dumont's recensions.

⁵ George Bentham.

⁶ The Bossange brothers had published *Essai sur la nomenclature et la classification des principales branches d'art-et-science; ouvrage extrait du Chrestomathia de Jérémie Bentham*, Paris, 1823, George Bentham's translation of Bentham's 'Essay on Nomenclature and Classification', which had originally appeared as 'Chrestomathia; Part II. Containing Appendix, No. V. Being An Essay on Nomenclature and Classification: including a critical examination of the Encyclopedical Table of Lord Bacon, as improved by D'Alembert; and the first lines of A New One, grounded on the application of the logical principle of exhaustively bifurcate analysis to the moral principle of General Utility', London, 1817 (reproduced in *Chrestomathia*, ed. M.J. Smith and W.H. Burston, Oxford, 1983 (CW), pp. 139–276).

⁷ George Bentham later noted in his diary that he had received a letter from Bossange stating that '50,000 volumes at least of JB's works hitherto sold' but that there was 'great loss to him by the cheap Brussels edition': see Royal Botanical Gardens, Kew, George Bentham Papers, Diaries 1807–83 [hereafter George Bentham Diaries], GEB/2/1 (22 March 1830), p. 15. George Bentham (1800–84), botanist, was the sole surviving son of Sir Samuel and Lady Mary Sophia Bentham, neé Fordyce (1765–1858).

20 OCTOBER 1829

FROM PRÓSPERO DE HERRERA

that, since their being placed in Your Uncle's hands, I have never been able to find them in any part of my house.⁸ Should they be found in the possession of Your family, I should be much obliged by the return of them.

3532

FROM PRÓSPERO DE HERRERA

20 October 1829¹

Oct^r 20th

My Very Dear Sir

I take the liberty of inclosing a Letter for Mr George Bentham your nephew, not knowing his adress.² I should be very glad if you would take the pains to peruse the contents of the same & influence with him in favour of my propositions.

Having been informed by Mr Ellice³ that if the Letters for Guatemala⁴ were at his Counting house at 2 o'clock they would be in time, I thought that the parcels of your Books⁵ could be sent together with the Letters, but I am sorry to say, I was disappointed in finding that there was then no other opportunity of sending any thing to the Ship, but by the Captain, for which reason the books (not the Letters that I sent) remain at the Counting house of Mr Ellice to go by another vessel to morrow or after tomorrow.

In my Letter to my Cousin⁶ I agreed to all you said respecting Mr Bowring, & moreover I assured him that I was particularly interested in the favorable result of your expectations in what you have written about him.

⁸ For Bentham's correspondence with Dumont in 1808 on the loss of the manuscripts for 'Essay on Political Tactics', which Dumont had edited as 'Tactique des assemblées délibérantes' in the first volume of *Tactique des assemblées législatives, suivie d'un traité des sophismes politiques*, see Letters 1992 and 1995, *Correspondence*, vii.

3532. ¹ BLAdd. MS 33,546, fos. 309–10. Autograph. Docketed: '1829 Oct. 20. Guatemala. Herrera Sablonniere to J.B. Q.S.P. Packet for Del Vale when sent. Bowring's Consulship. Privations[?] of Guatemala.' The Sablonniere Hotel was in Leicester Square.

² George Bentham was living with his parents Samuel and Mary Sophia Bentham at 2 Lower Connaught Place.

³ Possibly Edward Ellice (1783–1863), merchant and politician, Secretary to the Treasury 1830–2, whose firm Ellice Kinnear had links with North and South America.

⁴ These letters presumably included Letter 3526.

⁵ For the books sent to Valle see p. 183 n. above.

⁶ Valle.

FROM LOUIS MCLANE

21 OCTOBER 1829

I hope you will be in good health and remained so for the sake of
Mankind & for the satisfaction of

Your very affectionate & truly serv^t
P. de Herrera

J. Bentham Esq^{re}

3533

FROM LOUIS MCLANE

21 October 1829¹

9 Chandos St. Portland Place

October 21. 1829

Sir,

I hope you will pardon me for neglecting, in the midst of some very
pressing public engagements, your Note of yesterday.²

Mr. *Livingston*³ resides at present on the North River about Ninety
Miles above the City of New York;⁴ but being a Senator of the United
States, he will no doubt be in Washington before any thing now to be
forwarded could reach him; and of course it will be best to direct to
him at Washington.

It will give me very great pleasure Sir, to facilitate by any Means in
My power your correspondence with Mr. Livingston, and to aid the
transmission of any letters or communication you may desire to send
him.

I have the honor to be
Sir,
with great respect
Your Obedient Servant
Louis M'Lane

To,
J. Bentham Esq.

3533. ¹ BL Add. MS 33,546, fos. 311–12. Autograph. Docketed: '1829 Oct. 21. New Orleans Code. MacLane U.S. Minister Chandos Street Portland Place to J.B. Q.S.P. Will send any thing to Livingston.'

² Missing.

³ i.e. Edward Livingston.

⁴ Livingston's residence was Montgomery Place, Dutchess County, New York State, a house and estate just over 100 miles north of New York City that he had inherited on the death of his sister Janet Montgomery in 1828.

22 OCTOBER 1829

FROM DANIEL O'CONNELL

3534

FROM DANIEL O'CONNELL

22 October 1829¹

(Extracts.)

Derrynane Abbey,

22d Oct. 1829.

RESPECTED AND REVERED MASTER,—To begin with the beginning—I did get your half letter² as I was leaving the Cork Assizes, and wrote a reply; but an accident caused it not to be sent, and then I had a thousand things to add—and then I determined to write fully when I was just about to open the winter's campaign.

I give myself six or seven weeks here of comparative mental *inexertion*. This is the wildest and most stupendous scenery in nature—and I enjoy my residence here with the most exquisite relish. I have a pack of beagles with which I hunt on foot three days in the week. They are of the very best and most sagacious quality. I am in truth fascinated with this spot: and did not duty call me elsewhere, I should bury myself alive here. As to the remainder, the change of scene—of hours—of habits—of exercise—gives a new tone to my mind, and I leave this place with a new impulse, and with my mind new strung for reform and utility in every shape and form. To-morrow I spend, as my last day this season, in hunting. On Monday,³ I leave for Dublin—all for work—incessant work.

I give you this sketch to show you why I have been less active in pursuit of useful change for the last six or seven weeks.

My winter's campaign commences. My first duty is to discharge my debt to you.

The History of the Catholic Association (Wyse's)⁴ omits that part of the struggle which is most interesting, and is most instructive,—I mean the working up of small means into mighty engines. The progress from political infancy, through political infantile squabbles, into something of youthful strength, and then into great manhood and vigour.

This session—now or never, for Law Reform. *We must begin the first day of the session before the king's speech, if possible. No delay. No vacation.* The Law-despatch Court⁵ is independent of the Code. It is just what, in my judgment, ought to be brought on at once.

3534. ¹ Bowring, xi. 21–3. Reprinted in *Correspondence of O'Connell*, viii. 219–21.

² i.e. the original of which Letter 3525 is a copy.

³ 26 October 1829.

⁴ i.e. Wyse, *Historical Sketch of the Late Catholic Association of Ireland*.

⁵ i.e. Bentham's proposed equity dispatch court.

I will be in London, please God, a week or ten days before the 'Honourable House' sits.⁶ I will take with me a great number of petitions for justice, speedy, inexpensive, and real justice.⁷

But it is not *now* practicable to send round in Ireland law-preachers—preachers of Law Reform.⁸ You can form no adequate idea of the present state of the public mind in this island. We are in the last stage of the politico-religious fever. I have been watching its symptoms, and permitting nature to take its course. Believe me, the patient will be soon well, and strong soon, and fit to teach a lesson to the nations on all subjects of public amelioration. The Orange symptoms might easily be exasperated by irritation. It is left to disappear of itself; and is disappearing. You shall—you *will* hear of Ireland with pleasure, before the traffickers meet again in St Stephen's Chapel.⁹ I am much deceived, if Law Reform and Parliamentary Reform do not meet with powerful assistance from Ireland shortly—very shortly.

I get the *Westminster Review* by post as soon as it is published. The triumph over the *Edinburgh* is complete.¹⁰ That controversy is terminated, unless the *Edinburgh* renews it.¹¹ I am also an active agent for the circulation of the *Westminster*. Not one of the mercenary agents can be more zealous. Simply because I feel the value to public opinion of that work.

I have no objection that you should show my letters to any person you please.¹² I give you the most unlimited discretion on that subject, both for the past and future, including the present. I do this without any feeling of vanity; because I know, that a man, ignorant as I am, may possibly be the means of suggesting a train of thought, which may lead superior minds to objects of great utility. Do with my letters just what you please.

⁶ In the event, O'Connell arrived in London at the beginning of February 1830 and attended the opening of the Parliamentary session on 4 February 1830.

⁷ For O'Connell's presentation of a petition for codification in the House of Commons on 11 February 1830 see p. 260 n. below.

⁸ In Letter 3525 Bentham had referred to 'the project for sending forth *Preachers of Law Reform*'.

⁹ St Stephen's Chapel in the Palace of Westminster was the meeting place of the House of Commons until it was destroyed by fire in 1834.

¹⁰ For the controversy between the *Edinburgh Review* and the *Westminster Review* see pp. 156–7 n. above.

¹¹ Macaulay did, in fact, renew the controversy with a third article, namely 'Utilitarian Theory of Government, and the "Greatest Happiness Principle." Art. VI.—*Westminster Review* (XXII. Art. 16,) on the *Strictures of the Edinburgh Review* (XCVIII. Art. 1.) on the Utilitarian Theory of Government, and the "Greatest Happiness Principle", *Edinburgh Review*, vol. 1, no. xcix (October 1829), 99–125.

¹² In Letter 3530 Bentham had asked O'Connell whether he had any objection to his sending a copy of Letter 3512 to Livingston.

I trust the American Republics will at length settle into peace. The number of selfish beings which their revolutions have produced, desirous of converting the popular struggles into individual advantage, is not creditable to them. But their materials for change were of the worst description; and to this, I verily believe, much of the conduct of Bolivar, which appears suspicious, is to be attributed. Look back, however, at his career, and behold what eminent services he has rendered to Liberty. It was his generous persevering ardour that, in spite of every motive to despair, enabled him at length to crush the Spaniards in Colombia; and thereby, to lay the foundation of freedom in other, and even very distant provinces. He first taught the natives that the Spaniards were not invincible. Then he established the perfect equalisation of civil rights amongst all castes and colours. Do not, I beg of you, give him up without sifting the evidence against him closely. His accusers, amongst his countrymen, are mean and selfish individuals, who cannot submit to the superiority of talent and virtue. Society is in its most discordant elements around him; and it may be difficult to confide power to an unformed, ignorant, *scattered* population. If I must abandon my reliance on the purity of Bolivar, I will shed a tear for poor human nature. But no: I venture to prophesy that he will live to have his patriotism and disinterested virtue recognised all over the world.

I know General Miller, and think very highly indeed of him. I read the *historical* part of his work,¹³ and will seize the first leisure moment to read the remainder of it. I do entirely agree with you that he is a very interesting and highly-gifted man.

My accident was much less serious than as represented in the newspapers.¹⁴ I was not for one moment insensible; but having been dashed violently against the ground, I was unable to rise for about one minute. In ten minutes afterwards, I was as competent to assist my brother, who broke his arm, as if I had not fallen at all.¹⁵ The terrors of the place too are much exaggerated: but why should I detain you respecting an incident which would be forgotten by myself, but that the papers have fabricated 'an article' on it; and what is to me really precious, that you have expressed so much of kind solicitude for me.— Believe me, I am most cordially grateful.

I have read, or rather, am carefully reading your book on Judicial Evidence.¹⁶ It affords me the greatest satisfaction. But I must release

¹³ i.e. John Miller, *Memoirs of General Miller in the Service of the Republic of Peru*.

¹⁴ See Letter 3530.

¹⁵ For O'Connell's account of the accident and the injury to his brother James O'Connell (1786–1872) see O'Connell to James Sugrue, 13 October 1829, *Correspondence of O'Connell*, iv. 105.

¹⁶ *Rationale of Judicial Evidence*.

TO ALPHONSE HONORÉ TAILLANDIER 26 OCTOBER 1829

you from this lengthened communication: let me first call on you for suggestions—say commands, as to my parliamentary career. If you think it right, I will begin with ‘the Despatch Court,’—that is, the first or second day of the session: then the natural, as opposed to technical procedure—at least a petition on this subject: then an address to procure ‘a Code.’ Every day I will have a petition on some one or more law-abuse. It seems to me, that it will be useful to have a talk on this subject almost every day. So many people have to complain of the expense and delay of the law, that thus stimulating the expression of public opinion cannot but be useful.—I am, with the sincerest respect, your zealous disciple, &c.

3535

TO ALPHONSE HONORÉ TAILLANDIER

26 October 1829 (Aet 81)¹

Q.S.P.

26 Oct^r 1829

My dear Taillandier

Many thanks for your kind letter.² Received it but this moment. No time but for a few words. The part that was wanting of my Petitions³ is looking out. I know not whether the conveyance which carries this *letter* will carry that packet.

Not many days ago I received, through the United States Minister at this Court (MacLane) a large packet from Livingston of New Orleans.⁴ It consisted of what has been done by him to his Penal Code since you did him the honor to publish Your translation of it.⁵ A propos I have got a copy taken of his letter: and I think of adding it to this. Your’s with the truest esteem and affection

Jeremy Bentham

3535. ¹ New York Public Library, Astor, Lenox, and Tilden Foundations, Montague Collection of Historical Autographs, Manuscripts and Archives Division. Autograph.

² Missing.

³ *Justice and Codification Petitions.*

⁴ See Letter 3520.

⁵ See p. 168 n. above.

3 NOVEMBER 1829

FROM JOHN TYRRELL

3536

TO SUTTON SHARPE
28 October 1829 (Aet 81)¹

Q.S.P. 28 Oct. 1829

Dear Sir

This waits upon you with a copy of my Justice and Codification Petitions. If your business will allow you to put up with another Hermit's dinner (hour 7 o'clock) before the Old Hermit is in his grave, he has another thing to tell and shew you which he flatters himself will not be displeasing to you to hear and see.² As to the day, I will beg the favour of You to name it: as, for want of knowing whether you are in town or no, the nomination could not suitably come from

Yours most sincerely

Jeremy Bentham

Sutton Sharp, Esq^{re}
[...? ...?] Esq^{re}
Lincoln's Inn

If equal to you, any other days in the week will be preferable to Wednesdays and Saturdays.

3537

FROM JOHN TYRRELL
3 November 1829¹

Dear Sir.

I am particularly gratified by the kind invitation for Thursday next,² which you have done me the honor of sending to me by my friend M^r Sutton Sharpe, and, altho' I am suffering under a severe cold, I must thankfully do myself the pleasure of accepting it, for I feel that the

3536. ¹ Bodleian Library, Montagu d.11, fo. 155. Autograph draft, except for the direction, which is in the hand of an amanuensis. Docketed: '1829 Oct. 28. J.B. Q.S.P. to Sutton Sharp Li(nc.) / In(n.) Din[n]er Invitation any days rather than Wedn^{ys} and Sat^(ys)'

Sutton Sharpe (1797–1843), barrister and law reformer.

² Perhaps the Louisiana penal and procedure codes, which Bentham showed to Sharpe when he dined with him, perhaps on either 31 October or 1 November 1829: see Letter 3540.

3537. ¹ BL Add. MS 33,546, fos. 313–14. Autograph. Docketed: '1829 Nov. 3. Real Property. Tyrrell Linc. Inn to J.B. Q.S.P. Pranduit 5th Thursday. In answer to oral invitation through Sutton Sharpe.'

² 5 November 1829.

FROM DANIEL O'CONNELL

4 NOVEMBER 1829

advantages to be derived from Your conversation are too great to be refused—

I remain Dear Sir
Most respectfully
Your obliged

John Tyrrell

Lincolns Inn
3rd Nov^r. 1829

3538

FROM DANIEL O'CONNELL

4 November 1829¹

Merrion Square
Dublin

4th Nov. 1829

I found here awaiting my arrival a letter from my revered Master.² I hasten to reply before I am entangled in the net of profession. My time now reckons by the minute but did I count it by the dropping of my heart's blood I would devote some of it to the Man who has done more to ensure the destruction of abuses and the establishment of common honesty than any other human being I ever knew or read of.

I send also a Cork Newspaper that contains resolutions passed at Youghal for a Code.³ Aye for a Code. This is but the beginning. You will hear more on the subject expeditiously. The reporting in the paper I send you is execrable. Except the first speech delivered by the

3538. ¹ National Library of Ireland, MS 5759. Autograph. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Dublin four November 1829. Daniel O'Connell.' Stamped: 'FREE / 4 NO 4 / 1829' and 'FREE / 7 NO 7 / 1829'. Postmarked: 'AM / 5 NO 5 / 1829'. Docketed by Bentham: '1829 Nov. 4. Reced 7. O Connel Dublin to J.B. Q.S.P. Code—Petition for. Review Article *perhaps*.' Printed in Bowring, xi. 24–5, where it is introduced as follows: 'In a letter to O'Connell of 29th October, Bentham speaks of "the public-house licensing system" as "a most maleficent source of corruption, oppression, and depredation;" and says, "Among your Parliamentary agenda will naturally be the extinction of it. But this will be included in the local judicatories." O'Connell answers:—" Also printed in *Correspondence of O'Connell*, viii. 222–3.

² i.e. Bentham's letter of 29 October 1829 referred to by Bowring, but which is missing.

³ According to an item entitled 'Youghal Meeting' in *Southern Reporter and Cork Commercial Courier*, 5 November 1829, p. 2, O'Connell had moved, 'That in order to attain Justice and protect property, personal liberty, and life, the laws ought to be simplified into a regular code . . . and that therefore we petition the Legislature to procure, to be framed and enacted, such a code of procedure and of law as may secure to the King's subjects rights and justice without individual expense, delay, uncertainty or vexation'.

4 NOVEMBER 1829

FROM DANIEL O'CONNELL

Rev. Mr Sheehan⁴ on taking the Chair. It is only because it contains *the resolutions* that I send the paper. I intend to present a number of petitions the first and second days of the Session for law reform and a code. The honble House shall hear the name of Bentham a name which it would seem has been considered too harsh hitherto for 'ears polite'. I will if you approve of it drive at once at the framing of the Code. No Committee to cushion it. No reward to create contention. And to excite patronage and favoritism. Your plan simply. Printing at the public expence. The sentiment of glory and utility the only Stimulants. You will live to see your work printed at the national expence—and I trust finally adopted. My humble name *will* in spite of the sneers be found in some Margin or beneath the last page and I too will have done the good work of facilitating right and justice and abolishing perjury with useless Oaths.

As to a Review of any work I have not time for it.⁵ At least I think I have not. Reviewing would have this good effect on my own *education*—that it would force me to a greater condensation of thought. I should therefore review if I had time. I promise nothing—but *may* do something.

The Jurist I read and like—I have got six numbers of it.⁶

It is fortunate Livingston should be in England just now.⁷ If he remains until I arrive I will seek him out and shew him my respect and gratitude.

I read the Scotsman occasionally and with pleasure. It was edited I believe by Macculloch⁸ whom we hate. He wrote himself into fame and fortune as the advocate of Absenteeism—!!!⁹ and to him we attribute the subletting act¹⁰ which whether its future effect may or not be beneficial has already ten thousand mortal murders on its head during the process of clearing the Lands to arrive at its Euthanasia. The dislike of Macculloch reacts upon 'the Scotsman' though in other hands.

⁴ John Sheehan (d. 1854), Pastor of St Patrick's, Waterford 1828–54.

⁵ In Letter 3530 Bentham had asked O'Connell to review Wyse, *Historical Sketch of the Late Catholic Association*.

⁶ Issues of *The Jurist* had appeared in March and June 1827, January and May 1828, and January and April 1829. No further issue appeared until April 1832.

⁷ It appears that O'Connell had misunderstood some remark of Bentham's, since Livingston was not in England.

⁸ John Ramsay McCulloch (1789–1864), statistician, journalist, and political economist, editor of *The Scotsman* 1818–20, and regular contributor to the *Edinburgh Review*.

⁹ In evidence given before a House of Commons Select Committee in 1825, McCulloch had denied that absentee landlords were a major cause of agrarian ills in Ireland, and stated that he saw some advantages to absenteeism: see 'Report from the Select Committee on the State of Ireland: 1825', in *Commons Sessional Papers* (1825), viii. 1–944 at 807–38.

¹⁰ The Assignment and Sub-letting of Land (Ireland) Act of 1826 (7 Geo. IV, c. 29), of which the main purpose was to render void any sub-division of land made without the landlord's consent.

TO DANIEL O'CONNELL

7 NOVEMBER 1829

The Public House licensing System¹¹ is really more surprising if possible than abominable. How John Bull can be so stupid a dolt as to submit to it? It is portion however of that practical despotism which the jurisdiction of irresponsible Justices has established with an Iron hand in England and Ireland. Without responsibility—for any that exists almost perfect as a Mockery—and without appeal the Bench of justices collectively and in detail have made the people feel despotism in its worst shape—its emaciating constancy of oppression. But for collateral advantages in these countries I would prefer to live under the simple tyranny of a Turkish Cadi to the endurance of the complicated oppression of an unelected, irremoveable, irresponsible, *incorrigible* bench of Justices of the peace. All this they are in fact. The remedy comes within the immediate head of 'local jurisdiction'.¹²

The King's Bench is the avowed Accomplice of the crimes of the Magistracy. But you catch my sentiments on these ⟨poi⟩nts. I will endeavour to avail myself of your accuracy—and distinctness of mode of redress.

I shall rejoice to hear from you when you can spare time. Never doubt for one moment of the fervour of my determination to struggle for—'Right and Justice'. Although I detest the persecuting spirit of infidel liberalism and still cling with fond hope to Bolivar¹³ there never yet beat a heart more sincerely devoted to Benthamitism than that of

Your faithful disciple

Daniel O'Connell

3539

TO DANIEL O'CONNELL

7 November 1829 (Aet 81)¹

Nov. 7, 1829.

DAN, DEAR CHILD,—Whom, in imagination, I have, at this moment, pressing to my fond bosom,—put off, if it be possible, your intolerance.

¹¹ A series of statutes that dated back to 1552 required keepers of alehouses to apply to Justices of the Peace for an annual licence.

¹² See 'Petition for Justice', p. 87, in *Justice and Codification Petitions* (Bowring, v. 470).

¹³ See Letter 3530.

3539. ¹ Bowring, xi. 26–7, presumably an extract, where it is introduced as follows: 'And in a letter to O'Connell, signed by himself, and written at about the same time [as Letter 3541], he says—'

Bentham may have been responding to O'Connell's remark in Letter 3538, 'I detest the persecuting spirit of infidel liberalism', but more likely to the leading article in the *Morning Chronicle*, 10 October 1829, p. 2, which reproduced extracts from a letter of O'Connell dated

7 NOVEMBER 1829

TO DANIEL O'CONNELL

Endure the conception, and even the utterance of other men's opinions, how opposite soever to your own. At any rate, when you assume the mantle of the legislator, put off the gown that has but one side to it,—that of the advocate.

As to evil tendency of opinions, and insincerity in the profession of them, and any sinister interests by which in the character of motives, the declaration made of those same opinions may have been produced,—these are points quite different and distinguishable from the entertaining of those same opinions; not that under the assurance, could I but entertain it, that I should thereby avoid giving you pain, not that there is any opinion of mine, that it would cost me any pain to forbear exhibiting to your view, but that in the nature of the case no such assurance is obtainable. It would require that I should be in possession of an exact list of all your opinions,—at any rate of all that are of any considerable importance in a religious or political view, present and future, all your opinions, not present alone, but future likewise.

What a comfort it would be to me could I but receive your assurance that you have taken yourself to task on this ground, and that the result of it has been a resolution to embrace, in words as well as deeds, that charity which is called *caritas*, and which, whatever it thinks, (for we are not masters of our thoughts, at any rate, and in particular, of my opinion, I who write this feel too plainly I am not,) avoids, at any rate, speaking evil.² 'Evil speaking,'—speaking evil of any person, for not doing that thing which it is not possible to do, or for not doing anything which it is not possible to avoid doing,—in a word, for the non-performance of impossibilities.

5 October 1829 that had appeared in the *Dublin Evening Post*, 6 October 1829, p. 3, criticizing the French, Spanish, and Portuguese Liberals for their anti-Christianity, anti-clericalism, and opposition to civil liberty, and introduced the extracts as follows: 'A singular enough controversy has sprung up in the Dublin papers . . . In *The Dublin Evening Post* of the 3d [a slip for the 6th] October, appeared a letter accusing the Editor of that Journal and Mr. O'CONNELL of inconsistency, in supporting the French Liberals and Irish Catholics at the same time. Mr. O'CONNELL has addressed a letter to the Journal in question, in which he professes himself a Catholic and Radical, but disclaims being a *liberal*. This letter contains, indeed, some strange statements with respect to the French Liberals.' The same issue of the *Morning Chronicle*, p. 1, also reproduced an extract from the anonymous letter, dated 23 September 1829, that had appeared in the *Dublin Evening Post*, 3 October 1829, p. 3, which does not, in fact, appear to have accused O'Connell of inconsistency, but rather stated that he was 'not that anomaly, a Liberal and a Catholic, but a sincere Catholic, in the firm disposition of mind to lay down his life for his faith', though it did go on to accuse him of turning 'a personal affront' into 'an injury done to his country and to Catholicity' (the allusion was to O'Connell's reaction to his not being allowed to take his seat in Parliament), and that he had 'hoisted the standard of Radicalism', and O'Connell's response of 5 October 1829, in which he stated that he was 'deliberately, and upon principle, of the political sect of the "Bethomites" [sic]. Our maxim, and motto, and our object is—the greatest good of the greatest possible number.'

² An echo of I Corinthians 13: 5.

3540

TO SUTTON SHARPE

9 November 1829 (Aet 81)¹Q.S.P. 9 Nov^r 1829

My Dear Sir

I have to make my acknowledgements to you for the Copy of the last *Jurist*,² but, at the same time, to mention that I have not been equally fortunate with regard to the looked-for-Copy of the newly discovered Roman Code.³ I should not have troubled you with this mention, but for the imagination that perhaps, having been dispatched, it has by some accident miscarried.

As to Louisiana Codes, I have been in no small degree gratified by a very cursory perusal of the account given in the *Jurist* of the Civil Code: it would, I make no doubt, be of prodigious use in this country, if in the powers above there were but appropriate aptitude, moral, intellectual and active, adequate to the purpose of turning it to account. Could you do me the favour to procure me the loan of the copy alluded to in the *Jurist*:⁴—the loan of it for a time to be *limited*, as also to put me in the way to purchase a Copy of it—which is what I shall do immediately if there exists in London any Bookseller of whom it may be had.

The copy of the Penal and Procedure Code which I showed you⁵ is at the service, for the *Jurist*, of any person you please, as soon as you

3540. ¹ UCL Library, Sharpe MS. 81, fos. 10–11. Autograph.

² *The Jurist*, vol. ii, no. 3 (April 1829).

³ A copy of the Institutes of Gaius had been discovered by Barthold Georg Niebuhr (1776–1831), German historian, in the cathedral library at Verona in 1816 and had been first published as *Gaii Institutionum Commentarii IV e codice rescripto bibliothecae capitularis veronensis auspiciis regiae scientiarum academiae borussicae nunc primum editi*, Berlin, 1820.

⁴ See 'Art. V.—Jurisprudence of Louisiana. 1. The American Quarterly Review, No. VII. Art. 3. Sept. 1828. Philadelphia. 2. La Coutume de Paris. 3. Digest of the Civil Laws now in force in the Territory of Orleans. 1808. 4. Las Siete Partidas. Translated by L.M. Lisat and H. Carleton, Esquires. New Orleans, 1820. 5. Civil Code of Louisiana. 1824. 6. Louisiana Term Reports. 15 vols.', *The Jurist*, vol. ii, no. 3 (April 1829), 434–60, which was in large part a reprinting of 'Art. III.—Jurisprudence of Louisiana. 1.—La Coutume de Paris. 2.—Digest of the Civil Laws now in force in the Territory of Orleans. 1808. 3.—Las Siete Partidas—Translated by L.M. Lisat and H. Carleton, Esquires. New-Orleans. 1820. 4.—Civil Code of Louisiana. 1824. 5.—Louisiana Term Reports. 15 vols.', *American Quarterly Review*, vol. iv, no. vii (September 1828), 53–85. Bentham presumably wished to borrow a copy of 'Civil Code of Louisiana', which was adopted by the legislature in 1824 and promulgated in 1825 as *Civil Code of the State of Louisiana, preceded by the Treaty of Cession with France, The Constitution of the United States of America, and of the State*, n.p., 1825.

⁵ i.e. the 'Code of Crimes and Punishments' and the 'Code of Procedure' that Livingston had sent to Bentham: see p. 167 n. above.

9 NOVEMBER 1829

TO SUTTON SHARPE

would wish. But not having myself had time for so much as a peep at it, I could wish the time demanded were a limited time.

For writing an answer to D^r Livingston, I want only to hear from you whether a Review of it is determined or likely to be made of it in the *Jurist*.

Dear Sir

Ever Your's most truly

Jeremy Bentham

Sutton Sharpe Esq.

P.S. I have been much gratified by an admirably well executed Article on the subject of Peel's Police Bill.⁶ In speaking of the miserable Middlesex Police Magistrates, he seems not to have been apprised of the existence of my Observations on M^r Peel's Act for the raising of their Salaries: a subject on which M^r Peel and I had some epistolary intercourse.⁷

Could you with, or without a promise of secrecy on my part—(which promise if accepted of and made shall be inviolably maintained) inform me who the author is?

The principles seem to be every one of them such as I have been so long advocating either in print or manuscript: with the exception of what is said of the alledged need of higher salaries than those given: to which, if I alluded, it would be *cum grano salis*.⁸

A^o 1795.⁹ By the then Secretary of State Lord *Sydney* the first,¹⁰ a Plan of Police for the Metropolis in the shape of a Bill was brought forward and withdrawn on account of the opposition given to it by the London authorities.¹¹ It was in the Mayoralty of my so very

⁶ 'Art VI.—The New Police Bill', *The Jurist*, vol. ii, no. 3 (April 1829), 460–9.

⁷ Bentham had commented on the Justice of the Peace, Metropolis Act of 1825 (6 Geo. IV, c. 21) in *Observations on Peel's Speech introducing his Police Magistrate's Salary Raising Bill*. For Bentham's 'epistolary intercourse' with Peel on the subject see Letters 3295 and 3307, *Correspondence*, xii.

⁸ i.e. 'with a pinch of salt'.

⁹ A slip for 1785.

¹⁰ Thomas Townshend (1733–1800), first Baron and first Viscount Sydney, Home Secretary 1782–3, 1783–9.

¹¹ The Pitt ministry had sponsored a 'Bill for The further Prevention of Crimes, and for the more speedy Detection and Punishment of Offenders against the Peace, in the Cities of *London* and Westminster, the Borough of *Southwark*, and certain Parts adjacent to them' (see *Commons Sessional Papers of the Eighteenth Century* (1785), xlvi. 477–509), which had been introduced in the House of Commons on 27 June 1785 by Sir Archibald Macdonald (1747–1826), Solicitor General 1784–8, Attorney General 1788–93, Chief Baron of the Exchequer 1793–1813 (see *Commons Journals* (1785), xl. 1,105). A petition from the Lord Mayor and Aldermen of the City of London opposing the measure had been presented to the Commons on 29 June 1785 (see *Commons Journals* (1785), xl. 1,112), whereupon it appears to have been abandoned.

TO DANIEL O'CONNELL

10 NOVEMBER 1829

old friend, Chamberlain Clark.¹² At a Mansion House dinner¹³ I remember hearing it overwhelmed with a torrent of vague and vituperative generalities. If I misrecollect not, Baron Garrow,¹⁴ I forget whether he is alive or no, was present in his Bar Gown, and in the number of the vituperators.

3541

TO DANIEL O'CONNELL

10 November 1829 (Aet 81)¹

BENTHAM (under the name of Phil-O'Connell) TO O'CONNELL.

London, 10th November, 1829.

SIR,—This comes from a sincere admirer of you, and a zealous friend to the Catholic cause, so far as is consistent with the welfare of all besides.

It is with proportionable grief that I read your *tirade*—your altogether indiscriminating tirade—against the *Liberals*, as contained in the *Morning Chronicle*.² I flatter myself you will see that, in what I am about to say, my object is not to cast reproach upon you, or to cause an atom of unnecessary uneasiness in your mind, but merely to do what depends on me towards prevailing on you to abstain from such reproachful sallies in future.

To the class of *Serviles*, or to that of *Liberals*, are generally recognised to belong all men with whom, on a political account, you have anything to do, even *Serviles*, those called also sometimes *Tories*, sometimes *Absolutists*. Under the denomination of *Liberals*, are commonly regarded as included as well Whigs as Radicals.

Absolutists are all of them against you; and accordingly so are you, and of necessity, making unceasing war upon them. Under the head of *Liberals* are comprised all to whom you can look for assistance in the character of friends.

¹² Richard Clark, Lord Mayor of London 1784–5.

¹³ i.e. the annual dinner held on 8 November at the official residence of the Lord Mayor of London following his swearing-in for his year of office at the Guildhall.

¹⁴ Sir William Garrow (1760–1840), Attorney General 1806–12, 1813–17, Solicitor General 1812–13, Baron of the Exchequer 1817–32.

3541. ¹ Bowring xi. 25–6, where it is introduced as follows: 'Bentham was much distressed by some of O'Connell's attacks, of a personal and almost private character, by which he deemed he was damaging the cause of Reform and lowering his individual influence and reputation. He told me he had been considering how best to make an effort to check his excitable but most beloved friend, and he determined to write to him an anonymous letter, of which this is an extract:—'

² See pp. 201–2 n. above.

What on this, or any occasion, could have possessed you thus to *run-a-muck* (Malay like)³ against all your friends? Yes, against *all* your friends, with the exception of a comparatively small number of zealous Catholics.

To what *useful* purpose can you thus wage war upon them? In proportion as you damage their reputation, (supposing on your part the capacity of thus producing in any degree that effect,) would not you be weakening your own force?

No, surely, by any such vague reproaches: for which no specific grounds are *alleged*, and for which all such grounds would be out of season, by any such *ungrounded* reproaches, if any reputation be impaired, it will not be that of *those against* whom, but of *him by whom* they are uttered.

On what supposition is it that you thus make war upon them? Is it not that they are either Non-Catholics, or Non-Christians?

But in either case, what good is it possible you should derive even from success in this same unnatural war? Is it by vague reproaches, in that or any other shape, that any man can expect to *convert* any other man to the Catholic faith, or to any other?

Talking in this strain, you afford gratification (it may be supposed) to your own momentary feelings,—and sorry am I to be obliged to call them your own *antisocial* feelings;—you, who so laudably abound in social ones of the best and most extensive class. This gratification you afford yourself. But how dearly do you not expose yourself to pay for it!

All this while, what is the object and end in view of the liberty I am thus taking with you? Is it to give you pain in any shape? This you will see it cannot possibly be: for if it were, it is not in this *private*, but in the most public manner, that I should address you. It is, on the contrary, to preserve you from all future pain, if possible, from the like source: it is to prevail upon you to abstain from drawing it down upon yourself, by any more such manifestations of hostile feeling towards almost all those, among whom, for any of your great and beneficent purposes, you can look to find friends.

True it is, that what is past cannot be recalled. But what I comfort myself with the hope of, is, that when you come forward upon the great carpet, with your noble plans of real reform, the memory of these *escapades* will be drowned in the blaze of your unexampled merits, and your matchless eloquence.

Would you wish? can you endure? to see a specimen of the effect actually produced by this *sortie* of yours? Read it, if you have not read

³ The running amok was associated with Javans and Malays: see, for instance, Thomas Stanford Raffles, *The History of Java*, 2 vols., London, 1817, i. 298.

TO DANIEL O'CONNELL

10 NOVEMBER 1829

it, in *The Examiner*, in the No. of the earliest day thereafter ensuing.⁴ Perhaps it was noticed in *Examiner* more than once.

Being of the number of your sincerest admirers, and, however unknown, friends, I sign myself,

PHIL-O'CONNELL.

3542

TO DANIEL O'CONNELL

10 November 1829 (Aet 81)¹

Q.S.P. 10 Nov. 1829

Jeremy Bentham to Daniel O'Connell.

Clodius accuset mœchos

Quis tulerit Gracchos de seditione querentes?²

The pot and the kettle

Let them this matter settle.³

Behold here a further source and subject of anxiety.

Take—take in good part, my dear Child, a Sermon upon these texts.

The Solicitor General⁴ knowingly and wilfully committing an act of deception—a *suppressio veri*,⁵ by abstaining from bringing forward

⁴ See 'Mr O'Connell and the French Liberals', *The Examiner*, no. 1,133 (18 October 1829), 658, which referred to his 'attack on the Liberals of France' as a 'disgusting act of offence', answered his accusations, and then stated: 'To Mr Bentham we would say, "Are these the opinions of thy disciple?"'

'The fact is, that Mr O'Connell knows about as much of the doctrines of Bentham as he does of the sentiments of French Liberals. He talks at random a bigot's cant in the one instance, and a just praise in the other.

'Let him observe, however, that all the charges which he prefers against the French Liberals are urged by the retainers of corruption against the English Radicals, amongst whom he numbers himself.'

3542. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/208. In the hand of an amanuensis, except for the heading, which is in Bentham's hand. Printed in Bowring, xi. 27–8, and the *Irish Monthly*, vol. xi, no. 123 (1883), 517–19.

² See Juvenal, *Satires*, II. 24–7:

quis tulerit Gracchos de seditione querentes?

quis caelum terris non misceat et mare caelo

si fur displiceat Verri, homicida Miloni,

Clodius accuset moechos, Catilina Cethegum.'

i.e. 'Who could stand the Gracchi moaning about revolution? Who would not confuse sky and land, sea and sky, if Verres took exception to a thief or Milo to a murderer, if Clodius accused adulterers and Catiline Cethegus.'

³ This may be Bentham's own doggerel.

⁴ John Doherty (1783–1850), judge and politician, MP for New Ross 1824–6, Kilkenny City 1826–30, and Newport 1830, Solicitor General for Ireland 1827–30, Chief Justice of the Irish Common Pleas 1830–50.

⁵ i.e. suppression of the truth.

a matter of fact, the certain consequence of which would have been the acquittal of a knot of men against whom in a capital case, he, by commission from the Crown, was acting as Advocate—these men not being, any one of them, in truth, guilty of the fact charged.⁶—Let all this be taken for granted—and the conduct manifested by it shall be as bad as you please; and, in a moral view, the censure merited by it as severe as you please. Well; but what then? what is this but acting as an Advocate? doing what every Advocate is hired to do and consents to do for his hire? For this reason, amongst others, it is—that under my system the two lines—the professional and the judicial—are kept inexorably distinct. When the length of time which is long enough for an apprenticeship to the art and mystery of Judicature has elapsed,—admitted to the office of Judge is no person who has ever practised as an Advocate.⁷ Therefore it is—that (extraordinary exceptions excepted) if I admitted of *exclusion* of evidence as a security against deception,⁸ sooner should they fall on an Advocate than on a robber or a murderer.

But *you*—the most illustrious of all Advocates—does it belong to *you* to pledge yourself to bring forward your great *wheel* to break this *fly* upon? could you put it to any such use, without bringing down no small part of its weight upon yourself?⁹

In vain, were I so disposed, could I conceal the self-regarding interest, by which this sermon—wearisome as it cannot but be—has been produced. It is the fear of seeing worn down and rendered less respected—less feared—less efficient—this mighty instrument, the use of which stands engaged to me, for crushing in its whole enormous mass the machinery of injustice.

⁶ At a Special Commission held in Cork in October 1829, Doherty had led the prosecution of a number of tenant farmers for conspiracy to murder certain landlords in Doneraile, County Cork. On 23 October 1829 four men had been found guilty and sentenced to death, though their sentences were subsequently commuted to transportation. O'Connell, who had been asked to defend a further four men, had arrived at Cork on the morning of the trial on 26 October 1829 and secured their acquittal. During the trial O'Connell was said to have demonstrated that Doherty was wrong in points of law, that the prosecution had used paid informers who had given falsified evidence, and mocked Doherty's manner of speaking. Accounts of the proceedings appeared, for instance, in *The Times*, 27 October–3 November 1829. See also J. Roderick O'Flanagan, *The Bar Life of O'Connell, with memoirs of Distinguished Contemporaries*, Dublin, 1875, pp. 160–2.

⁷ See 'Constitutional Code', Ch. XII, § 28, Art. 20, in Bowring, ix. 527–8.

⁸ For Bentham's opposition to the exclusion of evidence see, for instance, *Rationale of Judicial Evidence*, Bk. IX, v. *passim* (Bowring, vii. 335–563).

⁹ Bentham perhaps had in mind O'Connell's threat, issued at a dinner at Youghal on 31 October 1829 and reported in the *Morning Chronicle*, 10 November 1829, p. 2, that he would seek to have Doherty impeached on the grounds that he was aware that the prosecution's case in the Doneraile Conspiracy trials was supported by the false evidence of one Patrick Daly. O'Connell subsequently condemned Doherty's conduct in the House of Commons on 12 May 1830 and moved that Daly's evidence and notes from the judges of the Cork Special Commission be presented to the Commons, but the motion was defeated by 70 votes to 12: see *Parliamentary Debates* (1830), xii. 596–659.

The man in question—be he who and what he may—suppose him brought before Honourable House (not that it is possible he should be) for what he did:—how obvious and sure his answer. What (says he) was it that *I* did, more than any body else in my place would have done?—than what, if not universally, is generally, at any rate, understood to be the duty of every Advocate, to every client, in every case? This done, should I have been instrumental in the shedding of innocent blood? Not I indeed. My duty to my client having thus been done, nothing would have hindered me from doing what is the duty of every man to *justice*: namely, to preserve myself from the having been instrumental in the shedding of this same innocent blood. That which would set everything right is—a pardon; and this is what, with full assurance of success, I should have set myself to procure.

What, again, if he should say—although the individual charges brought against these men were false—yet, from all circumstances taken together, I was persuaded of their having been guilty of the offences charged, or others of the same description? In that Honourable place an exculpation of this sort—would it not be listened to? Observe—I speak only hypothetically: for of the particular circumstances of the case other than as above, I have not taken any the slightest cognizance.

Observations, to the effect of the above sermon, I hear from men, who are zealous friends to us and our great cause; and what to say in vindication I cannot find. If, upon cooler reflection, it should happen to you to see the mention in this same point of view, you will, of course, if necessary, take the best course that can be taken for backing out.

Inconsistency! Inconsistency! this is one of the rocks, which my perhaps-too-sensitive—I *hope* too sensitive—imagination presents you but too often to my view as in danger—not of *splitting* upon, indeed—but, however, of being cast upon, and more bruized than, without suffering on my part, I could behold you.

How could I forbear boring you with this sermon? Are we not linked together by our most philanthropic—most meritorious—our strongest—our fondest hopes? Your reputation is it not mine? Your power is it not mine?

All this while, with delight, gratitude, and hope do I think of the excellent temper and condescension with which you bore—yes, and acted upon, my suggestions in relation to the so-unworthy Radical—our false brother—Hunt.¹⁰

If, after all, this does but annoy you, without producing preponderant

¹⁰ See Letters 3438, 3443, 3448, and 3449.

12 NOVEMBER 1829

FROM JOHN TYRRELL

good, speak but half a word, and my dear quinquagenarian child¹¹ shall never more be thus tormented by the old Hermit—his octogenarian self-constituted Guardian.

3543

TO LEICESTER STANHOPE

11 November 1829 (Aet 81)¹

Q.S.P. 11 Nov. 1829

My ever dear Leicester

I know not exactly how to pay obedience to your letter of this day,² till I have seen you. Could you look in upon me to morrow or Friday³ at the usual hour? Tell me which, or say neither, as soon as convenient, after this has come to hand.

Ever Yours

J.B.

3544

FROM JOHN TYRRELL

12 November 1829¹

Lincolns Inn 12. Nov^r 1829

My dear Sir

I am much gratified by Your opinion, that my remarks on the Laws of Real Property² may be acceptable to M^r Livingston, & feel great pleasure in sending one of a few copies, which are left. I appreciate very highly the honor of having my book transmitted by you across the Atlantic, & must request, that you will be so good as to send it in any manner you may think proper.

I venture to trouble you with the accompanying copy of the Analysis of the Laws of Real Property, which I sketched very hastily for the

¹¹ O'Connell was 54 years old.

3543. ¹ UCL Library, Stanhope Letter Collection, no. 20. Autograph. Addressed: 'To The Hon. Colonel Leicester Stanhope Stable Yard S^t James.' ² Missing.

³ 12 or 13 November 1829.

3544. ¹ BL Add. MS 33,546, fo. 317. Autograph. Docketed: '1829 Nov. 12. Real Property. Tyrrell Lin. Inn to J.B. Q.S.P. Sends his work for Livingston. Commissioners' Course of Progress. Four years &c. necessary.'

² Tyrrell, 'Suggestions sent to the Commissioners appointed to inquire into the Laws of Real Property'.

use of the Commissioners, because without it, the list of subjects for investigation (of which you so kindly expressed a wish to have a copy) would scarcely be intelligible. The list is at the end of the Book, and the figures in it refer to the pages of the Analysis.³ The list is exclusive of the five subjects comprised in the first report, and registration, which is now under consideration.⁴ I have proposed by it, to divide the remaining subjects into 4 classes of 12 each, giving the precedence to those which must be first investigated, or in which there is most need of reform—and I indulge the hope that a Report on Registration may be made in the next Session, and that one of the 4 classes of subjects may be reported on in every succeeding Year.⁵

Without troubling yourself with all the details of the Analysis, your great experience, and extraordinary power of reducing the most complicated regulations, into their leading principles, will enable you to see at a glance, in what manner the present extensive and artificial system may be simplified, and improved, without injury to the existing rights of partial ownership, which may not determine for centuries. I feel a strong ambition to attempt under your guidance, a digest of the present confused & scattered rules, & shall be most happy, if I can follow at a humble distance your exertions to do good. I will certainly begin with those subjects, which, under the division of labor among the Commissioners, will be allotted to me for investigation.

Looking forward with the greatest pleasures to the advantages which I shall have the happiness of enjoying in your society on Sunday.⁶ I remain with the most respectful regard

Dear Sir

Your much obliged

John Tyrrell

Jeremy Bentham Esq.

³ In Letter 3602 Bentham states that Tyrrell's 'analytical sketch of the whole field of Real Property' had been copied from a manuscript. The work does not appear to have been printed and no copy of the manuscript has been located.

⁴ In its first Report (see p. 128 n. above), the Commission had dealt with inheritance, dower, curtesy, fines and revenues, and prescription, while in its second Report it dealt with registration: see 'Second Report Made to his Majesty By the Commissioners Appointed To Inquire Into the Law of England Respecting Real Property', 29 June 1830, *Commons Sessional Papers* (1830), xi. 1–81, 1–545.

⁵ The Commission made four Reports in total. The third Report dealt with tenures, contingent remainders, future estates, perpetuities, covenants, and a period of limitation for the rights of the Church ('Third Report Made to his Majesty By the Commissioners Appointed To Inquire Into the Law of England Respecting Real Property', 24 May 1832, *Commons Sessional Papers* (1831–2), xxiii. 321–450), and the fourth dealt with wills ('Fourth Report Made to his Majesty By the Commissioners Appointed To Inquire Into the Law of England Respecting Real Property', 25 April 1833, *Commons Sessional Papers* (1833), xxii. 1–108).

⁶ 15 November 1829.

18 NOVEMBER 1829

TO LEICESTER STANHOPE

3545

TO LEICESTER STANHOPE

18 November 1829 (Aet 81)¹

Q.S.P. 18 Nov^r 1829

My ever dear Leicester

'Lord William Bentinck' (say you) 'has invited all men to express to his Gov^t their sentiments on any measure calculated to improve the condition of the people.'² Good—for a text. But before I can undertake to preach a sermon on it I must have the book given me with Chapter and verse. In profane language, reference to the periodical or other document from which it was taken: for a compliment I shall have to pay and can pay with a safe conscience—but then I must have a determinate stock to graft it upon. Not that by this plan a necessary exclusion is put upon [you]³ of scribbling to the *Oriental Herald*.⁴ But on that ground I should not of myself know how to behave myself: for my instruction I sh^d have to resort to your Honorableness, and for that purpose to put myself to the expense of another cup of coffee!

As soon as Bowring makes his appearance he shall have my instructions for communing with you upon this subject.

In the first person?—in the third person?—in which of these two persons do you propose I sh. write?

Whatsoever is right and proper that am I altogether ready to do. But what that is I know not: being as to this matter, not to speak of other matters, a *pauvre ignorant*, & being moreover, as you may perceive, more than half asleep, I know not what to do, or what I am, except that I am

Ever Your's

Jeremy Bentham

3545. ¹ UCL Library, Stanhope Letter Collection, no. 28. In the hand of Doane, except for the address, salutation, valediction, and signature, which are in Bentham's hand.

² See Letter 3547.

³ MS 'your'.

⁴ The Editor of the *Oriental Herald, and Journal of General Literature* (established in 1824 and of which the final issue would appear in December 1829) was James Silk Buckingham (1786–1855), traveller and journalist, MP for Sheffield 1832–7, who had been Editor of the *Calcutta Journal* until its suppression by the Indian authorities in April 1823.

3546

TO LEICESTER STANHOPE

19 November 1829 (Aet 81)¹

Q.S.P.

19 Nov^r 1829

My ever dear Leicester

The enclosed just received from M^{rs} Young² through an unknown hand, will speak for themselves.

They alarm me, as being scarcely reconcilable with what through the medium of Doane I have heard from you about his (Col. Young's) being expected here in March, and being[?] to have at that time a seat in Parliament. Is not this last article, if not both, too good to be true?³

Ever Your's

J.B.

3547

TO LORD WILLIAM BENTINCK

19–20 November 1829 (Aet 81)¹Jeremy Bentham to Lord W^m Bentinck,Gov^r-Gen^l of Brit^h India.

My Lord

Before me not opened till this moment, lies the *Oriental Herald* of September last; in page 565 I read in it these words, under the head of Calcutta.²

3546. ¹ UCL Library, Stanhope Letter Collection, no. 5. Autograph. Addressed: 'Hon^{ble} Col^l Leicester Stanhope.'

² Jane Frances Young, née Humfray (1789–1846) had married James Young on 18 April 1807 at Bundi, Rajputana. The enclosure is missing.

³ Bentham returns to the question of Young's intentions in Letter 3563.

3547. ¹ UC x. 179–85, of which x. 179–83 are headed 'J.B. to Lord W^m Bentinck', and of which x. 179–82 are dated 19 November 1829, x. 183 is dated 20 November 1829, and x. 184 is dated November 1829. In the hands of Doane and George Bentham, except fo. 183, which is in Bentham's hand, with the exception of the notes at the head of the page and corrections to the text (the location of this material in the text is indicated by an editorial footnote below). The state of the handwriting suggests that much of this material was dictated. There is no evidence that the present Letter was sent.

² See 'Indian News—Calcutta', in the *Oriental Herald, and Journal of General Literature*, vol. xxii (July–September 1829), 563–6 at 565–6.

‘The following official notice has been published.—The Governor-Gen^l invites the communication of all suggestions tending to promote any branch of national industry; to improve the commercial intercourse by land & water; to amend any defects in the existing establishments; to encourage the diffusion of education and useful knowledge; and to advance the general prosperity & happiness of the British empire in India. This invitation is addressed to all Native gentlemen, landholders, merchants & others, to all Europeans, both in & out of the Service, including that useful & respectable body of men the indigo planters, who, from their uninterrupted residence in the Mofussil, have peculiar opportunities of forming an opinion upon some of these subjects.’

In reading this invitation it seems to me as if the golden age of British India were lying before me. Among the Subject matters or objects of the suggestions invited, I behold ‘to amend any defects in the existing establishments; to encourage the diffusion of education & useful knowledge: and to advance the general prosperity & happiness of the British empire in India’. Among the descriptions of persons from whom suggestions are called for, I behold ‘Europeans in & out of the service’. Persons in contemplation on this occasion, perhaps no others than those who then were or had been resident among the peoples over whose destiny, so happily for them, you preside. Be that as it may, I entertain no such apprehension as that any suggestions from a man whose unremitting endeavours have for upwards of three score years been directed to the augmentation of the ‘happiness & prosperity’ of all nations of the earth, nor yet altogether without success, will be turned aside from as obtrusive.

Rule of action in all the branches of it, by which observance is called for at each man’s hand,—justice accessible to him—justice, that is to say the services of the Judge as employed in securing to him the benefit of his rights and adequate remedy for all the wrongs which he stands exposed to suffer by—defects in the provision made in relation to these objects—are surely, if any thing be so, defects in the existing establishment—as of any other country, so of British India.

As to the rendering the rule of action knowable by those whose enjoyment of rights & security against wrongs depends upon the adequacy of their knowledge in relation to it, to the existing official establishment not merely has the promotion of it been at all times an object of neglect, but the object of endeavour, if any, has been the prevention of it. I speak of this country, & if in British India there be any difference, I see little reason to presume that it is to the advantage of that less civilized country that any such difference will be found to have place.

As to rendering justice accessible, the result of an inquiry which has been carrying on by me for the length of time just mentioned is—that the course of judicial procedure, & the judicial establishment employed in the application of it, have, from first to last, had for their actual ends in view—have had for their objects, not the ends of justice, but the particular & sinister interests of the lawyers, official & professional, employed in making application of the rule of action, such as it is.

So true is this, that the plan, to which my labours have been for so many years *directed*, namely the plan for the accomplishment of both those objects, is regarded by me as being, owing to the circumstances which I bring to view, the very first that has ever been exclusively, or even principally, *directed* to the accomplishment of the ends of justice

In England, under the existing system two modes of judicial procedure are equally in use: one stiled the regular; the other the summary: regular, that which is in use, for example, in the Westminster Hall Courts—summary, that which is acted upon, for example, by Justices of the Peace acting singly & in Small Debt Courts: in regard to the regular, the notion tacitly assumed and acted upon is—that it is the only one which is adequate to the accomplishment of those ends; & that as to the summary procedure, it is no better than a sort of makeshift, fit to be employed in those cases & in those alone in which, for some cause or other, the regular mode cannot be employed. My persuasion is that the summary system, with such modifications as I point out, is the only one which is fit in any case to be employed.

The more effectually to establish this proposition, I begin with bringing to view the cause by which the opposition of the interest of the authors of the regular system of procedure to the ends of justice has been produced; that is to say, the mode of their remuneration; the faculty that has been given to them of setting their own price upon their own services. Under 14 distinct heads I bring to view the devices by which they have contrived to swell that same remuneration to the enormous pitch at which, naturally & perpetually on the increase, it at this moment has place.³

To no man will we delay, sell or deny justice, said Magna Charta;⁴ to all men, they delay; to all who are able to buy, they sell; to all who are not, they deny justice. This, I have shown, is their practical comment upon that text.⁵

³ The bulk of the various 'Petitions for Justice' in *Justice and Codification Petitions* consisted of an explication of these fourteen 'devices'. ⁴ See p. 6 n. above.

⁵ The following four paragraphs are in Bentham's hand, but may have been intended as rudiments, that is points for development, rather than as part of the Letter itself. The

If happiness and prosperity, affluence and capacity of contributing out of it to the expences of the state, do not depend upon security for property, let any one say who can, on what it is that these same blessings do depend.

With correspondent regret has Mr Mill assured me, and frequent have been the occasions on which the assurance has been renewed, that the right of the natives to landed property are involved in an all-comprehensive cloud or vortex of uncertainty and insecurity, and that in the nature of the case for the removal of this cloud, no other instrument is employable than an appropriate system of judicial procedure: meaning by appropriate the summary system, as above alluded to.⁶

What you want in British India is an appropriate system of judicial procedure, [. . . ?] and a Judicial Establishment adapted and adequate to the making application of it to use[?].

As to the regular mode of procedure, in the form in which it has been transplanted from this country into that, bad as it is *here*, it is still worse *there*.

Among the causes which contribute to the want of security to property on the part of the lowest orders of the occupiers of land I have frequently heard Mr. Mill speaking with natural & deep regret of the want of a Judicatory by which evidence could be elicited for the formation of a substantial & permanent ground of title to the general possession or right of occupancy in the several portions of the soil, together with the partial rights, obligations, & exemptions in reference to the several contiguous portions & the conditions in respect of payment of rent, forfeiture in case of non-payment, and so forth: of this evidence, all along as fast as elicited by viva voce examination to be minuted down in the manner in use in the case of evidence elicited by Committees of the two Houses of Parliament: of these minutes, the aggregate body to be carefully preserved under the name of the records: this being the name given in the technical language of English law to those masses of soiled parchment the contents of which, if they were what they ought to be, would be of the description just mentioned, but which in fact contain little more than a few comparatively immaterial truths drowned in an ocean of falsehoods poured in upon them for the sake of the lawyers to whom they are sources of fees.

text is preceded by the following notes in Doane's hand: 'Necessity of Small Judge shires. English rate of payment cannot be provided—except for appellate Judicatories. Sole resource—the half-caste. French Judges contented with £50 a year.'

⁶ See the argument to this effect in Mill, *History of British India*, Bk. VI, Ch. VI, iii. 292–362.

For this body of evidence, a magnificent & most useful groundwork & standard of reference coextensive with the greatest part of British India is, if I am not misinformed, already in existence—I mean the survey said to have been made & the result committed to paper, by the authority, and at the expense of, the local government.⁷

The whole soil, let us suppose, is divided into districts of the lowest dimensions averaging the average size of an English Parish: call them for the moment Quasi-parishes. In each such quasi-Parish, let us suppose made & carefully kept a transcript of such part of the Survey abovementioned as relates to this same quasi-parish.

To this map the evidence elicited as above might all along bear reference.⁸

This being the general conception, any further detail, it would be needless for me to attempt to trouble you with.

According to my plan of judicature, the whole soil of the country in question—England for example or British India, is divided into districts—as nearly equal in length as may be, which I call *Judgeshores*; in analogy to the Latin name *comitatus*, an English county, which *comes* being the Latin name for the English Earl may be stiled an Earshire: dimensions of each such that, supposing the Justice chamber in the centre of the district, the suitor whose abode is at the greatest distance from it may repair to it & be in attendance in it during the whole time of its sitting, suppose 6 hours, with time sufficient to repair to it & return from it every four & twenty hours without passing the night out of his own home.⁹

The information capable of being obtained as above is no more than a sample of the benefit derivable from such a system of local immediate judicatories to the benefit of appeal to a higher order stiled accordingly appellate judicatories: the grounds of the appeal being constituted by a transcript of the sort of record above mentioned.¹⁰

⁷ Francis Buchanan, known from 1818 as Francis Hamilton (1762–1829), East India Company surgeon and botanist, had in 1800 been commissioned by Richard Wellesley [formerly Wesley] (1760–1842), second Earl of Mornington [I], first Baron Wellesley [GB], and first Marquis Wellesley [I], Governor-General of Bengal 1798–1805, Foreign Secretary 1809–12, to survey the newly conquered kingdom of Mysore, resulting in the publication of Buchanan's *A Journey from Madras through the countries of Mysore, Canara, and Malabar, performed under the orders of the most noble the Marquis Wellesley, Governor General of India, for the express purpose of investigating the state of agriculture, arts, and commerce; the religion, manners, and customs; the history natural and civil, and antiquities, in the dominions of the Rajah of Mysore, and the countries acquired by The Honourable East India Company, in the late and former wars, from Tippoo Sultaun*, 3 vols., London, 1807.

⁸ In the margin, the following note appears at this point: 'Judges half-caste perfectly skilled in the 3 languages.'

⁹ See 'Constitutional Code', Ch. XII, § 6, Arts. 1–5, in Bowring, ix. 473–4.

¹⁰ This sentence, which is in the hand of George Bentham, and was presumably dictated by Bentham, appears to be garbled.

23 NOVEMBER 1829

FROM JOHN FLOWERDEW COLLS

3548

TO JOHN BLACK

21 November 1829 (Aet 81)¹

Q.S.P. 21 Nov^r 1829

Dear Black

As soon as you have scrambled over the *Petition Book*² (if ever that should be) name a day at which you will eat a Hermit's dinner 7 o'clock that we may talk over the matter and see what is to be done.

Tell me likewise how long it will be in your power to stay—the longer the better: for I have letters &c. to shew you which can not fail of being interesting to you.

Yours ever

Jeremy Bentham

3549

FROM JOHN FLOWERDEW COLLS

23 November 1829¹

Nov. 23, 1829, St Bees, near Whitehaven.

Dear and revered Sir,—Will you forgive me for again troubling you upon the subject of my former letter?² I will be as concise as possible in what I have to say.

From the very first, I had not the most distant wish that you should put yourself to the least inconvenience in order to gratify my desire to spend my holidays with one of the best and wisest of men. Sincerely attached as I ever must be to your person, as well as to your Hermitage, I could not help feeling and expressing an anxious longing to look upon your countenance once again, and to spend the short interval which will soon be allowed me for relaxation from the studies of this place under the roof which for so many years I had regarded as a *quasi* paternal home. Nor was this feeling on my part altogether of a selfish character, since, besides entertaining the

3548. ¹ New York Public Library, Astor, Lenox, and Tilden Foundations, Manuscripts and Archives Division, Montague Collection of Historical Autographs. Autograph.

John Black (1783–1855), journalist and translator, editor of the *Morning Chronicle* from 1817.

² *Justice and Codification Petitions*.

3549. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 152–3.

² Letter 3527.

FROM CHARLES SINCLAIR CULLEN 28 NOVEMBER 1829

conviction with which you have on so many occasions impressed me, that I have the distinguished honour to occupy a place in your affections also, I had thought that you might probably have felt inclined to accept of my services, feeble as they are, for the time being, in the way in which the scribes of old were employed under the Mosaic dispensation.³ * * *

God bless and preserve you, then, dear and respected sir, till the spring, when I shall call upon you for *your* blessing, though then I would not have you die, both for your own sake, as well as for the sake of the new world, which for many years yet to come I hope will have the advantage of your important labours in the field of legislation.

Receive, then, my dear sir, every sentiment of dutiful affection and reverence, and believe me your faithful humble servant,

Jeremy Bentham, Esq., &c. &c. &c.⁴

JOHN F. COLLS.

3550

FROM CHARLES SINCLAIR CULLEN

28 November 1829¹

I shall be glad to take M^r Bentham's society in any way—in the way he chuses—on Tuesday next² at 7 in Queen Sq^{re} Place.

I am &c.

C. Sinclair Cullen

I shall endeavour to merit forthwith the comp^t he pays me in sending his new work³ to me.

³ The scribes were responsible for copying, teaching, and explaining the law.

⁴ Bowring has noted at this point: 'Mr. Colls was not, I believe, invited to receive Mr. Bentham's "blessing".'

3550. ¹ BL Add. MS 33,546, fo. 318. Autograph. Docketed in the hand of George Bentham: '1829 Nov. 28. Cullen, 1 Derby St^t to J.B. Q.S.P. Dine here on Tuesday.'

² 1 December 1829.

³ Probably *Justice and Codification Petitions*.

4 DECEMBER 1829

FROM JOHN TYRRELL

3551

TO JOHN TYRRELL

2 December 1829 (Aet 81)¹

Queen's Square Place West^r

Dec. 2, 1829.

My dear new-found and highly valued friend

Many thanks for your kind attention & for the pamphlets & papers that are among the fruits of it.

Can you manage so as to give me the benefit and delight of your company for ulterior confabulation and instruction on Sunday next²—hour as before.

Yours most truly

Jeremy Bentham

John Tyrrell Esq^{re}

Saturday & Monday I am engaged. Tuesday & Thursday³ I am as yet free.

3552

FROM JOHN TYRRELL

4 December 1829¹

Lincolns Inn 4 Dec^r 1829

My dear Sir

I am very much gratified by your kind & flattering note,² & I cannot resist the temptation of enjoying the pleasure of your valuable and instructive conversation on Sunday:³ I have obtained a release from an engagement, which I had made for that day. I remain

Dear Sir

Your much obliged

John Tyrrell

Jeremy Bentham Esq.

3551. ¹ Autographs of Jeremy Bentham, BL Add. MS 34,661, fo. 2. In the hand of Doane, with the exception of the salutation, valediction, signature, and direction, which are in Bentham's hand.

² 6 December 1829.

³ 5, 7, 8, and 10 December 1829.

3552. ¹ BL Add. MS 33,546, fos. 319–20. Autograph. Docketed, in part in the hand of George Bentham: '1829 Dec. 4. Real Property. Tyrrell Lincoln's Inn to J.B. Q.S.P. Pransurus Sunday.'

² Letter 3551.

³ 6 December 1829.

TO HENRY BICKERSTETH

7 DECEMBER 1829

3553

FROM JOHN CHARLES HERRIES

5 December 1829¹

M^r Herries presents his Compliments to M^r Bentham and returns his best thanks for the honor which M^r Bentham has done him by sending him a copy of his address to the National Convention of France,² which M^r Herries will read with all the attention justly due to the subject & the author of such a tract.

Great George Street
5 Dec^r 1829

3554

TO HENRY BICKERSTETH

7 December 1829 (Aet 81)¹

Q. S. P. Dec. 7th, 1829.

MY DEAR BICKERSTETH,

I hope you will find it practicable to treat me with a visit on next Sunday,² and that even an engagement, if not an absolutely unpostponable one, will not prevent you; so much depending on time, and on the preference of that to any subsequent Sunday.

It is not merely the revision of what I have written, but the part which I hope to see you take in a new measure of agitation for law reform, the success of which Tyrrell tells me will in no small degree depend upon your taking part in it. I will not do it any such injustice as would be done by an inadequate character of, and the promising state of it, and for anything like an adequate one I cannot spare time.³

3553. ¹ BL Add. MS 33,546, fos. 334–5. Autograph. Docketed: '1829 Dec^r 5. Emancipate Colonies. Herries (R^t Hon.) Gr. George Street to J.B. Q.S.P. Thanks for pamphlet.'

² The copy of 'Jeremy Bentham to the National Convention of France' sent to Herries, inscribed 'To The Right Honble J.C. Herries from Jeremy Bentham. 2 Dec^r 1829' and containing a note to the title and the 'Postscript' dated 24 June 1829 in the hand of Colls (see *Rights, Representation, and Reform: Nonsense upon Stilts and other writings on the French Revolution*, ed. P. Schofield, C. Pease-Watkin, and C. Blamires, Oxford, 2002 (CW), pp. 314–15), was in the quondam possession of the late Mr Denis Roy Bentham.

3554. ¹ Thomas Duffus Hardy, *Memoirs of the Right Honourable Henry Lord Langdale*, 2 vols., London, 1852, i. 383–4.

² 13 December 1829.

³ This sentence appears to be garbled.

8 DECEMBER 1829

TO DANIEL O'CONNELL

Tyrrell, who enters into it most cordially, will be able, if you happen to come across him, to tell you more or less about it.

A line or two by return of 'twopenny' will much oblige, yours ever most truly,

JEREMY BENTHAM.

Burdett has promised to take a part in it. It is the forming a Law-Reform Association on the ground of my petition.

3555

TO DANIEL O'CONNELL

8 December 1829 (Aet 81)¹

Dec. 8, 1829.

Wellington is civil to me—gives immediate answers, all in his own hand, to letter after letter, that I send to him.² I have written him about Law Reform, telling him, if he will listen to me, he may do what Cromwell tried at, and failed in:—the lawyers were too many for him.³

Herries, the Cabinet Minister, on receiving a little tract of mine, 'Emancipate your Colonies,' writes me a homage-paying letter, speaking of himself as 'honoured,' &c.⁴

With all this I am dispirited. I am at my wit's end—and wherefore? Even because of you.⁵

He⁶ has declared war against you. Are not you a Liberal? Can you deny that you are? Would you wish to deny it? Since the name was invented, have you ever ceased to answer to it? On the Monday he is at your feet; he was a Benthamist. On the Thursday, you are the object of his declared abhorrence; he is an anti-Benthamist. And in the meantime, what is it you have done? Can you have any doubt of this? If, after that declaration, any doubt is left, look to his silence. His letter of more than a month ago, Nov. 4,⁷ is the last you will have from him.

He is a tool in the hands of the Jesuits. He is a weathercock, and their breath the blast that determines its direction.

Those to whom you are most indebted for what you are, for your having devoted the whole of your long life to the service of mankind,

3555. ¹ Bowring, xi. 28–9.

² See Letters 3466, 3482, and 3483.

³ Bentham had made this point in Letter 3483 and repeated it in Letter 3560, which he had drafted at this time, but had not yet sent.

⁴ Letter 3553.

⁵ Bentham once again takes up the theme of O'Connell's criticism of liberals: see pp. 201–2 n. above.

⁶ i.e. O'Connell himself.

⁷ Letter 3538.

those by whose means he himself became what, till the other day he was,—a Benthamist, these are now among the objects of his proclaimed abhorrence.

In England, the men of his own religion are cold to him, and indifferent; Liberals, all to a man, his warm friends, and the only ones: and this is the return he makes to them.

The friends of liberty all over the world, those are the men he thus makes war upon. The liberal Spanish Cortes,—the liberal Portuguese Cortes,—all over late Spanish-America, the constituted authorities, with the exception of Bolívar,⁸ till t'other day the Liberator, now the Subjugator. The declared enemy to all useful lights, who, after trumpeting my works, and declaring that they had given to politics and morals the certainty and precision of mathematics, has made it a crime in every man to have so much as one of them in his possession.⁹ In a word, he has made himself to be, in his part of Spanish-America, what the beloved Ferdinand was—completely absolute;¹⁰ with the single exception of the person of the despot he has reëstablished the *ancien régime*.

And what is it that has produced the alliance between him and O'Connell? One simple merit, which absorbs and stands in the place of all others,—he has reëstablished, and is reëstablishing monks.¹¹ Well, and what of that? Are these monks Jesuits? No! but tell them they have taken the vows to disobey the command, which says, increase and multiply,¹² and this is the merit which, in the eyes of a father of a family, suffices to outweigh the most flagitious crimes.

With inflexible pertinacity, he adheres to the religion of his fathers,—to the opinions under which he was born and bred. The Liberals, in all their varieties of opinion, do the same thing: and thus

⁸ For O'Connell's admiration of Bolívar see Letter 3534.

⁹ On 12 March 1828 Bolívar had issued a decree banning the teaching of *Traité de législation civile et pénale* in the colleges and universities of Gran Colombia (see *Gaceta de Colombia*, no. 336 (23 March 1828), [p. 1]), and, following an assassination attempt in October 1828 which Bolívar blamed in part on the assailants' study of Bentham, a circular on public education was issued on 20 October 1828 by José Manuel Restrepo Vélez (1781–1863), Secretary of the Interior of Gran Colombia 1821–30, suppressing the study of the principles of legislation in the law curriculum (see *Gaceta de Colombia*, no. 382 (30 October 1828), [p. 3]).

¹⁰ Upon his accession to the throne, Ferdinand VII (1784–1833), King of Spain from 1814, abolished the liberal Constitution of Cadiz, which had been promulgated in 1812. Following a military uprising, Ferdinand had been forced to accept the reinstatement of the Constitution in 1820, but had once again abolished it and restored royal absolutism in 1823.

¹¹ For Bolívar's restoration of the *conventos menores*, i.e. small monasteries, which had been suppressed by laws of 6 August 1821 and 7 April 1826, see 'Decreto del Poder Ejecutivo. Simon Bolivar Libertador president de la republica de Colombia etc. etc. etc.', dated 10 July 1828, in *Gaceta de Colombia*, no. 362 (24 July 1828), [pp. 2–3]).

¹² An echo of, for instance, Genesis 1: 28.

it is, by pursuing the very same course that he pursues, they have made themselves the objects of his abhorrence.

In what consists their crime?—the crime of the very worst of them? In differing with him on a question of evidence, on the credit due to statements of facts, self-declaredly improbable,—statements written in early, and comparatively uninstructed ages,—statements unsubjected and unsubjectable to the test of cross-examination. Granting these statements to be all true, yet is it a crime—an unpardonable crime—not to be convinced by them? not to be able to comprehend what he himself declares to believe to be incomprehensible?

He thinks it is in the infallibility of the Pope, or of the Church, (whoever it is he means by the Church,) and, after all, in whose infallibility is it that he is believing? in whose but his own. His opinion is, that their opinion is infallible, and is not his own then the opinion on which his confidence of the supposed infallibility rests?

Fasting, prayers, celibacy, self-tormenting in any or all shapes, can it atone for, and, in the scale of good and evil, preponderate over all-comprehensive beneficence?

This and more in abundance to the same effect, is what I have been doomed continually to hear from all around me: and what can I find to say in answer? Just nothing. I am struck dumb. I stand mute. I shrug up my shoulders: this is the condition in which you have placed me. Will you? can you, say anything, do anything that will help me out of it? Unless you can, to what end come hither and take your place in the House of Commons? The men you have declared war against, is it to them that you look for support? The Whigs and the Radicals—of these are composed the Liberals—remain the Tories. Is it to the Tories that you look for coöperation in the dissolution of the Union? To the Wellingtons and the Peels for the abolition of their own tyranny? If it is to Irishmen alone that you look for the shaking off the yoke, and, among Irishmen, to the Roman Catholics alone, whose wish it is to be governed by the Jesuits, will not any endeavour of yours go farther where you are than here?

My dear, dear O'Connell—Oh no! it is not in anger—it is in grief of mind that I say this. Hate me as you will: I defy you to make me hate you,—I defy you to prevent me from being your well-wisher; and not merely your motiveless well-wisher, but your faithful servant, and your benefactor, if possible, if, by anything I can say or do, any addition can be made to your greatest happiness, as witness these presents, written in a moment of dejection—not to say despondency, at the close of a night occupied in dreaming of you.

3556

TO THE MARQUIS DE LA FAYETTE

Post-8 December 1829 (Aet 81)¹

Your experienced kindness flatters me with the idea that even that may perhaps be not altogether uninteresting to you. It has been copied into I know not how many of the Country as well as the London Newspapers.²

The Prince de Broglie having made his appearance in the character of a *Law-Reformist* by an instructive and excellently penned paper on Imprisonment for Debt,³ I wait for an opportunity of begging the honor of his acceptance for a newly printed and not yet sold work of mine—intituled *Petition for Justice and Codification* in which one Section is occupied on that subject.⁴ I have likewise with good promise of success begun setting on foot a Law Reform Association composed of Members of Parliament and persons at large: and may perhaps send a Missionary or Missionaries to preach Law Reform and obtain signatures for it in the principal Cities and Towns in England as Buckingham has done with very considerable success for the purpose of promoting the dissolution of the East India Company's monopoly.⁵

3556. ¹ Cornell University Library, Carl A. Kroch Library, Arthur H. and Mary Dean Lafayette Collection, 4611, Box 43, Folder 18. Autograph fragment consisting of pages 2–3 of a longer letter. The date is inferred from the reference to the Law Reform Association, which Bentham began to establish in early December 1829, and to the date of the forthcoming meeting of Parliament, which had been officially announced on 8 December 1829: see the *London Gazette*, no. 18,635 (8 December 1829), 2,277, reporting that the Privy Council had on 7 December 1829 prorogued Parliament to 4 February 1830

The following fragment is located next to the present Letter in the Dean Lafayette Collection, but the year has not been ascertained: 'This packet and the one which accompanied it were expected to have been sent by a private opportunity which failed: they are therefore separated and sent both of them according to former usage, through the Foreign Office.

J. B. 3 Nov^r.

² The item in question has not been traced.

³ See 'Impressions N^o 79. 1829. Chambre des Pairs. Séance du 13 mai 1829. Opinion de M. le Duc de Broglie sur l'article 3 du projet de loi relative à la contrainte par corps', in *Chambre des Pairs de France. Impressions diverses. Session de 1829. Tome second comprenant les N^{os} 24–81 ter.*, Paris, 1829. Bentham's copy of Broglie's 'Opinion', which Bentham has inscribed 'Jeremy Bentham 18(. . .) From the Author (. . .) Ⓢ Very (. . .)', is at BL shelf-mark C.T.111.(9.)

Achille Léonce Victor Charles, third Duc de Broglie, also known as Victor de Broglie (1785–1870), French author, politician, and diplomat.

⁴ See 'Petition for Justice', XIV. Result of the fissure [i.e. of jurisdiction]—groundless arrest for debt, pp. 155–75, in *Justice and Codification Petitions* (Bowring, v. 491–7).

⁵ Buckingham had begun making extensive lecture tours through England, Scotland, and Ireland in January 1829. For an account of his lectures and his syllabus for an

9 DECEMBER 1829

FROM HENRY BICKERSTETH

As to the Judicatory a Bill for which you will see mentioned in an Advertisement at the end of my abovementioned work,⁶ the celebrated Daniel O'Connell has, in the course of a long correspondence, as well as personal intercourse with me, pledged himself to move the bringing it in, at the earliest possible day of the next Session of Parliament,⁷ which meets on the 4th of February.

3557

FROM HENRY BICKERSTETH

9 December 1829¹

My dear Sir

It was not an hour before I received your note² that I had engaged myself to dine on Sunday³ with the Master of the Rolls.⁴ Unfortunately this is an engagement which I cannot put off—and I must therefore hope for the pleasure of waiting upon you on some future occasion.

Ever truly yours

H. Bickersteth

Lincoln's Inn
9. Dec^r 1829

'Improved Arrangement' of the lectures to be delivered in 1830 see *Explanatory Report on the plan and object of Mr. Buckingham's Lectures on the Oriental World, preceded by A Sketch of his Life, Travels, and Writings, and of the proceedings on the East India Monopoly, during the past year*, London, 1830, esp. pp. 21–3.

⁶ An advertisement stating that '*Shortly will be published, in a similar Volume, Dispatch-Court Proposal*' appeared at the conclusion of *Justice and Codification Petitions*.

⁷ See Letter 3534.

3557. ¹ BL Add. MS 33,546, fo. 339. Autograph. Docketed in the hand of an amanuensis: '1829 Dec. 9. Bickersteth Linc. Inn to J.B. Q.S.P.'

² Letter 3554.

³ 13 December 1829.

⁴ Sir John Leach (1760–1834), Vice-Chancellor of the Court of Chancery 1818–27, Master of the Rolls 1827–34.

TO THE DUKE OF WELLINGTON

12 DECEMBER 1829

3558

FROM CHARLES SINCLAIR CULLEN

9 December 1829¹

Derby S^t—Dec^r 9 —29

It can give M^r Cullen nothing but pleasure, profit, & pride—to be again admitted to M^r Bentham's society & he will seek it at 7 on Friday next.²

3559

FROM HENRY BICKERSTETH

12 December 1829¹

My dear Sir

I will call upon you tomorrow between three and four o'clock.²

Yours truly

H. Bickersteth

Saturday

3560

TO THE DUKE OF WELLINGTON

12 December 1829 (Aet 81)¹

Jeremy Bentham to the Duke of Wellington.

Queen's Square Place Westminster
12 Dec^r 1829.

Lord Duke

Listen to me, Your name will be, aye—*shall* be greater than *Cromwell's*. Already *you* are, as in his day *he* was, the Hero of *War*.

3558. ¹ BL Add. MS 33,546, fo. 338. Autograph. Docketed in the hand of an amanuensis: '1829 Dec. 9. Cullen Derby S^t to J.B. Q.S.P.' ² 11 December 1829.

3559. ¹ BL Add. MS 33,546, fo. 340. Autograph. Docketed: '1829 Dec^r 12. Bickersteth Linc. Inn to J.B. Q.S.P. Venturus cras to talk about Law Reform Association.'

² In Letter 3563 Bentham mentions that he saw Bickersteth on 13 December 1829.

3560. ¹ University of Southampton, Hartley Library, Wellington Papers, 1/1061/16. In the hand of Doane, with the exception of the heading, address, date, salutation, running headings, several emendations, valediction, signature, and direction, which are

12 DECEMBER 1829

TO THE DUKE OF WELLINGTON

Listen to me, and you will be—what he tried to be but could not make himself—the hero of *Peace*; of that Peace which is the child of *Justice*.

After subduing the three Kingdoms, he attacked the Army of Lawyers. They repulsed him. They were too many for him.²

About 60 years ago, *I* deserted from it, and have been carrying on against them a Guerilla war—ever since.

I have got together a body, which is every day augmenting. I am now on the point of attacking them in force.

The *matériel* of my Army may be seen in the Volume accompanying this, intituled '*Justice and Codification Petitions*.'

On the opening of the next campaign in Saint Stephen's, my Commander in Chief (a truce to his name for the present)³ will commence the attack. His *bâton*, the Bill (styled the *Dispatch Court Bill*) which I have prepared for him.

Under him will serve some stout fellows whom I am occupied in enlisting and training.

But a truce to allegory. It is time to speak in plain language.

Judicial
Procedure
—Worst
the Equity
Court's.

Our whole *Judiciary establishment*, with the system of *procedure* self-styled the *regular*, by which it works, is one entire mass of corruption: fruits of it, *depredation* and *oppression*, both upon an all-comprehensive scale: its proceedings have, from first to last, had *these* for its objects and effects. Mere illusion the so indefatigably trumpeted *purity* of it. In comparison of the plunderage made by it, trifling is that made by the most corrupt—whichever it be—of those whose corruption is most notorious. By the plunderage which they make, *they* are always more or less exposed to punishment: Of that which *our* Judges make, the whole mass is entrenched in *impunity*; and by Parliament itself, under their influence, the fortress has recently been made impregnable. I mean—by the Statute of the 22 July 1822 (3 G. 4. c. 69) by which the Judges are authorized to impose, on the afflicted Suitors, *taxes* without stint, and put the money into their own pockets.⁴

in Bentham's hand. The running headings have been presented as marginal headings at the point of commencement of the corresponding text. Docketed: 'Dec^r 12th 1829. From M^r Jeremy Bentham. Sends His Work upon reforms of Courts of Judicature. Ansd. within.' A slip of paper is enclosed containing the abstract of Wellington's reply: 'M^r Jeremy Bentham. done Dec^r 16th 1829. Comp^{ts}. The Duke has received his Letter of the 12th Ins^t and Doct^s enclosed for which he returns his thanks.' The receipt of the present Letter, and the dispatch of an answer to it, are recorded in the 1829 Wellington Letter Book, M561/WP6/312, p. 79. Printed with minor alterations in Bowring, xi. 9–12, where it is incorrectly dated 12 December 1828. A partial autograph draft, containing several paragraphs omitted from the Letter as sent, is at BL Add. MS 33,546, fos. 321–8 (4 December 1829), with a discarded continuation at fos. 329–33 (4–5 December 1829).

² See p. 111 n. above.

³ i.e. O'Connell, as per MS del in the draft at BL 33,546, fo. 321: 'O'Connell is my Commander in chief.'

⁴ i.e. the Fees in Common Law Courts Act of 1822: see also Letter 3423.

Open the accompanying volume. To one of the pages you will find a keep-place paper pinned. A single glance will suffice to show you 14 charges.⁵ By the unreserved confession, even of *practising lawyers*,—lawyers high in practice, high even in Mr. Peel's confidence, these charges are, incontestably, every one of them, proved.

The eyes of the people at large are fast opening; not to say already opened:—opened, to the slavery, in which they have been so long held by the lawyers. Soon will you hear the self-emancipated slaves, chorus upon chorus, in full cry for *Justice!* 'Away' (say they) 'away with the *technical*, the unintelligible mode of procedure—the *regular*, as the so monstrously *irregular* chaos so falsely calls itself. Give us the only plain, the only intelligible, the only honest, in a word—the *summary* mode. Give us the mode, employed in the *Small Debt Courts*. Give us the mode, employed in the Courts composed of *Justices of the Peace acting singly*, or in any numbers elsewhere than in Quarter Sessions. Give us the only mode employed where evidence is to be elicited—where information is to be obtained—by either House of *Parliament*:—the only mode, in a word, which is employed, where a real desire has place, to bring out "the *truth*, the whole truth, and nothing but the truth."⁶ Thus say already in numbers, and will say—every day, in greater and greater numbers, the people at large.

But, to crown all, speaking as I do, to the *Head of the Army*, I say—Give us the mode—the only mode—employed in and by *Courts Martial*.

Judicial
Procedure
—Best form,
Court
Martial's.

Yes! Give us the simplicity—the honesty—the straightforwardness—of *Courts Martial!*

Yes. Look *here*, Duke! Here you are *at home*. Had you a *Military Offence* to *try*—had you a *dispute* to *settle*—between *two* Officers—would you be satisfied to let *five years* pass, before so much as the *first* question put received an answer? Would the sound of *a word*—the word *Equity*—or any other—suffice to reconcile you to an absurdity so palpable, so abominable, to every mouth that can gulp it down so dishonourable? But, if not, in what respect can such a *delay*, with the *expense* and *lawyer's profit*, for which it was created, be more conducive and favourable to *civil*, than to *military*, Justice?

No! The *Head of the Army*—in so far as it depended upon him—as often as a military wrong took place *one* moment, would not wait *another* moment before he applied the remedy.

There sits Lord Eldon! for five and twenty Years and more, to the ruin of so many thousands of families, *Head of the Law*. What says

⁵ See 'Petition for Justice', p. 8, in *Justice and Codification Petitions* (Bowring, v. 446).

⁶ See p. 63 n. above.

this, or any *other*, Head of the *Law* to the *five* years? Would he abate so much as a single moment of it? Ask him. Not he indeed.

Think now of the difference!—and—the *cause* of it.—*What* is the cause of it? What but *this*? The Head of the *Army* would be a ruined man—his *Army* a ruined *Army*—were he mad enough to *establish* any such matchless absurdity—or, though it were but for a moment, *permit* it to have place. But, the Head of the *Law*, who not only *permits* it to have place, but would be ready to faint at the thought of its *ceasing* to have place—in what way is *he* a *sufferer* by it? Instead of being so, he is, and to a matchless amount, a *gainer* by it. His vast—his *need*[*I*] *ess*,—his *useless*—his most *mischievous* income, so many times as great as that of the Head of the *Army*—is mainly constituted by it.

‘Theory! speculation! visionary! enthusiast! Utopian!’ Of words such as these is composed the only sort of answer, which the opposers of Law Reform—the defenders of established turpitude, are wont, or can find, to make, to such damning truths.

Head of the *Army*! I repeat the question. In any *Court Martial* that ever sits, would you have *five* years elapse, before so much as the *first* question received an answer? Would you have every *innocent* man, who, by some untoward occurrence, had been brought before a *Court Martial*, *regularly* plundered of his last shilling, before he received his acquittal? Well then: if you would not, and *forasmuch* as you would not, you are as undeniably a *theorist*, a *speculatist*, and so forth, as *I* *myself* am.

By the last Returns, a sum, within a trifle of £40,000,000 *forty millions* was lying *ingulphed* in *Chancery*.⁷ By *this* time, that sum must have been exceeded. By my plan, this vast sum would, within a trifle, be given to the right owners, instead of being, in so vast a proportion of it, divided by the lawyers amongst the lawyers, while the remainder remained in the gulph, ready to be drawn upon by *them* as occasion offered.

Supposing now, for a moment, this money given by you to those it belongs to. Behold! what a flood of gratitude! *I*, for *my* part, shall be in my grave: ‘my soul the flattering unction’⁸ will not reach. But *you*! You may still be where you are. Then will you, King-like, be anointed by it!

So much for *procedure*—judicial procedure—the system of *operations* and *written instruments*, which *should* be employed, and *professes*

⁷ According to ‘Court of Chancery. Returns Of the Amount of Effects of Suitors,—of Rehearings and Appeals before the Lord Chancellor and Vice-Chancellor,—and of the Number of Bankrupt Petitions which stood for hearing before the Lord Chancellor and Vice-Chancellor on the First day of Hilary Term 1829’, 23 February 1829, in *Commons Sessional Papers* (1829), xviii. 1–3, ‘the Total Amount of the Effects of the Suitors of the High Court of Chancery’ in 1828 amounted to £39,216,326 0s. 1d. Bentham’s copy of this document, on which he has noted ‘£40,000,000 impounded. Instructive. For Dispatch Court Bill &c.’, is at UC lxxxvi. 98.

⁸ *Hamlet*, III. iv. 147.

to be employed, for giving execution and effect to the rule of action—the guide, provided by Government, for the conduct of individuals.

Now for the rule of action itself.

Turn now to the *Articles of War*—the rule of action for *Military Men*. Instead of this, or any other, body of *really existing* law, composed of a determinate set of words, emanating from a body of men by universal consent authorized to make laws—to this visible and tangible rule of action would you, if it were in your power, substitute the contents of a *vast library*, continually increasing, composed of self-contradictory wrangling, talking backwards and forwards—pages, employed by *dozens, scores*, not to say *hundreds*, in pretending to settle the meaning of this or that *single word*—a meaning still more doubtful at the end of the palaver than it was at the beginning of it?—matter, replete with the most contemptible *absurdities* and pickpocket *lies*, under the name—yes, *avowedly* under the name—of *fictions*: coming, every syllable of it, from a set of men (the Judges) not one of whom so much as pretends to any such right as that of *making law*? but, on the contrary, as often as called upon, *abjuring* it, even at the very moment when employed in spinning, spider like, out of their own bowels, this same spurious matter, to which they give the *force* of law?

Instead of the *Articles of War*, put into every military man's *hands*,—suppose a Porter's load, of that same Lawyers' trash laid upon his *back*:—how would he know in what manner to conduct himself? how would he know in what manner to save himself from being *shot*? Instead of the *words of command* spoken, suppose so many dissertations, of the length of so many Chapters of Blackstone's Abridgement,⁹ put, one after another, into his hands, with a Lawyer placed beside him, ready, upon receipt of a few guineas, and not otherwise, to tell him the *meaning* of it:—this supposed, after how many *years*, of training in this mode, would he be found (think you) in a condition to face the enemy?

A *Law Reform Association*—a '*Noble Army of*' Reformists, some of them '*Martyrs*'¹⁰—An Army of this sort *I* am raising: a *Legion of Honour*, with *Members for Grand Crosses*. There, if *you* will head it, will be a *tower of defence* to you: a support from *without doors*. Ere long, you will see it in the field. Will you refuse the *command* thus offered? Instead of accepting it, will you openly throw your shield over the now so completely exposed turpitude, of the established and still continued system of pillage, and oppression, under the mask of Justice; or, (what

Rule of action—Best existing form, Articles of War.

Worst form, Common Law—Judge-made Law.

Law Reform Association—Agitation—Head it, Duke!

⁹ William Blackstone, *An Analysis of the Laws of England*, London, 1756.

¹⁰ The phrase 'the noble army of Martyrs' appears in the hymn 'Te Deum Laudamus' in 'The Order for Morning Prayer', *The Book of Common Prayer*, and is thought to allude to the 'great multitude' described in Revelation 7: 9–17.

13 DECEMBER 1829

TO LEICESTER STANHOPE

will be the same thing in *effect*) will you remain neuter and inoperative? Forbid it, honour!—Forbid it, Justice!

quoth your sincere
well-wisher,

Jeremy Bentham

Duke of Wellington.

3561

FROM JOHN CHARLES HERRIES

13 December 1829¹

M^r Herries presents his Compliments to M^r Bentham and acknowledges with many thanks the honor which M^r Bentham has done him by sending him a copy of his Work on Justice & Codification.²

Ash Grove
Seven oaks
13. Dec^r 1829

3562

TO LEICESTER STANHOPE

13 December 1829 (Aet 81)¹

My ever dear Leicester

Q.S.P. 13 Dec^r 1829

Sunday Evening

You would oblige me if you could look in upon me tomorrow between 1 and 2: if not then Tuesday morning² at the same hour.

Yours ever

J.B.

Hon. Leicester Stanhope

3561. ¹ BL Add. MS 33,546, fos. 341–2. Autograph. Docketed: '1829 Dec. 13. Petitions. Herries near Seven Oaks to J.B. Q.S.P. Thanks for Petitions.'

² i.e. *Justice and Codification Petitions*.

3562. ¹ UCL Library, Stanhope Letter Collection, no. 6. Autograph.

² 14 or 15 December 1829.

3563

TO LEICESTER STANHOPE
14 December 1829 (Aet 81)¹

Q.S.P 14 Dec^r 1829

My ever dear Leicester

You have played me a sad trick, in thus slipping through my fingers. I wished for authentic and determinate particulars about the expected advent of Col: Young and Ram Mohan Roy. Also conversation about the projected Law Reform Association. While undressing and performing the accustomed ceremonies necessitated by my infirmities, I will preach enquiries &c. as they happen to present themselves.

1. Col. Young—On what evidence rests the report of his being expected here in March?

2. How is it consistent with Mrs. Young's receipt of the two copies of my Petition Book to be sent there through a bookseller here?

3. If they are gone what hands will they fall into in his absence?

4. What if any is the expectation of his coming into Parliament on or soon after his arrival?—is any seat agreed upon for him; or has the expectation no other grounds than his general intention in that respect as declared before his departure?

5. Exists there any and what information of any fund made up in Calcutta for that purpose, after that which was made up for the expence of Mr. Crawford's agency?²

6. Ram Mohan Roy—A report of his coming over here in the character of Ambassador from the King or Emperor of Delhi has been in the Newspapers³—have you any such expectation? if so, on what foundation does it rest? What could be the inducement to the constituted authorities to permit such a Commission from a man of straw, whose Sovereignty is no more than nominal—the real being in them?

3563. ¹ UCL Library, Stanhope Letter Collection, no. 31. In the hand of Doane, except for the place and date, salutation, first paragraph, valediction, signature, direction, and postscript, which are in Bentham's hand. In the space above the relevant line, Doane has rewritten a number of the less legible words in the first paragraph. Docketed: 'From J. Bentham to L.F.S. Law Reform. R.M. Roy Journey to E^d. C' Young return from Ind. to En^d.'

² Crawford had been appointed by the Calcutta merchants to carry to London their petitions against the East India Company's imposition on 1 May 1827 of a stamp tax on commercial transactions in Calcutta. For further details see *Correspondence*, xii. 430 n.

³ See, for instance, reports in the *Bristol Mercury*, 1 December 1829, p. 4, and the *Sheffield Independent*, 5 December 1829, p. 2, that Roy was said to be likely to visit Britain 'ere long in the capacity of Ambassador . . . to this Court, from one of the Princes of Hindoostan'.

Law Reform Association.

In the *Morning Chronicle*, the | | of this month, appeared a short letter, conveying an idea of an institution for this purpose.⁴ Much about this time, I, knowing nothing of the above, the same idea came into my head, and began to be communicated to those around me: of the number were Bowring & Cullen the Barrister, who has, I believe, the honour and advantage of being more or less known to you. Cullen has been about it already to divers M.P.s and other influentials, of whom his report as to this matter is in general favourable: he dined yesterday at Joseph Hume's, who came into it, but was for tacking to it an ill-judged crotchet, which he must and will be beaten out of—it was the combining into one institution an Association for Law Reform and one for Parliamentary Reform: obvious effect, driving from each in indefinite number those who but for the conjunction would have joined in it.—I am for beginning with Law Reform, as that which would pave the way for the other—whereas the effect of pushing for Parliamentary Reform, which, if carried at all, could not be carried for this dozen or score years, would be to absorb the attention during the whole of that time, to the exclusion of the other—the only one of the two for which I could do any more than I have done already.

Now for Law Reform alone. Cullen has spoken to Burdett, and reports that upon hearing of my approval he entered warmly into it:—Bowring makes a similar report in regard to John Abel Smith: and from his notion in accordance with former discourses in public and in private counts upon his father's hearty concurrence.⁵

With the assistance of Hume, Bowring and Cullen have made out a list of members and other influentials whom upon every occasion they intend to go on canvassing: several there are who before others had been engaged waited to see who would engage likewise—of this number, if I do not misrecollect, was Fergusson the quondam Calcutta Barrister.⁶ Bickersteth, who after reading in MS. the principal part of my Dispatch Court Bill gave the most unqualified approbation of it, is waiting (I saw him yesterday), before he lends his name to the Association, to hear what is said to it by Tyrrell the Conveyancer, whose mind is the master mind of Mr. Peel's Real Property Commissioners, distributing among the others their several

⁴ See 'Proposal for an Association for Promoting Legal Reform', *Morning Chronicle*, 1 December 1829, p. 3.

⁵ John Abel Smith (1802–71), financier and politician, MP for Midhurst 1830–1 and Chichester 1831–59, 1863–8, was the elder son of John Smith (1767–1842), MP for Wendover 1802–6, Nottingham 1806–18, Midhurst 1818–30, Chichester 1830–1, and Buckinghamshire 1831–5, Treasurer of the Board of Agriculture 1807–16.

⁶ Robert Cutlar Fergusson (1768–1838), barrister and judge.

TO LEICESTER STANHOPE

14 DECEMBER 1829

tasks. Tyrrell having become an enthusiastic disciple of mine, there can be little apprehension of the result. I believe I have already informed you of their having pledged themselves to me in black and white to give insertion in their Report to whatsoever I send them for that purpose⁷—how unpleasant soever it may be to their creator and giver of good gifts.⁸

Sir Alexander Johnston would in one way or other be of great use in this—he is still in Scotland. I have received from him a letter⁹ thanking me for a copy of my Petitions which is in readiness at the Westminster Review Office for any messenger of his¹⁰—had I seen you I should have expressed my hopes of your being of use there.

Can you have where you are—have your family any intercourse with the Strutts of Derby: some of them being Radicals of course you will look to that quarter. My Brother's family are intimate with one of them and his son the Barrister, a very clever young man, writes for the *Jurist*.¹¹

Cullen expressed some hopes in regard to your brother-in-law Tavistock,¹² to whom I believe he is known. What say you to this?

What can I say more?¹³

When may I look for your return? I am all impatience.

Yours ever

Jeremy Bentham

Hon. Col^l Leicester Stanhope

No mistakes I hope. Dictated, not read over. Weak eyes forbid it.

⁷ See Letters 3521 and 3523.

⁸ i.e. Peel.

⁹ Missing.

¹⁰ Johnston's copy of *Justice and Codification Petitions*, inscribed 'To Sir Alexander Johnston from Jeremy Bentham', is at BL shelf-mark C.61.c.16.

¹¹ William Strutt (1756–1830), cotton manufacturer, was the father of Edward Strutt (1801–80), first Baron Belper, politician, MP for Derby 1840–7, Arundel 1851–2, and Nottingham 1852–6, who had been admitted to Lincoln's Inn in 1823 and the Inner Temple in 1825 but never qualified as a barrister. According to Bentham (see Letter 3810), Edward Strutt was the author of 'Art. II.—Grand Juries', *The Jurist*, vol. i, no. 2 (June 1827), 190–202. Sir Samuel Bentham appears to have been on friendly terms with William Strutt: see M.S. Bentham, *The Life of Brigadier-General Sir Samuel Bentham, K.S.G. Formerly Inspector-General of Naval Works lately a Commissioner of His Majesty's Navy, with the distinct duty of Civil Architect and Engineer of the Navy*, London, 1862, p. 266.

¹² Tavistock was married to Stanhope's sister Anna Maria: see p. 32 n. above.

¹³ See Samuel Richardson, *Clarissa*, 7 vols., London, 1748, Letter XXIII, iv. 110, and Letter XXIII, vii. 92.

15 DECEMBER 1829

FROM DANIEL O'CONNELL

3564

FROM DANIEL O'CONNELL

15 December 1829¹

Merrion Square, Dec. [15],² 1829.

MY DEAR SIR,—I went to Drogheda on Saturday;³ and, therefore, did not read your last letter⁴ till Sunday.⁵ I came back to this town yesterday noonday:⁶ thus I account for not replying instantly, as you desired.

Now to reply to your questions: *1stly*, I read your former letters⁷ attentively, without being in any degree offended. Add—I was not—I am not—nor ever shall, or will be—I never can be offended with you.—Reason—because I deem you the most useful man to the world at large that I ever knew. I have scarcely ever read of any man who could fully compete with you in point of practical utility.

If you had not attacked Judge & Co. by direct face-blows, the absurd superstition, by which they were surrounded, would have protected a most unjust, mendacious, and vexatious system under their wings, for at least another century.

I cannot write more at present: but I *do* owe you a long letter—and thus promise to pay within the meaning of Lord Tenterden's act,⁸ which has already cost several hundreds of pounds to *discover* that meaning.—With the most sincere respect, yours most faithfully.

3564. ¹ Bowring, xi. 29, where it is misdated 13 December 1829. Reprinted in *Correspondence of O'Connell*, viii. 224–5. In Letter 3566 Bentham refers to the present Letter as that of 15 December 1829, which accords with the internal evidence that O'Connell presents regarding his movements. ² Bowring '13'.

³ 12 December 1829.

⁴ Letter 3555.

⁵ 13 December 1829.

⁶ 14 December 1829.

⁷ Probably Letters 3539, 3541, and 3542.

⁸ The Statute of Frauds Amendment Act of 1828 (9 Geo. IV, c. 14), commonly known as Lord Tenterden's Act, made a written memorandum necessary to the ratification of contracts made by infants when they came of age.

TO DANIEL O'CONNELL

18 DECEMBER 1829

3565

FROM CHARLES SINCLAIR CULLEN

15 December 1829¹

Tuesday night. Dec^r 15th 29

My dear Sir

I hope the foregoing memorandums will be of service to you.²

Very faithfully Yours

C. Sinclair Cullen

Bad as the administration of the Bankrupt Court is—its *process* is not *regular* but *natural* & therefore good.

There are no Bills or Declarations &c. &c. to establish the claims of Creditors—but the claimant & his opponents at once present themselves to the Commissioners or Judges & are examined *vivâ voce*, & their examinations taken down in *writing* only if necessary. The commissioners summon before them all persons required for the purpose of satisfactory information.

3566

TO DANIEL O'CONNELL

18 December 1829 (Aet 81)¹

Q.S.P. 18 Dec^r 1829

My dear O'Connell

This moment comes yours of the 15th:² heavy on my mind was the pressure from which it has relieved me. In comparison of former letters, however, there comes here a sort of coldness that prevents the relief from being quite complete: 'respect', yes: 'affection', mention or intimation of it, none. O'Connell! I love you with a *father's* love. A man at my age is old enough to be Grandfather to a Man of Yours.

3565. ¹ UC lxxxvi. 172. Autograph. Addressed: 'Jeremy Bentham Esq^{re} 2 Queen Sq^{re} Place West^r' Headed by Bentham: 'Dispatch Court Bill. Before Bankruptcy Commissioners, Proceedings Summary. Causes of inaptitude: 1. Judicatory many-seated. 2. Remuneration, per diem' and 'Bill. I. Judiciary. § X. Suits suitability. Bankruptcy Suit. Insolvency Suits.'

² Missing.

3566. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/3/209. Autograph, with corrections in the hand of Doane. Partially printed in Bowring, xi. 30, and in full in *The Irish Monthly*, vol. xi, no. 124 (1883), 549–50, where it is mis-dated 28 December 1829.

² Letter 3564.

18 DECEMBER 1829

TO DANIEL O'CONNELL

I had taken measures for causing inquiry—personal inquiry—to be made of you—whether the two successive letters of mine to you³ had come to hand; the book⁴ I take for granted has: for had it not, you, in this letter of yours, would have said as much. I have taken measures which I hope will be [in] time enough to be successful to stop this inquiry.

I am using my endeavours to form a *Law Reform Association* for our support. The greatest part of those whom I looked to,—M.P.'s in particular—are now out of town but the prospect is already a flattering one. Burdett enters into it warmly: and will I imagine be a proper person to take the lead: so, I was assured by a friend⁵ who applied to him in person. At the instance of some of the self-proposed Members I am drawing up a Plan for it.

Copies of my Petition Book I have sent to Wellington and Herries. Wellington has acknowledged the receipt.⁶ Herries writing *instanter* from the country expresses himself 'honored' by it.⁷

Petition for Dispatch Court by Equity Suitors. I have drawn up one which has been well approved.⁸ I am drawing up an Address to them relative to it: stating the information desired of them—with such part of the matter of the Bill as they have need to be informed of—intimation of the information requisite to me from them—need and means of secrecy till the time comes for moving for leave to bring in the Bill—including an offer of my house, as a place of meeting for such of them as have no fear of being known to others.⁹ No more at present is there time for from

Your's most cordially

Jeremy Bentham

Daniel O'Connell Esq^{re} M.P.

Odd enough—the very day on which the idea of the Association came into my head, and from thence on paper, I saw in the *Morn^g Chronicle* a letter or paragraph proposing it: a letter it was.¹⁰

³ Letters 3539 and 3542.

⁴ Possibly *Justice and Codification Petitions*.

⁵ i.e. Cullen: see Letter 3563.

⁶ For Wellington's reply to Letter 3560 see pp. 227–8 n. above. ⁷ See Letter 3561.

⁸ In Letter 3500 Bentham states that 'a practising Barrister of the first eminence', and in Letter 3563 refers explicitly to Bickersteth, had approved of a plan, presumably for the Equity Dispatch Court. For the petition see *Equity Dispatch Court Proposal*, § II, pp. 15–20 (Bowring, iii. 303–5).

⁹ For the address see *Equity Dispatch Court Proposal*, § I. Jeremy Bentham to the honest and afflicted among Equity Suitors, pp. 1–14 (Bowring, iii. 299–303), though there is no mention of the use of Bentham's house for a meeting of the petitioners.

¹⁰ See p. 234 n. above.

TO ALBANY FONBLANQUE

23 DECEMBER 1829

P.S. John Smith M.P., whose influentiality can not be a secret to you, has, with divers other M.P.s, signified his accession by Letter.¹¹ Joseph Hume, of course.

3567

FROM JAMES SILK BUCKINGHAM

22 December 1829¹

4 Brunswick Place
Regent's Park

My Dear Sir

Ever since my return I have been wishing to fix a day to come to see you: but the accumulated arrears of 6 months absence from home are not easily cleared away²—& I am still encumbered with them. In a week, however, I shall have time & will then try to come. In the meanwhile I have arranged to keep up the fire, especially among the middle ranks of society—by which perhaps it may pass to the upper.

I am always
My Dear Sir
Yours truly

J. S. Buckingham

3568

TO ALBANY FONBLANQUE

23 December 1829 (Aet 81)¹

Q.S.P. 23 Dec^r 1829

My dear Albany

Bowring has been acquainting me with his earnest desire to have the benefit of an Article from you for the next Review² on the subject

¹¹ Missing. In Letter 3569 Cullen asks Bentham to forward to him what appears to be this letter of Smith's.

3567. ¹ BL Add. MS 33,546, fos. 349–50. Autograph. Docketed, partly in the hand of an amanuensis: '1829 Dec 22, Buckingham, 4 Brunswick Place, Regents Park to JB QSP.'

² Buckingham was perhaps alluding to his lecture tours, for which see pp. 225–6 n. above.

3568. ¹ London School of Economics and Political Science, British Library of Political and Economic Science, Letter Collection, Vol. IV, fos. 55–6. Autograph.

² i.e. the *Westminster Review*.

23 DECEMBER 1829 FROM CHARLES SINCLAIR CULLEN

of my *Petitions for Justice and Codification* of which you have already I hope received a Copy, and my Dispatch Court Bill with its et cæteras and the Address from me to Equity Suitors,³ Copies of which will, I hope, follow it in time for the purpose. So much for Bowring's desire: but it can not be *more* earnest than mine is.

This will I hope be delivered to you by C. Sinclair Cullen, Barrister, Bankruptcy Commissioner, and of good practice[?] in Election causes—a talented, zealous, active and efficient new-found disciple of mine, who embraces with delight this occasion of making Your acquaintance.⁴ He will give you account of the Association forming for Law Reform and of the progress therein already made.

Your's ever

Jeremy Bentham

Albany Fonblanque Esq^{re}

3569

FROM CHARLES SINCLAIR CULLEN

23 December 1829¹

Wed^y.²

My dear Sir

Will you send to day the letters of Monck—Nugent—Smith³ & they will be forwarded to me.⁴ Any communications from you in my absence will be forwarded. A letter from Pendarves⁵ leads me to think we shall have him.

Y^{rs} in haste

SⁿClair Cullen

³ i.e. *Equity Dispatch Court Proposal*, § I.

⁴ According to Letter 3570, Cullen was soon afterwards at Brighton, where Fonblanque often visited for the sake of his health.

3569. ¹ BL Add. MS 33,546, fo. 351. Autograph. Addressed: 'Jeremy Bentham Esq^{re} 2 Queen Sq^{re} Place West^r.' Docketed: '1829 Dec. 23. Petitions. Cullen 1 Derby Street to J.B. Q.S.P. Asking back the three Letters from J. Smith &c. Sent by A.M.' A.M. was Arthur Moore. ² Bentham has added the date '23 Dec^r 1829.'

³ John Berkeley Monck (1769–1834), MP for Reading 1820–30, George Grenville (1788–1850), second Baron Nugent [I], MP for Buckingham 1810–12 and Aylesbury 1812–32, 1847–50, and John Smith. ⁴ Presumably at Brighton.

⁵ Edward William Wynne Pendarves (1775–1853), MP for Cornwall 1826–32 and Cornwall West 1832–53.

FROM JOHN MACCULLOCH

2 JANUARY 1830

3570

FROM CHARLES SINCLAIR CULLEN

26 December 1829¹

Dec^r 26th. Brighton

My dear Sir

I send you another letter² which makes me think Southampton will not do³—but here I am ready to attend & aid any friend of yours—who will by a note summon me to join him at Southⁿ.

Y^{rs} &c.

SⁿClair Cullen

3571

FROM JOHN MACCULLOCH

2 January 1830¹

Dear Sir

I return you many thanks for your book²—& somewhat more for recollecting me at all, after such lapses of time. I went down to Queen Square Place after my return this winter to pay my respects to you, that is, by a card, & returned re infectà because I had not a Card. The said Card shall be carried to you as soon as this lovely weather permits, though I am no nearer to seeing The Man than before.

Yours very sincere
& obliged
&c. &c. &c.

J. MacCulloch

3570. ¹ BL Add. MS 33,546, fos. 352–3. Autograph. Addressed: 'Jeremy Bentham Eq^{re} 2 Queen's Sq^{re} Place West^r' Stamped: illegible. Postmarked: '2·A·NOON·2 / 26·DE / 1829'. Docketed in the hand of an amanuensis: '1829 Dec. 26. Cullen Brighton to JB QSP.'

² Missing.

³ The death of William Chamberlayne (1760–1829), MP for Christchurch 1800–2 and Southampton 1818–29, on 10 December 1829 had created a vacancy.

3571. ¹ BL Add. MS 33,546, fos. 354–5. Autograph. Addressed: 'Jeremy Bentham Esqre &c. &c. &c.' Docketed in the hand of an amanuensis: '1830 Jan. 2. MacCulloch to J.B. QSP. Venturit.'

John Macculloch (1773–1835), surgeon and geologist.

² Possibly *Justice and Codification Petitions*.

5 JANUARY 1830

FROM JOHN TYRRELL

3572

TO ROBERT PEEL

2 January 1830 (Aet 81)¹

M^r Bentham takes the liberty of sending the accompanying parts of the about-to-be published Petitions for Justice and Codification, with the request, that with the parts some months ago sent to M^r Peel,² antecedently to the sending of an entire Copy, they may be sent by M^r Peel to his friend Mr. Wilmot Horton.³

Queen's Square Place Westminster ~~31 Dec^r 1829.~~
2 Jan^y 1830.

3573

FROM JOHN TYRRELL

5 January 1830¹

Lincolns Inn 5 Jan^y

My dear Sir

I am compelled by a violent cold and inflamed throat (which prevent me from going out at night) to deny myself the pleasure, to which I have been sometime looking forward, of passing an hour with you this evening. I hope to be perfectly recovered in a few days, & I shall feel much gratified if you can spare me an hour on any evening in the next week except Tuesday and Saturday.² In the meantime I shall hope to be favored with a sight of some of the sections of the Dispatch Court Bill. I remain

My dear Sir,
Your much obliged

John Tyrrell

Jeremy Bentham Esq.

3572. ¹ Peel Papers, BL Add. MS 40,400, fos. 5–6. Autograph. Docketed: 'Jan: 2. 1830. J. Bentham Esq. A 12. Requesting M^r Peel to forward copies entitled "Justice & codification Petitions by J. Bentham." The copies were sent to M^r Horton thro the Foreign Office Jan. 12. merely saying "forwarded to M^r Horton by M^r Bentham's request.'" Copy, in the hand of George Bentham, at UC xi. 345, dated 31 December 1829 and endorsed (date and direction in Moore's hand, the remainder in Bentham's): '1829 Dec. 31. J.B. Q.S.P. to Peel. Request for his transmitting Sheets of Petitions for Justice to Wilmot Horton.'

Robert John Wilmot-Horton, formerly Wilmot (1784–1841), politician and colonial governor, Under-Secretary of State for War and Colonies 1821–8, Governor of Ceylon 1831–7.

² See Letter 3491.

³ Wilmot-Horton was in Paris at this time.

3573. ¹ BL Add. MS 33,546, fos. 356–7. Autograph. Docketed: '1830 Jan. 5. Tyrrell Linc. Inn to J.B. Q.S.P. Æger, non venit: Bill asked for.' ² 12 and 17 January 1830.

3574

TO JOHN NEAL

5 January 1830 (Aet 81)¹

My dear J.N., a word or two just to certify to you that I exist, and that I hold you in kind remembrance.

The works I have sent, and am sending, speak for themselves.²

Your prosperity rejoices me.

The collections you made and left me are a valuable legacy; they are of very considerable use to me.³

I feel nothing that should hinder me from living a year or two longer.

Sight, I fear, will not last as long as life.

I can no more. Every moment I give to individuals I regard as stolen from mankind.

You have fought the good fight of faith.⁴ Persevere!—Yours most truly,

JEREMY BENTHAM.

3574. ¹ John Neal, 'Jeremy Bentham', in 'Phantasmagoria—No. 2', *American Phrenological Journal and Life Illustrated*, vol. 47, no. 6 (June 1868), 208–11 at 210, where it is introduced as follows: 'In looking over some old letters, not long since, which were saved from the great Portland fire, I found the following from Mr. Bentham—the last he ever wrote me—and among the very last he ever wrote anybody. It is made up of short characteristic paragraphs, like minute-guns, or axioms, and is dated "Q.S.P.," meaning Queen Square Place, Westminster, "5th January, 1830."'

Neal had lived with Bentham during 1826 and went on to translate the first volume of *Traité de législation civile et pénale* as *Principles of Legislation: from the MS. of Jeremy Bentham; Bencher of Lincoln's Inn. By M. Dumont, Member of the Representative and Sovereign Council of Geneva. Translated from the Second Corrected and Enlarged Edition; with notes and a biographical notice of Jeremy Bentham and of M Dumont*, Boston, 1830.

The Great Fire of 4 July 1866 at Portland, Maine, destroyed around 1,800 buildings.

² Neal adds: 'He had just sent me the "Rationale of Evidence," in 5 vols., royal octavo, edited by John Stuart Mill.'

³ Neal adds: 'Referring to a collection of cases from Dane's Abridgment, which he wanted to work into an improved system of jurisprudence, just as he had worked the principles of certain British cases into Humphrey's Property Code, as it appears in the *Westminster Review*.' While Neal was residing at Queen Square Place he had assisted Bentham with his projected 'Penal Code'. His precis of passages from Nathan Dane, *An Abridgment and Digest of American Law, with occasional notes and comments*, 9 vols., Boston, 1823–9 (of which the first eight volumes had appeared at the time), is at UC lxiv. 178–297.

⁴ I Timothy 6: 12.

9 JANUARY 1830

FROM LINCOLN STANHOPE

3575

FROM CHARLES SINCLAIR CULLEN

7 January 1830¹

Friday 4½ p.m.

My dear Master

Out of town yesterday—& only this moment received your note.² If this Evening suits you to receive me, I will come at any hour you name. The bearer will bring your answer to the Wyndham Club³ where I dine. I had written a note to you 2 days ago—but it was mislaid. I am anxious for a *prospectus* of our law-reform Association.

I am your faithful
&c. &c.

C. Sinclair Cullen

3576

FROM LINCOLN STANHOPE

9 January 1830¹

L^t Colonel Stanhope presents his compliments to M^r Bentham & begs to acknowledge the favour of his note² this moment received on his return to London from Derbyshire where he left his Brother Leicester who will certainly be in town in the course of two or three days.

Amongst the letters in the possession of his brother's servant Colonel Stanhope does not perceive any does not observe any³ in Mr. Bentham's handwriting.

Stable yard Jan^y 9. 1830

Colonel Leicester Stanhope's direction is Elvaston, Derby.

3575. ¹ BL Add. MS 33,546, fos. 360–1. Autograph. Addressed: 'Jeremy Bentham Esq. 2 Queen Sq^{re} Place West^r.' Endorsed: 'S. Cullen.' Docketed: '1830 Jan. 7. Cullen to J.B. Q.S.P. Venuit hodie. For Law Association.'

² Missing.

³ The Wyndham Club was located at 11 St James's Square.

3576. ¹ BL Add. MS 33,546, fos. 362–3. Autograph. Docketed: '1830 Jan. 9. Lincoln Stanhope Stable Yard to J.B. Q.S.P. Leicester in 2 or 3 days.'

Lincoln Edwin Robert Stanhope (1781–1840), army officer, was a younger brother of Leicester Stanhope.

² Missing.

³ The repetition appears to be a slip.

FROM ROBERT PEEL

12 JANUARY 1830

3577

TO AN UNIDENTIFIED CORRESPONDENT (AET 81)

10 January 1830¹

Q.S.P. 10 Jan^y 1830

Dear Sir

I have once more to apologize for decayed memory and procrastination. Your favour of the 5th instant came in due course.² It inclosed the duplicates of a Bill from Hamburgh drawn in a name which I can not read, on another name which I can not read, for £250 which I can read. Instead of £219.15^s: 9^d which it seems was regularly due, comes this same £250: by which moreover the 20 days and the stamp are saved. I am duly sensible to this kind attention and substitution, and am accordingly

Dear Sir

Your obliged Servant,

Jeremy Bentham.

3578

FROM ROBERT PEEL

12 January 1830¹

Whitehall

Jan. 12. 1830

M^r Peel presents his compliments to M^r Bentham and will forward to Paris to M^r Wilmot Horton the enclosure which accompanied M^r Bentham's Note of the 2nd January.²

Jeremy Bentham Esq
Queen Square Place
Westminster

3577. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.43. Autograph.
² Missing.

3578. ¹ UC xi. 346. Autograph. Docketed: '1830 Jan. 12. Peel to J.B. Q.S.P. Will forward the Petition Book fragments to Wilmot Horton at Paris.' An autograph draft is in the Peel Papers, BL Add. MS 40,400, fo. 6.
² Letter 3572.

15 JANUARY 1830

TO JABEZ HENRY

3579

TO LEICESTER STANHOPE

13 January 1830 (Aet 81)¹

Q.S.P. 13 Jan^y 1830

My ever dear Leicester

Inclosed is a letter from Buckingham.² I suspect he had seen you when he wrote it; and that it is the fruit of the interview.

Have the goodness to forward it to Bowring.

I had just finished the word Bowring when Your Messenger brought me your letter,³ which converts the suspicion into certainty. Oh! you are a rare fellow!!!

Sunday⁴ at *one* is the time he mentions: and which accordingly is fixt. I shall not now inclose his Letter.

To owe this to you is truly delightful to me.

3580

TO JABEZ HENRY

15 January 1830 (Aet 81)¹

Q.S.P. 15 Jan^y 1830

My dear Sir

International law as it ought to be—Leading principle the Greatest Happiness principle. No small satisfaction would it be to me to see this

3579. ¹ UCL Library, Stanhope Letter Collection, no. 32. Autograph. Docketed: 'J.B. to L.F.S. relative to Buckingham being engaged to give Bentham Lectures on Law Reform & Codification.'

² Missing. The subject was presumably Buckingham's proposed law reform lectures: see Letter 3586. The following note, in the hand of George Bentham, except for the heading and date 15 January 1830 in Bentham's hand, appears on a sheet headed 'Law Reform Association Lectures', sub-headed 'Proposal', at UC lxxxv. 188:

'Proposed arrangements to choose out of.

'1. That the Lectures should be given for account of M^r Buckingham.

'2. that they should be delivered for account of the Subscribers—they taking the entrance money and paying M^r B. for the Lectures at a fixed rate.

'3. that a *minimum* sum be guaranteed to M^r Buckingham, to be made up by Subscribers, if so much should not be received from the Lectures.'

³ Missing.

⁴ 17 January 1830.

3580. ¹ Letters of J. Bentham, etc., BL Add. MS 30,151, fos. 19–20. In the hand of Moore, with the exception of the address, date, salutation, corrections to the text, valediction,

subject treated of, by the light of this same principle; *before I die*—as a moribund man such as myself is apt to go on and say: as if he were to see things in this wicked world afterwards. If I knew any man likely to treat it more to my satisfaction than yourself, I should propose it to *him*: but as I do not, I take the liberty of hereby proposing it to *you*. It is by your work intituled '*Foreign Law*'² that this idea has been suggested to me: although of course the law there in question is law as *it is*, including what it is supposed to be. Of inter-national law as *it is* the principal part of the matter is composed of treaties between State & State: of what it is *supposed to be* the matter is composed of deductions from those same *written instruments*; and from the *operations* of the several States in relation to one another. But this is not all. Other matters belonging to the subject are—the variations the demand for which is presented to the government of every State by the circumstance that the individual thing on which, or person on whom or in favour of whom or at the charge of whom it has it in contemplation to exercise its several powers, for its several *purposes*, on the several *occasions*, in question, is—not a thing or person belonging in ordinary & for the most part to this same Government itself, but one belonging to some *other* Government.

Between sleeping and waking I am thus insensibly running over a ground, which I have I believe touched upon already, and on which therefore there was little use, overwhelmed as I am with the urgent business of the day, in my setting my foot. The first thing a man has to do in *building*, is to see and settle in its whole dimensions the ground he has to build upon; to my own purpose, at any rate, possibly these few hints, broken as they are, may be not altogether without their use. What I should have been, and should still be, glad to do, is—to *circumscribe* it in every direction: but this is not yet done.

As to the matter of *prisons*, it is with unfeigned regret I have to say to you that it is not in my power to do that which you do me the

direction, and postscript, which are in Bentham's hand. A copy of the first paragraph, endorsed 'Extract from M^r Jeremy Bentham[s] Note 15 Jan^y 1830 to M^r Henry', is at UCL Library, Brougham MS. 26,004. Printed, with the exception of the final paragraph and postscript, in Bowring, xi. 34.

The content of the present Letter is puzzling, given that Bentham appears to have previously mentioned his hope that Henry would 'undertake a New Edition of Vattel' (see Letter 3513) and had sent him several manuscripts on international law on 15 July 1829, unless Bentham had failed to recollect the previous exchange.

² J. Henry, *The Judgment of the Court of Demerara, in the case of Odwin v Forbes, on the plea of the English Certificate of Bankruptcy In Bar, in a foreign jurisdiction, to the suit of a foreign creditor, as confirmed in appeal, with the authorities, and foreign and English cases. To which is prefixed A Treatise on the difference between personal and real statutes, and its effect on foreign judgments and contracts, marriages and wills. With an appendix, on the present law of France respecting foreigners*, London, 1823, known as *Henry's Foreign Law*.

17 JANUARY 1830

TO DANIEL O'CONNELL

honour to wish to see done by me. I have not time sufficient for a load of business of my own that presses upon me: and *this* subject is by a particular circumstance rendered distressing and hateful to me:³ especially despairing, as I do, of seeing any thing, that to me seems fit to be done, put to use.

I think I must have said more or less to you on this subject before now. But if you will favour me with your company at the social hour on Monday next,⁴ it will be matter of sincere pleasure to me to talk over with you these & other matters:

Dear Sir
Your's most truly

Jeremy Bentham

Jabez Henry Esq^{re}
&c. &c. &c.

P.S. After the imperfectly legible scrawl, from which this was copied, had been written, and this Copy taken of it, came the need of a *flying engagement*, which can not be *fixt* till a few days are over. It being of very considerable importance, I must postpone my hope of the pleasure of seeing you, accordingly. I take the liberty of keeping your paper⁵ till I have the pleasure of seeing you.

3581

TO DANIEL O'CONNELL
17 January 1830 (Aet 81)¹

Q.S.P., 17th January, 1830.

Thanks, my dear O'Connell—thanks in abundance—thanks in abundance—they cannot be too many—for your long, efficient, delightful public letter.²

³ Bentham presumably had in mind the failure of the panopticon penitentiary scheme.

⁴ 18 January 1830.

⁵ Not located.

3581. ¹ Bowring xi. 32–3.

² Bentham no doubt had in mind O'Connell's 'Letter III. To the People of Ireland', dated 7 January 1830, printed in the *Freeman's Journal*, 9 January 1830, p. 3 (Letters I and II had appeared in *ibid.*, 2 January 1830, p. 2, and 7 January 1830, p. 2, respectively) in which he promised to put forward a series of measures of radical political and legal reform in the forthcoming Parliament and stated: 'It will be thus perceived that I am a thorough Benthamite, and entirely concur in the benevolent plans of that illustrious man. This is not the place for further details of law reform, and perhaps I have extended this topic too much, as the simple profession of the Benthamite creed shows my determination to endeavour to make the law rational, cheap, and expeditious.'

TO THOMAS SOUTHWOOD SMITH

19 JANUARY 1830

For this same Association *rediviva* of yours³—I forget the name of it, and have it not before me—I will contribute either £5 or £10, which you please, if you think it would contribute anything over and above the money, to the great cause. Advance the money: I will pay you on your arrival. You would have more—much more—if my means were in any degree commensurate to my wishes; but I have almost run myself dry, by my long-continued and persevering libations to the public service. You see the cancelling line: my eyes are waxing every day dimmer and dimmer, and my mind more and more oscillatory, or say tottering, or toddling, like my walk. I neither see what I am writing, nor remember one moment what I had just been writing the moment before. But this does not in any material degree diminish my cheerfulness—nor, if the spontaneous and unanimous declaration of all my visitors as well as inmates is to be believed, in any degree deteriorate my looks.

3582

TO THOMAS SOUTHWOOD SMITH

19 January 1830 (Aet 81)¹

Q.S.P. 19 Jan. 1830

Dear Sir

I understand from D^r Bowring that at the instance and expense of Mr. John Smith MP you reedited D^r Livingston's proposed Louisianian Penal Code as it then stood:² I am not certain whether he did not add that an article on this subject by you was sent to and published in 'the Jurist'.³ Not long ago I had the honour of receiving from D^r Livingston the letter a copy of which you will see in the herewith inclosed printed sheet.⁴ As to the Penal Code which that letter accompanied, namely the Penal Code in an augmented & amended state with the

³ i.e. the Parliamentary Intelligence Office: see Letter 3589.

3582. ¹ UC x. 205–6. Draft in the hand of Doane. The state of the handwriting suggests that the present Letter was dictated by Bentham. UC x. 205 is headed '1830. J.B. to D^r Southwood Smith', to which Bentham has added in his own hand 'On Livingston's Code', and x. 206 is headed '1830. Jan. 19. J.B. to Southwood Smith'.

² i.e. Livingston, *Project of A New Penal Code for The State of Louisiana*, which was Smith's edition of Livingston's 'Report made to the General Assembly of the State of Louisiana, on the Plan of a Penal Code for the said State', New-Orleans, 1822.

³ 'Art. V.—Jurisprudence of Louisiana', *The Jurist*, vol. ii, no. 3 (April 1829), 434–60: see also p. 203 n. above.

⁴ A version of Letter 3520 from Edward Livingston was included in 'Second Supplement to Codification Proposal. Part II. Testimonials', pp. 117–18 (*Legislator of the World* (CW), pp. 382–4).

23 JANUARY 1830

FROM JAMES SILK BUCKINGHAM

addition of a Procedure Code Penal & Civil,⁵ both which that same letter served to introduce, overwhelmed as I am with business of my own which admits not of any the least postponement, it is altogether out of my power to do to it what he appears to wish. As you have already taken hold of & obtained complete mastery over the subject, perhaps you would have no objection to the taking it up in its present riper state and out of it making an Article for 'The Jurist', to whose Editors⁶ D^r Bowring mentioned the matter & they are prepared to receive it from you. If it were agreeable to you to pursue the course of usefulness you have thus begun in, it will be good news for the illustrious philanthropist, to whom I have delayed making answer till I tried whether this ulterior illustration could not be procured for him. Your answer to this, more particularly if it be a consenting one, will much oblige

Yours most truly
(signed)

Jeremy Bentham

D^r Southwood Smith.

In this application D^r Bowring concurs with me.

3583

FROM JAMES SILK BUCKINGHAM

23 January 1830¹

Saturday

Jan 23. 1830

My Dear Sir

I will be with you to morrow at $\frac{1}{4}$ past 7 without fail: and am always

Yours truly

J. S. Buckingham

⁵ See p. 167 n. above.

⁶ Joseph Parkes (1796–1865), election agent and reformer, Henry Bickersteth, and Sutton Sharpe.

3583. ¹ BL Add. MS 33,546, fos 364–5. Autograph. Docketed, in the hand of an amanuensis: '1830 Jan. 23. Buckingham to J.B. Q.S.P. Pransurus 24.'

TO LEICESTER STANHOPE

26 JANUARY 1830

3584

FROM THOMAS SOUTHWOOD SMITH

26 January 1830¹

My Dear Sir

If I can be of the least service in rendering the work of M^r Livingstone known in England I shall be very happy.² I was so much gratified with his first report that I published it myself³ when only three copies had been sent to England. After it had been some time published, M^r John Smith begged to be allowed to bear the expense, to w^h I consented, he being a rich man & I not being rich. No paper accompanied your note so that I do not know precisely the kind of Article which w^d be acceptable to the Jurist, but if it be to give an analysis of the code w^h any observations that may occur to me upon it, I shall undertake the task with much pleasure.

I am ever
Most truly Yours

Southwood Smith.

36 New Broad St^t
Jan^y 26 / 30

3585

TO LEICESTER STANHOPE

26 January 1830 (Aet 81)¹

Q.S.P.

26 Jan^y 1830
Tuesday

My ever dear Leicester

What say you to a gossip here next Thursday?² It is the only day I have free till Monday:³ and I hope to have to shew you on this same

3584. ¹ BL Add. MS 33,546, fos. 366–7. Autograph. Docketed: '1830 Jan: 27. Southwood Smith 36 New Broad Street to J.B. Q.S.P. On Article on Livingston's Code for Jurist.'

² For Bentham's suggestion that Smith write an article for *The Jurist* on Livingston's proposed penal and procedural codes for Louisiana see Letter 3582.

³ i.e. Livingston, *Project of A New Penal Code for The State of Louisiana*.

3585. ¹ UCL Library, Stanhope Letter Collection, no. 7. Autograph. Docketed: 'J.B. to LFS. Dispatch Court. Buckingham Lecture on Law Reform.'

² 28 January 1830.

³ 1 February 1830.

26 JANUARY 1830

FROM JAMES SILK BUCKINGHAM

Tuesday,⁴ the whole of the Despatch Court Proposal in a printed state, though perhaps the last sheet not revised.

Yours ever

Jeremy Bentham

P.S Buckingham dined with me yesterday,⁵ and promised to send me his plan including *terms* in writing for circulation: but the promise is not yet performed.⁶ I wish it were; Bowring being so soon to start for his northern progress.

Buckingham proposes *Derby*, as the first place to begin lecturing at.

3586

FROM JAMES SILK BUCKINGHAM

26 January 1830¹

Copy.

4 Brunswick Place, Regent's Park

Jan. 26, 1830.

My Dear Sir

1. I have given the subject of the proposed Lectures on Law Reform due consideration: and submit to writing, according to your wish, the terms on which I should be willing to undertake to deliver them in the country.

2. In lieu of any fixed sum as a premium for commencing them (such as the £100 we first talked of) I think it would be best for both parties that a certain sum should be given for each Lecture delivered; and that as the experiment proceeded, it should be optional with either party to discontinue the engagement, according to their respective views of its utility or otherwise.

3. In looking through the expences of the past year, I find that upon an average of the whole—taking in large places & small—the

⁴ 2 February 1830, but perhaps a slip for 'Thursday', since it appears from Letters 3587 and 3588 that Stanhope visited Bentham on 28 January 1830.

⁵ 25 January 1830. According to Letter 3583, however, Buckingham was due to dine with Bentham on 24 January 1830.

⁶ See Letter 3586, which, according to Letter 3587, Bentham received on 27 January 1830.

3586. ¹ UC lxxxv. 189–90. In the hand of an amanuensis, except for the following heading at UC lxxxv. 189, which is in the hand of Doane: 'Jan. 27, 1830. Mr. Buckingham's Plan & Terms for a Course of Orations on Law Reform'. UC lxxxv. 190^r and 190^v have the same heading, in the hand of the amanuensis, but with the date rendered as '27. Jan. 1830.' The present Letter, 'divided into articles, & with a margin for the reception of observations', is the copy or a similar copy to that referred to in Letter 3587.

expende of each Lecture actually paid by me, for advertizing, rooms, lights, attendants, etc. has been about ten Guineas:—independently of travelling charges—living, &c.

4. What I should propose, therefore, would be—that for each Lecture delivered by me on Law Reform—I should receive from the Society² the sum of Ten Guineas, as the amount of the bare cost which would have to be paid by myself: and that I should trust entirely to the receipts from the audience for the repayment of my travelling expences, living, and remuneration for time & trouble.

5. If the Association should think that the whole matter might be brought within the compass of one or two Lectures of an hour & half each—I should be content.

6. And if made a short course of Three Lectures to embrace all that c^d be desired—I sh^d be equally willing so to extend them.

7. The advantages of the last w^d consist not merely in the more complete elucidation of the subject, but in the growing interest which is produced by a *continuous* Course: as I have always found that a first audience is cold—a second begins to warm—and a third gets fully imbued with the spirit & energy of the subject.

8. If this were approved, I think I c^d engage to give a short course of Three Lectures in some one principal Town of England each Month: and Associations & Petitions w^d as assuredly spring out of this as out of my labours [on]³ the East India Question.

9. I send you a Report of these: & at p. 68 you will see the Plan & Object—& the advantages of more than one discourse painted from experience.⁴

10. The divisions—which I think the subject w^d bear—w^d be

11. *1st Lecture*—General Importance of good Institutions as above every other consideration in promoting the prosperity & happiness of nations.

12. With striking examples of the effects of *bad* institutions from the history of the most distinguished nations of the world.

13. Summing up—to show that great wealth is an evil in a nation unless just distribution can be secured:—

14. And that this depends entirely on the nature of the laws—and the mode of their administration.

15. *2nd Lecture*—Ignorance & absurdity betrayed by the Laws of England generally—with as many powerful illustrations from facts as

² i.e. the proposed Law Reform Association.

³ MS 'one'.

⁴ See 'Plan, Object, and Improved Arrangement of Mr. Buckingham's Lectures on the Eastern World', in *Explanatory Report on the plan and object of Mr. Buckingham's lectures on the Oriental World*, pp. 21–3. It is possible that the page number in the present Letter has been mistranscribed by the amanuensis or that Buckingham had presented Bentham with a manuscript version of his pamphlet.

27 JANUARY 1830

TO LEICESTER STANHOPE

can be collected, both in Civil & Criminal Judicature—with forcible comments on each.

16. *3rd Lecture*—Causes of continued imperfection in our Institutions to be found in the sinister interest of the various parties, Legislators, Judges, Barristers, Attornies & Officers of Courts, in the ambiguity & complication of details—all tending to prolong suits, & increase delay & uncertainty.

17. From Causes, remedies easy to be inferred,—namely, removal of all these causes & the substitution of simplicity, intelligibility, and just principles.

18. Conclusion. Appeal from the People indispensable—Associations—Petitions &c. recommended as requisite in every town in England.

19. This is at least my own rude sketch of the division. It w^d be useless to treat it lightly or superficially. It sh^d be done with fullness & energy; so as to carry conviction to all hearers: & no shorter arrangement than this w^d I think effect it.

20. And for the expence, it w^d be of no great moment to a Parent Association formed in London: for the cost of each Lecture w^d not be more than w^d be incurred by any attempt to get up a Public Meeting, proceeding in the most economical way possible.

21. For the present perhaps this will suffice. I will be with you again on Sunday⁵ at ¼ past 7 to dinner:—and am always

My dear Sir

Yours very truly

(signed) J S Buckingham

3587

TO LEICESTER STANHOPE

27 January 1830 (Aet 81)¹

My ever dear Leicester

Q.S.P. 27 Jan^y 1830
6 P.M.

Just received from Buckingham the inclosed Letter.² It appears to

⁵ 31 January 1830.

3587. ¹ UCL Library, Stanhope Letter Collection, no. 33. Autograph, with the exception of the postscript, which is in the hand of George Bentham. Addressed: 'To The Honble Col^l Leicester Stanhope Earl of Harrington's Stable Yard.' Endorsed: 'J.B. Q.S.P.' Docketed: 'From J.B. to LFS relative to Buckingham Lecture on Law Reform.'

² Presumably the original of Letter 3586.

FROM LEICESTER STANHOPE

28 JANUARY 1830

me that he does not concur with you as to the person whose name the Lectures should bear.³

I thought it might be of use that no time should be lost in your seeing this.

As to the other points they will keep till we meet tomorrow.

Ever Yours

J.B.

I have got taken a copy divided into articles, & with a margin for the reception of observations⁴ that may be made by any person through whose hands it passes—Bowring will see it on Friday⁵ & perhaps in the mean time Cullen.

3588

FROM LEICESTER STANHOPE

28 January 1830¹

My dear M^r Bentham—

Buckingham's Prospectus appears to be good—for nothing. A Buckingham lecture w^d be ridiculous—what we want is a Bentham Lecture—under some less virtuous more popular title. Let it be under the authority of the Association² but the matter taken from the Petition for Justice.³

The Outline must be drawn by you—or rather it is drawn in the Petition for Justice. To that Buckingham must stick instead of starting to brave the storm in his own frail Cock boat.

To night I shall have the delight of seeing you.

Yours

Leicester Stanhope.

³ Stanhope appears to have suggested that the lectures should be named the Bentham Lectures: see Letter 3588.

⁴ i.e. the copy or a similar copy to that reproduced as Letter 3586.

⁵ 29 January 1830.

3588. ¹ UC lxxxv. 193. Autograph. Addressed: 'To J. Bentham Esq^{re} Queen Square Place Westminster.'

The present Letter is undated, but Stanhope is responding to the outline of Buckingham's proposed lectures on law reform in Letter 3586. In Letter 3585, moreover, Bentham had invited Stanhope to dinner on 28 January 1830 and in Letter 3587 had confirmed the arrangement.

² i.e. the Law Reform Association.
³ 'Petition for Justice', in *Justice and Codification Petitions*.

28 JANUARY 1830

FROM LEICESTER STANHOPE

[ENCLOSURES]⁴

M^r Buckingham's proposals

2. 8.—10 guineas a lecture & 3 lectures in each town—would be 30 guineas a town—& one town a month would be 360 guineas a year. This is beyond any expected means [and] would be a misapplication of them. The 100£ M^r Bentham & M^r Buckingham first thought of would be exhausted in 3 towns.

4. M^r Buckingham must wait till the Society be formed, before he can rely on the '*Society*'.

5–7. 11 to 18. I think two lectures enough—& that the only material part of M^r Buckingham's 1st lecture would be 14.

For my own part however I think lectures in 3 or 4 towns by M^r Buckingham would be enough—I expect we shall soon be able to find local lecturers—once our '*Society*' is organized.

Lectures on Law Reform.

Object of the Lectures. To beat down the Sham Science & to substitute a real Science of Law—i.e. a good rule of action & Judicatories under Checks to promote the greatest happiness.

History of Law institutions in the famous Countries of Antiquity—& of Modern times.

History of Law institutions in England—under Saxons—Normans—& at present—also in British India & Colonies.

English Legislators—Namely Parliaments—Chancellors—Judges—Clerks—their characters and conduct defined.

Discussion on the 14 Heads of the Sham Science as defined in Page 8 of the Petition for Justice.⁵

Codification Proposal—History of famous Codes—Strictures on English Codes—or Chaos of Law.

Remedies proposed—A Code with Reasons—Dispatch Courts—Checks.

Means of obtaining the end—Exposure—Lectures—Associations—Petitions.

N.B. Text Book for Sham Science Blackstone—Text Book for real Science Bentham.

L.F.S.

⁴ It is possible that the following comment on Buckingham's proposed lectures (see Letter 3586) at UC lxxxv. 191, and the alternative proposal for '*Lectures on Law Reform*' at lxxxv. 192, were enclosed with the present Letter.

⁵ i.e. the fourteen '*devices*' listed by Bentham at '*Petition for Justice*', p. 8, in *Justice and Codification Petitions*.

FROM EDWARD DWYER

28 JANUARY 1830

3589

FROM EDWARD DWYER

28 January 1830¹

26 Stephen St

Dublin 28th Janu^y 1830

Sir

My friend M^r O'Connell has just handed me Five Pounds as your Subscription to the Parliamentary Intelligence Office.

Permit me to express the high Sense I entertain of the honor conferred upon me by the Support of your invaluable name which be assured I consider of more value to this infant Establishment than ten times the amount of your very liberal Subscription. I entertain the strongest hope that this Office will prove eminently useful, aided and assisted as I know it will be, and shall only further add, that no exertion Shall be wanting on my part to render it efficient.

With Sentiments of the highest respect—I have the honor to Subscribe myself

Your most obed^t humble Serv^t

Edward Dwyer
Agent

J. Bentham Esquire

3589. ¹ National Library of Ireland, MS 34,985. Autograph. This Letter was enclosed with Letter 3592, which also carries the relevant docket.

Edward Dwyer (d. 1838) had been Secretary of the Catholic Association. In 'Letter II. To the People of Ireland', dated 3 January 1830, published in the *Freeman's Journal*, 7 January 1830, p. 2, O'Connell explained that the Parliamentary Intelligence Office in Dublin would 'facilitate the preparation and forwarding of petitions, and the transacting all other parliamentary business in Ireland' and would be a place where persons resident in Ireland would be able to obtain 'information on all subjects connected with proceedings in both Houses of Parliament, and through which all proceedings and other documents can be transmitted to London'. The Office would be managed by Dwyer and hence a subscription, set at £1 for those resident in Dublin and 10 shillings for those resident in the country, would be 'necessary to defray Mr. Dwyer's expenses, including compensation for his trouble'. In Letter 3581 Bentham had asked O'Connell to advance a contribution of either £5 or £10 to the Parliamentary Intelligence Office.

30 JANUARY 1830

TO LEICESTER STANHOPE

3590

FROM FRANCIS PLACE

30 January 1830¹

F.P. to J.B.

Two copies of the Petition for Law Reform.

30 Jan. 1830

3591

TO LEICESTER STANHOPE

30 January 1830 (Aet 81)¹

My ever dear Leicester

Q.S.P. 30 Jan^y 1830

I write this, lest you think me insane. Over and above the [want]² of arrangement in the [...?] and crippled proof, what you had[?] from the Printer³ was in such a state as to afford no inconsiderable warrant for the above surmise. The cause was—approaching blindness which occasions my giving passports to matter in a mutilated state.

Richard Doane who has been assisting me with revision, gives me to understand that absolute dotage has not yet come.

I write this lest, thinking, you should say at tomorrow's dinner—Poor fellow! it is all over with him. Nothing more ought to be expected of him.

Yours ever

Jeremy Bentham.

3590. ¹ BL Add. MS 33,546, fo. 368. Autograph. Addressed: 'Jeremy Bentham Esq. Queen Square Place Westminster.' Stamped: 'T.P / Charing Cross'. Docketed: '1830 Jan^y 30. Law Reform. Place Charing Cross to J.B. Q.S.P. Sending two Copies of Place's Petition.'

George Bentham records on 30 January 1830 (George Bentham Diaries, GEB/2/1, p. 3) that he was 'read^s to JB and not^s his observations on a petition drawn up by Place for signatures grounded on JB's petition for Justice'.

3591. ¹ UCL Library, Stanhope Letter Collection, no. 8. Autograph. Docketed: 'From J.B. complaining of his intellect: b^s impaired—[...?] joke.'

² MS 'warrant' appears to be a slip.

³ i.e. the proof of *Equity Dispatch Court Proposal*.

FROM DANIEL O'CONNELL

1 FEBRUARY 1830

3592

FROM DANIEL O'CONNELL

1 February 1830¹

Shrewsbury

1st February 1830

My revered friend

The other side contains the letter of the employé of the Parliamentary office.² By the present law the office must not be attributed to any *Society* or *association*.³ This will account to you for the Style of his letter.

I was exceedingly impatient to write to you—but in Ireland I had to clear my table of Law business and to do all the political business of the entire Country besides. There was a collapse in the public mind—a desertion of salutary agitation by very many of my former companions in Arms which left me the trouble of stimulating to healthful action and then the guidance of that action itself. I believe I have done pretty well—but between Law and all the Irish politics that are honest[?] I had enough for half a dozen *other* men to do. Observe the vanity which peeps out bareheaded in that sentence.

Here I am in England—to be again I hope merry England for I think I see symptoms of better times for those who dislike misgovernment and wish for cheap and honest rulers. Here I am on my way *to you*. *Just* set me down on the Law Reform association—not a sleeping partner—but one of the most active and endeavouring to make up for small Capacity to be useful by my activity. I give up the Law itself while in England and devote every faculty to its reform. *Second*. The dispatch Court in the first place. I must mention it on Thursday in the house⁴

3592. ¹ National Library of Ireland, MS 34,985. Autograph. Addressed: 'Jeremy Bentham Esq. London.' Franked: 'Shrewsbury one February 1830. Daniel O'Connell.' Stamped: 'FREE / 3 FE 3 / 1830'. Postmarked: 'SHREWSBURY / FE 1 / 1830' and 'TOO (LATE)'. Docketed, in the hand of Moore: '1830 Jan. 28. Edw^d Dwyer Stephen Street Dublin to J.B. Q.S.P. & 1830 Feb. 1. O'Connell Shrewsbury to J.B. Q.S.P.'

George Bentham records on 3 February 1830 (George Bentham Diaries, GEB/2/1, p. 4) that, 'JB in high spirits in expectation of O'Connell who promised to call to concert measures with him immed^{ly} on his arrival'. ² Letter 3589.

³ O'Connell was presumably attempting to avoid any potential prosecution under the Dangerous Assemblies (Ireland) Act of 1829 (10 Geo. IV, c. 1), which had suppressed the Catholic Association and given authority to the Lord Lieutenant to suppress any other association or meeting which he deemed to be dangerous to the public peace and to fine any person involved in the organization of any such suppressed association.

⁴ In the event, O'Connell spoke in support of law reform in response to the King's Speech on the opening of Parliament on 4 February 1830, though there is no record of him mentioning Bentham's equity dispatch court: see *Parliamentary Debates* (1830), xxii. 93–7.

2 FEBRUARY 1830

FROM CHARLES SINCLAIR CULLEN

unless you see it otherwise right. I would be glad to talk to Bowring on Wednesday⁵ on which day I mean to be in London. Would it be too much to ask him to call on me after twelve on Wednesday at No 5—5—*Maddox Street Regent Street*. You have me now heart and soul for Law reform and every other reform—but that of Law in the chief place. I will see you as soon after I get to London as possible.

With respect and veneration

Yours

Daniel O'Connell

I could cover sheets in detailing my projects of Utility—but I *go* to you and therefore must only call on you to shape my course in the house. I will this week present a petition for a Code—that which you may have heard of from the Dublin papers.⁶ Can Bowring tell me whether⁷ the arrears in chancery has encreased or diminished?

3593

FROM CHARLES SINCLAIR CULLEN

2 February 1830¹

Derby Street 2 Feb^y 1830.

My dear Sir

I do not hear that O Connell has arrived yet, but I do not think it material. It will be time enough for him to see you on Sat^y or Sunday.² He must have had plenty to do in Limerick & Waterford³ & I dare say will find it difficult enough to get here by Thursday.⁴ I should not wonder if the first house he sets foot in in London should be the House of Commons—& *that* designedly. If I were in

⁵ 3 February 1830.

⁶ In a speech on 26 January 1830, reported in the *Freeman's Journal*, 28 January 1830, pp. 3–4, O'Connell had, for instance, stated that, when he took his seat in the House of Commons, one of his aims was to 'endeavour to reform the code of laws—to abolish the mischievous system of appointing magistrates upon a letter to the Lord Chancellor—to destroy village tyranny and judicial oppression', and he 'avowed himself a determined and an immoveable radical reformer'. In the House of Commons on 11 February 1830, O'Connell 'presented a petition from several individuals, praying for such a Reform in the Law as would make it what it was not at present—cheap, intelligible, and expeditious' and went on to give a description of its content which reveals it to have been a copy of Bentham's 'Petition for Codification': see *Parliamentary Debates* (1830), xii. 328–32.

⁷ MS 'which'. O'Connell appears to have crossed through 'whether' instead of 'which'.

3593. ¹ BL Add. MS 33,546, fos. 369–70. Autograph.

² 6 or 7 February 1830.

³ O'Connell had been involved in by-elections for County Limerick and County Waterford.

⁴ 4 February 1830.

his position I would adopt that course. I would communicate none of my purposes to the Whigs. They will only trouble him with weak reasons in favour of temporizing policy & sinister projects & then be angry to find that they make no impression on him. Those of them who are not knaves are cowards & would be as much afraid in private to express approbation of his purposes & conduct as in public they will be to express the contrary. It will save him trouble & do him service—to establish at once the character of being incommunicative & *impracticable*. I know the best among the Whigs or timid liberals. They will follow him—a few at first & more afterwards—but follow him against their will. If they profess concurrence with him, it will be in the hope, vain hope, of seducing him. The tame elephants, as Lord Ellenborough says, will be employed to lead the wild one.⁵ I would have him walk only with God⁶ & the people & be among the members of the House as a stranger—making his purposes known only by the flash of his lightning & the bolts of truth when he shall scatter them about to their surprize & dismay. He said to me in the Summer, that he had always found ‘there was a magic in being right’.⁷ He will find it so still. He needs no party in the House. His party out of the House, as he has said, is the people. Let him have their voices out of the House & be reckless of votes in it. If he once tries to count his votes & marshall forces there, he will find it necessary to compliment away his opinions & to offer for recruits bounties of concession & to squander away the treasury of golden opinions which he will otherwise levy from the people. The less he *seeks* of aid from the factions, be they tory, whig, or liberal,—the more he will *extort* from them. When the popular & aristocratic parties are equally balanced, the success of a great measure may depend on a few votes—but he has to raise an army before he can have a chance of atchieving a victory & he can only raise an army by bold continual *lonely* agitation. He is quite aware of this. His letters manifest such a conviction. He is wiser, *deeper* than Col^l Stanhope thinks. Stanhope is so sincere & simple-hearted & has seen so many men paralyzed by vanity, ambition & a weak anxiety for present

⁵ Edward Law (1790–1871), second Baron and first Earl of Ellenborough, Lord Privy Seal 1828–9, President of the Board of Control 1828–30, 1834–5, 1841, 1858, Governor-General of India 1841–4, in a private letter to Sir John Malcolm (1769–1833), Governor of Bombay 1827–30, who was in dispute with Sir John Peter Grant (1774–1848), Justice at Bombay 1827–30 and Bengal 1833–48, had written that two more judges should be appointed to ensure that ‘no more mischief can happen, as he [Grant] will be like a wild elephant between two tame ones’. The letter was published in *The Times*, 28 January 1830, p. 2.

⁶ See, for instance, Genesis 5: 22–4.

⁷ Cf. O’Connell to P.V. Fitzpatrick, 22 April 1835, *Correspondence of Daniel O’Connell*, v. 296: ‘I know the magic of being right.’

triumphs & Brookes' popularity,⁸ that he is apparently unable to appreciate justly the position & character of M^r O Connell. O Connell is greater than he imagines. He does not fear to stand alone. He has gathered about him & scattered away from him individuals & parties in Ireland just as served his turn—the *public* turn or cause. He will do the same here. There was but one man here who had the courage to stand by him before—that was Otway Cave.⁹ He knows that there is none other will have that courage now—but he knows too that he can propose measures & move resolutions which they will not have the courage to oppose. His letter *enumerating* the topics of agitation¹⁰—if he did not intend by it to give *them* notice as well as the country that he was resolved to make no mean compliances with parties & circumstances, had the useful effect of at once emancipating him from factious systems & plans of campaigning. And he is right. The only way is to go right on to the right objects, fearing no enemies, seeking no friends, calculating no circumstances or consequences. Because Hume has said that *he* Hume will move for the repeal of the gagging acts,¹¹ they are already exclaiming against him, on the ground that it will force them either to oppose the people or the government. Their tactics are contemptible & have rendered them contemptible in the country.—I hope that O Connell will move an amendment to the address—stating a few strong truths & free from all *white lies* of complaisance, so as to declare by a speech *manifesto* to the country—at the first moment & by his first speech, that he makes war against all cant & humbug & intends to play no Brougham game—nor lawyer game—nor whig game—nor tory game, nor any game of¹²

⁸ Brookes's, St James's Street, established in 1778, was the London club patronized by the Whigs.

⁹ Robert Otway Cave (1796–1844), MP for Leicester 1826–30 and County Tipperary 1832, 1835–44, had voted against O'Connell's exclusion from the House of Commons on 18 May 1829.

¹⁰ i.e. O'Connell's 'Address of the Hundred Promises': see p. 145 n. above.

¹¹ i.e. the Treason Act of 1817 (57 Geo. III, c. 6) and the Seditious Meetings Act of 1817 (57 Geo. III, c. 19).

¹² The remainder of the Letter is missing.

FROM GEORGE GROTE

4 FEBRUARY 1830

3594

FROM CHARLES SINCLAIR CULLEN

c. 4 February 1830¹

My dear Sir

I am glad to hear that M^r O Connell is arrived—still more that he has given you such early token of his interest in the great affairs²—and the wisest ally he can have.

Ever y^r devoted

S^rClair Cullen

I have been too busy to call on him.

3595

FROM GEORGE GROTE

4 February 1830¹

Dear Sir

I take shame to myself that I have not sooner acknowledged the receipt of your Petition for Justice,² of which you were so obliging as to send me a copy. My neglect has not proceeded from insensibility to the value of the publication—still less from want of reverence for the author.

I would fain hope that the excellent ideas & suggestions contained in your petition will meet with more attention from the public than they are likely to do from the 'Overgrown Club.'³ It is much to be feared however

3594. ¹ BL Add. MS 33,546, fos 473–4. Autograph. Addressed: 'Jeremy Bentham Esq. 2 Queen Sq^{re} Place.' Docketed in the hand of an amanuensis: 'Cullen to J.B. Q.S.P.' In response to Letter 3593, Bentham may have informed Cullen that O'Connell had, in fact, arrived in England. ² Presumably Letter 3592.

3595. ¹ BL Add. MS 33,546, fos. 371–2. Autograph. Docketed in the hand of an amanuensis: '1830 Feb. 4. Grote to JB QSP.' ² *Justice and Codification Petitions.*

³ i.e. the House of Commons. See 'Internal Policy. Art. IX.—1. Political Fragments. By R. Forsyth, Esq. Edinburgh, 1829. 8vo. 2. Church Reform. By a Churchman. London. 1829. 8vo. 3. Reasons for a Revision of our Fiscal Code. By A. Mundell, Esq. London. 1828', *Quarterly Review*, vol. xlii, no. 83 (January 1830), 228–77 at 271–2: 'there is something in the very atmosphere of the House unfavourable to bold and uncompromising conduct. It is, *de facto*, a sort of overgrown club. This is the worst part of the whole business. Things are every day admitted in private among the members, which are studiously denied or concealed in speeches reported from the gallery. Whoever, therefore, should endeavour to rend asunder that veil which, by all parties in the House, is held up before the public, would lose his character and caste'. The article, which, according to the *Wellesley Index to Victorian Periodicals, 1824–1900*, was written by John Wilson Croker (1780–57), writer and politician, MP for Downpatrick 1807–12, Athlone 1812–18, Yarmouth 1819–20, Bodmin 1820–6, Aldeburgh

5 FEBRUARY 1830

TO SIR FRANCIS BURDETT

that the rooted indifference of the reading public towards those important subjects, though of late years somewhat amended, may make even the shortest of the three Petitions⁴ more than they are willing to study.

Believe me, Dear Sir,
Sincerely & respectfully yours,
Geo. Grote J.

Threadneed. St. Feb. 4. 1830

M^{rs} Grote⁵ desires me to present to you her affectionate respects. I regret to say that her health for some months past has been so feeble as to disable her almost entirely from making visits, even where her inclination is most concerned.

3596

TO SIR FRANCIS BURDETT

5 February 1830 (Aet 81)¹

Q.S.P. Feby 5 1830
Friday night

My dear Burdett

Wednesday² is the earliest day on which Honble House does not want you:³ *ergo*, come that day: hour $\frac{1}{4}$ after 7 or, if it suits you better to *dine* elsewhere any time after 9.

Inclosed is a sheet fresh from the press. When codification is talked of, the enemy cries out—'*theory!*' Read the last few lines, you will see, in Louisiana, *practice*: codification waiting, till they see what your humble servant says about *(it.)*⁴

Your's gratefully

Jeremy Bentham

Sir Francis Burdett.

1826–7, 1830–2, and Dublin University 1827–30, Secretary to the Admiralty 1809–30, and John Miller (d. before 1845), was discussed and the phrase 'overgrown club' repeated in several newspapers, including the *Morning Chronicle*, 22 January 1830, p. 2, *The Examiner*, no. 1,147 (24 January 1830), 49, and the *Morning Post*, 27 January 1830, p. 2.

⁴ i.e. 'More Abridged Petition for Justice'. For the three 'Petitions for Justice' see p. 101 n. above. ⁵ Harriet Grote.

3596. ¹ Cornell University Library, Division of Rare and Manuscript Collections, Jeremy Bentham Manuscripts, 4600-0227. Autograph. Letter 3597 appears to be an alternative version of the present Letter.

² 10 February 1830.

³ Parliament had resumed its sitting on 4 February 1830.

⁴ Bentham had printed Livingston's letter of 10 August 1829 (Letter 3520) in 'Second Supplement to Codification Proposal', pp. 117–18 (*Legislator of the World* (CW), pp. 382–4).

3597

TO SIR FRANCIS BURDETT

5 February 1830 (Aet 81)¹

Q.S.P.

Jan^y 5 1830

Friday night

My dear Burdett

Cullen has just left me.

Your letter³ is on the Table.

Wednesday⁴ is the earliest day on which Honble House meets without demand for your attendance.⁵ Ergo, come on Wednesday.

This, though in the imperative mood, I hold to be good logic.

Dinner time 1/[4] after 7 is that on which we have been in use to meet: ergo, come at that hour. But perhaps you had rather keep to your aristocratic dinner than commute[?] it for a Hermit's; if so, be it so, I shall not be offended, an[d] you may then come at 9. Wine I have none that you can swallow: nothing better than one of which they who have a taste have pronounced good burgundy. I never drink any wine but to sip like S^t Paul for stomach sake.⁶ Therefore you might do not amiss if in reality you were to do what Jekil[?] made Pitt the 2^d do in fiction, come with a bottle in each[?] pocket.⁷

The inclosed sheet of letter press will speak for itself. I send it you for the sake of the last six or seven 7 [lines] which may serve to obviate the favorite objection about theory and practice[?]: you will see [. . . ?] [. . . ?] in Louisiana for the [. . . ?] of seeing what your humble servant says to it.⁸

Your's gratefully

Jeremy Bentham

3597. ¹ Massachusetts Historical Society, Grenville H. Norcross Autograph Collection, Box 4, Folder 4. Autograph. Letter 3596 appears to be an alternative version of the present Letter.

² A slip for February.

³ Missing.

⁴ 10 February 1830.

⁵ Parliament had resumed its sitting on 4 February 1830.

⁶ I Timothy 5: 23.

⁷ Pitt's excessive drinking of port wine was often satirised, but Bentham has perhaps confused Pitt with Charles Howard (1746–1815), styled Earl of Surrey 1777–86, eleventh Duke of Norfolk, who was notorious for excessive drinking and who was portrayed in slovenly dress and with a bottle of port in the two front pockets of his waistcoat in 'Meeting of the Monied Interest', a caricature by James Gillray (1756–1815), published on 13 December 1798, in which opponents of Pitt's Finance Bill, introduced to fund the war against France, gather to discuss the measure.

⁸ Bentham had printed Livingston's letter of 10 August 1829 (Letter 3520) in 'Second Supplement to Codification Proposal', pp. 117–18 (*Legislator of the World* (CW), pp. 382–4).

7 FEBRUARY 1830

FROM SIR FRANCIS BURDETT

Sir Francis Burdett

Answer particularly requested.

If [...? ...?] on Wednesday, the next [...?] day is Sunday.⁹

3598

FROM SIR FRANCIS BURDETT

7 February 1830¹

My dear Bentham

There is no engagement I would not put off to have the gratification of dining with you.² I read with much pleasure the just tribute to your unexampled efforts for the benefit of Mankind.³ I should like to see you for a short time before the House meets on Tuesday,⁴ since it is possible you might wish me to say something on M^r Angelo's Motion respecting the state of business in the Court of Chancery,⁵ but no otherwise as I would not trespass on a moment of your time—

believe me dear Bentham

Your true disciple

F. Burdett

S^t James Place

Sund. 7th Feb^y 1830

⁹ 14 February 1830.

3598. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.44. Autograph. Addressed: 'For Jeremy Bentham Eq.' Docketed: '1830 Feb. 7. Law Reform. Burdett S^t James Place to J.B. Q.S.P.'

George Bentham records on 6 February 1830 (George Bentham Diaries, GEB/2/1, p. 4) that 'O'Connell to dine with [Bentham] tomorrow and Burdett on Wednesday [i.e. 10 February 1830]', and on 17 February 1830 (*ibid.*, p. 7) that he went to Queen Square Place and 'found O'Connell there—stout & bon vivant looking but not so old as I had figured him to myself—much of the brogue'.

² See Letters 3596 and 3597. ³ i.e. in Letter 3520.

⁴ 9 February 1830.

⁵ In the event, on 9 February 1830 Michael Angelo Taylor, a persistent critic of the Court of Chancery, postponed 'any observations he had to make on the state of the Court of Chancery' until Lord Chancellor Lyndhurst had brought forward the subject in the House of Lords: see *Parliamentary Debates* (1830), xxii. 270–1.

3599

TO JOSEPH HUME

16 February 1830 (Aet 82)¹16 Feb^y 1830

Dear Hume

In the Votes of the 15 Feb^y is an Article which ought to be ordered to be printed and is not: namely

51. Archdeaconry Courts of Lincoln and Norwich &c.²

British Museum. In the Votes of 15 Feb. 1830 Nos 56, 57 and 58 relate to it.³

Admission instead of being allow'd every day in the week, is allowed only every other day or thereabouts.

Neither are the hours of the day so many as they might be and ought to.

A Year or two ago, on being there I was informed by the Porter or some other functionary that Carriages in great number—I believe upwards of a thousand—had been turned away because they came at a *wrong time*.

Next to undiscontinued attendance would be notice of discontinuance in placard characters (as on Turnpike Houses) on the outside of the building.⁴

3599. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Addressed: 'For Joseph Hume Esq^{re} M.P. By favour of M^r O'Connell. 17 Feb^y.' Docketed: 'British Museum. Attendance, Days, hours.'

² '51. Archdeaconry Courts of Lincoln and Norwich,—Returns *presented*,—Copies of the Patents of the Commissary of the Bishop, and Official of the Archdeacon, in each and every of the Archdeaconries of the said Dioceses {Address 4th February}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 7 (15 February 1830), p. 53.

The instruction 'Turn over' appears in the Letter at this point.

³ '56. British Museum,—Petition of the Trustees for the usual Grant; (The King's *Recommendation* having been signified;) to lie on the Table', '57. British Museum,—Account *ordered*, "of the Income and Expenditure of the British Museum, for the year 1829; of the estimated charges and expenses for the year 1830, and of the sums necessary to discharge the same; and, an Account of the number of persons admitted to view the same, from 26th March 1823 to Christmas 1829"', and '58. British Museum.—Account and Estimate *presented* accordingly; to lie on the Table, and to be *printed*', *ibid.*, p. 53.

⁴ Hume raised the matter in the House of Commons on 8 March 1830. He asked 'why greater facilities were not afforded to the public for viewing the Museum? Why was it open but three days in the week, and even then but for a few hours?', and blamed the 'great diminution in visitors last year' upon the 'want of greater facility of ingress'. He suggested that the Museum should open five days each week, since 'the salaries paid to the officers were sufficiently liberal to command a greater portion of their time and services', and that a board be attached to the gate of the Museum to display the opening times. 'The public paid for the Museum', Hume concluded, 'and therefore had a right to insist on every facility of ingress.' See *Parliamentary Debates* (1830), xxii. 1352–3.

20 FEBRUARY 1830 FROM THOMAS SOUTHWOOD SMITH

In no other country are there any such discontinuances in public scientific exhibitions as in this: the object being here to make situations *comfortable* for placemen, high and low: the service of the public, at best but a secondary object, continually sacrificed to the other.

The British Museum is a job of Old Bankes's.⁵

3600

FROM THOMAS SOUTHWOOD SMITH

20 February 1830¹

My Dear Sir

I have thought it desirable to pass the head which you are desirous of seeing through the ordeal to which it has been subjected once more before I submit it to your inspection.² It will therefore not be ready until Monday,³ but any day after that on which you may happen to be disengaged I shall be happy to introduce it to you, if you will have the goodness to inform me on what Evening I may have the pleasure of seeing you.

I am ever
Most truly Yours

Southwood Smith.

30 New Broad St
Feb 20 / 30
To Jeremy Bentham Esq^{re}

⁵ Henry Bankes (1757–1834), politician and Parliamentary diarist, MP for Corfe Castle 1780–1826 and Dorset 1826–31, had been appointed a Trustee of the British Museum in 1817 and represented its interest in the House of Commons.

3600. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.45. Autograph.

² Smith was presumably experimenting with methods of preserving human remains in anticipation of the assembling of Bentham's auto-icon.

³ 22 February 1830.

TO EDWARD LIVINGSTON

23 FEBRUARY 1830

3601

FROM SIR FRANCIS BURDETT

22 February 1830¹

St. James's Place.

Feb. 22, 1830.

My Dear Bentham,

I am exceedingly obliged to you for your highly prized volume, it being enriched by your name.²

I have desired Cullen to shew you the one I had before, and as it is full of pencil marks and dog leaves, you will see it has not been read without attention. I wish to have it again, as I should like to preserve your present unsullied, so Cullen will bring it back, after having proved to my Valuable and venerable and much loved Master that I am not altogether, as I fear he thinks me, quite an idle boy.

yours very sincerely,

F. Burdett

3602

TO EDWARD LIVINGSTON

23 February 1830 (Aet 82)¹

Jeremy Bentham London

to Edward Livingston Senator for the State of Louisiana at the
Congress of the United States

Queen's Square Place Westminster London

23 Feb^y 1830

Sir

The honour done me by the communication you have been pleased to make to me of the proposed Codes and the papers relative to

3601. ¹ Bodleian Library, MS Eng. Lett. d. 97, fo. 25. Typescript copy.

² Possibly 'Codification Proposal', which was reissued in 1830 with the addition of a 'Second Supplement' to the Testimonials.

3602. ¹ Princeton University Library, Manuscripts Division, Department of Special Collections, Edward Livingston Papers, General Correspondence, 1820–1836, Box 72, Folder 12–13. In the hands of George Bentham and Doane, with the exception of the heading, address, salutation, signature, direction, and the sentence immediately preceding the postscript, which are in Bentham's hand. The Letter was sent via the American Minister Louis McLane,

them² has called forth my sincere gratitude. At the same time it is my misfortune to be obliged to say, and it is with no small regret that I do so, that the circumstances in which I am placed do not admit of my complying with the wish expressed in the obliging letter by which they are introduced. I feel myself beyond all hope of being able to spin out the thread of my own ideas on the subjects in question and others intimately connected and intertwined with them: and that thread once broken, it is regarded as being in no small degree questionable whether there be any other hand by which it could be gathered up and carried on exactly in the same line. What depends upon me towards rendering the honor which is so justly due to you shall, however, not be neglected: it will be not the least pleasant of my cares to look out for and place these papers in such as appear to me to be the most competent hands to which they can be confided, for the purpose of rendering some account of them and laying before the public any such useful observations as it may have happened to them to have elicited.

As a small and unauthoritative return for so magnificent and authoritative a present, this letter will be accompanied with an assemblage of tracts entitled 'Justice and Codification Petitions.' It will perhaps be accompanied by some anterior works of mine, as per list hereunto annexed.

A paper on which I had written thus far and somewhat further lies before me; the date with which it commences is as long ago as November the 9th of the last year: no fewer than three other commencements with so many different dates lie along with it: all this time have I been tormented with continually-recurring regrets.

This enormous delay has had for its cause my desire to give you definitive information of the steps that have been taken for the giving publicity to your Penal Code in this its latest form. An article on it will appear in 'The Jurist'—a periodical designed to be quarterly, in imitation of the so-called 'Quarterly', 'Edinburgh', and 'Westminster' Reviews, but not very regular as to time. It has Law Reform and Improvement for its object, and pursues that object with the best intentions and distinguished talent. The article will be written by D^r Southwood Smith, by profession a physician; but a man of genius, philanthropical affections, and eminently-extensive knowledge.³ Here a natural question is—why

under a cover headed 'From M^r Bentham. M.S. Tables & Letter. For D^r Livingston', dated '23rd Feb. 1830', and endorsed 'His Excellency Louis M^r Lane, Chandos Street, Portland Place'. For the manuscript tables see p. 279 & n. below. A partial copy of the Letter, in the hand of Doane, at BL Add. MS 33,546, fos. 373–6, and a partial draft, in the hand of George Bentham, at *ibid.*, fos. 377–8, are printed in Bowring, xi. 35–6. An extract is printed in C.H. Hunt, *Life of Edward Livingston*, New York, 1864, pp. 351–2. ² See Letter 3520.

³ See Letter 3582 for Bentham's suggestion that Smith produce such an article and Letter 3584 for Smith's agreement to do so.

& whence this physician? *Answer*—You know or do not know that your Code in its first state has been republished here in London:⁴ the act of publication was a spontaneous act of philanthropy on the part of this physician. He was & is far from rich; he has no patrimony, no source of subsistence but his professional practice, which is not by any means adequate to his merits. This act of self-sacrifice found its way to the ears of John Smith, Member of Parliament, President or Chairman (I forget which they call it) of the Company of London Bankers; one of four brothers, three of whom are in the House of Commons and the other raised to the Peerage, with the title of Lord Carrington, by Pitt the Second; besides two nephews of the same name, also in that same House.⁵ John Smith took the expense out of the hands of his namesake. I say the expense: for under this our Aristocracy-ridden and Lawyer-ridden Constitution (in Royal and Ministerial language yclept *matchless* Constitution)⁶ expense of editing works of this nature stands no chance for reimbursement. On the present occasion I wrote to Southwood Smith, and he has consented to write: I made application to the Editors of the *Jurist*, and they have consented to accept and publish. The *Jurist*, I am told, pays no money for the articles it accepts and publishes. I should of course have applied, in the first instance, to D^r Southwood Smith, and then the delay would not have happened; but I was not apprised of the above facts till t'other day.

In N^o IV. of that same periodical (the *Jurist*) you will find an article on this same Civil Code of yours; and by that article has been excited in my mind, and I doubt [not] in others, an anxious wish for a sight of the subject matter of it⁷—a wish which in my instance has not yet been able to find its accomplishment.

On the list of the books herewith sent, you will find a copy of the work of Mr John Tyrrell on Real Property Law. He is one of

⁴ i.e. Livingston, *Project of A New Code for The State of Louisiana*.

⁵ The two brothers of John Smith in the House of Commons were Samuel Smith (1754–1834), MP for St Germans 1788–90, Leicester 1790–1818, Midhurst 1818–20, and Wendover 1820–32, and George Smith (1765–1836), MP for Lostwithiel 1791–6, Midhurst 1800–6, 1830–1, and Wendover 1806–30. A third brother Robert Smith (1752–1838), banker and politician, MP for Nottingham 1779–97, had been raised to the peerage as Baron Carrington [I] in 1796 and Baron Carrington [GB] in 1797. They were the sons of Abel Smith (1717–88), banker and merchant, MP for Aldborough 1774–8, St Ives 1780–4, and St Germans 1784–8, head of Smith, Payne & Co. of Nottingham and London. The two nephews were Abel Smith (1788–1859), MP for Malmesbury 1810–12, Wendover 1812–18, 1830–2, Midhurst 1820–30, and Hertfordshire 1835–47, the son of Samuel Smith, and Robert John Smith (1796–1868), later second Baron Carrington, MP for Wendover 1818–20, Buckinghamshire 1820–31, and Chipping Wycombe 1831–8, the son of Carrington.

⁶ See p. 37 n. above.

⁷ 'Jurisprudence of Louisiana', *The Jurist*, vol. ii, no. 3 (April 1829), 434–60, which was, in fact, the sixth number of the journal to appear. For Bentham's wish to see a copy of the Civil Code of Louisiana see Letter 3540.

eight Commissioners appointed by Mr Peel, our Home Secretary, for reporting on that branch of Law, with a view to its improvement.⁸ The subjoined copy of his letter to me on the occasion will speak for itself.⁹ I must beg of you to keep it from publication. It will be edifying to you to observe from it how large a proportion of the pickpocket trash of our law you in Louisiana & everywhere else in the U.S. are free from. I know not the size of that Civil Code, so large a portion of which belongs to you in name—I hope a much larger in effect:—perhaps you may think a copy of it no improper return for this valuable work of his. His disposition to coalesce with a person so obnoxious as I am to his superiors—in particular to Mr Peel, the patron of his office,—proves at any rate the so much more than expected honesty of his intentions, the sincerity of his desire to see a real reform effected. You will see the prejudices he had to overcome—a short glance at my Petitions will suffice for this.

In addition to the work above mentioned, Mr Tyrrell has been kind enough to get copied by his clerks for me a manuscript of his, exhibiting an analytical sketch of the whole field of Real Property.¹⁰ This also should be at your command, in the same way as the above-mentioned manuscripts of mine.

Along with my works and Mr Tyrrell's, you will find four pretty thick folios, which I have obtained from the library of our House of Commons: the subject matter of them, coupled with the authoritative character they bear, will render them, I hope, at least a matter of curiosity to you, and perhaps of some value in your eyes. The Chancery Commission was an expedient of Lord Eldon's, with the assistance of Mr Peel, to stave off real by the substitution of sham reform. Think of a head of the Law putting aside inquiry by the Legislature by establishing a Commission consisting of creatures of his own to inquire into his own conduct, he being one of them:¹¹ but this is a principle of judicature which pervades our whole system.

It is a matter of no small satisfaction to me to learn from Mr M'Lane that the Senate of Congress is about to receive the benefit of your services.¹² I look forward with pleasure to the chance of seeing (small as at my age the best chance of seeing it can be) some proof that under

⁸ See p. 179 n. above.

⁹ Missing, but a copy of Letter 3544.

¹⁰ See Letter 3544.

¹¹ A Royal Commission on the Jurisdiction and Practice of the Court of Chancery had been appointed on 26 April 1824 to determine whether the expense and time attending its proceedings might be reduced. Eldon had been the Chairman of the Commission and had been the author of its Report dated 28 February 1826. See 'Copy of the Report made to His Majesty by the Commissioners appointed to inquire into the Practice of Chancery', 9 March 1826, *Commons Sessional Papers* (1826), xv–xvi. 1–1281.

¹² Livingston had been elected Senator for Louisiana in 1829.

your auspices the *Cacoethes Codificandi*,¹³ to speak in the language of the adversary, is become contagious.

By reputation at any rate, if not personally, Mr Lawrence, late Chargé d’Affaires at this court,¹⁴ can hardly, I think, be altogether unknown to you. I have the honour and pleasure of a considerable degree of intimacy with him. He looked eventually to a seat in the House of Representatives: should that prospect be realized, Codification, I dare venture to hope, will receive in him a powerful support.

Another friend I had that good fortune to make among your diplomatic functionaries was Mr Wheaton, with whose function at New York you cannot be unacquainted, and who, on his way to his mission to the Court of Copenhagen, passed some months in this metropolis.¹⁵

The proof I have of the place which my contributions to the common cause have been fortunate enough to occupy in your opinion suggests to me the idea that perhaps it would be not otherwise than agreeable to you to see, in howsoever imperfect a state, some of my as yet unpublished and not yet completed works: they consist of the remaining two thirds of my Constitutional Code, the first part of which you will find in letterpress, both very nearly finished; rough materials for a Procedure Code, Civil as well as Penal, wanting but little of completion; materials for a Penal Code, wanting something more; materials for a Civil Code, wanting most of all; together with some under the head of Nomography, or the art of giving the most advantageous expression to Legislative enactments, whatsoever be their subject matter and their substance: but incomplete as yet as they all are, they are all brought into method, as expressed by the titles to Chapters and Sections,¹⁶ and all of them on principles as new as in the work which you have on Evidence—the principal points and features all settled. A Nephew of mine has throughout given a sort of compressed abridgement of them by short notes in the manner of the marginal notes to our Acts of Parliament.¹⁷ I have not at my command clerk-power sufficient for my own use; but, if it were thought worth your while, any person commissioned by you for the purpose should be welcome to take a copy of any part or of the whole, at my house:—I say at my house; for, having

¹³ i.e. ‘mania for codification’, Bentham’s adaptation of the common phrase *cacoethes scribandi*, i.e. ‘mania for writing’.

¹⁴ William Beach Lawrence.

¹⁵ Henry Wheaton (1785–1848), United States Supreme Court Reporter 1816–27, Chargé d’Affaires to Denmark 1827–33 and to Prussia 1835–46, had served on a commission to revise the statutes of New York from April 1825 to March 1827 and had visited England in the second half of 1827 before taking up his post at Copenhagen.

¹⁶ For manuscript tables relating to the constitutional, penal, and procedure codes see p. 279 n. below.

¹⁷ An abridgement of Bentham’s proposed penal code, in the hand of George Bentham, is at UC lxv. 78–87, 98–107, 122–9 (20–1, 27 June, 10, 12, and 14 July 1827). No similar abridgement for the proposed civil code has been located.

continual need of referring to all of them for some purpose or other I could not part with any of them out of my possession. Of the contents of these several Codes, so far as conception is capable of being formed by a sight of the denominations of the Chapters and Sections, this conception you will be enabled to form by the MS. tables with which this 1st vol. of my Constitutional Code is accompanied.

An objection that is constantly made and strongly insisted upon by the adversaries of Codification is that when your Code was finished, even supposing it to be an all-comprehensive one, whatever good was expected from it, it would ere long be extinguished by its being clouded and covered over by an overgrowth of Judge-made law. In proof of this, reference is made to Bonaparte's Code,¹⁸ which by its deficiency has certainly given rise to more of this matter than could be wished: but were this really-existing law ever so much more imperfect than it is, the rule of action composed of it will never be nearly so inadequate and unapt as that which [is] composed of the imaginary sort of law distilled from decisions made in particular cases by Judges: and you or I having Bonaparte's Code before us, and if he is a giant and we dwarfs, being accordingly mounted upon his shoulders, might reasonably be expected in the ordinary course of things, either of us, to make a Code less imperfect than his. But a method has occurred to me, which will render to all really-existing law the same sort of service as that which by copper sheathing is rendered to ships and make it as impossible for Judges and commentators to defile the work of the legislator by their deductions as it is for the barnacles I think they call the worms in question to fasten their progeny upon the hulks so protected by the smooth metal. Of the principle of this contrivance of mine some conception may be formed from § 29. *Member's motions* in ch. VI. LEGISLATURE.¹⁹ In Ch. XII. *Judiciary Collectively* in §§ 19, 20, 21 & 22,²⁰ you will see the same principle applied to the decrees of Judges. I give to Judges the power and the duty to frame amendments *in terminis* to the Code when once made, wherever they see reason—whether for the purpose of interpretation, correction, addition or defalcation: these I require to be certified and transmitted to the Legislation-Minister, of whose duties a description is given in the Section designated by his name in Ch. IX. *Ministers Collectively*.²¹

¹⁸ Napoleon had promulgated a series of codes, namely *Code civil des français*, Paris, 1804, *Code de procédure civile*, 2 vols., Paris, 1806, *Code de commerce*, 2 vols., Paris, 1807, *Code d'instruction criminelle*, 2 vols., Paris, [1807], and *Code pénal*, 2 vols., Paris, 1810. The *Code Civil* was usually referred to as the 'Code Napoleon'.

¹⁹ See *Constitutional Code*, I (CW), pp. 114–17.

²⁰ See Bowring, ix. 502–12.

²¹ For an account of the functions of ministers generally see *Constitutional Code*, I (CW), Ch. IX, § 4, pp. 186–202. The most detailed account of the functions of the Legislation Minister in particular appears in Ch. XI. *Ministers Severally*, § 2, in Bowring, ix. 428–37.

The details are explained at length in those several sections of those several chapters: but I stake whatever little reputation may be my lot upon my fulfilment of this assurance and I flatter myself that this account, short and inadequate as it cannot but be, will not be found an altogether unintelligible one.

If time so practically valuable as yours permits, you would oblige me by giving me a list, in the concisest terms, of any objections which any works of mine to which it may have happened to come under your eye may have suggested—giving in the shortest terms an intimation of the considerations by which in form of reasons the disapprobation has been produced.²² Have the goodness to give the like intimation of any such cases as it happens to you to find unprovided for or improperly or inadequately provided for: in every instance give to every sentiment of disapprobation the exact strength in which it has presented itself to your mind: A scale for such a purpose is what the science and the language remain still unprovided with and in need of—it would form a counterpart to that mentioned in the *Rationale of Evidence*.²³ So as to any additions that may occur to you, making reference in so far as they are to be found in any part of your work.

In addition to the original collection of the Testimonials to my ‘Codification Proposal’ I have taken advantage of the delay to pass through the press a few others which you will see. The opinion you had the magnanimity in this letter of yours to express in relation to my works was too honourable to me as well as to yourself and too highly conducive to the end they have always aimed at to be suffered to remain, like the candle under the bushel,²⁴ on my shelves; the subject was of the most public kind, no intimation of a desire of secrecy was conveyed, publicity has been given to it in the London ‘Morning Herald’ and I suppose in other English and perhaps Scottish papers.²⁵ Here then you will see publicity: because I saw much use in publicity and none in secrecy. But if in any communication with which it may happen to you to favour me there should happen to be anything to which it should be your wish to see given a cover of secrecy temporary or perpetual, put into a separate slip of paper your commands in relation to it and my honour stands pledged to you for the most punctual obedience.

The fame of Daniel O’Connell, so justly possessed of the title of the Liberator, Emancipator of Catholic Ireland from Protestant tyranny,

²² For Livingston’s reply see Letter 3699.

²³ See *Rationale of Judicial Evidence*, Bk I, Ch. VI, i. 71–109 (Bowring, vi. 223–35), for a discussion of the measurement of degrees of persuasion and probative force.

²⁴ Matthew 5: 15.

²⁵ Livingston’s letter to Bentham of 10 August 1829 (Letter 3520) was printed in the *Morning Herald*, 10 November 1829, p. 2, and *The Star*, 10 November 1829, p. 1.

can scarcely fail I think to have reached you. By public speeches in various places, as well as by private letters in no small abundance, the paper which you will see mentioned under the name of the Equity Dispatch Court Bill he stands engaged to lay before Parliament in the present Session:²⁶—he, the first Catholic Member that ever sat since the 17th century in an English House of Commons.²⁷

The present Session opened on the 5th instant, and on that day he appeared in the House of Commons.²⁸ Since that time he and I have of course been in constant communication. The Newspapers of the day, some of which I think cannot fail of reaching you at Washington, will show you the opening of our Reform campaign and therein the commencement of our attack on Blackstone's old magical castle, the castle of chicane, alias Harpy castle.²⁹

The Newspapers most talented and which contain opinions and affections most congenial to yours and mine are the weekly paper 'the Examiner' and the daily paper 'the Morning Chronicle'. In the Examiner, which has lately received great improvement, you may see what in my mind is composed of learning, judgement, and wit—all consummate.

While this is writing, comes in as a present from the author a work entitled 'De la Codification en généraux et de celle de l'Angleterre en particulier en une série de lettres adressées à Mr C. P. Cooper, Avocat Anglais, par J.D. Meijer, Chevalier de l'ordre Royal du lion Belgique, membre de l'Institut des Pais-Bas et de l'Academie royale de sciences et de belles lettres de Bruxelles, Membre honoraire de l'Academie royale des sciences et belles lettres de Batavia, correspondant de la société royale des antiquités et belles lettres de Londres, des Académies royales des sciences et belles lettres de Goettingue.'³⁰

²⁶ See Letter 3592.

²⁷ Roman Catholics had been effectively prohibited from sitting in Parliament by the Test Act of 1678 (30 Car. II., stat. 2), which required all peers and MPs to swear an oath that they did not believe in Transubstantiation and that the 'Invocation or Adoration' of the Virgin Mary or any other saint, as well as the rite of Mass, were 'superstitious and idolatrous'. The Test Act of 1678 had been repealed by the Roman Catholic Relief Act of 1829.

²⁸ The session had, in fact, opened on 4 February 1830. ²⁹ See p. 153 & n. above.

³⁰ J.D. Meijer, *De la codification en général, et de celle de l'Angleterre en particulier en une série de lettres adressées à Mr. C.P. Cooper, avocat Anglais*, Amsterdam and London, 1830.

George Bentham records on 20 February 1830 (George Bentham Diaries, GEB/2/1, p. 8) that, 'JB. has rec^d a copy of a book of Meyer's on codification in answer to & in letters addressed to Cooper (Lettres sur la chancellerie) & also in ans^r to Savigny's anti codification theories—in this work JB. highly spokeⁿ of—also in Cullen's preface to his 2^d edition of his pamphlet on Bkp^t Comm^{ts} Courts'. See C. Sinclair Cullen, *Reform of The Bankrupt Court: with A Letter to John Smith, Esq. M.P. and An Appendix*, 2nd edn., London, 1830, pp. vi–xxi.

For the anti-codification work of Friedrich Carl von Savigny (1779–1861), German jurist and historian, see p. 564 n. below.

The author is the man whose work on judicial procedure is known and approved all over the continent of Europe. The present work is a defence of us Codifiers—actual and would-be Codifiers—against the partizans of what is called the historical school—men by whom an endless string of historical dissertations on the subject of law are regarded as advantageous substitutes to an all-comprehensive body of law, *in terminis*, taken in the whole and every part of it. Could you have imagined that a being of this description could ever have found his way into existence, yet is this anti-rational, at least as copious, I believe, as the rational.

What shall we say of these Scholars of the School called the Historical? To find a [parallel]³¹ for them we must suppose the scene to lie in a private family. Problem to be solved, what shall be served up for dinner. Instead of saying to the Cook, Give us a rump of beef to day with a plum-pudding, says the mistress to her, Look back to the housekeeping book as many years of it as you can find, as likewise to the housekeeping books of our next door neighbours to the right and left, as many of them as you can get sight of:—this done, it will be your business to guess, not mine to tell you, what it is I wish to have for dinner.

Not that the Cook would have any great objection to this substitute for a command, if his wages were to go on increasing in proportion to the number of housekeeping books in which the search was made, and the length of time occupied in making it: and here too let any one say whether the parallel does not hold good? How opposite so ever to Common Sense, would not this be altogether apposite to Common Law?

I am, Sir
with the sincerest respect
Yours

Jeremy Bentham.

To Edward Livingston
Senator for Louisiana.

I hope this copy contains no material errors: the original scrawl would have been illegible. Neither time nor eyes admitt of revision.

P.S. In regard to the Rationale of Evidence, you speak of its being by loan that you have obtained a sight of it.³² Such as it is, after receipt of this packet you will have in hand a copy which you will not have to hold by so precarious a tenure.

³¹ MS 'paralell'.

³² In Letter 3520 Livingston stated that he had procured a copy of the work, but not that he had borrowed it.

List of Books, &c. sent to D^r Livingston.

I. <i>Folio.</i>	No. of Volumes
1. Report of the Chancery Inquiry Commission—Two Volumes ³³	2
2. Report of the Real Property Commission—One Volume ³⁴	1
3. Report of the Superior Common Law Courts Inquiry Commission—One Volume ³⁵	1
☞ The above not on sale: obtained by Jeremy Bentham from the House of Commons Office.	
II. <i>Octavo.</i>	
i. 1. Tyrrell (one of the Real Property Commissioners) on Real Property. ³⁶ ☞ Not on sale—a present from him.	1
ii. Works of Jeremy Bentham:—	
1. Constitutional Code:—the first of three Volumes; an Introductory part wanting, not being yet finished; ³⁷ the others not sent, not being either of them quite completed, in MS.	1
2. Draught of a Judicial Establishment for France.—1 Vol. ³⁸	1
3. Article on Real Property; from the Westminster Review ³⁹	1
☞ The above are not on sale.	
4. Justice and Codification Petitions.—One Volume	1
5. Codification Proposal—One Volume	1
6. Emancipate your Colonies!—A pamphlet	1
7. Equity Dispatch Court Proposal.—A pamphlet	1
8. Rationale of Judicial Evidence.—Five Volumes	5
9. List of Jeremy Bentham's Works; down to 1827.	

³³ See p. 272 n. above.³⁴ See p. 128 n. above.³⁵ Probably 'Copy of the First Report made to His Majesty by the Commissioners appointed to inquire into the Practice and Proceedings of the superior Courts of Common Law' (see p. 128 n. above), though the second Report, 'Copy of the Second Report made to His Majesty by the commissioners appointed to inquire into the practice and proceedings of the superior Courts of Common Law', 20 February 1829, in *ibid.*, xi. 547–729, was ordered to be printed on the same date.³⁶ Tyrrell, 'Suggestions sent to the Commissioners appointed to inquire into the Laws of Real Property'.³⁷ The copy sent to Livingston, inscribed 'To Edward Livingston from Jeremy Bentham' and dated 22 February 1830, is at Chuo University Library, Rare Books, Bentham Collection, no. 17.³⁸ 'Draught of a New Plan for the organisation of the Judicial Establishment in France.'³⁹ 'Article Eight of the Westminster Review No. XII. for October 1826, on Mr. Humphreys' Observations on the English Law of Real Property, with the Outline of a Code.'

10. Papers on Codification—One Volume⁴⁰

Total	1 18 ⁴¹
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III. MSS.

1. Tables—Titles of Chapters and Sections of the four following Codes. viz.—i. Constitutional.—ii. Penal.—iii. Civil.—iv. Procedure, Civil & Penal.⁴²
2. Jeremy Bentham's [letter]⁴³ to D^r Livingston.⁴⁴

'The Spectator' for Dec. 19, 1829: containing Account of J.B.'s visit to Adelphi.⁴⁵

'The Examiner' for Dec. 23, 1827: containing Article on Rat. of Evidence from 'Scots man'.⁴⁶

⁴⁰ *Papers relative to Codification and Public Instruction.*

⁴¹ MS '17i} = 18'. 'Papers on Codification' was a late addition to the list, thereby increasing the number of volumes from 17 to 18.

⁴² The surviving 'M.S. Tables' consist of the following sheets, each ruled into four columns: two bifolia containing the titles of the Chapters and Sections of the 'Constitutional Code' (2–3 February 1830); a folio containing the titles of the Chapters of Part I of the 'Penal Code' (n.d. February 1830); two folios headed 'Penal Code. Table of Offences as shown by titles of Chapters and Sections' (26 January 1830), which constitutes Part II of the 'Penal Code'; a folio headed 'Penal Code. Explanations' (n.d.), explaining the relationship between Parts I and II of the 'Penal Code'; and two folios containing the titles of Parts, Chapters, and Sections of the 'Procedure Code' (31 January 1830). There is no table pertaining to the 'Civil Code'.

George Bentham records on 30 January 1830 (George Bentham Diaries, GEB/2/1, p. 3) that he was 'writ^g out heads of Procedure Code for Livingston (U.S.)' and on 3 February 1830 (*ibid.*, p. 4) that he was 'occupied in writing out heads of Penal Code Part I'.

⁴³ MS 'letters' appears to be a slip.

⁴⁴ i.e. the present Letter.

⁴⁵ See 'Adelphi Theatre—Utilitarian Pastime', *The Spectator*, vol. ii, no. 77 (19 December 1829), 807: 'The firm of "Mathews, Yates, and Elephant" had on Thursday night the high honour of a visit from one of the most remarkable men that the last thousand years has produced,—Mr. JEREMY BENTHAM. . . . The figure of BENTHAM is almost grand. There is an amplitude and power and simplicity in his massive features, that remind us of the antique busts of the Father of the Gods. Those who have not seen the philosopher may form a tolerably correct idea of his head from the common portraits of FRANKLIN, a man of kindred though inferior mind. The arrangement of the hair is similar, the contour not unlike, but in FRANKLIN the forehead has less dignity, and the lower part of the visage is fuller and more pendant. In BENTHAM the spiritual portion predominates—FRANKLIN, comparatively speaking, is "of the earth earthy;" [I Corinthians 15: 47] the expression of the Englishman's countenance is creative—of the American's reflective; FRANKLIN might have played the Seth to BENTHAM's Adam—the one made after the image of God, the other begotten in the likeness of men.'

Benjamin Franklin (1706–90), American statesman, philosopher, publisher, and writer, whom Bentham had encountered when he had attended the former's examination before the Privy Council on 29 January 1774: see Bowring, x. 59–60. For the story of God's creation of Adam 'in his own image' and the birth of Adam's son Seth 'in his own likeness, after his image' see Genesis 1: 26–7; 5: 3.

⁴⁶ See 'Mr Bentham and His Last Work', *The Examiner*, no. 1,038 (23 December 1827), 804–5. The article had originally appeared in *The Scotsman*, vol. xi, no. 824 (1 December 1827), 761.

23 FEBRUARY 1830

TO JOSEPH HUME

3603

TO JOSEPH HUME

23 February 1830 (Aet 82)¹

23 Feb^y 1830

J.B. Q.S.P.

to

J.H. the Man of the People

Well done!! Well done! Well done! 'thou good and faithful Servant.'²

At them again! Bull-dog like! Never leave them!³

Old as I am—82 the 15th of this month—I do not despair of seeing you Member for the City of London: Member, eventually for life.

On the other leaf is a list of articles in Yesterday's Votes ordered 'to lie on the *Table*': without Order for printing.

All material for me.

I *hope* you will *attend* to what I *hope* will be *said* to night on the subject of payment for judicial services by fees.⁴ You were already possessed of the *Reasons* against it by means of that work of mine containing *Petitions for Justice and Codification* which I sent you.⁵

For the purpose of Sir James Graham's Motion of the Night on *fees* as applied to the situations of *Clerk of the Peace* and *Clerk of Assize*

3603. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² Matthew 12: 21.

³ During the debate on the Army Estimates in the House of Commons on 22 February 1830 Hume had claimed that a number of Tory backbenchers agreed with him that retrenchment was required, but were afraid to vote against the government, and that this was 'proof that Gentlemen came here to serve themselves, and not to serve the country It was useless to talk, then, of any effectual reductions by the House, if hon. Members voted in this way. If it should continue in the same course of indifference to the wishes of the people, what remedy was there but force?' Peel had criticized Hume's 'inflammatory appeal to the people', to which Hume had retorted: 'Who were the real agitators—he, or the Members of that Government who pressed upon a distressed country with an iron hand. . . . If violence and rebellion thence ensued, who was to blame? Surely those who called upon the people to bear what was beyond their strength'. See *Parliamentary Debates* (1830), xxii. 808, 821, 828–9.

⁴ According to 'Notices of Motions, for Tuesday 23 February 1830', *Votes and Proceedings of the House of Commons*, no. 13 (22 February 1830), 101, Sir James Robert George Graham (1792–1861), First Lord of the Admiralty 1830–4, Home Secretary 1841–6, had given notice of a motion for the appointment of a 'Select Committee on Fees payable to the Clerks of the Peace, and Clerks of Assize'. On 23 February 1830 a Select Committee, including Graham, was appointed 'to inquire into the Fees, Charges, and Emoluments of the Clerks of the Peace, and the Clerks of Assize, in *England and Wales*': see *Commons Journals* (1830), lxxxv. 96.

⁵ For Bentham's criticism of the fee system see 'Petition for Justice', pp. 1–8, in *Justice and Codification Petitions* (Bowring v. 444–6).

TO JOSEPH HUME

25 FEBRUARY 1830

I sent him a scrap of paper in Letterpress in which the argument is drawn out more at length and perhaps exhausted.⁶

I moreover sent a duplicate to O'Connell.⁷

40. Debtors.

41. Courts of Request.

42. Ecclesiastical Courts.⁸

3604

TO JOSEPH HUME

25 February 1830 (Aet 82)¹

Q.S.P. 25 Feb. 1830.

Dear Hume

The following is a short indication of what presents itself to me as being among the fit objects of your beneficent labours.

Comparative statement of the sums expended on the relief of democratical Paupers with the sums expended on aristocratical Paupers under the names of *Pensions of Retreat*, and Retreat allowances and Superannuation allowances: comparing the cost per head in the one case with the costs per head in the other case.

Thus much for *aggregates*.

A source of subdivision might be—the several distinguishable classes of the Official Paupers.

The hig[h]est class would be composed of the Ex *Lord Chancellors* 1. Eldon 2. late Redesdale. 3. Manners.²

⁶ See 'Equity Dispatch Court Bill', § 2. Remuneration, in Bowring, iii. 335–40. Bentham printed the first eight sections of this work: see p. 133 n. above.

⁷ The following is the list of articles referred to above as being 'On the other leaf'.

⁸ '40. Debtors,—Returns *presented*,—Number of Persons confined for Debt in the King's Bench, Fleet, and other prisons, in the year 1829, for sums above £.100 and under £.20; and of the number of Warrants granted for Debt by the Sheriffs of London and Middlesex, and by the Sheriff of Surrey, in the year 1829 {Address 9th February}; to lie on the Table', '41. Courts of Request,—Return *presented*,—Number of Debtors committed to Whitecross Street and Horsemonger Lane Prisons, in process out of the Courts of Request during each of the last two years, ending 1st January 1830 {Address 9th February}; to lie on the Table', and '42. Ecclesiastical Courts,—Returns *presented*,—from all Courts in England and Wales empowered to grant Probate of Wills and Letters of Administration, respecting the state of the Wills in their Registries, and their dates; also, of the Fees, Profits, and Emoluments of the Judges, Record Keepers, and other Officers {Address 4th February}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 13 (22 February 1830), 99.

3604. ¹ Hume Correspondence, BL Add. MS 89039/1/1. Autograph.

² Eldon, Lord Chancellor 1801–6, 1807–27; Sir John Freeman-Mitford, formerly Mitford (1748–1830), first Baron Redesdale, Solicitor General 1793–9, Attorney General 1799–1801, Speaker of the House of Commons 1801–2, Lord Chancellor of Ireland 1802–6; and Thomas Manners-Sutton (1756–1842), first Baron Manners, Solicitor General 1802–5, Baron of the

But those of the Common Law Judges are, I believe, still higher.³

Total expenditure on democratic Paupers A° 1826 under 7 millions £6,966,156, 8^s.⁴ Superannuation allowances now of late stiled Dead Weight (according to the recollection furnished by my crazy memory) not less than 4½ millions.⁵

Proposed subject matter of a set of Petitions to be got up by the Parliamentary Reform Association.⁶

1. The result of the above enquiry.

2. The three outrageous taxes—viz. those on bread, sugar and tea: milstones about the neck of poor Britannia.

I would try my hand at a short and pithy Petition for this purpose. Other persons (the more the better) might do the same.

This suggestion about the comparative view of the sums expended upon the different classes of Paupers is just now resuggested to me by the H. of Commons paper just come in intituled *Poor Rate Returns*.

This about the three taxes, by the *Examiner* of last Sunday Feb. 21. (or Saturday Feb. 20th) taken from the *Scotsman* of an anterior date.⁷

Exchequer 1805–7, Lord Chancellor of Ireland 1807–27. The Judges' Pensions Act of 1799 (39 Geo. III, c. 110), § 6, provided that former Lord Chancellors were permitted to receive an annuity of up to £4,000, while the Judges' Pensions Act of 1800 [I] (40 Geo. III, c. 69), § 1, made the same provision for former Lord Chancellors of Ireland.

³ The Common Law judges, in fact, received less than the Lord Chancellors. The Judges' Pensions Act of 1813 (53 Geo. III, c. 153), § 1, had set the annual pensions of former Chief Justices of King's Bench, for instance, at £3,800 and puisne Justices at £2,800.

⁴ See 'An Account showing the Amount of Monies levied by Assessment for Poor's Rate and County Rate, in each County in England and Wales, in the Year ending 5th March 1826' in 'Poor Rate Returns', 17 February 1830, *Commons Sessional Papers* (1830), xxxi. 41–7 at 45.

⁵ According to 'Second and final account of the several amounts of half pay, retired and superannuated allowances, forming the sum of five millions of dead weight; Distinguishing the Amount under separate Heads, and separate Departments, now payable by the Public', 30 July 1822, *Commons Sessional Papers* (1822), xix. 441, the total cost of superannuation allowances was £5,389,986 13s. 11½d.

⁶ According to *The Spectator*, vol. iii, no. 108 (24 July 1830), p. 536, the purpose of the Parliamentary Reform Association was to organize petitions for reform and 'to promote the independent exercise of the elective franchise in the return of members to serve in Parliament free of expense'.

⁷ See *The Examiner*, no. 1,151 (21 February 1830), 122, reproducing an article from *The Scotsman*, vol. xiv, no. 1,054 (13 February 1830), 103, which stated that a married labourer with three children, consuming 2 lbs of sugar per week, would pay 26 shillings per annum in tax, the equivalent of 'three weeks' labour, or one seventeenth part of his year's earnings'. Moreover, were the same labourer to purchase eight pounds of tea per annum at a cost of 36 shillings, he would pay 27 shillings in tax. The article did not mention the bread tax. A copy of the article from *The Examiner*, headed 'For Petition against Taxes on Bread, Tea and Sugar', is at UC lxxx. 424–5. On a sheet headed 'Petition against Bread &c. Taxes' at UC lxxx. 423 (22 February 1830), Bentham has noted: 'The Lord's prayer says Give us this day our daily bread: in vain, if *man* takes it from us.

☞ Draw the matter from the Examiner or Spectator of 20 Feb' 1830 and see Parnell on Taxes.'

Parnell discusses the effect of increasing and reducing duties on tea in *On Financial Reform*, London, 1830, at pp. 44–5, 48–9, and duties and bounties on sugar at pp. 61, 231–2.

FROM CHARLES SINCLAIR CULLEN

4? MARCH 1830

3605

FROM CHARLES SINCLAIR CULLEN

25 February 1830¹

Thursday night

Sinclair Cullen to Jeremy Bentham—homage.

I have mistaken you—but (though I like to keep your notes) I send you back your note² which will explain my mistake.—I will call on you on Saturday³ at ½ past 1—if not forbidden. Tomorrow I can't, because I shall be all day at Bankrupt court. I will dine with you on Monday.⁴

3606

FROM CHARLES SINCLAIR CULLEN

4? March 1830¹

Wyndham Club

My dear Sir

The Messenger has followed me. I am on my way to several destinations on business. I shall be glad to dine with you tomorrow. The association proposal only waits for John Smith's coming to town. I desire much to hear you on those topics.

Sinclair Cullen

3605. ¹ BL Add. MS 33,546, fo. 379. Autograph. Addressed: 'Jeremy Bentham Esq^e 2 Queen's Sq^e P^{ce} West^r.' Docketed: '1830 Feb. 26. Cullen.'

² Missing.

³ 27 February 1830.

⁴ 1 March 1830.

3606. ¹ BL Add. MS 33,546, fos. 475–6. Autograph. Addressed: 'Jeremy Bentham Esq^e 2 Queen Sq^e P^{ce} West^r.' Docketed in the hand of an amanuensis: 'Cullen to J.B. Q.S.P.' The date is suggested by Letter 3608 in which John Smith's arrival in London is mentioned and by Letter 3609, in which 'Law Reform Association Proposal' and the fact that Cullen was due to visit Bentham on 5 March 1830 are mentioned.

4 MARCH 1830

FROM ROWLAND HILL

3607

FROM ROWLAND HILL

4 March 1830¹

Bruce castle

March 4th.

Dear Sir

My brother Frederick is anxious to have the honour of presenting you with a copy of his pamphlet on 'the National Distress'.² I have therefore taken the liberty of forwarding one by post.

You will be glad to hear that a Society has been formed in Sweden for establishing a Hazelwood School near Stockholm.³ Our friend M^r Edward Lewin (M^{rs} Grote's brother) goes to Sweden in about a month, for the purpose of assisting in the formation of the school, having obtained leave of absence from Cambridge till November next.⁴

I make no apology for troubling you with these particulars, knowing from the kind interest you have invariably taken in the Hazelwood plan, that they will gratify you.

I remain, Dear Sir

Very respectfully your's

Rowland Hill

To

Jeremy Bentham Esq^{re}.

3607. ¹ BL Add. MS 33,546, fos. 380–1. Autograph. Docketed: '1830 Mar. 5. Rowland Hill Bruce Castle to J.B. Q.S.P. With his Brother's Pamphlet on the "Distress."'

² Frederic Hill, *The National Distress, with its remedies, real and imaginary, examined in three letters, to the mechanics and artisans of Birmingham*, London, 1830. Bentham's copy, inscribed 'To Jeremy Bentham, Esq^{re} from the author', is at BL shelf-mark C.T.114.(5.)

³ Hillska Skolan, founded in Stockholm in 1830.

⁴ Edward Bernard Hale Lewin (b. 1810) had been admitted to Peterhouse College, Cambridge in 1828.

TO JOSEPH HUME

5 MARCH 1830

3608

TO JOSEPH HUME
5 March 1830 (Aet 82)¹

Q.S.P. 5 March 1830

Dear Hume

Thanks to M^{rs} Hume for her obliging letter.²

Law Reform Association

Having the satisfaction of seeing proof of the existence of that able and indefatigable Law-Reformist *Sir J. Newport*,³ I have this moment sent to him by 2^y Post a copy of my Equity Dispatch Court Proposal. Perhaps he would not be disinclined to join the Association: Will you have the goodness to propose it to him? S^r F. Burdett may perhaps, especially if you mention it to him, join with you in so doing. M^r J. Smith (M.P.) is just arrived in town: so that now a commencement will soon be made.

I think I have sent you a Copy: If I have not, let me know and I will send you one immediately.

Your's ever

Jeremy Bentham

Joseph Hume Esq. M.P.

P.S. I have just learnt that no copy of the above mentioned Proposal has been sent you. If a copy can not be delivered to you in Honble House, it will go immediately by twopenny Post.

Votes on Monday 1 March 1830. N^o 4 Court of Chancery⁴—No order for printing.

Votes of [Thursday]⁵ 4 March 1830. N^o 47 East India Charter.⁶ One Petition ordered to be printed: 3 others not.

☞ Perhaps not very material this.

3608. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. ² Missing.

³ Sir (Simon) John Newport (1756–1843), MP for Waterford 1803–32, Irish Chancellor of the Exchequer 1806–7.

⁴ '4. Court of Chancery,—Return *presented*,—total amount of the Effects of Suitors, in the years 1819 to 1829 [ordered 9th February]; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 19 (1 March 1830), 135. ⁵ MS 'Tuesday' is a slip.

⁶ '47. East India Charter,—Petitions against the renewal thereof; of Members of the Philosophical, Chemical, and Mechanical Society, Bradford; to lie on the Table, and to be *printed* [APP^x. N^o. 165]:—Of Merchants, Manufacturers, and Inhabitants of Blackburn;—of the Lord Provost, Magistrates, and Common Council of the City of Glasgow;—and, of John Alston, Convener of the Trades House of Glasgow; referred to the Select Committee on East India Company's Affairs', *Votes and Proceedings of the House of Commons*, no. 22 (4 March 1830), 161.

5 MARCH 1830

TO CHARLES SINCLAIR CULLEN

3609

TO CHARLES SINCLAIR CULLEN

5 March 1830 (Aet 82)¹

5 March 1830

J.B. Q.S.P. to C.S.C.

Bowring dined with me yesterday. You are to be here at 10 this evening. He will be here about that time.

Sub poenâ duces tecum² the Association Proposal.

3610

TO CHARLES SINCLAIR CULLEN

5 March 1830 (Aet 82)¹

Q.S.P. 5 March 1830

My poor dear Child

I keep your Messenger to send you a recipe of which Doane has experienced the efficacy as applied, at any rate to the purpose of *temporary* relief. Should it succeed, you might come here notwithstanding tying a handkerchief over your mouth by which the mouth is kept from the cold air in breathing. This is a means by which I have kept off cough.

Alack a day while writing comes in Doane who says that he has looked for it in vain: he having given it away.

But he says he has known *Pellatory of Spain*² succeed where this has failed:

It is a liquid compound[?] *alum* and nitrous acid.

A perpetual reme[d]y I have known practiced with success is to heat one end of a knitting needle red hot and touch the nerve with it: the pain is but instantaneous. Only of course to a hollow tooth is it applicable.

3609. ¹ UCL Library, Denis Roy Bentham Collection, MS. ADD. 413, Additional item.

² i.e. 'Under threat of punishment, you will bring with you'. A subpoena duces tecum was a writ ordering a person to attend a court and bring relevant documents.

3610. ¹ Sherborn Autographs, BL Add. MS 42,583, fos. 28–9. Autograph. Addressed: 'To C.S. Cullen Esq.' Endorsed: 'Jeremy Bentham.'

² A plant of the daisy family, *anacyclus pyrethrum*, whose root was used as a remedy for toothache.

TO GEORGE BENTHAM

8 MARCH 1830

3611

TO JOSEPH HUME

6 March 1830 (Aet 82)¹

Q.S.P. 6 March 1830

Dear Hume

In the Votes of Friday 5th of March are no fewer than 5 Articles in a sequence—namely 3, 4, 5, 6, and 7, in respect of which no Order for printing is stated as having been issued:² without them the several classes of documents they belong to will be incomplete, and the information furnished by them may be delusive.

J.B.

3612

TO GEORGE BENTHAM

8 March 1830 (Aet 82)¹

J.B. to G.B.

Q.S.P.

8 March 1830

Herewith you will receive a copy of two *Registration* Pamphlets just received from Tyrrell,² and introduced by a kind letter.³ I send them,

3611. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '3. Ecclesiastical Courts,—Further Returns *presented*,—of the Fees, Profits, and Emoluments of the Judge; of the Apparitor; of the Registrar and Deputy Registrar; and, of the Sealkeeper of the Consistory Court of London; and, of the Fees of Proctors on grants of Administration {ordered 4th February}; to lie on the Table', '4. Debtors (Dublin),—Returns *presented*,—of the number of Prisoners committed for Debt to the custody of the Keepers of the Four Courts Marshalsea, City Marshalsea, and other Prisons in Dublin, in the year 1829 {ordered 9th February}; to lie on the Table', '5. Newspaper Stamps (Ireland),—Returns *presented*,—of the number of Stamps issued to each Newspaper in Ireland, for one year ending 5th January 1830 {ordered 11th February}; to lie on the Table', '6. Newspaper Proclamations (Ireland),—Return *presented*,—of sums paid to Newspapers, from 5th January 1829 to 5th January 1830, for printing Proclamations {ordered 11th February}; to lie on the Table', and '7. Court of Chancery (Ireland),—Copies *presented*,—Certificate in the matter of the Clerk of the Recognizances; and, Certificate in the case of George Heard, esquire, late one of the Six Clerks, for compensation {by Act}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 23 (5 March 1830), 167.

3612. ¹ Leeds University Library, Special Collections, Egerton Leigh Autographs: Statesman & Ambassadors, BC EGERTON LEIGH/05. Autograph.

² George Bentham records on 8 March 1830 (George Bentham Diaries, GEB/2/1, p. 11) that he received, 'From JB a note with two pamphlets on Registration for me to read &

11 MARCH 1830

TO JOSEPH HUME

that you may have read them, and be in condition to make report on them when we meet.

3613

TO JOSEPH HUME

11 March 1830 (Aet 82)¹

Q.S.P. 11 March 1830

Dear Hume

Official Salaries. *General* Publication proposed.

In former days in the annual lists of Public Functionaries paid by Salary, in conjunction with the name of each officer was inserted the amount of the Salary attached to it.²

In the Votes of yesterday the 10th of March I see *Orders* or *Addresses* which, with comparatively small if any exception, will have the effect of putting the Members of the H. of Commons (and other persons who take in the Votes) in possession of the information thus afforded.³ Of the Motion for the revival of this practice, with the addition of the authority of Government, the effect might be to communicate to *tax-payers* this part of the information so much needed by them instead of its being confined to the *tax-eaters*. A Motion for this purpose would be of obvious use whether acceded to or rejected.

An Almanack of about the size of the present Red Book⁴ and containing this information used to be published by the Society called the Amicable Society for the Insurance of lives, of the Directors

“report on” to him on Wednesday—one by Bellenden Kerr in his style “shewing up” the insecurity to mtgees without the legal estate the absurdity of the equitable doctrine of notice & some other equitable absurdities—the other a well reasoned answer to the objections raised against registration & good arguments & suggestions in favor of it & relating to some practical details—by a M^r Humphrey’. The first pamphlet was H. Bellenden Ker, *The Question of Registry or No Registry considered, with reference to the interests of Landowners & Commercial Credit, in a letter to The Right Honorable Robert Peel*, London, 1830, but the second has not been identified. ³ Missing.

3613. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² For further details see Letter 3658, where Bentham returns to this subject.

³ According to ‘Notices given on Tuesday 9 March 1830’, *Votes and Proceedings of the House of Commons*, no. 25 (9 March 1830), 196, Graham had given notice that he intended on 12 March 1830 to move an ‘Address for Account of all Salaries, Profits, Pay, Fees, and Emoluments, whether Civil or Military, from 5th January 1829 to 5th January 1830, held and enjoyed by each of the Members of His Majesty’s Most honourable Privy Council, specifying, with each name, the total amount received by each individual, and distinguishing the various sources from which the same is derived’. In the event, Graham did not bring forward this particular motion.

⁴ i.e. the *Royal Kalendar*.

TO JOSEPH HUME

11 MARCH 1830

of which my Father was one.⁵ Copies for several Years are in my possession.

If you feel disposed to make a Motion for this purpose, one of them shall be at your service. Whoever makes such Motion should do it with one of them in his hand: it would contribute to the production of what is called Stage effect.

If You approve of this, perhaps, as You have so much to do, it would be as well to transfer this Motion to any other competent Member to whom it would be agreeable to undertake it.

Since writing the above I have been hearing the mention you made of me in Honble House yesterday. It was of great use, were it only for the civil words elicited from the Attorney General.⁶ The pleasure it afforded me may be more easily imagined than expressed.

Your's ever

Jeremy Bentham.

Joseph Hume M.P.

Still much more gratifying to me was your Declaration of War against Honble House issued by you t'other day against said Honble House.⁷

⁵ See, for instance, 'A List of the Members of the Corporation of the Amicable Society, for a Perpetual Assurance Office, Contributors on their own Lives, having a right to vote at the Election of Directors', London, 1783, p. 5, where Bentham's father Jeremiah Bentham (1712–92), who was one of the twelve Directors in the late 1770s and early 1780s, is listed.

⁶ During the debate on Welsh judicature in the House of Commons on 9 March 1830 (rather than 10 March 1830, as Bentham states), Sir James Scarlett (1769–1844), later first Baron Arbinger, Attorney General 1827–8, 1829–30, Chief Baron of the Exchequer 1834–44, had remarked that he knew of 'one celebrated individual who objected to trial by jury, he knew that individual had made many proselytes, and perhaps [O'Connell] might be one of them'. Hume had then 'animadverted on some observations that had fallen from the Attorney General, conveying, as he conceived, a sneer of ridicule, directed against Mr. Bentham and the doctrines advocated by that writer and his followers. Instead of sarcastically reviling such a man as Mr. Bentham, he thought it would be well for the Attorney General if he would cultivate his principles, and labour to attain the same exalted character in the estimation of the civilized world'. In response, Scarlett had 'disavowed having made any disrespectful allusion to Mr. Bentham or his writings, and he could not help thinking that a very insidious application had been made of any expressions he might have uttered. He entertained a high respect for Mr. Bentham, whom he had not the honour to know personally, although he was acquainted with those who were on intimate terms with that gentleman. It did not follow, however, that the respect which he felt for the writer was to extend to an adoption of his opinions. He did speak of a sect, but he had cast no reflections upon its members'. See *Parliamentary Debates* (1830), xxiii. 69–70.

George Bentham records on 10 March 1830 (George Bentham Diaries, GEB/2/1, p. 12) that, 'JB highly pleased at the notice taken of him last night in the House of Commons'.

⁷ For Hume's criticism of the House of Commons during the debate on the Army Estimates on 22 February 1830 see p. 280 n. above.

11 MARCH 1830

FROM JOHN NEAL

3614

FROM JOHN NEAL

11 March 1830¹

Portland March 11. 1830.

Jeremy Bentham.

Your short note,² my revered friend and preceptor, has had among other effects worthy of the cause, that of stimulating me to new exertion in a new quarter. I received it yesterday while employed in correcting the 25th signature of a work in 8vo. which is now going through the press at Boston, and by which I mean to make my countrymen acquainted with the *man* Jeremy Bentham, as well as with the *Lawgiver* and the *Philosopher*. The first part of it contains what I believe to be the truth about the man—the latter what all must acknowledge to be so; for it is the *best* part of Dumont's *best* part of your chief work.³ All but the familiar anecdotes have appeared before in the *Yankee*⁴ (of which I have sent you and my dear Doane Copy after Copy—one of which I hope you will get) and have been circulated far and wide over our whole Country. A part of the general view has been republished over and over again by some of our best papers; so that *now*, the people are prepared to judge for themselves. Time they want however, and time they must have. But, my solemn conviction is that the man is now alive who will yet see a thorough change in our whole system of jurisprudence, in the law as well as in the administration of law. Many laborers are in the field—many a strong arm and strong head preparing for a strife that must continue, and will be bequeathed 'from sire to son'⁵ till the work is accomplished—that work whereto all your energies and all your time has been dedicated for more than half a century.

3614. ¹ BL Add. MS 33,546, fos. 382–3. Autograph. Addressed: 'Jeremy Bentham Queen Square Place Westminster London'. Stamp illegible. Postmarked: 'SHIP LETTER / LIVERPOOL'. Docketed: '1830 March 11. Neal Portland U.S. to J.B. Q.S.P. Offer to review J.B.'s Evidence in N. American Review. Has read J.B.'s Petitions for Justice &c.'

² Letter 3574.

³ See 'Biographical Notice of Jeremy Bentham' and 'Morals and Legislation' in Neal, *Principles of Legislation*, pp. 9–118 and 173–310 respectively.

⁴ 'Morals and Legislation' had been published in eighteen instalments under the heading 'Dumont's Bentham' in *The Yankee*. The first instalment appeared in vol. i, no. xxvii (2 July 1828), 212–13, and the final in vol. ii, no. xix (7 May 1829), 145–6.

⁵ See Tiberius Catius Asconius Silius Italicus, *Punica*, i. 17–19: *Tantarum causas irarum odiumque perenni servatum studio et mandata nepotibus arma fas aperire mihi superasque recludere mentes*, i.e. 'The causes of such fierce anger, the hatred maintained with unabated fury, the war bequeathed by sire to son and by son to grandson—these things I am permitted to reveal, and to disclose the purposes of Heaven.'

Having finished the proof referred to above, I began to cast about in my own mind how I should contrive to set some other powerful engine at work. At last it occurred to me that I would try what I had never *tried* before in this way (though I have pretty seriously in other ways) the *North American Review*. Perhaps, thought I, though the editor⁶ and I are not sworn friends ever since I blew up his journal for its intrepid blundering about ‘the Philosopher’, there may be a disposition *somewhere* to atone for that blundering.⁷ So I have just dropped him a line to say that I will review your evidence—as it *ought to be reviewed*—if he desires it.⁸

And now for your note. I know of nothing more to the purpose in our language, more affecting or more simple than your ‘certificate’ of existence. It gratifies me to the heart to find that with all your multiplied and magnificent labors you have time not only to remember me—a boy when I was with you—but to say so, under your own hand.⁹ Never allow yourself to believe that such time is thrown away. It is not—much as I love and revere you, and satisfied as I am of your regard for me, you may depend upon it, that with me as with other men, something is always gained by an occasional spur of this sort. ‘*Witness*’—My plan for the *N.A. Review*, as you say.

My ‘prosperity’ is such that I have nothing to trouble me—nothing to render me more anxious about the future than, fashioned as we are, every reasonable man, if ambitious of bettering the great human family, or even his own little neighbourhood, or fire-side, would wish to be.

I am sorry you have taken the trouble to have the ‘collections’ you refer to *copied* for me.¹⁰ Useful as they are to you—and as they might

⁶ Jared Sparks (1789–1866), historian, editor, and Unitarian clergyman, Editor of the *North American Review and Miscellaneous Journal* from January 1824 to April 1830.

⁷ In a review of A. de Staël-Holstein, *Lettres sur L’Angleterre*, Paris, 1825, in the *North American Review and Miscellaneous Journal*, vol. xxvi, no. lviii (January 1828), 163–96, it was noted that while Bentham possessed ‘a good deal of natural talent and acquired information, he has the misfortune to labor under a partial aberration of intellect, which has grown upon him as he advanced in life’. The reviewer explained that Bentham’s first publications, ‘though not of much importance, were judicious and well written’, but that he had ‘found himself incapable of bringing out his own ideas in an intelligible form’ and it was instead Dumont ‘to whom we probably owe most of what there is valuable about them’ (*ibid.*, 188). Neal’s response appeared as ‘Jeremy Bentham’, *The Yankee*, vol. i, no. xi (12 March 1828), 81–3, and no. xii (19 March 1828), 92–3, in which he expressed disbelief that ‘the editor of so respectable a journal would suffer anybody to attack such a man, with the forty-times refuted follies and levities of Blackwood or the John Bull newspaper; or that any decent writer in our country would be found so destitute of a regard for truth, or so presumptuous, if he did not know the truth, as to assail one of the greatest benefactors of the human race, with downright ribaldry too, in the pages of the chief journal of North-America’.

⁸ No review of *Rationale of Judicial Evidence* appeared in the *North American Review*.

⁹ See Letter 3574.

¹⁰ See Letter 3574 for the ‘collections’.

be to me, if I were not in the very thick of professional fight, they were not such things as I should like to have anybody about you employed upon. But no matter—they are here now, and will have their use even to me; and I thank you heartily for what is done, though had I foreseen your intention I should have prevented it.

I thank God—your god as well as mine—the maker of such men as you are, that there is nothing in the way of your ‘continuing’ as we say here, not merely a twelvemonth, but judging by what I saw, many twelvemonths to bear witness against the vulgar legislation of the age. Of course you husband your ‘sigh(t ...)’ to show you how much I am willing to sacrific(ice ...) otherwise I might claim as a disciple, I (<...>) forever discharge you and all your organs excep(<...>) and ears from correspondence with me. *Dictate* hereafter, when you have any thing for me, & I will chop you to pieces a dragon a day on this side of the water, to say nothing of North American Reviews.

The *Spectator* is well done—what they say of you and of the controversy between the Edinboro and Westminster, too true to make a jest of.¹¹ Neither of the two understood you, or the doctrines in dispute. I said so months ago, as you will see in the *Yankee*;¹² and I have said so in another way *throughout* the book now publishing—the sheets of which are forwarded to you as fast as they come out of the press. I am now reading your *Petitions*¹³—they are wonderfully characteristic, and *must be heard*. More I should say about the gratification I have had from studying—not reading—but studying your late works; but I prefer saying all this in a more public way, as you will see and have seen. Let me add that I rejoice to hear of

¹¹ ‘An Attempt to Settle a Somewhat Tedious Controversy’, *The Spectator*, vol. ii, no. lxxviii (26 December 1829), 826–7, discussing the controversy between the *Edinburgh Review* and the *Westminster Review*, namely [William Empson,] ‘Bentham’s Rationale of Evidence. Art. VIII.—Rationale of Judicial Evidence, specially applied to English Practice. From the Manuscripts of Jeremy Bentham, Esq., Bencher of Lincoln’s Inn. In five vols. Lond. Hurst and Co. 1827’, *Edinburgh Review*, vol. xlviii, no. xcvi (December 1828), 457–520; ‘Bentham—Edinburgh Review. Art. VI.—Edinburgh Review, No. XCVI. Art. VII.—Bentham’s Rationale of Evidence’, *Westminster Review*, vol. x, no. xx (April 1829), 367–93; [Macaulay,] ‘Utilitarian Logic and Politics’, *Edinburgh Review*, vol. xlix, no. xcvi (March 1829), 159–89; [Macaulay,] ‘Bentham’s Defence of Mill. Utilitarian System of Philosophy’, *Edinburgh Review*, vol. xlix, no. xcvi (June 1829), 274–99; [Thompson,] “‘Greatest Happiness Principle’”, *Westminster Review*, vol. xi, no. xxi (July 1829), 254–68; [Thompson,] ‘Edinburgh Review and “Greatest Happiness Principle”’, *Westminster Review*, vol. xi, no. xxii (October 1829), 527–36; [Macaulay,] ‘Utilitarian Theory of Government, and the “Greatest Happiness Principle”’, *Edinburgh Review*, vol. 1, no. xcix (October 1829), 99–125; and [Thompson] ‘Edinburgh Review and the “Greatest Happiness Principle.” Art. XIV.—Edinburgh Review (XCIX. Art. 6.) on “The Utilitarian Theory of Government, and the Greatest Happiness Principle”’, *Westminster Review*, vol. xii, no. xxiii (January 1830), 246–62.

¹² See ‘Literary Notices’ in *The Yankee*, new series, no. vi (November 1829), 333–4.

¹³ i.e. *Justice and Codification Petitions*.

FROM JOHN BLACK

12 MARCH 1830

the prosperity of the Westminster, and hope that you and yours will enjoy some portion of the good that has already and may hereafter be produced by it.

Best love to George, his father and Doane.¹⁴

Sincerely and devoutly yours
a true Believer

John Neal

Please to order a copy of the new Edition Bruxelles to be bound in [...] best manner, (with *Neal* lettered on each volume) and sent to Gray & Bowen Boston, or Wells and Lilly Boston, for me.¹⁵

Having just read this letter to my wife who is sitting at my side with her baby on her knee—she has put up her lip and reminded me that ‘I have said nothing about Mary.’¹⁶ Whereupon I have stopped the *press* to add that I am a father—and that my child, being born a Utilitarian, shall, if I can so manage it, become the Mother of Nations in that faith.

Again and again
Yours

John Neal

3615

FROM JOHN BLACK

12 March 1830¹

Thursday night

My dear Sir

I have just received your note.² The author of the Letter in my Leader was George Groote;³ it was I think with you very able. I have no idea that Groote wishes any concealment of his name, for he gave the Letter to John Mill⁴ to give to me.

¹⁴ George Bentham, Sir Samuel Bentham, and Richard Doane.

¹⁵ For the edition of Bentham's works printed at Brussels see Letter 3531.

¹⁶ Neal had married his cousin Eleanor, née Hall, in 1828. Mary, the first of their five children, had been born in 1829.

3615. ¹ BL Add. MS 33,546, fos. 384–5. Autograph. Docketed: ‘1830 Mar. 12. Black Morn^g Chron. Office to J.B. Q.S.P. Grote author of the letter signed Gabinius in Morn^g Chron. of March | |.’ ² Missing.

³ See the *Morning Chronicle*, 9 March 1830, p. 2, where Gabinius, in a letter dated 7 March 1830, was critical of the reporting in the *Morning Chronicle*, 6 March 1830, p. 2, of the debate in the House of Commons on 5 March 1830 on the Bill to transfer the borough of East Retford's seats to Birmingham. ⁴ John Stuart Mill.

13 MARCH 1830

TO ROBERT PEEL

I have used your information respecting your Brother's Estate without naming him or you.⁵ I intend to avail myself of your last Pamphlet to shew up these rascally Lawyers in a day or two.⁶ Scarlett is a great sc—p.⁷

Yours truly

John Black

3616

TO ROBERT PEEL

13 March 1830 (Aet 82)¹

Law-Reform

Q.S.P. 13 March 1830

Sir

In the account given of the debates of the Honble House on the 9th instant in the *Morning Chronicle* of the 10th² I read these words

'Mr. Secretary Peel . . .—He had given notice of his intention to bring in a Bill to put an end to all Fees taken by Officers of the Courts; and when that Bill passed, they should then be able to apply themselves to a remedy for all those defects of practice which at present formed so just a ground of complaint.'

Reading these words I rub my eyes and say to myself—Is not this a dream?—What is this I see?—One of His Majesty's Principal Secretaries

⁵ During the debate on Welsh judicature in the House of Commons on 9 March 1830, James Scarlett had compared the English and French systems of judicial procedure and claimed that 'the law costs in France at least equalled, if they were not much greater than, those occasioned by the administration of justice in England': see *Parliamentary Debates* (1830), xxiii. 53–62, esp. 59–61. In response, in the *Morning Chronicle*, 12 March 1830, p. 4, it had been noted: 'As an illustration of the different state of things in the two countries, the following instance, communicated to us by a gentleman of the first reputation in this metropolis, may be instructive:—"Not long ago," he says, "my brother, while living on his estate in France, found it necessary to bring an action against a tenant for a breach of covenant. The whole expence on his side was thirty-five Francs." Probably the whole was settled in a few days. In England no remedy could have been obtained till after a long delay, and at an enormous expence.'

⁶ Presumably *Justice and Codification Petitions*, but no reference to the work appeared in the *Morning Chronicle*. ⁷ i.e. 'scamp'.

3616. ¹ Peel Papers, BL Add. MS 40,400, fos. 94–5. In the hand of Doane, with the exception of the heading, valediction, signature, direction, and postscript, which are in Bentham's hand. Docketed: 'March 13. 1830. Jeremy Bentham Esq^{re} A. 15. Law Reform.' Copy, in the hand of Doane, at UC xi. 349, endorsed by Bentham: '1830 Mar. ||. J.B. Q.S.P. to Peel Whitehall Place.'

² i.e. the report in the *Morning Chronicle*, 10 March 1830, p. 3, on the debate on Welsh judicature in the House of Commons on 9 March 1830.

of State become a Reformist?—a Law Reformist, in good earnest?—Old man put off—new man put on?—New man—and he, even, like his humble Servant, theoretical, visionary, and wild?—I go back some 72 or 73 years—You like now and then a bit of Latin—I rake up my little stock of it and cry aloud—‘O si sic omnia’³—‘Felicis minima’⁴—‘Propria hæc si dona fuissent’⁵—with et caeteras upon et caeteras:

Sir, you have passed the Rubicon.⁶ Your foot is on the career that leads to the ends of justice. What can be more truly glorious? ‘Vera gloria radices agit, atque propagatur.’⁷ Opinionum commenta (such as those in Blackstone’s Commentaries)⁸ delet dies.⁹ You and I are Brother Oxonians¹⁰—‘On . . . On . . . On’ says, or at least used to say, the legend at Caerfax.¹¹ Sixty-two years ago, being A.B., I gave my vote for the father of the late Lord Liverpool.¹² For this many years I have been *Anathema Maranatha*¹³ in that seat of universal and daily perjury¹⁴—and now you, Sir, even you, are fallen into the same pit with me.

With an undertaking such as this before me shall any thing on my part that presents the least chance of promoting it be wanting? No, indeed.—Against remuneration by fees and the system of factitious expense and delay that have grown out of it may be seen some arguments the matter of which may perhaps by the form given to it afford some facility to the operation of pulverizing any objection which lawyer-craft might venture to oppose to the measure you have embraced.

³ i.e. ‘O if all things were so’: see Juvenal, *Satires*, x. 123–4.

⁴ i.e. ‘Being happy about small things’.

⁵ i.e. ‘Had these gifts of yours been lasting’: see Virgil, *Aeneid*, vi. 871.

⁶ For Caesar’s crossing the Rubicon see p. 6 n. above.

⁷ i.e. ‘True glory strikes deep root and spreads its branches wide’: see Cicero, *De officiis*, II. xii. 43.

⁸ Blackstone, *Commentaries on the Laws of England*.

⁹ i.e. ‘The years obliterate the inventions of the imagination’: see Cicero, *De natura deorum*, II. 5.

¹⁰ Bentham had attended Queen’s College, Oxford and Peel had attended Christ Church College, Oxford.

¹¹ The Carfax, where four roads met, was considered to be the centre of the City of Oxford. John Pointer, *Oxoniensis Academia: or, the Antiquities and Curiosities of the University of Oxford*, London, 1749, p. 177, explains that over the cistern at the Carfax ‘is the brazen figure of Europa . . . She is represented riding on an Ox, and crying *On, On*, hence the Town was call’d *Oxon*’.

¹² Bentham had taken his Bachelor of Arts degree (Arteum Baccalaureus) in 1764, but it had been taking his Master of Arts degree in 1766 that had qualified him to vote in the Parliamentary elections for Oxford University, and he had done so on 23 March 1768, when Charles Jenkinson (1729–1808), first Baron Hawkesbury and first Earl of Liverpool, the father of Robert Banks Jenkinson (1770–1828), styled Lord Hawkesbury 1796–1808, second Earl of Liverpool, leader of the administration as First Lord of the Treasury 1812–27, had come third in the poll.

¹³ I Corinthians 16: 22.

¹⁴ For a discussion of perjury at the University of Oxford see ‘*Swear not at all: containing an exposure of the Needlessness and Mischievousness, as well as Antichristianity, of the ceremony of an Oath*, London, 1817, § 11, pp. 48–55 & 54–60 n. (Bowring, v. 187–229 at 209–12 & 212–14 n.)

15 MARCH 1830

FROM ROBERT PEEL

Had the completion of the work been waited for (I mean that from which the herewith-inclosed paper is extracted),¹⁵ the most important use capable of being made of it would have been lost. The preceding part of the matter might indeed have accompanied it: but it seemed best not to make any needless addition to a proffered burthen, which, as it is, is swelled beyond my wishes.

You once sent me a Bill or two of yours.¹⁶ How much more gratifying a present a copy of the one in question would be, I leave you to imagine. How much more comfortable to myself would not my endeavours be, if employed in forwarding instead of opposing your wishes! Believe me, Sir, be the man who he may, never without pain can I speak to him or of him in a hostile tone.

Believe me to be
with cheering hope
and unfeigned respect
Sir, Yours

Jeremy Bentham

Right Honble Rob^t Peel
&c. &c. &c.

P.S. Approaching blindness necessitates substitution of dictation to *autography* and probabilizes *errata*.

3617

FROM ROBERT PEEL

15 March 1830¹

Whitehall

March 15. 1830

Sir

I have the honour to acknowledge the Receipt of your Letter, and to return you my thanks for it and the enclosure.²

¹⁵ The copy of 'Equity Dispatch Court Bill', Part I, § II. Remuneration, pp. 16–32 (Bowring, iii. 335–41), that Bentham sent with the present Letter is at Peel Papers, BL Add. MS 40,400, fos. 96–103.

¹⁶ Peel had sent Bentham three Bills relating to the reform of criminal law on 2 September 1826: see Letter 3280, *Correspondence*, xii.

3617. ¹ UC xi. 353. Autograph. Docketed: '1830 Mar. 15. Peel Whitehall place to J.B. Q.S.P. Thanks for J.B.'s argument against fees.' A copy is at Peel Papers, BL Add. MS 40,400, fos. 104–5.

² Letter 3616 and the extract from 'Equity Dispatch Court Bill'.

TO DANIEL O'CONNELL

15 MARCH 1830

I have obtained leave to bring in a Bill on the subject of the Fees of Officers in Courts of Justice,³ which will, if it shall pass into Law,⁴ lead to the abolition of Patent offices held for Life in Courts of Justice, and leave open for free consideration unembarrassed by a reference to personal interests, the whole Question of the amount & nature of the Remuneration which it may be fit to allot to the future officers of the Courts of Law.

When this bill shall have been presented and printed I shall have great pleasure in sending you a Copy of it.

I have the honor to be Sir
Your obedient Servant

Robert Peel

Jeremy Bentham Esq^{re}

3618

TO DANIEL O'CONNELL

15 March 1830 (Act 82)¹

Q.S.P., 15th March, 1830.

DEAR O'CONNELL,—Comes into my head just now an idea which I lose no time in communicating to you.

On the *occasion* of your motion for printing Codification matter for use of Honourable House, what say you to *another* for the printing of *Livingston's* Louisiana Codification matter² for that same purpose—I say on the *occasion*; not at the same time: for it would add a *drag* to a wheel which quite drags enough without it.

Cases sufficiently apposite, not to say *in point*, you would have in plenty. Under the name of *Regulations*, Codes printed by order of Honourable House. From do., enacted and published in various parts in British India: the like from other distant dependencies of the British empire, in particular the West Indies: a complete list might, if needful, be collected for this purpose.³

³ On 18 February 1830 Peel had been granted leave to bring in a 'Bill for ascertaining the Fees and Emoluments of Officers in the Courts of Common Law': see *Parliamentary Debates* (1830), xxii. 650–78.

⁴ The measure, enacted as the Common Law Courts (England) Act of 1830 (11 Geo. IV & 1 Will. IV, c. 58), received the Royal Assent on 23 July 1830.

3618. ¹ Bowring, xi. 37–8.

² i.e. Livingston's proposed penal and procedural codes that he had sent with Letter 3520.

³ For examples of such regulations concerning India see 'Return to an Order of the Honourable The House of Commons, dated 22 May 1828, and 6 May 1829;—for A Copy Of the Regulations that have been adopted by the Supreme Courts of the several Presidencies in

Objection 1. This is matter of course and of obligation: for, over these subordinate communities we legislate; and to legislate *well* appropriate information is necessary; but over Louisiana we do not legislate. Answer—True; but unless we are omniscient, something in the way of appropriate information upon a much larger scale than in these cases may be not altogether without its use.

On the subject of the quondam Nabob of Arcot's debts, real and pretended, to British individuals, Honourable House has already in print, folio volumes twenty-six, and the series not completed;⁴ on the funds belonging to English *charities*, about as many: this last communication in consequence of the Commission moved for and obtained by Mr Brougham.⁵ This Codification-matter of the State of Louisiana would not occupy so much space as is occupied by this or that one of the above-mentioned fifty-two.

Objection 2. Louisiana is a republic,—a commonwealth. 'Matchless Constitution' is a monarchy:⁶ it becomes us not to take for a model the laws of a commonwealth.—Answer. True: not the constitutional branch; but on no part of the constitutional branch have these Louisiana codes any bearing. *Penal* and *Procedure*,—these are the only branches comprised in the assemblage.

N.B. For Louisiana there exists, and I believe already in a binding state, moreover, a civil code: but in relation to this, *prudence*, if my ears

India, as to Natives sitting on Juries, under 7 Geo. IV. c. 37;—so far as relates to the Supreme Court of Judicature at Bombay', 6 May 1829, *Commons Sessional Papers* (1829), xxii. 579–81 (of which there is a copy at UC lxxxvi. 99), and 'Further Return to an Order of The House of Commons, dated 22 May 1828, and 6 May 1829;—for Copy Of the Regulations that have been adopted by the Supreme Courts of the several Presidencies in India, as to Natives sitting on Juries, under 7 Geo. IV. c. 37;—so far as relates to Madras', 2 June 1829, *Commons Sessional Papers* (1829), xxiii. 583–6, and of regulations concerning the West Indies see 'Return to an Address of The Honourable the House of Commons, dated 4th May 1826;—for Copy of all Laws and Regulations Which prescribe the Time to be allowed to Slaves in Trinidad for the cultivation of their Provision Grounds; Returns of Wages fixed by the Protector of Slaves for Sunday labour, together with the Rate of Exchange between Trinidad and England at the time such Wages were fixed', 12 June 1827, *Commons Sessional Papers* (1826–7), xxiii. 1–3.

⁴ Muhammad Ali Khan Wallajah, or Muhammed Ali, Wallajah (1717–95), Nawab of Arcot from 1750, had accumulated massive debts to East India Company officials. The first 'Report of the Commissioners Appointed under an Agreement, concluded on the 10th of July 1805, between the East India Company and the Private Creditors of the late Nabobs of The Carnatic' had appeared in 1807, while the twenty-sixth and what proved to be the final Report had been ordered to be printed on 8 March 1830: see *Commons Sessional Papers* (1830), xv. 563–90.

⁵ Brougham had been instrumental in securing the passing of the Inquiry Concerning Charities (England) Act of 1818 (58 Geo. III, c. 91), which had led to the establishment of a Commission to inquire into charities connected with the education of the poor. The work of the Commission had been broadened to examine the management of charities and trusts more generally by the Charities Inquiry (England) Act of 1819 (59 Geo. III, c. 81). The Commission, on which Brougham served through to its dissolution in 1840, had issued its twenty-first Report in 1829: see *Commons Sessional Papers* (1829), viii. 1–637.

⁶ See p. 37 n. above.

deceive me not, commands *silence*: for Louisiana being a commonwealth, landed property will, of course, be divided among all children, Gavel-kind fashion:⁷ of all heresies the most damnable—the most damnable in the eyes of the worshippers of the Dæmon of Oligarchy.

For his own information, in his quality of Legislator of the French nation, Buonaparte gave publicity in French to the code, a widely comprehensive code, civil or criminal, or both, of another nation,—I believe civil, and that alone:⁸ but upon occasion, this matter could be stated with the requisite correctness.

Should Mr Peel, or any of his lawyers,—should the worthy offspring of the Scarlet Whore,⁹ whose sins are red as scarlet,¹⁰ dare to make opposition, remind them of the civil wars of ancient Rome, between the Patricians and the Plebeians: main cause of them, the original policy, inexorably adhered to, of keeping the rule of action in a state of uncognoscibility: the lamp of the law hidden for ever within the impenetrable, light-denying, darkness-securing bushel.¹¹

A propos of Mr Peel. On Saturday I sent to him a copy of the argument against fee-gathering in judiciary offices of both grades, in the state in which I sent it to you: accompaniment to it, letter,¹² in and by which was holden out a *hand*, which, if so disposed, he may regard as a 'right hand of fellowship,'¹³ and take hold of accordingly: occasion, the symptoms manifested in a late speech or two of his, in which he is coming round

⁷ See *Civil Code of the State of Louisiana, preceded by the Treaty of Cession with France, The Constitution of the United States of America, and of the State*, n.p., 1825, Bk. III, Title I, Ch. II, § III, Art. 898, p. 231: 'Legitimate children or their descendants inherit from their father and mother, grandfathers or other ascendants, without distinction of sex or primogeniture, and though they be born from different marriage.

'They inherit in equal portions and by heads, when they are in the same degree, and inherit by their own right; they inherit by roots, when all or part of them inherit by representation.'

⁸ An official French translation was made of the Prussian Civil Code of 1794: see *Code général pour les états prussiens, traduit par les membres du bureau de législation étrangère, et publié par ordre du ministre de la justice*, 2 vols., Paris, IX–X [1800–2].

⁹ Revelation 17: 4.

¹⁰ James Scarlett was, of course, Attorney General.

¹¹ Bentham makes the same point in *Scotch Reform; considered, with reference to the plan, proposed in the Late Parliament, for the regulation of the courts and the administration of justice in Scotland: with Illustrations from English Non-reform: in the course of which divers imperfections, abuses, and corruptions, In the Administration of Justice, with their causes, are now, for the first time, brought to light. In a series of Letters, addressed to The Right Hon. Lord Grenville, &c. &c. with Tables, in which the principal causes of factitious complication, delay, vexation, and expense, are distinguished from such as are natural and unavoidable*, London, 1808 (second edition 1811, with an additional Letter), p. 29 & n. (Bowring, v. 15 & n.), and gives his sources as Livy, *Ab urbe condita*, ix. xlvi. 4–6, and Pliny the Elder, *Naturalis historia*, xxxiii. vi. 17, who explain that Gnaeus Flavius had (in 304 BC) published the dates when legal proceedings might be transacted, information which had hitherto been kept secret by the pontiffs. In the present Letter Bentham, moreover, echoes Matthew 5: 15.

¹² i.e. the extract from 'Equity Dispatch Court Bill' and Letter 3616.

¹³ Galatians 2: 9.

19 MARCH 1830

TO JOSEPH HUME

and attacking the army of Chicane in flank, at any rate, not to say in front, and, moreover, issuing a direct declaration of war against '*Technicalities*.' I even offer to look at those bills of his, if he will send them to me as he did some former ones.¹⁴ To these advances should he oppose a refusal, expressly, or by silence virtually, they will heap coals of fire on his head: for which purpose I have, moreover, some glorious matter, in a letter which he therein gives me leave to publish.¹⁵

3619

TO JOSEPH HUME

17 March 1830 (Aet 82)¹

Q.S.P. 17 March

Dear Hume

Look at this.

Votes of Tuesday 16 March 1830.

No Order for printing.

N^o 1. Ex Officio Informations &c.

N^o 2. Law Suits, Wales.—Return presented.² ^{MS} This more particularly indispensable.

3620

TO JOSEPH HUME

19 March 1830 (Aet 82)¹

Q.S.P. 19 March 1830

Votes of 18 March.

N^{os} not ordered to be printed.

N^o 13. Ex Officio Informations.

¹⁴ See p. 296 n. above.

¹⁵ In Letter 3494 Peel gave Bentham permission to publish Letter 3491.

3619. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '1. EX OFFICIO Informations,—Return *presented*,—of several Informations filed by the Attorney-General against Mr. Alexander, editor of the *Morning Journal* {ordered 2d March}; to lie on the Table', and '2. Law Suits (Wales),—Return *presented*,—of all Suits commenced in the Court of King's Bench at Westminster, wherein the *venue* was laid in Wales; and Filacer's Return of Suits commenced on Writs issued into Wales {ordered 3d March}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 30 (16 March 1830), 227.

Robert Alexander, Editor of the *Morning Journal*, had been convicted in December 1829 of libel, sentenced to one year in gaol, and fined £300.

3620. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

TO JOSEPH HUME

19 MARCH 1830

14. Contracts for Dock-Yards.²

This last is very material. My Brother³ who for so many Years had these matters under his management, and saved Millions, would make material[?] application of it.

3621

TO JOSEPH HUME

19 March 1830 (Aet 82)¹

Q.S.P. 19 March 1830

Dear Hume

Atrocious Job!

Pay of Honble House Clerk, Speaker's Plan.

Tables of Fees of Committee Clerks and Private Bill Offices. Date of Order for printing 8 March.²

Summon up all your energy for the exposure of it.

By payment *per diem* instead of Salary he gives them all an interest and that to a prodigious amount in maximizing expense and delay of *all Bills!!!*

The beneficial effects of the fee gathering system are thus extended to *Legislation* as well as to *Judicature*.

In *Judicature* the Judges get the benefit of it: in *Legislation*, the Speaker.

Note, £23,000 stated in yesterday's debate the cost of proceedings in the Lunacy Commission of Lord Portsmouth.³ What the cause of the

² '13. Ex Officio Informations,—Copies *presented*,—of Informations and Judgments against Mr. Alexander, editor of the Morning Journal {ordered 2d March}; to lie on the Table', and '14. Contracts,—Returns *presented*,—of the number of Contracts now existing for supplies for His Majesty's Dock Yards, and other branches of the Naval Service {ordered 8th March}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 32 (18 March 1830), 239. ³ Sir Samuel Bentham.

3621. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² See *Commons Journals* (1830), lxxxv. 147: 'Mr Speaker [Sir Charles Manners Sutton] acquainted the House, That he had caused to be prepared Tables of Fees proposed to be hereafter taken in the Committee Clerk's Office, and in the Private Bill Office, which were now upon the Table. *Ordered*, that the said Tables of Fees be printed'. For the respective tables see 'Table of Fees to be taken in The Committee Clerks' Office', 8 March 1830, and 'Table of Fees to be taken in The Private Bill Office', 8 March 1830, *Commons Sessional Papers* (1830), xxx. 167–9, 171–3 respectively.

³ On 18 March 1830 in the House of Commons, Michael Angelo Taylor, on moving that the second reading of his Bill 'to enable the Lord Chancellor to issue Commissions *de lunatico inquirendo* in a different manner from what had been heretofore the practice' be discharged, since Lord Chancellor Lyndhurst, having consulted some of the judges, had been told it was their opinion that he already possessed such power, noted 'that the costs

delay by which the immensity of the expence was produced? What but the paying, by so much for every day, the Commissioners and others; just as by the Speaker the payment of the incumbents of the lay-livings of which their patron has the Advowson is proposed to be made.

3622

TO JOSEPH HUME

Post-19 March 1830¹

Bills—Expense and Delay in passing. Its cause.
Finance and Judicial Procedure.
Lords Debate March 19.

Per Chancellor, Solicitor General, for his miniature Reforms and sham Reformer, preferred two Bills to one.²

Now note the consequence of this preference, for which no *reason* is given.

The expence is doubled: *fees* to House of Commons Clerks, and I suppose House of Lords Clerks, doubled.

Not long ago, on the occasion of some improvements, i.e. diminution of abuses in the business of the Stamp Office—at the suggestion of one of the functionaries, two sets of arrangements, so little connected that at first they were cast into *two Bills*, were put together into *one*: each Bill costing some hundreds of pounds.³ I could put you into the way of getting appropriate evidence of this.

of the petitioning party alone, in the Portsmouth case, amounted to 23,000l.!: see *Parliamentary Debates* (1830), xxiii. 547–8.

John Charles Wallop (1767–1853), styled Viscount Lynton 1767–97, third Earl of Portsmouth, was the subject of a Commission of Lunacy that had been petitioned for by his family. After public proceedings held in Freemasons' Hall on 10–28 February 1823, the jury had unanimously agreed that Portsmouth was 'a man of unsound mind, and incapable of managing himself or his affairs', and had been so since 1 January 1809. See *A Genuine Report of the Proceedings on the Portsmouth Case, under a Commission issued by His Majesty, In which are faithfully given the Speeches of the Counsel on each side, Verbatim; the whole of the Interesting Evidence: With Copies of the various Letters and Documents produced and read; the Summing up of the Chief Commissioner; the Names of the Commissioners, Counsel, and Jury; with every other Particular relating to this Extraordinary Case*, London, [1823].

3622. ¹ Hume Correspondence, BL Add. MS 89039/1/1. Autograph.

² In the House of Lords on 19 March 1830, Lord Chancellor Lyndhurst had moved for the second reading of three (rather than two) Bills, which were eventually enacted as the Contempt of Court Act, the Transfer of Trust Estates Act, and the Infants' Property Act of 1830 (11 Geo. IV & 1 Will. IV, cc. 36, 60, and 65 respectively): see *Parliamentary Debates* (1830), xxiii. 613–18.

³ Bentham perhaps had in mind the Receipt Stamps Act of 1828 (9 Geo. IV, c. 27), but no indication that it began as two Bills has been traced.

Here is an instance of th(e i)mportance of doing away with the fee-gathering System, that everlasting source of extortion and peculation and waste.

Here may be seen one cause of the preference given to *consolidation* over *codification*.

Mr Peel in his famous speech of the 19 Feb^y (was it not?) declares against technicalities.⁴

Under his nose, comes forth a bill drawn by the Solicitor General in which, as appears by the abovementioned speech of the Chancellor, the two first proposed amendments are made by so many needless technicalities applied in the shape of lies.

1. Instead of saying that if a proposed Defendant omitted to enter upon his defence namely by appointing a Solicitor and thereupon going on with the suit, the suit should go on (notwi)thstanding, that which is ordained to be done is to enter upon the record of the Court that the individual in question made his appearance in the Justice Chamber when perhaps he was at that moment at a hundred miles distance from it.

2. A parcel of things unnecessary to be done, and accordingly stated as being so—being regularly done and delay and expence to a vast amount being the consequence,—what is the course taken for doing away this abomination? Instead of declaring that they should not any longer be required or suffered to be done, what is declared is—that they shall be considered as actually having been done.

Look at the Debate and you will see what these things are.⁵

In my Dispatch Court Bill, what I require is—that all things of this sort should cease altogether to be required or suffered to be done.

Copy of this goes to O'Connell and Otway Cave.

⁴ In the House of Commons on 18 February 1830 (rather than 19 February 1830), Peel had moved for leave to bring in the Bill to regulate the fees of officers in the superior courts of Common Law: see *Parliamentary Debates* (1830), xxii. 650–63.

⁵ In a debate in the House of Lords on 19 March 1830, reported in the *Morning Chronicle*, 20 March 1830, p. 2, Lord Chancellor Lyndhurst outlined the provisions of the Bill that was later passed as the Contempt of Court Act of 1830 (see 'A Bill For altering and amending the Law regarding Commitments by Courts of Equity for Contempts, and the taking Bills pro Confesso', 12 February 1830, *Commons Sessional Papers* (1830), i. 85–101), noting that it had been drawn up by Sugden, the Solicitor General.

23 MARCH 1830

TO JOSEPH HUME

3623

TO CHARLES SINCLAIR CULLEN

22 March 1830 (Aet 82)¹

Law-Reform Association Proposal

Q.S.P. 22 March

1. Type—the size &c.?

2. N^o of Copies to be printed?

I know not how to determine on these points, on which the business waits.

Can you help me?

If not, the business cannot commence till after tomorrow on which day Bowring comes.

3624

TO JOSEPH HUME

23 March 1830 (Aet 82)¹

Votes of 22 March 1830.

Not ordered to be printed though highly material.

N^o 3. Insolvent Debtors Returns.²

23 March 1830

Dear Hume

This evening goes to the Printers a Copy of *Law Reform Association Proposal*.

When printed, which will be in a day or two, as it will be no more than ½ or at most a whole Sheet,³ I will send you some Copies for distribution.

3623. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.53. Autograph. Addressed: 'To C.S. Cullen Esq^{re} 1 Derby Street.' Endorsed: 'Jeremy Bentham. 22 March.'

3624. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '3. Insolvent Debtors,—Return *presented*,—of number of persons who were discharged by the Court for the Relief of Insolvent Debtors {ordered 10th March}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 34 (22 March 1830), 257.

The instruction 'Turn over' appears in the Letter at this point.

³ 'Law Reform Association Proposal' was printed by C. and W. Reynell, Broad Street, Golden Square, and ran to 15 pages.

TO JOSEPH HUME

24 AND 30 MARCH 1830

For the meeting of the Original Founders of the Institution, Marshal brings *himself*, his Son,⁴ and *Sykes*.⁵ At the desire of him and others, it will be at my House.⁶

3625

TO JOSEPH HUME

24 and 30 March 1830 (Aet 82)¹

Q.S.P. 24 March

Votes of Tuesday 23 March 1830.

Not printed.

N^o 30. Law Courts—reform [. . . ?] practice.²

So likewise.

Votes of Monday 29 March.

N^o 2. Superannuation Allowance.³

N^o 41. Criminals—Returns presented.⁴

Q.S.P. 30 March 1830

Dear Hume

When is the earliest day that you will be at liberty to come for a gossip at the usual hour as above.

J.B.

⁴ John Marshall (1765–1845), MP for Yorkshire 1826–30, and either his eldest son William Marshall (1796–1872), MP for Petersfield 1826–30, Leominster 1830–1, Beverley 1831–2, Carlisle 1835–47, and Cumberland East 1847–68, or more likely his third son James Garth Marshall (1802–73), MP for Leeds 1847–52, whose signed copy of the ‘Law Reform Association Proposal’ is at BL shelf-mark C.T.84.(1.)

⁵ Daniel Sykes (1766–1832), MP for Kingston-upon-Hull 1820–30 and Beverley 1830–1.

⁶ It was announced in ‘Law Reform Association Proposal’, p. 15, that the first meeting would be held at 2, Queen’s Square Place, Westminster, ‘*that* being the nearest place to the Houses of Parliament that can at present be obtained on gratuitous terms’.

3625. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. The portions of the letter dated 24 and 30 March 1830 are on the same octavo sheet, while Letter 3638 appears on a half-octavo sheet inserted within the octavo. It is possible that all these components, though written on three or perhaps four different days, were sent at the same time.

² ‘30. Law Courts,—Petition of Inhabitants of Carlisle, and neighbourhood, for reform of the practice therein; to lie on the Table’, *Votes and Proceedings of the House of Commons*, no. 35 (23 March 1830), 268.

³ ‘2. Superannuations,—Annual Account *presented*.—Superannuation Allowances granted since 5th July 1822; to lie on the Table’, *ibid.*, no. 39 (29 March 1830), 297.

⁴ ‘41. Criminals,—Returns *presented*.—Persons committed, tried, and convicted for Criminal Offences and Misdemeanors {by Act}; to lie on the Table’, *ibid.*, 299.

The instruction ‘Turn over’ appears in the Letter at this point.

27 MARCH 1830

FROM THOMAS EGERTON

3626

TO LEICESTER STANHOPE

26 March 1830 (Aet 82)¹

My ever dear Leicester

Charles Sinclair Cullen Barrister at Law, and Anti-Lawyer, a highly valued newly-discovered friend of mine, a most sincere and zealous Law-Reformer, is ambitious of an interview with You, to talk with you about Buckingham, with a view to his itinerant Lecture.

J.B. Q.S.P. 26 March 1830.

He will write to you asking an interview.

3627

FROM THOMAS EGERTON

27 March 1830¹

Whitehall Mar. 27. 1830.

M^r Egerton presents his respects to M^r Bentham and would be much obliged to him if he would have the goodness to inform him whether he has published any work on Transportation and where it may be procured. He would not have troubled M^r Bentham on this occasion but he has been unable to hear of any such work among the booksellers and a copy is wanted for the Secretary of State.

3626. ¹ UCL Library, Stanhope Letter Collection, no. 9. Autograph.

3627. ¹ UC xi. 356. Autograph. Addressed: 'Jeremy Bentham Esq^{re}.' Docketed: '1830 Mar. 27. Panopticon. Egerton Whitehall (Bookseller) to J.B. Q.S.P. Asking for a work on transportation for Peel. Wrote thereupon to Peel. J.B.'

Thomas Egerton (d. 1830), bookseller in Whitehall.

3628

TO ROBERT PEEL

28 March 1830 (Aet 82)¹

Queen's Square Place Westminster

28 March 1830

Sir

This moment I have received and answered a Note from Mr Egerton the Bookseller, desiring to know 'whether I ever published any work on *transportation*' saying that no such work is to be heard of 'among the Booksellers', and that 'a copy of it is wanting for the Secretary of State'.²

In my answer I inform him that no work written directly and by its title on the subject of that mode of punishment was ever published or written by me:³ but that a work having for its object the superseding that mode of punishment altogether by the substitution of a better has been on sale among the Booksellers ever since the year 1791 or thereabouts under the name of 'Panopticon; or the Inspection House.'⁴

3628. ¹ Peel Papers, BL Add. MS 40,400, fos. 134–7. In the hand of Doane, with the exception of the address, date, valediction, signature, direction, and postscript, and a heading 'Transportation, or Panopticon?', which appears on fos. 135^v and 136^r, which are in Bentham's hand. Docketed: '28 March 1830. M^r Jeremy Bentham. A. 1 April. On a Work called "The Panopticon."' An autograph draft is at UC xi. 357–9, docketed '1830 Mar. 28. J.B. Q.S.P. to Peel Whitehall. Offers Pauper Management.'² Letter 3627.

³ Bentham might have mentioned his anti-transportation tracts 'Letter to Lord Pelham, &c. &c. &c. Giving a Comparative View of the System of Penal Colonization in New South Wales, and the Home Penitentiary System, Prescribed by two Acts of Parliament of the Years 1794 & 1799', London, 1802, 'Second Letter to Lord Pelham, &c. &c. &c. In Continuation of the Comparative View of the System of Penal Colonization in New South Wales, and the Home Penitentiary System, Prescribed by two Acts of Parliament of the Years 1794 & 1799', London, 1802, and 'A Plea for the Constitution', London, 1803, published together as *Panopticon versus New South Wales: or, the Panopticon Penitentiary System, and the Penal Colonization System, Compared. Containing 1. Two Letters to Lord Pelham, Secretary of State, Comparing the two Systems on the Ground of Expediency. 2. Plea for the Constitution: Representing the Illegalities involved in the Penal Colonization System.—See the separate Title-Page. Anno 1803, printed: now first published*, London, 1812 (see *Panopticon versus New South Wales and other writings on Australia*, ed. T. Causer and P. Schofield, London, 2022 (CW), pp. 69–164, 165–248, and 313–94 for the three works respectively).

⁴ 'Panopticon; or, the Inspection-House' had been printed at London and Dublin in 1791, and 'Panopticon: Postscript; Part I' and 'Panopticon: Postscript; Part II' at London in 1791, but they had not been published and hence put on sale until reissued together as *Panopticon, or, The Inspection-House; in which by persons stationed in a central lodge, and seeing without being seen, any number of other persons, may at all times be inspected without change of place; And the Establishment managed, upon a Plan, applicable (with the requisite Variations) to Penitentiary and other Prisons, Work-Houses, Manufactories, Mad-Houses, Lazarettos, and Schools. Printed Anno 1791, with the ensuing Title-Page: now first published*, 2 vols., London, 1812.

A ray of hope, how faint soever having been called forth by this inquiry, it occurs to me that to the high functionary in question some little information, which is not to be had from Booksellers, may, in the character of a gratification to curiosity, at any rate, be not altogether unacceptable.

The system of punishment therein proposed and developed was adopted by Pitt the second,⁵ approved with as much warmth as the cold and haughty nature of that Minister was susceptible of, embraced with enthusiasm and trumpeted in Honourable House by Lord Melville the first, as the Debates of the time will shew.⁶ A^o 1794, An Act was accordingly passed for the purpose of giving execution and effect to it,⁷ and a tract of land at Millbank half a mile in length, on part of which the existing Penitentiary is erected, put into my possession in consequence.⁸

Had it depended upon Mr. Pitt, Lord Melville (at that time Mr Secretary Dundas) and Mr George Rose⁹ *cum multis aliis*,¹⁰—in the first place, all the Prisoners in the Country would have been placed under my management; in the next place, all the paupers in the country: and for this plan of mine, Mr Pitt and Mr Rose (such was the magnanimity of these men) gave up a plan of their own which they had brought before Parliament.¹¹—Well! and how came it that nothing of all this took place? *‘Musa mihi causas memora quo numine læso, Quidve dolens Regina deum’* &c. . .¹² Acted, on this occasion, by his

⁵ William Pitt the Younger.

⁶ In the House of Commons on 8 May 1794, Henry Dundas, later first Viscount Melville, the Home Secretary, had moved for leave to bring in a Bill for the erection of a penitentiary house or houses in Battersea: see *The Senator: or, Clarendon's Parliamentary Chronicle. Containing an Impartial Register, recording, with the utmost accuracy, the Proceedings and Debates of the Houses of Lords and Commons. Being the Fourth Session in the Seventeenth Parliament of Great Britain, Held in the Year 1794. Forming a source of Political Information highly interesting to every British subject. Vol. X*, London, 1794, pp. 1,161–2.

⁷ The Penitentiary Act of 1794 (34 Geo. III, c. 84) had authorized the construction of the panopticon penitentiary and granted Bentham the sum of £2,000 with which to begin making preparations.

⁸ The Appropriation Act of 1799 (39 Geo. III, c. 114, § 23) had granted Bentham the sum of £36,000 with which to purchase land ‘for a Penitentiary House’, whereupon he had acquired the site at Millbank. The panopticon scheme had been effectively abandoned in 1803 and officially terminated in 1813. The Millbank Penitentiary, which had received its first convicts in 1816, had been built on the same site but to a different design and with a different form of management.

⁹ George Rose (1744–1818), Secretary to the Treasury 1782–3, 1783–1801, Vice-President of the Board of Trade 1807–12, Treasurer of the Navy 1807–18.

¹⁰ i.e. ‘with many others’.

¹¹ Pitt’s Poor Bill had been introduced in the House of Commons in December 1796 but, following widespread opposition, was effectively shelved in February 1797. For Bentham’s criticism of the measure see ‘Observations on the Poor Bill’ in *Writings on the Poor Laws: Volume I*, ed. M. Quinn, Oxford, 2001 (CW), pp. 217–63.

¹² Virgil, *Aeneid*, 1. 8–11: *Musa, mihi causas memora, quo numine læso quidve dolens regina deum tot volvere casus insignem pietate virum, tot adire labores impulerit. tantaene*

own special desire (as the phrase is) was the part of Juno, by George the third.¹³

It had been my misfortune to incur the displeasure of this God-upon-earth of Commentator Blackstone's idolatry.¹⁴ There had been war between us. It was (I must confess) begun by me. He had caused an unprovoked war of Sweden upon Russia.¹⁵ He had laboured to involve this country in another equally unprovoked upon that same power: war more completely groundless never had been waged. This last war was prevented: and reasons are not wanting for the belief that it was by me that it was prevented.

A° 1789, I published in a Newspaper a Letter signed Anti-Machiavel stating the cause of the endeavours at that time employed to plunge the country into that war: a cause known to all diplomatists on the continent of Europe, unknown in this Island, even to the Minister in those days most illustrious for his acquaintance with foreign politics, my intimate friend the first Marquis of Lansdowne.¹⁶ Under the signature of the Monarch answered. In a style borrowed from that of the audacious *Junius*, Anti-Machiavel replied.¹⁷

Here was *one origo belli*. Another had its birth in the French Revolution.

animis caelestibus irae?: i.e. 'Tell me, O Muse, the cause; wherein thwarted in will or wherefore angered, did the Queen of heaven [i.e. Juno] drive a man, of goodness so wondrous, to traverse so many perils, to face so many toils. Can heavenly spirits cherish resentment so dire?'

¹³ Bentham had become convinced that George III had vetoed the panopticon penitentiary scheme: see, for instance, 'History of the War between Jeremy Bentham and George the Third. By one of the Belligerents', Bowring, xi. 96–105 and associated manuscripts, dated between 1827 and 1831, at BL Add. MS 33,550, fos. 365–415.

¹⁴ Blackstone, *Commentaries on the Laws of England*, i. 230–70, in a passage dealing with the King's prerogative, expounded the maxim that 'the King can do no wrong' and explained that the attributes of 'sovereignty, or pre-eminence', 'absolute perfection', and 'absolute immortality' were ascribed to him by law.

¹⁵ i.e. the Swedish-Russian war of 1788–90. Gustavus III (1746–92), King of Sweden from 1771, had declared war on Russia in July 1788 and invaded Finland, whereupon Denmark, in alliance with Russia, had invaded Sweden.

¹⁶ William Petty (1737–1805), second Earl of Shelburne and first Marquis of Lansdowne, leader of the administration as First Lord of the Treasury 1782–3.

¹⁷ Bentham's three letters, which he signed 'Anti-Machiavel' and wrote in response to a letter signed 'A Partizan' printed in the *Public Advertiser*, 4 June 1789, p. 1, appeared in *ibid.*, 15 June 1789, pp. 1–2, and 16 June 1789, pp. 1–2 (Letter I); 3 July 1789, pp. 1–2, and 4 July 1789, pp. 1–2 (Letter II); and 11 July 1789, p. 3 (Letter III). A fourth letter signed 'Anti-Machiavel', but on another topic, appeared in the *Public Advertiser*, 23 July 1789, p. 1. Partizan's letter and the first three Anti-Machiavel Letters (with Letter I incorrectly appearing as Letter III, Letter II as Letter I, and Letter III as Letter II, and Partizan's letter appearing as a response to the misnumbered Letter II) are reproduced in Bowring x. 201–11. A copy of the Letters in the order reproduced in Bowring, in the hand of Colls but with emendations in Bowring's hand that place them in the order that he published them, is at UC ix. 52–90.

Desirous of doing what good I could in compensation for the suffering produced by that catastrophe, I drew up my work on the *Judiciary Establishment* (a work not yet upon sale) for the use of the first National Assembly.¹⁸ The Duc de la Rochefoucault the first man, take him for all in all, in that country at that time¹⁹ moved in the Assembly the translation of that work for the use of the appropriate Committee. He was outvoted by the jealousy of the then famous Abbé Sieyès.²⁰

My Proposal for the establishment of a Penitentiary House by contract, upon the plan developed in the abovementioned work, may be seen in the famous Report in 4 volumes made to the House of Commons—A° 1797 & 1798—by the first Committee of Finance²¹—Chairman, the late Lord Colchester, who had been bred up by my Father, his mother being my father's second wife.²²

It may be seen again (if I mistake not) this same proposal of mine—reprinted A° 1811 in a Report made by a Committee got up by Lord Sidmouth at that time your predecessor,²³ to whom had been

¹⁸ 'Draught of a New Plan for the organisation of the Judicial Establishment in France.'

¹⁹ Possibly François Alexandre Frédéric de la Rochefoucauld, Duc de Liancourt and later Duc de la Rochefoucauld (1747–1827), President of the French National Assembly immediately after the storming of the Bastille on 14 July 1789, who emigrated to England in 1792, but more likely his cousin Louis Alexandre Rochefoucauld, Duc de la Rochefoucauld d'Enville (1743–92), who was stoned to death by a mob at Gisours in the September Massacres of 1792.

²⁰ Emmanuel Joseph, Comte Sieyès (1748–1830), author of the influential pamphlet 'Qu'est-ce que Le Tiers-Etat', n.p., 1789, was President of the National Assembly 8–21 June 1790. No formal vote on the subject of Bentham's 'Draught of a New Plan for the organisation of the Judicial Establishment in France' appears to have taken place in the National Assembly.

²¹ See 'Proposal for a new and less expensive Mode of Employing and Reforming Convicts', Appendix E, in 'Twenty-Eighth Report from the Select Committee on Finance, &c. Police, including Convict Establishments', 26 June 1798, in *Commons Sessional Papers of the Eighteenth Century* (1798), cxii. 61–4. The four volumes to which Bentham refers have not been located.

²² Charles Abbot (1757–1829), first Baron Colchester, Speaker of the House of Commons 1802–17, was the son of Sarah Abbot, née Farr (1733–1809), who had on 23 March 1755 married John Abbot (d. 1760), clergyman and fellow of Balliol College, Oxford, who was Rector of All Saints, Colchester at the time of his death. Sarah Abbot had on 14 October 1766 married Bentham's father Jeremiah, whose first wife Alicia Whitehorn, née Grove, the mother of Jeremy and Samuel, had died in 1759.

²³ See 'Proposal for a new and less expensive Mode of Employing and Reforming Convicts', Appendix No. 3, in 'Report from the Committee on the Laws Relating to Penitentiary Houses', 31 May 1811, *Commons Sessional Papers* (1810–11), iii. 666–7. The Home Secretary at the time was not Henry Addington (1757–1844), first Viscount Sidmouth, Speaker of the House of Commons 1789–1801, leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer 1801–4, Lord President of the Council 1805, 1806–7, 1812, Lord Privy Seal 1806, and Home Secretary 1812–22, but Richard Ryder (1766–1832), Home Secretary 1809–12, who, in the House of Commons on 4 March 1811, had moved for the appointment of a committee 'to inquire into the expediency of the erection of Penitentiary Houses': see *Parliamentary Debates* (1811), xix. 186.

committed the task of extinguishing the odious system of ‘Official aptitude maximized;—Expense minimized:’ and to the system of management by Contract, with the eyes of the world fully open to the execution of it, substituting the system of darkness under patronage; to what effect has for this long time past been visible.

Instead of so many hundreds of thousands wasted in the production of an impenetrable Bastille (cost, £1,000 per head has been the calculation)²⁴ what the Panopticon plan would (as per Contract) have cost, was—a capital of £27,000 with an annual sum of £12 per head for the term of my life, if continued in the management, reduced to 0 on and by my death.²⁵

In that Proposal it may be seen with how unexampled a degree of completeness, in the instance of the proposed Contractor, interest was *connected*—say rather identified—with duty. The contractor would have got much; but, for the country, the more he got, not the worse would it have been but the better: for, not a farthing could he have got till he had made to the country the whole of the saving above mentioned.

The Prisoners I should have made as tame as—Yes—more tame than—lion was ever made: yes; and by the same principle—the *all-effectual one, kind usage*: the same principle of which I am at this moment reaping the benefit of, from the application made of it within my own private and narrow sphere.

Of the pauper population, the juvenile part, after giving them an appropriate preparatory education directed to the contemplated end and taking its commencement from birth,²⁶ I should have sent to colonize in wedlock, securing on a principle lately brought upon the

²⁴ The source of Bentham’s information has not been traced. According to ‘Report from the Select Committee on the state of the Penitentiary at Millbank’, 8 July 1823, *Commons Sessional Papers* (1823), v. 414, on 26 May 1823 the prison held 869 inmates, and according to ‘Account of Sums voted for the building of the Penitentiary at Millbank’, Appendix E, No. 14, *ibid.*, 798, Parliament had voted £458,000 towards the construction of the prison. The average cost, on this basis, that is considering only the cost of the building and not the annual expense of maintenance, was around £527 per prisoner.

²⁵ Bentham appears to have had in mind the original calculations for financing the panopticon prison scheme. Cf. Bentham to Charles Long, 21 April 1794, Letter 958, *Correspondence*, v.: ‘By the terms of the Contract as agreed to I was to have had £27,000 in advance on condition of maintaining the Prisoners for the first year; viz: £10,000 on the signing of the Contract, £10,000 three months after, and the remaining £7,000 on notice given of being ready to receive the Prisoners.’ According to Article 4 of ‘Draft of a Contract between the Lords Commissioners of the Treasury and Jeremy Bentham, Esquire’, Appendix F. 3, in ‘Twenty-Eighth Report on Finance’, in *Commons Sessional Papers of the Eighteenth Century* (1798), cxii. 71, Bentham had contracted to receive an annual sum of £12 per prisoner for up to 1,000 prisoners. No reference has been found to the reduction of the sum to zero on Bentham’s death.

²⁶ See ‘Pauper Management Improved’, Bk. II, Ch. XII. Pauper Education, in *Writings on the Poor Laws: Volume II*, ed. M. Quinn, Oxford, 2010 (CW), pp. 167–96.

carpet the reimbursement of the cost of the felicitous transportation, with more or less of the antecedent expense of maintenance at home.²⁷

If a precedent so odious as that of the substitution of contract to patronage were endurable, here would be one mode in and by which retrenchment might be effected—not only without production of suffering but with substitution of enjoyment to it in an incalculable degree.

My best services should be given to the plan gratuitously. By the sufferings the cruelty of which in a speech in the Finance Committee before they were half at an end had been painted as unexampled,²⁸ may not the crime of having incurred Royal displeasure be considered as expiated? At any rate, to such a degree as that for the purpose of preventing the criminal from enjoying on his death bed the reflection of having given birth to that same benefit, it shall not longer be kept back from so large a portion of mankind.

The main supporter in the Panopticon plan in the House of Commons Committees (for the part taken in it by my then so-called brother, Abbot Lord Colchester, as above was comparatively inconsiderable) was the Right Honble Reginald Pole Carew quondam Under Secretary of State, who is still alive, and from whom a variety of information and explanation on the subject would doubtless be obtainable.

I have not seen him for these many years: the seclusion under which I have so long been at work not admitting of personal intercourse with any body but for some publick, beneficial purpose;—at any rate some purpose in which in my view of it that property has place. Whether to

²⁷ Bentham presumably had in mind the National Colonization Society, of which the Provisional Committee had first met on 23 March 1830 and whose members had been inspired by the ‘systematic colonization’ plan of Edward Gibbon Wakefield (1796–1862), political theorist and promoter of colonization. According to *A Statement of the Principles and Objects of a proposed National Society for the cure and prevention of pauperism, by means of Systematic Colonization*, London, 1830, p. 69, the Society would seek government approval to raise an ‘Emigration Fund’, derived from the sale of colonial lands, to provide free passage for ‘young pauper couples’, thereby reducing poor-law expenditure.

²⁸ Cf. ‘History of the War between Jeremy Bentham and George the Third. By one of the Belligerents’, Bowring, xi. 101: ‘The task of making a Report on the Panopticon plan was committed to [Reginald Pole Carew]. The Report he drew up accordingly in favour of the plan was couched in such strong terms, that prudence suggested and produced the suppression of it. It went into other hands,—whose they were I do not at present recollect, if I ever knew—whether those of Mr Abbot, chairman of the entire committee, or any one else. Of a speech which, on that occasion, Mr Abbot made in the Committee, the substance was at the time reported to me. Referring to some of the most noted instances of cruelty that history records: “We do not sit here,” said he, “to try causes; but the cruelty of the cruelest of those cases was not comparable to that which this man [i.e. Bentham] has been suffering.”’

Sir Reginald Pole Carew (1753–1835), MP for Penryn 1782–4, Reigate 1787–90, Lostwithiel 1790–6, 1812–16, and Fowey 1796–9, 1802–12, Under Secretary at the Home Office 1803–4.

yourself, Sir, a source of widely extensive and lasting fame is not thus opened it will be for you to judge.

My system of Pauper Management (the same to which Pitt as above gave the preference over that which had been devised for him by George Rose) made its appearance in four numbers of the late Arthur Young's *Annals of Agriculture*.²⁹ I am about to republish it in a Volume by itself; with the history of my abovementioned war with George the third for an introduction to it.³⁰

As applied to Prisoners the conjunct principles of architecture and management were to have been employed by the then Chancellor of the Exchequer for Ireland Sir John Parnell, father of the present Sir Henry:³¹ as likewise in France by the above-mentioned Duc de la Rochefoucault. For this purpose the Duc invited me to make his house my home for six months at Paris, and Sir John for the same time at his, in Dublin.³²

Of this same Pauper Management I have two copies: one is intended for the press; of the other, if desired, the loan, Sir, is at your service.

I am, Sir,
with all respect
Yours

Jeremy Bentham

Right Honble Rob^t Peel
&c. &c. &c.

The illegibility of my scrawl, owing to the dimness of my sight, necessitates an amanuensis.

²⁹ 'Outline of a Work entitled Pauper Management Improved' (Bowring, viii. 369–439) was first published serially in eight, rather than four, numbers of the *Annals of Agriculture, and other useful Arts*, namely vol. xxx (1798): nos. 169–70, pp. 89–176; no. 171, pp. 241–96; no. 172, pp. 393–424; no. 173, pp. 457–504; vol. xxxi (1798): no. 174, pp. 33–64; no. 175, pp. 169–200; and no. 176, pp. 273–88. It was reissued as *Pauper Management Improved: particularly by means of an application of the Panopticon Principle of Construction. Anno 1797, first published in Young's Annals of Agriculture: Now first published separately*, London, 1812.

Arthur Young (1741–1820), agriculturalist, founder and editor of the *Annals of Agriculture* 1784–1809.

³⁰ This projected work did not appear.

³¹ Sir John Parnell (1744–1801), Chancellor of the Irish Exchequer 1785–1801, was the father of Sir Henry Brooke Parnell (1776–1842), later first Baron Congleton, MP for Queen's County 1802, 1806–32, Portarlinton 1802, and Dundee 1833–41, Secretary at War 1831–2, Treasurer of the Navy 1835–6, Paymaster General 1835–41.

³² Cf. Bentham to William Plumer Jr, December 1818, *Correspondence*, ix. 311–12, where Bentham states that in about 1792 Charles Maurice de Talleyrand-Périgord (1754–1838), French Minister for Foreign Affairs 1799–1807, had invited him to go to Paris and establish a panopticon, while 'At the same time I was given to understand from another quarter that Rochefoucault had allotted for my use an apartment which he expected me to occupy for the six months which he calculated would be about the length of the time it might be requisite I should continue there.' No reference to the invitation from Parnell has been located.

3629

TO HENRY BROUGHAM
30 March 1830 (Aet 82)¹

Master Henry Brougham!

Naughty, naughty boy!

'Pap'² for you! Oh no! no more of that—you would only puke it up again. 'Pap' for you? No:—that is not what you are in want of—you have outgrown it:—what you are in want of is another dose or two of jalap to purge off your bad humours and a touch, every now and then, of the tickle-toby which I keep in pickle for you. Aye—there they are—the hot buttered Rolls—and there are you with your mouth watering for them, and your chops longing to be sloppered over with the butter, which you are so fond of that you think you can never have enough of it. Rich as it is of itself—the butter is not rich enough for you, unless it has *fees*.—Yes:—fees upon fees—melted into it—and these too, you naughty mad-cap you! never can there be enough of them! Yes—there are you—Yes—there I hear you—screaming like mad—in the middle of the nursery—throat hoarse—eyes running down—'Pray Nurse! dear Nurse! Fees for Henry—More fees—more fees!' These words you can speak plain enough already—When will you have learnt your primer? when will you be able to spell '*Greatest happiness principle*' '*Non-disappointment principle*' '*Ends of justice—main end giving execution & effect to laws substantive: collateral ends avoidance of delay, expense, & vexation—evils producible by the adjective*.'³ When you have got that by heart, you may then be fit to be breeched and sent to a grammar School.—So no more at present from your still loving though so highly offended grandpapa—

You know who!

3629. ¹ UCL Library, Brougham MS. 26,009. In the hand of George Bentham. A draft, also in the hand of George Bentham, is at BL Add. MS 33,546, fo. 386. Printed in Bowring, xi. 36–7.

² For the use of this term in Bentham's correspondence with Brougham to refer to his works see Letters 3368 and 3371, *Correspondence*, xii.

³ In the draft, Bentham added the following paragraph at this point: 'Meantime, there is Master Peel. Look at him there, a real good boy for you. Take lesson by him. No more fees—*law* fees at any rate for him. He has done with fees: he isn't cramming his playfellows with them as he used to do: he is now sick at the very thought of them. He goes about saying to every body that will hear him "No more law fees for me—I won't have no more of them. Instead of eating them or giving them to other boys to eat, I shall fling them all into the fire. Them boys as can't eat their bread and butter without them, let them go without. That's what I say." In short, Master Peel is growing a better & better boy every day: he says, & he will have learnt to say his book like a man before I have done with him. If he continue to behave himself well, he shall have some nice Parliament gingerbread to munch; *that* he shall.'

3630

FROM JOSEPH HUME

31 March 1830¹Bry. Sq^{re} 31 March 1830

My dear Sir

I shall move to print the law reform petition from Carlisle which I presented & moved to be printed at the time.²

N^o 27 29 also.³

But N^o 41 is a very long one & N^o 42 was moved, as has been usual of late, in its stead as an Abstract.⁴

You ask me to meet & confer,⁵ but I do not understand whether A.M. or P.M. I shall be glad either the first time I can be free.

Believe

Yours Sinc'y

Joseph Hume

Jer. Bentham Q.S.P.

P.S. I send you a Statement I made in the H. of C. yesterday on presenting the Nibley Petition & not a figure or word is genuine—the reports of the debates never were so bad as now⁶—

J.H.

3630. ¹ BL Add. MS 33,546, fos. 387–8. Autograph. Addressed: 'Jer. Bentham Esq^{re} Q.S.P. West^r.' Endorsed: 'Joseph Hume.' Docketed: '1830 Mar. 31. Hume Bryanston Square to J.B. Q.S.P. Moves printing Honble House Papers for J.B.'

² In Letter 3625 Bentham had asked Hume to move for the printing of the Carlisle petition.

³ '27. Slavery,—Petitions for the abolition thereof;—of Members of a Congregation of Protestant Dissenters, in Hanley;—and, of Inhabitants of Lane End, Staffordshire; to lie on the Table', and '29. East India Charter,—Petitions against the renewal thereof;—of Inhabitants of the Clothing District of Batley;—of Merchants, Manufacturers, and Inhabitants of Carlisle, and its vicinity;—of Inhabitants of Wotton-under-edge;—and, of the Clothing District of Soothill; referred to the Select Committee on East India Company's Affairs', *Votes and Proceedings of the House of Commons*, no. 35 (23 March 1830), 268.

⁴ '42. Criminals,—Address for "Summary Statements of the number of persons charged with Criminal Offences who were committed to the different Gaols in England and Wales for Trial at the Assizes and Sessions held for the several Counties, Cities, Towns, and Liberties therein, during the last seven years; distinguishing the number in each year, and showing the nature of the crimes respectively of which they were convicted, acquitted, and with which those were charged against whom no Bills were found, and who were not prosecuted; also, the sentences of those convicted, and the number executed who received sentence of death."—(Mr. William Peel.)', *Votes and Proceedings of the House of Commons*, no. 39 (29 March 1830), 299. In Letter 3625 Bentham had asked Hume to move for the printing of no. 41.

⁵ See Letter 3625.

⁶ The 'Statement' has not been traced, but on 30 March 1830 Hume presented to the House of Commons a petition from the inhabitants of North Nibley, Gloucestershire, of

3631

TO JOHN CHARLES HERRIES

31 March, 3 and 9 April 1830 (Aet 82)¹

Sir

From the Papers printed for the use of the House of Commons, I learn that, in the case of the Public Accounts, a controversy has place as to the most appropriate mode or modes of *Book-keeping*.² As between the vulgar and more extensively employed mode and the scientific mode, the question of comparative eligibility, in my view of the matter, resolves itself into this: namely, whether of those persons to whom it belongs to judge of the propriety of the receipt and the expenditure, by statements of which these same Accounts are entered, it is most desirable that, by a greater number or only by a lesser number, a conception, clear and correct, of the subject matters in question should be capable of being formed and entertained.

whom 800 out of 1,600 were receiving 'relief'. Hume stated that 'it was impossible to doubt the existence of great and overwhelming distress' on the part of these petitioners, who had 'justly observed' that 'there could be no doubt that it was greatly aggravated by taxation . . . that nothing but a reduction of taxation, and the abolition of the Corn-laws, and all other monopolies would give the people relief', and drew attention to figures showing increased rates of persons committed for trial between 1805–9 and 1820–9. For Hume's speech see *Parliamentary Debates* (1830), xxiii. 1053.

3631. ¹ UC x. 222–43. Draft. Partly autograph and partly in the hand of Doane, with corrections to the opening paragraph in the hand of Moore. A large proportion of the text appears to have been dictated by Bentham to Doane. UC x. 222 is headed in Bentham's hand '1830 March 31. J.B to Herries. Posology. Book keeping.' In Letter 3654 Bentham indicates that a version of the present Letter was sent.

² In response to a recommendation made by the Select Committee on Public Expenditure of 1828 (see their Second Report, *Commons Sessional Papers* (1828), v. 3–475, esp. 5–6, 475), the Treasury had appointed a Commission to examine the practice of keeping public accounts. In February 1829 a majority report, prepared by Thomas Constantinus Brooksbank (d. 1850), a Treasury official and Private Secretary to the First Lord 1811–27, and Samuel Beltz of the Commissariat Department, proposed a substantial overhaul of the accounts, using in part a modified version of the mercantile or Italian system of double-entry, but opposing its unqualified adoption, while a minority report, prepared by Peter Harris Abbott (1774/5–1850), accountant and official assignee, advocated the unqualified adoption of the double-entry system (see *Commons Sessional Papers* (1829), vi, *passim*). The disagreement was continued in 'Copy of a Letter from Mr. Abbott, late one of the Commissioners, for inquiring into the state of the Public Accounts, addressed to the Right honourable the Lords Commissioners of His Majesty's Treasury, dated the 27th November 1829; together with the Explanations and Observations of Messrs. Brooksbank & Beltz thereupon, dated 18th Dec. 1829', 18 March 1830, *Commons Sessional Papers* (1830), xxix. 1–20. Bentham may have been prompted to write to Herries by a discussion of the issue in the House of Commons on 26 March 1830 in the debate on the Navy Estimates, when Sir Henry Parnell argued in favour of Abbott's proposal and Herries defended the Treasury's decision to follow the recommendation of Brooksbank and Beltz: see *Parliamentary Debates* (1830), xxiii. 934–6.

Taking the population of the Honble House for an example, as it is the principal one of the assemblage of persons proper on this occasion to be held in view—is there so large a proportion as that of one to ten of the Members by whom, of the contents of a Book of Accounts kept in the Double Entry mode, any adequate, or so much as in any degree correct and clear conception, of the contents would be capable of being formed? For my own part, without hesitation I could take upon me to answer in the negative.

This being the case, thereupon comes the practical question—to the Public Accounts, henceforward this same mode called *double entry* shall it, or shall it not, be employed? If employed, shall it be employed in all its parts, used without variation, or *sub modo* only, that is to say only in this or that part of it?³

Comparing the scientific with the vulgar mode, I observe two features in it perfectly capable of being distinguished and in relation to which it seems to be of no small importance that they should be so.

These are—in relation to each transaction, whether past, present or future, the practice of giving expression to one and the same statement in each of two different forms. What these forms are—wherein consists the difference between them, and the advantage produced by this difference—these are subject matters, in relation to no one of which is indication afforded by this same appellative.

To the reduplication in question and the duplicity which is the result of it, the advantage, or at any rate one advantage, ascribed consists in this: namely that when in one of them a material error has place, the other affords a certainty, or at any rate a probability, of its standing indicated, and thence of its receiving correction: a probability greater than what has place in the case of single entry.

But in the mode thus denominated another peculiarity has place of which, in & by this denomination, no intimation is afforded. This is—the peculiar language—the technical language it may with indisputable propriety be denominated—which in this mode is employed in giving expression to the several transactions and relations: take for example the locutions following;—wine Debtor to Cloth—Cloth debtor to wine—either Debtor to Sundries—or to speak in more general terms, the practice of attributing to things relations of which things are not, and persons alone are, susceptible.⁴ Here then is fiction & as it seems to me fiction altogether without use. Useless it appears to me & so much worse than useless that by it a cloud is thrown

³ UC x. 223, which begins with the following paragraph, and x. 224 and 225 which follow, are headed in Doane's hand '1830 March 31. J.B. to Herries on Parl^y Book keeping.'

⁴ The following note, in the hand of Doane, appears in the margin at this point: 'If a better system's thine, Import it freely or make use of mine.'

31 MARCH, 3 AND 9 APRIL 1830 TO JOHN CHARLES HERRIES

over every subject to which it is applied that to my eyes it has at all times been completely impenetrable: but such being the case with my own eyes, unless *amour-propre* has spread over them a more than ordinary delusion, in this same case will be those of the persons of whom the great majority of Honble House (not to speak of Cabinets) is composed.

Now what I stand perfectly assured of & have so done for a great number of years is—that for every one of these locutions might be found & to it substituted a completely equivalent one constituted by a phrase in universal & abundantly frequent use: in the language I have been wont to employ on this occasion, an exposition in the way of paraphrase:—the equivalent of that mode of exposition to which by logicians the name of a definition has been attached.

Of these technical, misexpressive & obscurifying locutions, happily the number is so small that, by a few pages of space & not many hours of time, the smoke & clouds spread over the field of the subject as above might, in my notion of the matter, be blown away.⁵

But to do this I must have at hand all the time a mercantile man who, while I have the list of the terms in my hands, will enable me to understand the meaning of these several locutions by adducing an instance or two of their application—which done I have no doubt of being able in each instance to devise some locution composed of words in the most familiar use by which a conception perfectly correct would be conveyed to every person without exception, by the help of which this new invented locution the idea in question would be lodged in my own memory & conveyed at all times to the conception of every person of any the most ordinary understanding.

So much for the technical language which, when compared with the untechnical language that might be substituted to it, is so much worse than useless. Remains now the double entry, i.e. the making entry on each occasion of the same transaction in 2 forms wh^h are the converse of each other: as per ex. A is Debtor to B in £10 for wine sold—after that B is creditor to A in £10 for the same wine bought. What thereupon I sh^d have to do w^d be the putting questions to such my master till I had learnt from him in what particular way or ways this duplicity, by wh^h time, labour & paper are doubled, is upon the whole serviceable—to wh^h purpose I sh^d have in this case, as in others, to take an account of profit & loss & finish by taking the balance between them

Hitherto I had no motive adequate to the purpose of engaging me to take this labour. But if from the appropriate source I were to receive

⁵ UC x. 226, which begins the following paragraph, and x. 227–32 which follow, contain no date or heading.

TO JOHN CHARLES HERRIES 31 MARCH, 3 AND 9 APRIL 1830

assurance by authority that my accomplishing it w^d be regarded as rendering a public service, the adequate motive would by this means be supplied. As to remuneratⁿ in a pecuniary or quasi-pecuniary shape, it is in my own individual instance altogether out of the questⁿ. But as you will see as above, without intelligent professional assistance in wh^h I c^d place confidence, I sh^d not myself be able, without a great deal more time than I can spare, to obtain the requisite informtⁿ. I w^d accordingly leave it to yourself, Sir, or any other person whom it may concern, to say whether, in the event of the proposed explanatⁿ answering its intended purpose as above, it might not be matter of justice & expediency to hold out to such my assistant the prospect of remuneration in some one or other of the variety of shapes in which it is capable of being afforded without laying any additional burthen on the public purse. At present I can think of no person who in my view possesses appropriate aptitude in all its shapes other than D^r Bowg.⁶ Till just now he has had for the technical language of merchants a *penchant* little less strong than that which a lawyer has for the technical language of lawyers: accordingly upon my putting the question to him, he told me he was decidedly in favour of the use of the mercantile system. But upon my asking him whether he c^d seriously persuade himself that, of the persons for whose inspectⁿ the accounts were designed & for the Members of the H. of Com^s in particular there was so many as one in 10 to whom accounts expressed in this mode w^d be intelligible, his answer c^d be no other than in the negative, by which of course the question as between him & me was decided.⁷

To myself it has happened in the course of my pursuits to give birth to a work in the design of which this of a system of account keeping for the whole official establishment of the government was included—I mean one of the Sect^{ns} of my Constitutional Code, of wh^h the 1st of 3 Vols is just this instant published. This Sectⁿ is § 7 Statistic Functⁿ of Ch. IX Ministers Collectively⁸—it is one of the §§ included in that Extract from the aforesaid Const^l Code,⁹ a copy of wh^h Extract, if I have not been misinformed, has been in your hands. The design of it was to give a form—or say model—by the imitatⁿ of wh^h a complete representⁿ of y^e persons, things & occurrences having place in the whole of y^e official establishm^t adapted to¹⁰ all purposes might for

⁶ John Bowring.

⁷ UC x. 233, which begins the following paragraph, is headed by Bentham '1830 April 3. J.B. to Herries'.

⁸ See *Constitutional Code*, I (CW), pp. 218–67.

⁹ 'Extract from the proposed Constitutional Code' consisted of 'Constitutional Code', Ch. IX, §§ 15–18, but did not, contrary to Bentham's statement, include § 7.

¹⁰ UC x. 234, which begins with the following word, and x. 235–8 which follow, contain no date or heading.

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any length of time be committed to writing. Is there any error in it as far as it goes—anything wanting in respect of correctness, comprehensiveness, conciseness or clearness? questions these which I put to persons more than one, none of whom were deficient either in ability, or in respect of motives adequate to the purpose of eliciting the informatⁿ requested as above at their hands. No apprehension could any of them have had of any the least unpleasant feeling on my part as at all likely to be produced by the furnishing such informatⁿ. Well Sir, notwithstanding the quantity of time & labour thus employed by me, this same mode of account keeping, or say registration of the proceedings of a mercantile establishm^t accord^g to y^e form called the double-entry form, as exemplified in the commercial transactions of a mercantile house is to me, as to large portions of it, completely unintelligible—in short, as to all that part in wh^h the language of fictⁿ is employed: & thence it is that I cannot avoid the conclusion that, to a person, be he who he may, who has never set himself expressly to make hims^f master of y^e double entry system, the whole of it considered as a whole cannot but be equally unintelligible.

This same plan of mine be^g thus upon the carpet, I hope you will have the goodness, Sir, to excuse the liberty I am tak^g in begg^g you on y^{is} occasⁿ to cast an eye over it & favour me with your opinion of it as to whether it is not of a nature to afford, as far as it goes, what is needful for the Keep^g of the acc^{ts} of the offic^l establishm^t of the governm^t of this Kingdom & in particular whether there be any sort of service wh^h the mercantile double-entry system is in use to render that cannot be rendered at all or not so well by this same proposed system of mine as far as it goes.

This is not the 1st occasⁿ by a great many on wh^h I have had but too much reason to conclude that, under the exist^g system, any offer made of performing any service wh^h either does or ought to belong to it on gratuitous terms & accordingly without expense to the community is on that very account looked on with an evil eye & without deign^g to make any particular & intelligible objectⁿ turned aside from with affected scorn & real disgust.¹¹

In & by the liberty I am thus tak^g (in wh^h you will perceive the existence on my part of a sincere hope that that sort of sentim^t & deportm^t will not be exemplified in the present instance) in one way or other this informatⁿ, you will see in the nature of the case, I cannot fail of receiv^g.

¹¹ Bentham perhaps had in mind his unsuccessful offer to draw up a code of law and a correspondent system of pleading for Scotland: see 'Propositions designed to serve as a basis for an offer proposed to be made in the form of a Petition to the House of Commons', dated 14 May 1808, at UC clxxvi. 62.

In & by the parliamentary paper that has come out on this subj^t I see it has been the subject of controversy by certain functionaries employed by governm^t¹²—to me, as well as the persons themselves & the controversy they are engaged [in] are altogether unknown—for I purposely avoided to look into it that my attention might not be drawn aside from the point in issue by personal & other not necessary or relevant considerations.¹³

What I know is—that if I had any such desire as that of keeping the accounts in question concealed from the knowledge of the greatest possible number of the persons interested in the being acquainted with [them]¹⁴—who it is for the interest of the public that should be acquainted with them, this is exactly the course that I should take. *Not that I impute to any person any such desire: for, what I am sure of, is—that in the breast of my above-mentioned friend¹⁵ no such desire has place.* At the same time, if—after receipt of this demonstration of the mischievous efficiency of the arrangement in question with relation to the public interest—it should be adopted notwithstanding, I should not have it in my power, were I ever so desirous, to forbear standing assured that the determination to employ this same arrangement had such desire for its cause.¹⁶

You will hardly be at a loss, Sir, to conjecture whence it comes that I have taken the liberty of soliciting you as the functionary to whom I address myself on this subject, in preference to the Chancellor of the Exchequer.¹⁷ If it appears to you advisable so to do as of your own motion, I can have no objection: if you decline forwarding it in that way either to him or to any other Cabinet Minister, you would oblige me by returning it to me, with any advice or information which you may be disposed to favour me with in relation to it.

With M^r Peel, on one subject or other, on various occasions I am in some habit of correspondence. But it is on his part an arm's length and even temperative correspondence—principal subject matter his reformatiuncles and snail-pace improvements or quasi-improvements: he travelling in sloth-skin boots, I in the seven-leagued d^o. Years more in number would have passed away than have yet elapsed since the creation of the world, before he would

¹² See p. 316 n. above.

¹³ UC x. 239, which begins the following paragraph, is headed by Bentham '1830 April 3. J.B. to Herries'. ¹⁴ MS 'it'. ¹⁵ Bowring.

¹⁶ UC x. 240, which begins the following paragraph, is headed by Bentham '1830 April 3. J.B. to Herries', and contains the following note in the hand of Doane: 'Private & Confidential.'

¹⁷ Henry Goulburn (1784–1856), Under Secretary of State at the Home Office 1810–12, Under Secretary of State for War and Colonies 1812–21, Chancellor of the Exchequer 1828–30, 1841–6, Home Secretary 1834–5.

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have come up with me, were I even to be this very moment at a last stand.¹⁸

Since writing the above I have seen my brother,¹⁹ from whom I obtained the informatⁿ follow^g.

A friend of his is Deputy chairman of the S^t Catherine's Dock Company²⁰ & in that quality has the direction of a bookkeeper & between 40 & 50 clerks. All the accounts were kept in the Italian mode.²¹ One question which, at the desire of my brother, he put to this bookkeeper was—what length of time do you suppose it w^d take for a man of ordinary capacity, who was used to the ordinary way of keeping accounts, to obtain a conception of the particulars in which the Italian mode differs from the ordinary mode in such sort as to be able to make out the meaning of an acc^t kept in the Italⁿ mode²²—the answer was perhaps about a week.

Another question was—what length of time do you suppose it w^d require for that same man to be able to comprehend the import of an account kept in the Italⁿ mode as clearly & promptly as he w^d the same acc^t kept in y^e ordinary mode—the answer was—scarcely less than a 12 month; about wh^h time & not earlier he w^d be able hims^f to keep an acc^t as readily in the Italⁿ as in the ordinary mode.²³

Now Sir, in the Hon. Houses are there ever 5 men, I might say perhaps 2 men or even 1 man, not engaged in mercantile transactions who ever have taken any such trouble as that of a single week's hard study, not to speak of a 12 months' for this purpose—or is there any probability that there ever will be? If not, what will be the effect or object of any such arrangem^t as that of substituting the Italⁿ to the ordinary method of bookk^g or say acc^t keep^g—to the hitherto-accustomed method in the case of the Governm^t & other public accounts? What better than a mere delusion? and of delusⁿ we have surely already sources, instrum^{ts} & examples quite enough with^t making any addition to the number.

Still however remains the questⁿ whether, after translat^g as above proposed, the vocabulary into the vulgar tongue, the Italⁿ mode does

¹⁸ UC x. 241, which begins the following paragraph, is headed in the hand of Doane '1830 April 9. J.B. to Herries. Posology.'

¹⁹ Sir Samuel Bentham.

²⁰ Sir George Gerard Larpent (1786–1855), Baron de Hochepeid in the Hungarian nobility, politician and merchant, Deputy Chairman of St Katharine Dock Company from 1829, MP for Nottingham 1841–2.

²¹ i.e. the double-entry mode.

²² A slip for 'the ordinary mode', since Bentham presumably meant to say that it would take a person acquainted with the Italian system about a week to obtain an understanding of the ordinary mode of keeping accounts.

²³ UC x. 242, which begins the following paragraph, and x. 243 which follows, are headed in the hand of Doane '1830 April 9. J.B. to Herries.'

FROM ROBERT PEEL

1 APRIL 1830

not contain some feature by means of wh^h the effect aimed at might be compassed with greater promptitude or certainty or both than at present in the ordinary mode of account keeping by single entry. If so, then w^d it be for the advantage of the public service to employ the as-above-modified Italⁿ system, or say system of double entry, in preference to & to the exclusⁿ of the ordinary mode of single entry: and in this view, to look into the Italⁿ, or say double-entry mode, for this latter purpose, as well as for the purpose of a translatⁿ is the offer wh^h I conclude with tak^g the liberty of submitting to your consideratⁿ.

3632

FROM ROBERT PEEL

1 April 1830¹

Whitehall

April 1. 1830.

Sir

I beg leave to acknowledge the Receipt of your Letter of the 28. March.²

I am familiar with what passed—so far as it is recorded in the Reports of Parliamentary Committees, on the Subject of the Panopticon.

If you favour me with a Copy of your observations upon Pauper Management I shall read them with interest and attention.

I have the honour to be

Sir

Your obedient Servant

Robert Peel

Jeremy Bentham Esq^{re}.

3632. ¹ UC xi. 360. Autograph. Docketed: '1830 April 1. Peel, Whitehall to J.B. Q.S.P. Desires to see Pauper Managem^t' A copy, in Peel's hand, is in the Peel Papers, BL Add. MS 40,400, fos. 149–50.

² Letter 3628.

2 APRIL 1830

TO ROBERT PEEL

3633

TO ROBERT PEEL

2 April 1830 (Aet 82)¹

Q.S.P. 2 April 1830.

Sir

In obedience to your commands of yesterday's date,² I send you herewith the only copy I have remaining of the work intituled '*Pauper Management*', of which mention is made in my Letter to you of the 28th last.³ I see with regret the condition it is in: and there is a suspicion, that a page or two are wanting at the end. But, before your perusal can have carried you that length, I shall have learnt how that matter stands; and, if there be any deficiency, I will let you know the place and extent of it, and supply you with the deficient pages from the copy that is gone to the Printer's.⁴

In less than two months, it will probably be ready for delivery. A copy will then solicit the honor of your acceptance: whereupon you will have the goodness to return *this*.

Whenever, if ever, your patience has carried you to the end of it, a line informing me of the fact will oblige me.

I am, Sir, with all respect,
Your's

Jeremy Bentham.

Right Honble Robert Peel

3633. ¹ Peel Papers, BL Add. MS 40,400, fo. 151. Autograph. An autograph draft is at UC xi. 361, docketed '1830 Apr. 2. Pauper Managem^t: J.B. Q.S.P. to Peel, Whitehall. With Copy thereof.'

³ Letter 3628.

⁴ The projected reissue did not appear: see p. 313 & n. above.

3634

TO BARON KING
2 April 1830 (Aet 82)¹

Queen Square Place Westm^r.4th? April 1830²

My Lord

A friend of mine happened yesterday to be in the House of Lords at the time of the favorable mention you were pleased to honour me with.³ It strikes me that perhaps you would not be displeased with the opportunity of making acquaintance with a man who is fortunate enough to possess this place in your opinion. For these many years I have given up as utterly incompatible with my pursuits, the practice of paying or receiving visits except for necessary business, at any other than the convivial hour or after it: or none at that time elsewhere than at my own home unless it be for not more than $\frac{1}{4}$ of one hour, at about $\frac{1}{2}$ after 1, at which time I take a walk round my garden which opens into the Bird Cage walk. If you can put up with a Hermit's dinner I shall be happy to see you at this my Hermitage at $\frac{1}{4}$ after 7 any day you will have the goodness to name. The subject matter for conversation would be the Association Proposal Copy of which is herewith enclosed.⁴

3634. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.47. Autograph draft. Docketed: '1830 April 4. (Association.) J.B. Q.S.P. to Lord King. Letter I.'

Internal evidence indicates that the present Letter was written on 2 April 1830.

Peter King (1775–1833), seventh Baron King, politician.

² Underneath the date, Bentham has noted: 'See his answer dated April 5.' See Letter 3640.

³ On 1 April 1830 during a debate in the House of Lords on the administration of justice, King stated that he 'had been intrusted with a Petition respecting the Administration of Justice in this country, which for several reasons was entitled to an attentive and serious consideration. It was most numerously signed, and by persons of the highest respectability, resident in the metropolis. Amongst the signatures would be found that of the most eminent lawyer at the Irish bar, (Mr. O'Connell) and the petition, he was given to understand, had been drawn up by the celebrated author of the "Fragment on Government," and of the "Defence of Usury," (Mr. Jeremy Bentham), whose knowledge of jurisprudence was so eminently conspicuous in his writings. The terms in which this document was couched, furnished abundant internal evidence of its literary parentage, as the style which distinguished the writer's former productions was discoverable throughout.' See *Parliamentary Debates* (1830), xxiii. 1118–19. The petition, which was Bentham's 'Petition for Codification', consisted in a request that the House of Lords issue an invitation to all persons, both natives and foreigners, to draft 'an all-comprehensive Code of Laws' which, on condition of its containing a rationale, would be printed at the expense of Parliament: see *Lords Journals* (1830), lxii. 185. For O'Connell's presentation of a similar petition to the House of Commons on 11 February 1830 see p. 260 n. above.

⁴ i.e. 'Law Reform Association Proposal'.

2 APRIL 1830

FROM HUMPHREY PRICE

I know not exactly what recently published work of mine it is which has had the good fortune to fall into your hands. Should that of which the present one is a copy be thus fortunate, you may perhaps know of some other quarter in which it affords a prospect of being of use.

With sincere and [. . . ?] respect.

I am My Lord

Your's

Jeremy Bentham

Lord King

P.S. Along with this goes a similar communication to Lord Radnor, with whom, in former days I had a certain degree of intimacy.⁵ Perhaps you would have no objection, when you happen to see him in the House, to mention this subject to him and learn how he stands affected in relation to it.

3635

FROM HUMPHREY PRICE

2 April 1830¹

County Prison, Stafford,

2d April, 1830.

SIR,—I am a clergyman of the Established Church of England. Some eighteen years ago, another clergyman, to whom I had been for eleven years a curate, built a small country church in the heart of the lately enclosed forest of Needwood. The king endowed it with one hundred and sixty acres of forest land, and I was the first person presented to it.² There I lived laboriously, and ever in my work, silent,

⁵ William Pleydell-Bouverie (1779–1869), styled Viscount Folkestone until 1828, third Earl of Radnor. The communication is missing.

3635. ¹ Bowring, xi. 43, where it is introduced as follows: 'In 1830, Bentham entered into correspondence with the Reverend Humphrey Price, who, under the influence of a highly excited sympathy for the suffering carpet-weavers of Kidderminster, had published some matter which was condemned as libellous, and was sent to prison. He thus tells his story to Bentham:—'

Humphrey Price (bap. 1774, d. 1853), clergyman and writer, was appointed Curate at Neen Savage in 1797, Stipendiary Curate at Barton-under-Needwood in 1800, and Perpetual Curate, Christ Church, Needwood in 1809.

² As he explains in Letter 3642, in 1800 Price met Thomas Gisborne (1758–1846), Church of England clergyman, writer, and campaigner against the slave trade, who appointed Price to the curacies at Barton-under-Needwood and then at Christ Church, Needwood, the building of which was funded by Gisborne.

and little known beyond the immediate sphere of my own duties, eking out a livelihood for my wife and four children by pupil-taking, till March 1829; at which time, the carpet manufacturers in my native town of Kidderminster suddenly dropped the prices of weaving, and the weavers as instantaneously *struck*.³ From my dear mother, who had never quitted the town, I first heard of the turn-out of the weavers in about a month from its commencement—of their most exemplary conduct. I had been born and reared among the poor men, with none other expectations as to the future than the rest of them. Without patronage or aid of any sort beyond a common free school,⁴ however, I became a clergyman, settled in another neighbourhood forty miles distant from Kidderminster,⁵ but always keeping up my connexion with my native town by means before alluded to. My heart had always yearned after the poor weavers, whom I had known for many years to be gradually sinking into a state of poverty, degradation, and want: and when I heard the particulars of the *strike*, I instantly decided to aid the poor dear fellows to the utmost of my power of purse and pen. I did so; and if I were at this moment to be conveyed to the gallows for doing so, I think it would be impossible for me to repent my act. But being ignorant of law, and unconscious of breaking it as an infant, here I find myself imprisoned (after the entire breaking up of my family by the expenses, &c.) for libel against six-and-twenty carpet manufacturers.⁶

Now for the express purpose of this letter. I am writing a letter addressed to all the operatives of England upon their present state and duties.⁷ This said letter, as far as it is written, I have read to my jailor, (a very respectable man;) but he says he dares not suffer such letter to be published without the sanction of the visiting magistrates. Of *their* permission to publish I despair. Nevertheless, the term of my imprisonment will end in time, when I shall be, *pro tempore* at least,

³ The Kidderminster carpet weavers' strike had begun in mid-March 1828, after the town's manufacturers had imposed a reduction in piece rates on 'Brussels' carpet from one shilling to ten pence, and continued until mid-August 1828 when the weavers returned to work at the reduced rates.

⁴ Price had been educated at the Free Grammar School, Kidderminster.

⁵ Though Price's first clerical office was as curate for Neen Savage, a village approximately eight miles from Kidderminster, he refers here to his curacy at Barton-under-Needwood, which is around forty miles from Kidderminster.

⁶ For an account of Price's trial, which was held at the Hereford Assizes on 26 March 1829 and at which he was accused of libelling the carpet manufacturers and the officers of justice of Kidderminster in a series of publications, see Edward Morton, 'A Verbatim Report of The Trial of the Rev. Humphrey Price, Rector of Christchurch, in the Forest of Needwood, Staffordshire, upon a criminal information exhibited in His Majesty's Court of King's Bench by the Kidderminster Carpet Manufacturers, for alleged inflammatory publications during the "turn-out" of the weavers in 1828', London, 1829. Price was sentenced at the Court of King's Bench on 25 June 1829 to a year's imprisonment in Stafford Gaol.

⁷ The work has not been identified.

3 APRIL 1830

TO HUMPHREY PRICE

independent of the arbitrary will of magistrates. I would not, however, (though altogether regardless of consequences, when conscious of right,) I would not, however, *violate any law knowingly*, unless I saw that it was a law I *ought* to violate,—as, for instance, a law which should command me to throw salt into the fire of a heathen sacrifice, &c.

Will you, then, Sir, permit me to send my letter (above alluded to) to you for your advice as to the legality of it? I will thankfully send with it the requisite fee when known.

Your answer, though only one word, (Yes or No,) will oblige, &c.

3636

TO HUMPHREY PRICE

3 April 1830 (Aet 82)¹

Queen's Square Place, Westminster

3d April, 1830.

REVEREND SIR,—Your letter,² this instant received, has called forth my sincere sympathy. Your mention of the word *fee* shows how completely unknown I am to you otherwise than by the works you allude to.

Have the goodness to send me this same statement of yours,³ and I will procure for it attention more valuable than any which it is in my power to bestow.

I could wish to know what that work of mine is to which you allude; and by what accident and through what channel it fell into your hands.

A libel is any writing for which any man who has *power* has the *will* to inflict punishment. I am myself the most egregious and offensive libeller men in power in this country ever saw.

I am, Sir,
Yours sincerely.

3636. ¹ Bowring, xi. 44, where it is introduced as follows: 'He [Price] said he had been attached to Bentham by the phrase 'Young Antiquity', which was in itself full of instruction. His letter interested Bentham deeply, and he thus answers it:—'

Price has perhaps conflated the phrase '*venerable antiquity*', and the statement that 'What in common language is called *old* time, ought . . . to be called *young* or early time', which had appeared in the discussion of 'The Wisdom of our Ancestors; or Chinese Argument', in *The Book of Fallacies: from Unfinished Papers of Jeremy Bentham. By A Friend*, [ed. Peregrine Bingham,] London, 1824, pp. 69 and 70 respectively (Bowring, ii. 375–487 at 398).

² Letter 3635.
³ i.e. Price's 'letter addressed to all the operatives of England', mentioned in Letter 3635.

TO JOSEPH HUME

c. 3 APRIL 1830

3637

FROM LEICESTER STANHOPE

3 April 1830¹

My dear M^r Bentham

Buckingham is engaged to dinner but will call upon you at 9 o'clock this Evening.

Y^r most devoted S^t

Leicester Stanhope

Saturday

Buckingham's address is
4 Brunswick Place
Regent Park

3638

TO JOSEPH HUME

c. 3 April 1830¹

Votes 31 March 1830.

Not printed.

N^o 1. Chamber of London Accounts.²

Votes 2^d April.

N^o 54. Forgery &c.³

3637. ¹ BL Add. MS 33,546, fos. 389–90. Autograph. Addressed: 'To J. Bentham Esq^{re} Queen Square Place.' Docketed: '1830 Apr. 3. Stanhope Stable Y^d to J.B. Q.S.P. Buckingham ven(iat) Vespere.'

3638. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. A half-octavo sheet inserted within Letter 3625.

² '1. Chamber of London,—Annual Accounts *presented*; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 41 (31 March 1830), 313.

³ '54. Forgery,—Petitions for mitigating the punishment of death in cases of Forgery;—of Bankers, Merchants, and Inhabitants of Truro;—and of Clergy, Gentry, and Inhabitants of Hoddesdon, and its vicinity; to lie on the Table', *ibid.*, no. 43 (2 April 1830), 325.

5 APRIL 1830

FROM BARON KING

3639

FROM JOSEPH HUME

3 April 1830¹

Have you seen the returns of all existing contracts in the Army Navy & Ordnance just laid before the house.²

I thank you for the letter³ and remain

Yours Sincerely

Joseph Hume

3640

FROM BARON KING

5 April 1830¹

April 5

Sir

I have had the honor of receiving Your letter of the 2^d & beg to return my best thanks for your great kindness in allowing me the opportunity of making Your acquaintance which I shall consider a great & honorable distinction. I feel my own entire ignorance on that most important subject to which you have devoted your great talents, & altho I am a sincere well wisher to any improvement in the Law yet I regret my inability to give (as I think St Paul says) a reason for the faith that is in me.³ I wished very much to mention to Lord Radnor the subject of your letter & to ask him to accompany me to your house. I find that he is not now in town & as I am also going into the country for the Easter recess⁴ I fear I must postpone

3639. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.46. Autograph fragment. Docketed: '1830 April 3. Joseph Hume MP. JB—Financial Reform scrutinized has read.'

² 'An Account of the Extraordinary Expenses of the Army, from the 25th December 1829 to 31st December 1830, both inclusive: and an estimate of the sum required to be granted For the Year 1831', 9 March 1831, *Commons Sessional Papers* (1830–1), xviii. 49–57.

³ Possibly Letter 3638.

3640. ¹ BL Add. MS 33,546, fos. 391–2. Autograph. Docketed: '1830 Apr. 5. Association. Lord King No place to J.B. Q.S.P. Venturit. Videbit Radnor.'

² Letter 3634.

³ An echo of I Peter 3: 15.

⁴ Parliament adjourned its sitting on 8 April 1830 and resumed on 26 April 1830.

TO JOSEPH HUME

5 APRIL 1830

the pleasure & advantage of paying my respects to you until I return to town in the meantime I have the honor

to remain
with sincere admiration
Yours . . .
King

3641

TO JOHN MARSHALL
5 April 1830 (Aet 82)¹

Q.S.P. 5 April 1830

My dear Sir,

Herewith you will receive 6 Copies of the Law Reform Association Proposal. I hope it will receive the honour of your approbation and that of your Son's.² If so,³ there are two of the Copies to which nothing is wanting but your respective names together with an Order to a Servant to bring them to me or put them into the two penny Post.

By this same conveyance I send the same number to M^r Hume.⁴
Any ulterior number are at your command.

With the truest respect
I am Your's

Jeremy Bentham

John Marshal Esq.
M.P. for Yorkshire.

3642

TO JOSEPH HUME
5 April 1830 (Aet 82)¹

Dissolution of Parliament

How absurd and mischievous the arrangement, by which this effect is made consequent upon every King's death! What say you to the

3641. ¹ Lancashire Archives, The Stephen Marshall Documents, 1675–1903, DDX 412/71. Autograph. ² Either William Marshall or James Garth Marshall: see p. 305 n. above.

³ MS 'If so If so'.

⁴ See Letter 3642.

3642. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

The postscript is dated 'Monday 5th', and the only relevant Monday prior to the death of George IV, which occurred on 26 June, was 5 April 1830.

5 APRIL 1830

TO JOSEPH HUME

bringing in a Bill for the prevention of it? An improvement of this sort would have for its support not only the public interest but the private interest of all parties and almost all individuals in Honble House.

The existing arrangement—what has it for its original cause, but ancestor-wisdom, and for the cause of its continuance but want of thought, and authority begotten prejudice.

Information (*erroneous*) mentioning particulars of the state of the King's health has brought this idea into my mind, but were he assured of outliving Methusalem,² the reason of the thing would remain the same.

Dinner at Q.S.P.

What say you to dining here on *Wednesday*³ to talk over this and other matters? How could I have meant any other time than dinner time? No; *Wednesday*. I perceive you can not. See PS.

The idea might be set a going, either in Honble House, or by means of the Newspapers, '*without-doors*.'⁴

Along with this, you will probably receive some Law Reform Association Proposals, each Copy of which wants nothing but a signature, with a direction to me, except that in the instance of those to whom my name is a bugbear the direction should be to some one else who will convey it to me. Of this number *Ferguson* (I am told) is one.⁵ *Marshall*⁶ it was that insisted upon it that the first meeting should be at my House.⁷ You may therefore mention it to him boldly, as well as to Burdett.

By this same conveyance I send the same number to Marshall.⁸

P.S. $\frac{1}{2}$ after 4 Monday 5th. Have the goodness to call here *tomorrow* at $\frac{1}{2}$ after *one*. I perceive that Wednesday is to be a business day: thence not a dining day.

I have to show you an interesting correspondence between Peel and me.⁹ If you can not dine with me so soon as Wednesday come any day at $\frac{1}{2}$ after one.

² According to Genesis 5: 27, Methuselah lived for 969 years.

³ 7 April 1830.

⁵ Sir Ronald Crauford Ferguson (1773–1841), military officer and politician, MP for Dysart Burghs 1806–30 and Nottingham 1830–41.

⁶ John Marshall.

⁸ See Letter 3641.

⁴ i.e. outside Parliament.

⁷ See p. 305 & n. above.

⁹ Presumably Letters 3616 and 3617.

3643

FROM HUMPHREY PRICE

5 April 1830¹*County Prison, Stafford,**5th April, 1830.*

SIR,—I was born at Kidderminster, where my father was a poor weaver, and my mother a poor schoolmistress. At an early age, the toil of supporting myself and an only brother (who, happily perhaps for himself, though agonizingly for me, died when four years old, a wonder of a child in those days) devolved upon our dear mother, who could work all day in her school, and sit up all night with sick poor neighbours for forty years together. This dear woman was saving all that a most diffusive benevolence would allow her to save from others, for me and my children. But happily, thank God, I compelled her at last to let me purchase a small annuity for herself, with the money she was saving for us; so that now she is secured from want, provided her government security hold. This excellent mother has never quitted her native town of Kidderminster; and she being well acquainted with rich and poor therein, and in full possession of her faculties, and also considerable activity both of body and mind, though now at an advanced age, and taking deep interest in the state of the poor, I learnt from her all particulars of the *turn out* of the poor weavers, in about a month after its commencement. But if I am to notice my education, as well as birth and parentage, I must go back to observe, that, at Kidderminster, there is a free grammar-school, where, providentially for me, a young man came to be under-master, whose prospects depended upon attention to his duties.² Under the instruction of that young man, (though in a school which, before his day, had been for many years grievously neglected,) I gained, in two or three years, a style of penmanship, (you may shut your eyes, or lift them up in surprise, when I now talk of style of penmanship,) and a quantum of arithmetic, to enable me, at an early age, (say 15) to migrate to a neighbouring town, (Bewdley,) to teach writing and accounts in a grammar-school there, for sixpence per week each boy; and to aid an infirm clergyman³ in hearing the

3643. ¹ Bowring, xi. 44–7, where it is introduced as follows: ‘The detailed account which Mr Price gives of his history is full of pathos. He writes:—’

² Thomas Morgan, who was appointed Schoolmaster at the Free Grammar School, Kidderminster in 1787.

³ Possibly William Morgan, Curate at Ribbesford and Ribbesford, Bewdley Chapel, who was appointed Schoolmaster at the Free Grammar School, Bewdley, in 1778.

lower classes Latin, for the reward of receiving from him, in private, higher instructions in Latin and Greek. Increasing infirmities prevented him from affording me much aid. In a little more than a year, by means of working day and night, I was enabled to take the principal labour of my old friend's school upon myself; which I did take, most willingly on my part, and with much warm, I may say grateful, feeling on his. About that time, *two offers* were made me, the one of two hundred guineas a-year, my maintenance, and, at the expiration of four years, a fourth-part share in the trade,⁴ by an old schoolfellow at Kidderminster; and the other offer, by a clergyman five miles from Bewdley, of twenty pounds a-year, to labour in a large common country school, at from sixty to ninety boarders and day-scholars, but *with the cure of a title for orders*, when I should be old enough, and qualified enough, to present myself before the Bishop of Hereford, who (luckily for me) was compelled to accept young men of very spare attainments, and without *University education*, in order to provide for churches so contiguous to the principality of Wales.

Without one moment's hesitation, I accepted the latter offer; accepted it, not, I fear, from a truly religious principle, but because I hated trade, and loved something like learning, and had always an inclination to become a clergyman, &c., &c. In the above school, with from sixty to ninety scholars, I laboured hard and willingly for my term of two years, sitting up almost every night, winter and summer, till two o'clock in the morning, and getting up again at six. Having thus secured my title to orders, I returned to my former and far more agreeable situation at Bewdley, where I kept on working all day, and making it a point, for one year, to sit up one whole night in every week, without taking off my clothes, or lying on the bed. I had now obtained the age of 22½, or nearly, and ventured to apply for orders, though scarcely conceiving it possible to be admitted into the very serious and important office of instructing my fellow-creatures in religion. I had, however, discovered that most of my fellow-creatures with whom I had met, whether laic or clerical, were very ignorant of religion, and very lax in the observance of it,—and this discovery emboldened me. So I applied;—passed muster, (even with encomiums!)⁵ and obtained, not that curacy of only £7, the title to which, for orders, I had laboured for the two years to obtain, but another curacy of £40 per annum, which had been offered me while I was undergoing my two years' servitude. This curacy (near Savage)⁶ was eight miles from Bewdley, and to it,

⁴ i.e. carpet weaving.

⁵ Price was ordained at Hereford Cathedral on 11 June 1797 by John Butler (1717–1802), Bishop of Oxford 1777–88 and Hereford 1788–1802.

⁶ i.e. the curacy of Neen Savage, to which Price was appointed in 1797.

every Sunday morning, winter and summer, I used to walk, through little-frequented and very difficult roads, performed the morning and afternoon service, and returned to a late and plain, but welcome dinner at Bewdley. In about two years after my ordination, a clergyman at Bewdley, of the name of Wigan⁷—a gentleman of the most correct morals, finished manners, liberal sentiments, and superior classical attainments I had ever at that day met with,—one whom I loved most devotedly, and who, I think, loved me, (for he gave me a larger share than he gave any one else of his society, which all of the superior order in that neighbourhood greatly coveted);—that gentleman said to me one evening, (we generally passed our evenings together when he could get released from company)—‘Mr Price, I have often heard you say, if there was one person more than another to whom you should wish to be introduced, that person was Mr Gisborne.⁸ Now, I have in my hand a letter from a friend in Mr Gisborne’s neighbourhood, stating that Mr Gisborne is, at this very time, in want of clerical assistance, as his curate is ill, and he himself is wishing to go with his family to Bath, for a fortnight or three weeks; if, therefore, you are in the same mind you were in lately, here is a fine opportunity for you to indulge yourself with a trip to a delightful part of Staffordshire, and to be introduced to one whose writings you so much admire. I will write by the present post, if you wish it.’ I did wish it; and, in a few days after, found myself in a very different sort of society to any (with the exception of dear Mr Wigan himself, ‘*Manibus, Pax et [Honor]*’)⁹ I had at all anticipated or witnessed. There were the old and first Lord and Lady Harrowby, a daughter, and a son—the present Bishop of Lichfield and Coventry.¹⁰

Not that I coveted, or sought after such company; though, without any farther seeking, I have always had the company of the great and good quite as much as I pleased, I might have had far more of it, in all probability, if I desired it.

Suffice it to say, that I, who went forty miles, merely to know Mr Gisborne, and serve his church for about a fortnight, never afterwards

⁷ Thomas Wigan (1743/4–1819), who had graduated BA in 1765 and MA in 1767 at Trinity College, Oxford, and in 1819 bequeathed to the Rector of Ribbesford, the parish in which the town of Bewdley was located, and to the Master of the Free Grammar School at Bewdley a collection of books to be used as a public library: see ‘Catalogue of the Library of The Rev. Thomas Wigan, given to the Parish of Ribbesford, Co. Worcester’, n.p., 1859.

⁸ Thomas Gisborne.

⁹ i.e. ‘Peace and honour in his hands.’ Bowring ‘*Honos*’ appears to be a typographical error.

¹⁰ Nathaniel Ryder (1735–1803), first Baron Harrowby, had in January 1762 married Tabitha, née Stainforth. Their daughter was Elizabeth Ryder (d. 1830) and the youngest of their three sons was Henry Ryder (1777–1836), Bishop of Gloucester 1815–24 and Lichfield and Coventry 1824–36.

5 APRIL 1830

FROM HUMPHREY PRICE

left him for eleven years; but was his curate at [Barton]¹¹-under-Needwood,¹² a retired village within three miles of Mr Gisborne's seat of [Yoxall]¹³ Lodge, where I married, and had four children;¹⁴ and when Mr Gisborne built the church to which I referred, no doubt, in my former letter, and which is situate within a mile of his own residence,¹⁵ he made me the altogether unsolicited offer of it; and there I have remained ever since, until the wisdom of the four Judges of the Court of King's Bench (whom, for the life of me, having never even seen a Judge before, I could not help deeming to be four old women) decided that I should be shut up in a prison for twelve months, and thus cut off from the active duties of public and social life.¹⁶

Previously to my law trial, I anticipated, and made every preparation in my power, for the worst that might happen. I called in all my bills, and settled everything, as though I were going to die. Mr Gisborne would have taken every law charge upon himself, and there were other friends that would have done the same for the sake of myself and family. *But* they one and all disapproved of what I had done; and on that account I was determined the blow should fall on me and mine alone. First, then, I sold my pictures, to enable me to meet the expenses of the first trial; and when the Jury decided against me, my two dear daughters left home for the first time, and have found a good, honest, and reputable livelihood in their no ordinary accomplishments of music and painting, &c.

My eldest son is doing comfortably, my youngest is struggling at Cambridge. My wife has a small annuity, which I purchased for her about the time of my mother's. All are scattered. The parsonage house (a lovely spot) is desolate. All my furniture was sold. And here I am,¹⁷ hardened in my political sins, and far more likely to die for them, than to repent of them. Here let me say, as I am a stranger to you, that I have refused, and will refuse, all pecuniary aid. Through God's mercy, I shall have enough to pay all prison expenses. Debts I have none, and when I get out of prison, though I most certainly shall not be able to rally and collect my family again, nor even at first send for my wife, yet I shall have in my little living of £130 a-year, together with my house and thirty acres of land, enough for my immediate support, and for

¹¹ Bowring 'Baston'.

¹² i.e. the curacy to which Price was appointed in 1800.

¹³ Bowring 'Toxall'.

¹⁴ Price had married Ann Hanson Mold on 24 April 1800. Three of their four children were Edward (bap. 1801), Caroline Mary (bap. 1802), and Sarah Woodward (bap. 1804).

¹⁵ i.e. Christ Church, Needwood: see Letter 3635.

¹⁶ According to the *Morning Chronicle*, 26 June 1829, p. 4, the judges present at Price's sentencing at the Court of King's Bench on 25 June 1829 were Sir James Parke, Sir John Bayley (1763–1841), Justice of King's Bench 1808–30, and Tenterden.

¹⁷ i.e. in Stafford Gaol.

procuring, by degrees, one and another and another needful article of household furniture.

The poor weavers of Kidderminster, sent me £100 to begin the trial with; and I would not touch it. I told them it would be like drinking their blood. At my appearance in the King's Bench to *receive judgment*, (I think they call it,) my adversaries put in an affidavit that a weaver was then in London, authorized to furnish me with all and everything I might want. I believe that this affidavit was according to truth, and that it did what it was perhaps designed to effect;—but I certainly have never touched the poor, dear weavers' money, except in one instance, when, in going last through Kidderminster, I called upon a very poor relation, (almost the only relative I know,) and left him and his wife my watch, &c., as the only thing I had to part with, and insisted upon their parting with it instantly for their support, which, with great reluctance, they did. This affair the poor weavers somehow or other heard of, discovered where the chain and seals had been sold, and where the watch, with great solicitude collected them again, and in about a month afterwards I was surprised and much concerned to receive, per coach, a little strong box, with my watch, &c., carefully wrapped in it, and a note declaring that they could not bear to hear of anybody having my watch but myself, and that if I sent them the money for it, they would return such money, though sent them a thousand times. This is the only money I had from them, poor, dear creatures; and welcome, most welcome, have they been to my *all*. How horrible law expenses are! I have heard that the prosecution cost my prosecutors (though I gave them no trouble from the very first) from seventeen hundred to two thousand pounds.

But this may not have been the case. Me it (so to speak) has ruined; though my attorney would insist upon having nothing for his professional aid, to which, of course, I did not, and will not accede. I cannot conceive why I might not have been tried, and condemned, if need were, as I have been, at the expense, even as times go, of one or two hundred pounds in all! I never knew anything of law before,—never even having been in a court of justice before this late affair of my own. I had always had a very high opinion of the uncorruptness, and perfect impartiality of our judges, &c.; but my opinion of our law courts and judges, &c., is most seriously changed. Judges, I see, are evidently as much the creatures of political prejudice, as most (perhaps more than most) other men! This has astonished me. Perhaps I am wrong, and biassed by the untowardness of my own case; but if I am wrong it is much against my will; for I used inwardly to exult in the supposed character of our judges, and I was never altogether without the hope that, blundering as I might be in what I did for myself in the matter, the judges would find out that I was an honest man, in spite of all my adversaries could say or do.

3644

TO HUMPHREY PRICE

Post-5 April 1830 (Aet 82)¹*Queen's Square Place, Westminster.*

DEAR SIR,—The small accompanying cargo will speak for itself and me.² From it you will judge whether towards you there is, on my part, any lack of sympathy. All I have *read* of you (it is with my ears that I have *read* it, my eyes not being strong enough) is that which is in your letter.³

The present Lord Harrowby⁴ I have seen at Mr Wilberforce's:⁵ his father was once at my house.⁶ His brother, the bishop, was my guest, at the convivial hour, at Ford Abbey, in Devonshire, in the year 1813, or thereabouts.⁷

The Association⁸ of which you see mention, is likely to meet at my house, for the first time, in less than three weeks.

Sympathy has already extracted from me more than, (it being on so small a scale, it now operates to the prejudice of ditto on a greater,) yes,—more than I can justify. But you shall hear from me again, after I have heard some account of your libels.

You have lost some friends,—you will gain others, and, perhaps, regain your former ones. You will have seen already with what sincerity I am yours,

JEREMY BENTHAM.

Age, eighty-two.

Strength, not much less than at twenty-one.

Preaching, as per sample.

Practice, in accordance with principle. Hence cheerfulness vieing with that of my youthful inmates.

3644. ¹ Bowring, xi. 47. The Letter is undated but is a reply to Letter 3643.

² A record of the material that Bentham sent to Price has not been located, but it appears to have included 'Law Reform Association Proposal': see below. ³ Letter 3643.

⁴ Dudley Ryder (1762–1847), second Baron and first Earl of Harrowby, Under Secretary of State in the Foreign Office 1789–90, Comptroller of the Household 1790–1, Commissioner of the Board of Control 1790–1, Vice-President of the Board of Trade 1790–1801, Joint Paymaster General 1791–1800, Treasurer of the Navy 1800–1, Foreign Secretary 1804–5, Ambassador to Berlin 1805–6, President of the Board of Control 1809, Minister without portfolio 1809–12, Lord President of the Council 1812–27.

⁵ William Wilberforce (1759–1833), politician, philanthropist, and slavery abolitionist, MP for Kingston-upon-Hull 1780–4, Yorkshire 1784–1812, and Bramber 1812–25.

⁶ No record of a visit by Nathaniel Ryder, first Baron Harrowby, to Bentham's home has been traced.

⁷ No record of a visit by Henry Ryder to Ford Abbey has been traced. Bentham lived at Ford Abbey for extended periods between July 1814 and February 1818.

⁸ The Law Reform Association.

FROM THOMAS PERRONET THOMPSON

6 APRIL 1830

Let me hear from you after you have *cut open* what is here sent: but let not your third letter be much longer than the first. If you direct it 'To Sir Francis Burdett, M.P., at Jeremy Bentham's, Esq., Queen's Square Place, Westminster,' it may come gratis. But never think of paying either *carriage* or postage for anything you send to me.

3645

TO THE EARL OF RADNOR

c. 5 April 1830 (Aet 82)¹

To the Earl of Radnor.

My dear Lord

I hope the importance of the end in view [will justify]² the liberty I take with Lord King in sending you without his knowledge the copy of a letter I have just received from him.³

Hoping your silence is not [an] inexorable one, and that I am not regarded as having ever done any thing to deserve a call for it, I subscribe myself for the second time,⁴

Your sincere friend

Jeremy Bentham

3646

FROM THOMAS PERRONET THOMPSON

6 April 1830¹

6th April 1830.

Dear Sir,

Inclosed are the Extracts from the Defensive Force which I apprehend to be intended in your note;² with the exception of § 3 *Radicals who*, of which I can see no signs, and possibly you may be aware of its being

3645. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.48. Autograph draft. The date is suggested by the apparent reference to Letter 3640.

² MS 'with'.

³ Letter 3640. The following sentence is crossed through.

⁴ The first time was presumably the 'communication' that Bentham mentions sending to Radnor in Letter 3634.

3646. ¹ BL Add. MS 33,546, fos. 393–4. Autograph. Docketed: '1830 April 6. Col. Thompson Baker Street to J.B. Q.S.P. Sends Ch. X. Defensive force §§. 1. 2. 3.[?] As desired.' See 'Constitutional Code', Ch. X, §§ 1–3 (Bowring, ix. 332–48). ² Missing.

7 APRIL 1830

FROM THE EARL OF RADNOR

returned to you or otherwise accounted for in some way that does not at present occur to me.

I remain,

Dear Sir,

Yours very truly & sincerely,

T. Perronet Thompson

Jeremy Bentham Esq.

3647

TO ROBERT PEEL

7 April 1830 (Aet 82)¹

Q.S.P. 7 April 1830

M^r Bentham takes the liberty of informing M^r Peel, that the surmise of imperfection in the copy of *Pauper Management* appears to have been erroneous.² It had for its cause the circumstance—that the work in question never appeared in the form of an independent work: the parts of which it is composed having appeared at so many different times in the late Arthur Young's *Annals of Agriculture*.³

3648

FROM THE EARL OF RADNOR

7 April 1830¹

Dear Sir,

I have read your Pannomion proposal.² The object is so desirable, that although I have little hope of being able to further it in any other

3647. ¹ Peel Papers, BL Add. MS 40,400, fo. 156. Autograph. A copy, in the hand of George Bentham, except for the final sentence of the docket which is in Bentham's hand, is at UC xi. 362, docketed '1830 Apr^l 7. JB QSP to Peel. Error as to imperfection of *Copy of Pauper Management* corrected.'

² See Letter 3633.

³ See p. 313 n. above.

3648. ¹ Bound with a copy of 'Law Reform Proposal' at Chadwick Tracts, BL shelf-mark C.T. 84.(1.) Autograph. Docketed: '1830 Apr. 8. Association. L^d Radnor Coleshill Farringdon to J.B. Q.S.P. Subscribes £5.'

George Bentham records on 7 April 1830 (George Bentham Diaries, GEB/2/1, p. 18) that, 'JB in high spirits about a [letter] from L^d King and from L^d Radnor', i.e. Letter 3640 and the present Letter respectively.

² i.e. 'Law Reform Association Proposal'. 'Pannomion' was Bentham's term for a complete code of laws.

TO CHARLES SINCLAIR CULLEN

7 APRIL 1830

manner I will gladly become a Member of your society—and beg you to set my name down as a subscriber of £5 annually—which I shall be ready to pay when called upon for that purpose,

I am

Dear Sir

faithfully yours

Radnor

Coleshill House

April 7. 1830

3649

TO CHARLES SINCLAIR CULLEN

7 April 1830 (Aet 82)¹

Q.S.P.

7 April 1830

My dear Cullen

Behold a paulo-post-future Associator² in whom there³ is no guile.

In good time tomorrow morn^g send the contents⁴ to my Leicester,⁵ that he may return them tomorrow time enough to be delivered to Bowring who dines here tomorrow.

J.B.

3649. ¹ National Library of Scotland, Letters collected by Allan Paton, MS. 3219, fo. 23. Autograph.

² Perhaps Radnor: see Letter 3648.

⁴ Possibly Letter 3648.

³ MS 'there there'.

⁵ Leicester Stanhope.

7 APRIL 1830

TO LEICESTER STANHOPE

3650

TO ROBERT HEWARD

7 April 1830 (Aet 82)¹

To M^r Heward 2 Wellington Street²

Queens Square Place Westm^r

7 April 1830

Sir

This is to authorize and desire you to deliver either to Colonel T. Perronet Thompson or D^r John Bowring any and as many Copies of any or all my works as they may respectively be pleased to order: only informing me as soon as a Messenger comes this way, to prevent my entertaining any misconception, as to the quantity of the Stock at my disposal in your hands.

Witness my hand

Jeremy Bentham.

3651

TO LEICESTER STANHOPE

7 April 1830 (Aet 82)¹

Q.S.P. 7 Apr. 1830

My ever Dear Leicester

Inclosed are copies of two letters² which it seemed to be of use that You should be apprized of. Return them when done with.

Cullen has been beforehand with you in extracting the Louisiana Code from young O'Connell:³ the latter may therefore be left unslaughtered.

What a queer fish this Radnor is?

Your everlastingly

J.B. Q.S.P.

3650. ¹ Liverpool City Libraries. Autograph.

Robert Heward (*fl.* 1829–36), publisher and printer, publisher of the *Westminster Review* 1829–34. ² The office of the *Westminster Review*.

3651. ¹ UCL Library, Stanhope Letter Collection, no. 10. Autograph.

² Possibly Letters 3640 and 3648.

³ Maurice O'Connell, who was in London at this time: see Mary O'Connell to Daniel O'Connell, 17 March 1830, *Correspondence of O'Connell*, iv. 140.

3652

TO JOSEPH HUME
10 April 1830 (Aet 82)¹

Q.S.P. 10 April 18(30)

Dear Hume

I answer you. Why won't you answer me?

I have divers things to *say to you*.I have divers things to *hear about from* you.Yesterday my Brother² read to me a letter he had from you.³What say you to dining with me on Monday?⁴ If not on *that*, on what other day?

Yours ever

Jeremy Bentham⁵

Votes of 7 April 1830.

Not printed.

N^o 25. Criminal law.⁶

Votes of 8 April.

N^o 22. Ecclesiastical Courts—Fur(ther) Returns.⁷

☞ Indispensable this: otherwise what was printed on this subject before will be imperfect and delus(ory).⁸

3652. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Endorsed by Hume: 'ans^d 11 april.' Hume's answer is Letter 3653.

² Sir Samuel Bentham.

³ Missing.

⁴ 12 April 1830.

⁵ The instruction 'Turn over' appears in the Letter at this point.

⁶ '25. Criminal Law,—Petitions for mitigating the severity thereof;—of Inhabitants of Chipping Norton;—and, of Kelvedon; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 46 (7 April 1830), 352.

⁷ '22. Ecclesiastical Courts,—Further Returns *presented*,—of the Fees, Profits, and Emoluments received by the Judge of the Commissary Court of London, from 16th February to 31st December 1828:—And by the Judge, Registrars, and Officers of the Consistory and Commissary Courts of London, in 1826, 1827, and 1828 {ordered 4th February}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 47 (8 April 1830), 358.

⁸ 'Returns respecting the Jurisdiction, Records, Emoluments and Fees of Ecclesiastical Courts', 26 March 1830, *Commons Sessional Papers* (1830), xix. 47–491.

11 APRIL 1830

TO SIR SAMUEL BENTHAM

3653

FROM JOSEPH HUME

11 April 1830¹

My Dear Sir

On Wednesday² I shall have much pleasure in dining with you at the usual hour when I shall be most happy to talk over all matters. Until then

Believe

Yours Sincerely

Joseph Hume

Sunday 11 April 1830

Jer: Bentham Esq

3654

TO SIR SAMUEL BENTHAM

11 April 1830 (Aet 82)¹

J.B. to S.B.

Q.S.P. 11 Apr. 1830

I have scabbled over great part of your pamphlet,² and am much pleased with it.

Black of the Morn^g Chronicle was with me yesterday. I have just been writing to him on the subject, asking for a *Leading Article* [...?] and expect to succeed.³

Before I saw you I had written to Herries on the subject⁴—(Alack a day! I had forgot—you *saw* it!)

R.D.⁵ who is no flatterer is much pleased with both; and says that the confidential part to Herries will have the collateral effect of conciliating his affections.

3653. ¹ BL Add. MS 33,546, fos. 396–7. Autograph. Addressed: 'Jeremy Bentham Esq. Q.S. Place Westr.' Endorsed: 'Joseph Hume.' Docketed: '1830 Apr. 11. Hume Bryanston Squ^{re} to J.B. Q.S.P. Veniet Wednesday 15th.' Bentham has miscalculated the date.

² 14 April 1830.

3654. ¹ BL Add. MS 33,546, fos. 400–1. Autograph. Docketed: 'J.B. Q.S.P. April 18 (...).'

² Samuel Bentham, *Financial Reform Scrutinized, in a Letter to Sir Henry Parnell, Bart. M.P.*, London, 1830, a response to Parnell's *On Financial Reform*.

³ Bentham's letter to Black is missing.

⁴ Letter 3631.

⁵ Richard Doane.

TO JOHN CHARLES HERRIES

12 APRIL 1830

Just received a letter from Hume:⁶ in terms of hitherto unexampled warmth. It delights him to come, and he will dine here on Wednesday.⁷ Ergo—tell George⁸ that I untie him for that day but I must tie him for some other day of the week instead.

Send me by return of post—at any rate so as that it may be here before Hume comes—his letter to you that you read to me.

3655

FROM JOSEPH HUME

11 April 1830¹

Bryanston Sq^{re}

Sunday Evening

My Dear Sir

I find that, in fixing on Wednesday to dine with you,² I have encroached on an engagement of M^{rs} Hume's,³ and therefore have to request you will allow me to come tomorrow (Easter day)⁴ to dine with you instead of Wednesday, and Oblige

Your's Sincerely

Joseph Hume

Jeremy Bentham Esq^{re}

3656

TO JOHN CHARLES HERRIES

12 April 1830 (Aet 82)¹

Mode of keeping accounts of—i.e. making recordation of—the occurrences which take place in the conduct of the business of this or that branch of the Official Establishment is one thing: power of making

⁶ Letter 3653.

⁷ 14 April 1830.

⁸ George Bentham.

3655. ¹ BL Add. MS 33,546, fos. 398–9. Autograph. Addressed: 'Jeremy Bentham Esq^{re} Q.S.P. Westminster.' Endorsed: 'Joseph Hume.' Docketed: '1830 Apr. 11. Hume Bryanston Square to J.B. Q.S.P. Veniet 12 Monday vice Wednesday.'

² See Letter 3653.

³ Maria Hume.

⁴ Hume appears, in fact, to be writing on Easter Day. He dined with Bentham on Easter Monday, 12 April 1830.

3656. ¹ UC x. 244–9, of which the first five sheets are headed '1830 April 12. J.B. to Herries', and the final sheet 'J.B. to Herries.' Autograph draft, which appears to be incomplete. There is no evidence that the present Letter was sent.

disposal of the public money, and for that purpose, making draughts and causing them to be paid, is another and a very different thing. Of these two things, the manner in which Sir H. Parnell speaks is such as leads me to suspect that he has not adverted to the distinction between them, but has considered them as one and the same.²

As to the power of disposing of the public money and making draughts for it, so far as regards the great bulk of the mass, the constituted authorities, having no prospect of being able to preserve it from the control, nor thence from the inspection, of Parliament, and through Parliament of the people at large, have never [made] any such endeavour: and as to this part, I take for granted (unless by adoption given to the Italian mode³ I should be forced to change such my opinion) their wish would be to see the mode in which these same accounts are kept as intelligible as possible.

But as to another part—and that to an extent yet⁴ unknown and indeterminable—it has been and continues to be their wish—their will and pleasure—to keep it exempt from the controul and inspection abovementioned, for such having at all times been their practice, such the exemption actually given to it, how it can have failed to be their wish—their will and pleasure—that such exemption should not be possessed by it—is more than I am able to imagine.

Of the part which it has been their practice, and their wish, their will and pleasure to keep exempt from this controul and thence the inspection abovementioned, Sir Henry Parnell in his work has pointed the attention of the public to several large portions,⁵ and M^r Whittle in and by his Motion and his Speech has lately brought to light another.⁶ Honble House having refused to appoint a Committee for enquiry into this subject, has thereby declared its intention of keeping this

² Bentham perhaps had in mind a passage in *On Financial Reform*, pp. 189–90, where Parnell does, in fact, distinguish between these two operations, but recommends that they both be carried out by a Board of Payments, which would ‘give a draft for the amount [to be paid on behalf of the government department in question] on the Bank of England, and then enter the payment in regular account-books’.

³ i.e. the double-entry mode of book-keeping: see Letter 3631.

⁴ MS ‘not yet’.

⁵ Parnell, *On Financial Reform*, pp. 186–8, refers to the opinion of the Committee of Finance that ‘the public has not that complete security against possible loss which it ought to have’ in the offices of the Treasurers of the Ordnance and the Navy, the Paymaster of the Forces, amongst others, as well as in relation to several individuals ‘who receive money from the Exchequer, and have the power of drawing money out of the Bank of England by their own drafts’.

⁶ In the House of Commons on 30 March 1830, Daniel Whittle Harvey had unsuccessfully moved for ‘a committee to inquire into the present state and management of the Crown-lands’, claiming that no one knew their value because they ‘were held sacred, and were interdicted from investigation’, but that ‘there was no branch of the public revenue which was more entirely available to the service of the country, and none which had been bought at more enormous price’: see *Parliamentary Debates* (1830), xxiii. 1055–6, 1110.

branch of the receipt and expenditure in the hands in which it resides at present. To this part may be given the denomination of the secret or say the purposely concealed part, to the other the open or say the purposely unconcealed part.

Now then, as [to] the two modes of account keeping. To the purposely concealed part of the receipt and expenditure, the Italian mode is, in my view of it, as above, admirably well adapted: it being to all eyes but those commercial ones to which by occupation it has been made familiar, compleatly opake and impenetrable: but for the correspondent and opposite reason, to the purposely unconcealed part, it is correspondently and proportionably unsuitable.

As to Sir Henry, as far as I can judge, his wish is that no part of this public receipt and expenditure should remain concealed: yet does he, and that strenuously, recommend the adoption of that same opake and impenetrable mode: and that in so doing, so it is that he has been counteracting his own purposes. *Pure* is the epithet which on each occasion he attaches to it.⁷ *Pure* is an epithet strongly laudatory or say eulogistic: not inconsiderable is of course the esteem he entertains for it: but this esteem for an object so far from being entitled to it, I can [not] think that he can have derived from any other source than *authority*: and this the authority of a set of men, who finding no difficulty in comprehending that which to them has been made familiar by long practice are not averse, how much otherwise it can not but be to all persons who have had no such practice.

In relation to the Italian or so-called Double Entry mode, what I perceive is that, of the same *occurrence*—or state of things—mention is made at two different times and as between one state of things and another in two different *orders* in respect of *sequence*. One I should call the chronological, in which every thing is stated in the order of time: the other I should call the *logical*: in which each and every occasion or state of things is stated in some group as distinguished by some name, the groups being formed with a view to some particular convenience which is looked for with reference to the end in view: which, in the case of men of all sorts, whether commercial or non-commercial, is the forming *expectations* in regard to the quantity of the matter of wealth at a man's disposal on the one part, and of that which it will be matter of obligation to transfer to this or that other man on the other part: and in the case of the commercial, judging by what means he stands the best chance of making the greatest addition to the quantity which at the time in question is at his disposal.

⁷ See Parnell, *On Financial Reform*, p. 192, referring to 'the Italian system, in its purest form', and p. 196, referring to 'the pure Italian system'.

Now as between these two, the *chronological* is the only one which is capable of being employed by all persons at all times. Why? Answer—because the quantity of time, necessary to the performance of the operation in question, is in this case at its minimum: the giving to the aggregate of the occurrences recorded within the same space of time—say a day or a week—a different order with a reference to some special purpose is an operation for which an indefinitely greater quantity of time is necessary: necessary, namely for the purpose of its being employed in reflection: in reflecting upon the group of occurrences to which, for presenting the information requisite, it requires to be *aggregated*: the head under which it requires to be placed.

As to *time*, there are in every case two portions of time which, in regard to *occurrences*, require to be distinguished. These are 1. the portion of time at which the occurrence took place: 2. the portion of time at which the information of its having taken place has been received by the person by whom or by whose order the *recording* of it is made.

In my Constitutional Code Vol. ||, Copy of which herewith solicits the honor of your acceptance, may be seen, (Ch. IX. §. 7.) intitled *Statistic function*,⁸ what appears to me an all-comprehensive plan of Bookkeeping for the receipt and expenditure of government, and according to that plan it would not be possible for the receipt or expenditure to be in any part concealed or in any part in other hands than those of the Minister of Finance or those to whom, with his knowledge and consent, it has been imparted.

Now then, as to the supposed use of the Logical mode of entry—[the] source of *correction* in regard to errors.

Note that, of these two *scripts*, that which exhibits the occurrence in the chronological order, is, it has been seen, the original one: the other, be it what it may, no more than a derivative one: a transcript made from that same original one.

But in the case of written discourse, a transcript is to the original script, the derivative to the original, analogous to what, in the case of orally-delivered discourse, hearsay evidence is to immediate evidence. In regard to trustworthiness, the inferiority of hearsay as compared with immediate is universally felt and universally acknowledged.^a

^a See Rationale of Evidence.⁹

⁸ See *Constitutional Code*, I (CW), pp. 218–67.

⁹ For the relative untrustworthiness of hearsay evidence see *Rationale of Judicial Evidence*, Bk. VI, Chs. IV–V, iii. 443–59 (Bowring, vii. 132–7).

This being the case, that the original script affords the means of correction in relation to that which is derived from it is obvious and incontestable. But in what way it is that the derivative should afford the like facility for the correction of the original is surely not equally obvious or incontestable: to my apprehension, in this present writing, it is not discernible.

Now then, as to the denomination given respectively to the two books in which entry is made of the same occurrence in the two different orders—the chronological and the logical. To the chronological—which is the original—and in the very nature of things the most trustworthy, the name given is the *Waste-book*. Here then is a denomination which is not merely *inexpressive* but *misexpressive* and *delusive*. To a non-commercial man who hears spoken of a book under the name of a *Waste-book*, is it possible that by this denomination an idea brought into his mind should not be that of a book the paper of which is, after all the pains that have been taken with it, no better than so much *waste* paper?

So much for the book in which the order employed is the chronological. Now for that in which the order employed is that to which I have been giving the name of the *logical*. I might have called it the *methodical*. What is the name which, in the Italian mode, is actually given to it? Answer. The *Ledger*. But, to the mind of a non-commercial man taken at large, what is the idea presented by this same word *Ledger*? Answer. Just none at all: while by the word *methodical* an instructive and correct idea would be presented to the mind of every person to whom the need either of framing or of making reference to and use of a document of the sort in question ever presents itself.

As to this matter, working without concert, my Brother and I (I see by his pamphlet just published) have come to the same conclusions.¹⁰

¹⁰ See Samuel Bentham, *Financial Reform Scrutinized*, pp. 39–49, where the double-entry mode of accounting promoted by Parnell is criticized and reference made to Bentham's discussion of the 'Statistic Function' in 'Constitutional Code. Vol. I' as containing 'a most comprehensive view of the several items necessary to be taken into account in regard to every department of public business'.

15 AND 27 APRIL 1830

TO JOSEPH HUME

3657

TO SIR SAMUEL BENTHAM

12 April 1830 (Aet 82)¹

QSP April 12/30

J.B. to S.B.

After all Hume came this day & is just gone—it is now midnight: while he was here came in your letter with the inclosures² but it being candlelight I could not read nor get it read without making a fuss & losing time—however I battled the points with him & prevailed in part & disposed him to hear reason & enter into particulars with you as to the remainder. As to the Finance Committee it is no more³—but perhaps to be able to get Parnell⁴ & some other leading men to meet & hear what you have to say in detail. Wednesday is thus set free—accordingly I shall expect George on that day as usual.⁵

3658

TO JOSEPH HUME

15 and 27 April 1830 (Aet 82)¹

Q.S.P. 15th April 1830

Dear Hume

Of the Annual Almanacks, those, in which, To the names of the Offices in the Government Official Establishm^t and the names of the Incumbents are added the amounts of the Salaries, are these.

1. The earliest Book of the kind that has their Salaries is *Riders A^o* 1769.²

3657. ¹ BL Add. MS 33,546, fos 402–3. In the hand of Moore, with the exception of the salutation, which is in Bentham's hand.

² Missing. In Letter 3654 Bentham had asked Samuel to send Hume's letter to Samuel 'by return of post'.

³ The Committee on Public Income and Expenditure had not been revived by the Wellington administration in the Parliamentary session of 1829. ⁴ Sir Henry Parnell.

⁵ In Letter 3654 Bentham had released George Bentham from attending him on 14 April 1830, on the assumption that Hume would be dining with him. George duly attended: see George Bentham Diaries, GEB/2/1 (14 April 1830), p. 19.

3658. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² i.e. Cardanus Rider, *Rider's British Merlin: For the Year of our Lord God 1769. Being the First after Bisssextile or Leap-Year. Adorn'd with many delightful and useful Verities, fitting all Capacities in the Islands of Great Britain's Monarchy. With Notes of Husbandry, Fairs, Marts, High Roads, and Tables for many necessary Uses*, London, 1768. This edition of the work does not, however, contain either the names or the salaries of office-holders.

FROM LOUIS MCLANE

16 APRIL 1830

2. The latest is *Stockdale's A°* 1808.³

J.B.

27 April. What say you to dining here and inspecting them and confabulating on the subject of them on Sunday next:⁴ or if you can not make that day suit you, on the next *preceding* day: Saturday⁵ on which I have no engagement that I could not put off. Friday⁶ being a Honble House day, I could not for that day propose this or any other *private* engagement to you.

Yours must truly

Jeremy Bentham.

Joseph Hume Esq.
M.P.

3659

FROM LOUIS MCLANE

16 April 1830¹

9 Chandos St

April 16. 1830.

Dear Sir

I have this moment received your letter of yesterday,² and regret exceedingly that you have had the slightest uneasiness with regard to the Packet you forwarded to M^r Livingston.³ I certainly intended to have acknowledged to you the receipt of that packet, and to have acquainted you with the disposition I made of it, and am now utterly at a loss to account for my omission, if indeed I did not do so. I can no otherwise repair the error, however, than to assure you that in two days after you sent me the packet, I forwarded it with my public despatches to the American Consul at Liverpool,⁴ to be forwarded

³ See *The Royal Kalendar: or, complete and correct Annual Register, for England, Scotland, Ireland, and America, for the Year 1808*, London, 1808, pp. 145–7, listing a selection of government office-holders and some of their salaries. The *Royal Kalendar* was printed for John Stockdale (c. 1749–1814), publisher and bookseller based in Piccadilly.

⁴ 2 May 1830.

⁵ 1 May 1830.

⁶ 30 April 1830.

3659. ¹ BL Add. MS 33,546, fos. 406–7. Autograph. Addressed: 'Jeremy Bentham Esq^{re} Queen's Square Place Westminster.' Docketed: '1830 Apr. 16. MacLane 9 Chandos Street to J.B. Q.S.P. by J.B.'s Messenger. Sent the packet to Livingston.'² Missing.

³ Bentham had sent Livingston a selection of his works with Letter 3602.

⁴ James Maury, American Consul at Liverpool 1816–32.

18 APRIL 1830

FROM THE EARL OF RADNOR

by the first Packet to the Collector of New York,⁵ with directions to dispose of it according to the order of M^r Livingston; and to M^r Livingston I wrote by the same opportunity, informing him of the disposition I had made of the papers.⁶ My despatches with which your packet went, were intended for the vessel which sailed from Liverpool a day or two after they were sent, and I presume that that vessel was the bearer of the whole.

I can only add my willingness to serve you better, if I can do so, in future, and have the honor to be, Sir,

with very great respect
Your most obedient Servant
Louis M^rLane

Jeremy Bentham Esq^{re}

3660

FROM THE EARL OF RADNOR

18 April 1830¹

Dear Sir,

Your letter of the 15th² has followed me and reached me today. I return you the Copy of the Proposal with my signature.³

I am obliged to you for the note enclosed in your Letter with respect to Tythes.⁴

⁵ Presumably Samuel Swartwout (1783–1856), Collector of Customs at the Port of New York 1829–38.

⁶ McLane to Livingston, 26 February 1830, Princeton University Library, Manuscripts Division, Department of Special Collections, Edward Livingston Papers, C0280, Box 29, Folder 34, fos. 12–15.

3660. ¹ BL Add. MS 33,546, fos. 408–9. Autograph. Docketed: '1830 Apr. 19. Association. L^d Radnor to J.B. Sends acceptance.'

² Missing.

³ One of the copies of 'Law Reform Association Proposal' at BL shelf-mark C.T.84.(1.) contains the following inscription at p. 15:

'April 1830.

I hereby declare my accession to the Association the Proposal for which is in this paper contained.

Witness my hand

Radnor'

⁴ The material in question has not been identified, though Bentham discussed the reform of tithes in *Church-of-Englandism and its Catechism Examined*, London, 1818, Appendix IV, § 10, pp. 390–2 (reproduced in *Church-of-Englandism and its Catechism Examined*, ed. J.E. Crimmins and C. Fuller, Oxford, 2011 (CW) pp. 487–8), reissued in *Mother Church Relieved by Bleeding; or, Vices and Remedies: Extracted from Bentham's Church of Englandism, &c. Examined: being matter Applying to Existing Circumstances*,

TO LEICESTER STANHOPE

21 APRIL 1830

I am,
Dear Sir,
Yours faithfully

Radnor

Longford Castle
April 18. 1830

At any time that you may have occasion to write to me, pray address your letter to 52 Lower Grosvenor Street; it will be forwarded without delay. R.

3661

TO LEICESTER STANHOPE

21 April 1830 (Aet 82)¹

Q.S.P. 21 April 1830

My ever dear Leicester

Just received a letter from John Smith who accedes cordially,² and swim[s] to me with a casting-net full of as many fish as he can envelop in it, not excepting the whales I pointed out to him, and begged of you to angle for.

Something my imbecile memory has let slip, you bid me furnish you with: let me know in black and white what it is, and you shall have it.

Did not you convey to me the promise of a letter from Wellesley?³ No such letter have I received.

Any day at circumgiration time, if it does not rain hard, I am at your service.

Wednesday the 28 is the day on which J. Smith expects to be in town.

Yours ever

J. Bentham

Honble Leicester Stanhope

and consisting of a summary recapitulation of The Vices, therein proved to have place in The Existing System, and of the particulars of The Remedial System therein proposed, London, 1823, pp. 24–6. It would later be again reissued in *The Book of Church Reform: containing the most essential part of Mr. Bentham's 'Church of Englandism Examined', &c.* Edited by one of his Disciples, London, 1831, pp. 15–18.

3661. ¹ UCL Library, Stanhope Letter Collection, no. 11. Autograph.

² The letter is missing, though it presumably concerned the Law Reform Association.

³ William Pole-Tylney-Long-Wellesley (1788–1857), later second Baron Maryborough [GB] and fourth Earl of Mornington [I], MP for St Ives 1812–18, 1830–1, Wiltshire 1818–20, and Essex 1831–2.

21 APRIL 1830

TO JOHN SMITH

3662

TO LEICESTER STANHOPE

21 April 1830 (Aet 82)¹

J.B. to L^{er} S.

April 21

Since I wrote the accompanying short Note,² I opened the inclosed large packet. A short letter to myself³ I keep for the purpose of referring to it in others which I am writing.

This packet is from Rev. Humphry Price whose former production I believe you saw—I think it will interest you in such sort that you will have perused it by tomorrow time enough for me to send it to Cullen who is at Marryat's (MP)⁴ near Barnet.

No: another day will make no difference.

3663

TO JOHN SMITH

21 April 1830 (Aet 82)¹

Q.S.P. 21 April 1830

My dear Sir

On every account, private as well as public, high is the gratification afforded me by your most obliging letter.²

Sorry I am that by the mention made of Denman³ in mine⁴ to which your's is an answer, a sensation of an unpleasant kind has been made in one of your heartstrings.

3662. ¹ UCL Library, Stanhope Letter Collection, no. 2. Autograph.

² Letter 3661.

³ Missing. It is possible that Humphrey Price sent Bentham a letter and copies of his works in response to Letter 3636.

⁴ Joseph Marryat (1790–1876), MP for Sandwich 1826–34, honorary agent representing Trinidad slave-owners from 1830 and Agent for Grenada 1831–55.

3663. ¹ BL Add. MS 33,546, fos. 410–11. Copy, of which the place and date, salutation, and first two paragraphs are in the hand of Doane, the postscript in the hand of Moore, and the remainder in the hand of George Bentham. Docketed by Moore: '1830 April 21. J.B. Q.S.P. to John Smith.' A truncated version is printed in Bowring, xi. 38–9.

² Missing.

³ Thomas Denman (1779–1854), later first Baron Denman, MP for Wareham 1818–20 and Nottingham 1820–6, 1830–2, Attorney General 1830–2, Chief Justice of King's Bench 1832–50.

⁴ Missing.

With Denman I never had more than one interview, and that a casual one, nor more than half an hour's conversation: the result of which was—on my part, as towards him, a sentiment composed of esteem and affection and the satisfaction of standing assured of the existence of a sentiment of the same nature on his part as towards me.

Accordingly, it is chiefly through the medium of general report that my conception of his character has been formed. He is as far as I ever heard, of the number of those few of whom every body speaks well. But high as he stands above par in the intellectual scale, what I have generally heard said is—that he does not in that scale stand quite so high as in the *moral* scale.

In regard to Law Ref^m, I am indebted to his kindness for a copy of a pamphlet of his on that subject.⁵ If my conceptⁿ on that subject, together with the unanimous voice of all who are acting with me, is correct, his suggest^{ms} taking them all together do not go to the root of the evil: if adopted & carried into effect, they w^d cut off no more than a comparatively minute portion of it, & give stability to the remainder.

Be this as it may, no call will on this occasion be made to him to declare himself.⁶ It is unanimously agreed, that partly for their own sakes, partly for that of the public, no such call shall be made to any man of the lawyer class, official or professional, for this purpose. Not even Bickersteth, who is a most cordial friend to law ref^m to its utmost extent (excuse the blunders my sinking frame is continually falling into) & has hitherto acceded without reserve to the letter as well as spirit of every thing proposed by me. By him has been revised & approved of every thing that he has seen of my proposed Equity Dispatch C^t Bill & what he has seen comprehends the principal part of it. But the newspapers and private Report speak of him as likely to be one of the new Judges upon the Chancellor's sham-reform plan;⁷ in which situatⁿ I sh^d rejoice to see him placed: & I will not place him in any such embarrassing situatⁿ as that of being obliged either to give or to decline giving his accession to a measure necessarily so displeasing to the higher powers.

⁵ Probably [Thomas Denman], *Considerations respectfully submitted to the Commissioners now sitting to enquire into the proceedings in Actions at Law*, London, 1828.

⁶ i.e. in support of the Law Reform Association.

⁷ See, for instance, *The Standard*, 22 March 1830, p. 2: 'It is rumoured that in [the] event of the Lord Chancellor's bill for the appointment of an additional equity judge passing into law, that it is arranged for Mr. Bickersteth to be the new judge.' Lord Chancellor Lyndhurst had introduced a Bill for the appointment of a new equity judge and for an additional puisne judge for each of the Courts of King's Bench, Common Pleas, and Exchequer: see 'A Bill For the more effectual Administration of Justice in England and Wales', 22 March 1830, *Commons Sessional Papers* (1830), i. 1–9.

As to the apprehended difference between Denman & myself, a few words will suffice for presenting some conception of it. In regard to procedure, I am for the complete substitution of the summary to the regular on every part whatsoever of the field of law: *he*, not. In regard to evidence, I am for a complete *exclusion* of the practice of excluding evidence on any such ground as that of preventing deception, or that of saving a man who has done a punishable act from the need of contributing to cause it to be believed that he has done so—namely either by stating what it is that he has done or by declining so to do. Denman, on the other hand, by the opinion wh^h in common with the generality of the fraternity he maintains, or at any rate *did* maintain, stands entangled in the inconsistency alluded to in my former letter.⁸

Should it ever happen to you to hold any conversatⁿ with him in relatⁿ to either of those points, you will observe whether he comes to *close quarters*, or confines himself to *vague generalities* from wh^h no trustworthy conclusⁿ can be derived.

In my five large Volumes on the subject of Evidence (the *Rationale of Evidence*—the whole running counter to the current—the united current of sinister interest, interest-begotten prejudice, & authority-begotten prejudice) the subject of the *exclusions* put on Evidence occupies more than a whole volume.⁹ By what inducements can the perseverance of a lawyer who either is or wishes to be in full practice (rare exceptions excepted!) be reasonably expected to carry him through a volume filled out with matter the object of which is to prove that he & all men whose feelings, interests & opinions are in unison with his own, are in the wrong? & this with such effect & to such a degree as to be hostile to the interests & detrimental to the happiness of all the rest of mankind?

So far as regards perseverance in the reading of some many hundreds of pages filled with dry matter comes the like questⁿ with regard to a Lord: besides that, though in regard to the matter in questⁿ a Lord has an interest coincident with that of the vast majority of the whole people, he has another which is in oppositⁿ to it: which other is but too naturally apt to be the strongest. L^d Nugent (I sh^d expect to find) is one of those to whom I allude. Were you to enter into conversation with him on the subject you might learn whether he has ever had any | ¹⁰ with Denman in relation to it: & if yes whether by any thing

⁸ Bentham's former letter is missing. Denman had expressed his 'difference' on these matters with Bentham in 'Law of Evidence—Criminal Procedure—Publicity. Art. VIII. Traité des Preuves Judiciaires. Ouvrage [extrait] des Manuscrits de M. Jeremie Bentham, Jurisconsulte Anglais, par Et. Dumont, Membre du Conseil representatif et Souverain de Genève. 2 vols. Paris, 1823', *Edinburgh Review*, vol. xl (March 1824), 169–207.

⁹ See *Rationale of Judicial Evidence*, Bk. IX, iv. 477–645, v. 1–613 (Bowring, vii. 335–563).

¹⁰ George Bentham has indicated with a caret that a word is missing at this point.

TO ADOLPHUS HAUMAN

30 APRIL 1830

which Denman has said he has been disinclined to join with us: & if so, whether it w^d be agreeable to hear what I have to say *per contra*.

Tyrrell the *Conveyancer & Real Property Comm^r* is another of the chosen few¹¹ of whom every body speaks well: his is the master-mind that allots their tasks to all the others: he has come over to me, & with such zeal as to have offered months ago to use his persuasions with Bickersteth. Happy would I be, at a Hermit's dinner to report progress to an extent which, how surprising soever, will, I flatter myself, be not displeasing to you, in other quarters: but want of paper, not to speak of time, obliges me to conclude with the name

(signed) Jeremy Bentham

Such *in terminis* is the informatⁿ come to my hand since the two accompanying sheets were written. I shall write f(or) an adequate stock of particulars. This obtained, *stage effect* may peradventure be produced by mention of this in Hon. House: better make the first explosion there, than weakening it by previous pop gun shots in the Newspapers.

P.S. Some time ago I sent a Copy of my Petitions¹² & my Dispatch C^t Prop^l to Denman.

3664

TO ADOLPHUS HAUMAN

30 April 1830 (Aet 82)¹

Jeremy Bentham to Adolphus Hauman Brussels.

London 30 April 1830

It is with no small regret & anxiety that I cast my eye this moment at the date of your most kind and interesting letter,² and the date of this on which I write. The cause has been principally in my little infirmities, such as they are; but the particulars, if they be indeed worth mentioning, shall, on the ground of the principle of utility, be postponed to something which affords perhaps some little promise of practical use.

¹¹ Matthew 22: 14.

¹² *Petitions for Justice and Codification.*

3664. ¹ Yale University, Beinecke Rare Book and Manuscript Library, James Marshall and Marie-Louise Osborn Collection, File 1127. Copy, which is endorsed, following the signature: 'Pour copie confirme. F.E. Vander Elst.' The copyist was probably François-Emile Vander Elst, listed as 'négociant et directeur de la société maritime belge' in *Indicateur belge, ou guide commercial et industriel, de l'habitant et de l'étranger dans Bruxelles et la Belgique, pour l'an 1840, contenant plus de 60,000 adresses ou renseignements administratifs commerciaux, etc.*, Brussels, 1840, p. 133. ² Missing.

30 APRIL 1830

TO ADOLPHUS HAUMAN

Along with this will, I hope, soon reach you a copy of the first of three volumes of which my *Constitutional Code* is designed to consist. It has occurred to me that considering the present state of things in France and the Netherlands, not to speak of other countries in Europe, this work, which has absorbed so many years of my labours,³ might perhaps find favour in the sight of some eyes and be of more or less use in the character of an *ouvrage de circonstance*, and that in that quality you might perhaps find sufficient inducement to give to it the advantage of a translation from your admirable pen. But as to this matter I resign myself with the most implicit confidence to your better informed judgement: at any rate the copy will remain with you as a small monument of my esteem and affectionate regard.

The two tables which accompany the letter press and sheets will speak for themselves.⁴ No part of either being covered by the part in sheets you will be enabled to skip from one part to another with facility in making your *rapprochements*. In my little apparatus of instruments of invention & discovery quodlibet cum quolibet,⁵ is one of the most effective. Of volume the second seven sheets already printed.

In addition to the thick octavo in question go two works of less dimensions, namely, *Codification proposal* and *Equity Dispatch C^t Proposal* together with one sheet containing the Proposal for an association⁶ which is now organizing with no bad promise of success—an association for the promotion of Law reform—the first meeting will be at my house.

It pains me to think that by this time you may have already set out upon the excursion you speak of: and that not to speak of the work itself the event of your being reached by so much as the tidings of its existence may be more or less precarious. To obviate this contretemps I shall, in giving direction to the packet on the letter, take such course as shall present itself to me as best adapted to that purpose.

Your hand, beautiful as it is, is to my sinking sight scarcely a legible one; and my memory is fast sinking along with it. I have just been hearing it by the kindness of a friend whom you saw,⁷ and will now as well as I can, recollect the topics that require an answer from me.

³ Bentham had begun work on 'Constitutional Code' in 1822: see *First Principles preparatory to Constitutional Code*, ed. P. Schofield, Oxford, 1989, (CW), Editorial Introduction, pp. xix–xxi.

⁴ Two 'Tables of Contents' were published with the first volume of *Constitutional Code*, one containing the titles of the chapters and sections of the constitutional code and the other of the penal code, but it is unclear whether it is to these that Bentham is referring. The 'letter press' may have been the first volume of *Constitutional Code* and the 'sheets' the printed issue of 'Constitutional Code', Ch. X. Defensive Force.

⁵ i.e. 'anything you like with anything you like'. Cf. *Chrestomathia* (CW), p. 261.

⁶ i.e. 'Law Reform Association Proposal'.

⁷ Unidentified.

1 Projected Netherlands review. 2 Short notice of my life. 3 Most eligible order of the matters in a second edition.

1. As to the projected Netherlands review, gratifying in no small degree, it would be to me to be able in any way to promote the object of it. It will come on the carpet of course between D^r Bowring and others of your friends; but he is and for about this fortnight has been on an excursion to the north of this island and is not expected back earlier than about a fortnight from hence.⁸ One subject I have thought of for it, is the Code or rather Codes in preparation for the State of Louisiana in the Anglo-American Confederacy—a work of which you will find mention in a letter of the author's (D^r Livingston) with which the supplement to *Codification Proposal* concludes.⁹ His letter was accompanied with the present of a copy of that work: would it be agreeable to you to have it for one of the subjects for the proposed Review? If it be not speedily called for, for a similar purpose in this country, this copy shall be at your service for such length of time as for that purpose may be requisite. Whether it will be in requisition here is as yet matter of uncertainty:—it was to have been reviewed in our 'Jurist'¹⁰—a work of too great merit for the sinister interest of the profession and the frivolity of readers at large: it has been for some time in a sleep, and I much fear that sleep will prove to have been its last.¹¹

To return to the Louisiana Codes, of part of the matter—perhaps half or not so much—a reprint was made here in England by a costly effort of disinterested beneficence,—one man finding labour, the other pecuniary expense,¹²—no hope of retribution on either part. It is in French in a translation made of it by a friend of mine, [a]¹³ Mons. Taillandier.¹⁴ What the relation is between the matter of the reprint in English and the French translation,—is more than I know:—whether they are the same or whether there be any and what difference. As to the more ample work above mentioned, the author's wish is that I may peruse it,¹⁵ and with perfect sincerity such is mine likewise: but were this done, not to speak of comments, my own works (of which I have always a frightful number upon the anvil) would have to be at a

⁸ According to *Autobiographical Recollections of Sir John Bowring*, p. 9, in April 1830 Bowring visited the Abbotsford estate of Sir Walter Scott.

⁹ Letter 3520, printed in 'Second Supplement to Codification Proposal', where Livingston's *Project of a New Penal Code for the State of Louisiana* is mentioned at the conclusion.

¹⁰ See Letters 3582 and 3584.

¹¹ *The Jurist* was, in fact, revived for a further four issues, which appeared in April, July, and November 1832 and [n.d.] 1833.

¹² Thomas Southwood Smith and John Smith respectively: see again Letters 3582 and 3584.

¹³ MS 'a' is a slip by the copyist.

¹⁴ See p. 168 n. above.

¹⁵ See Letter 3520.

30 APRIL 1830

TO ADOLPHUS HAUMAN

stand and whether I can afford this at my time of life may be left to any one to judge.

2. As to the particulars of my own life, D^r Bowring, has for this long time been [occasionally]¹⁶ occupied in minuting them down from my own lips.¹⁷ Under the circumstances above alluded to, from my own pen you will, I am sure, neither expect nor so much as wish to receive them. A friend of mine whom you saw¹⁸ is kind enough at my request to give me reason to hope that in this view he will look over some papers that are in print¹⁹ and make a short extract from them, by purging them of some errors, repetitions and other superfluities,—which done, endeavours will be used to convey it to you through the same channel as these presents. For your amusement rather than for any present serious purpose I may perhaps add to the above papers the greatest part of a pasticcio which is now passing through the press under the all-comprehensive title of ‘Official Aptitude maximized expence minimized’. You will forbear to have them bound up till what remains still unprinted follows them. It will not be more than 4 or 5 sheets.

3. As to the most eligible order in which the matter of my works can make its appearance in a new edition, I can think of none better than the chronological order of the impression: for such is the variety of the subjects treated of, and such is the multitude of those which remain uncompleted and thence unprinted, that the whole power of logical arrangement is set by them at defiance; and in several instances this or that paper which has been in print in this or that year has remained on my shelves for a number of years before it has been made public. When after my death the friend by whose hand the last published, whatever it may be, of my scraps, is destined to see the light, may perhaps do not amiss—in fixing upon the order in which the matters of the first complete edition shall make their appearance—he will perhaps do not amiss if in that view he casts his eyes on my encyclopedical tree or table, call it which you please.²⁰

To return to the cause of the delay which I so much lament:—one of them has been the shattered state of my memory, the other has been the unexpected delay by which the completion of the Preface to this volume of the Code and the tables that accompany it has been arrested.

Since the receipt of your letter I have been indebted to the kindness of M^r Meyer for a copy of his interesting work.²¹

¹⁶ MS ‘occasionally’.

¹⁷ These minutes were published in ‘Memoirs of Bentham: including autobiographical conversations and correspondence’, Bowring, x. *passim*, xi. 1–170. ¹⁸ Unidentified.

¹⁹ Possibly the account of Bentham given by John Neal: see p. 243 n. above.

²⁰ See ‘Encyclopedical Table, or Art and Science Table’, in *Chrestomathia* (CW), between pp. 178 and 179.

²¹ Possibly Meijer, *De la codification en général, et de celle de l’Angleterre en particulier*.

TO JOSEPH HUME

4 MAY 1830

This packet will be conveyed to you by the care of a new made and highly valued friend—a man of your lineage—a M^r Goldsmit—a merchant of high eminence in this metropolis:²² he is acquainted and I believe in occasional correspondence with M^r Meyer.

Any account which without too much inconvenience you could find time to favour me with, of your excursion would be highly gratifying to me.

I must now perforce leave off, for the purpose of dictating a second Letter to the above-mentioned D^r Livingston,²³ as likewise another to President Jackson, on various topics brought to my view by his Inaugural message, which has been a source of high delight to me.²⁴

In my own scrawl accept the assurance of my being

Dear M. Adolphus Hauman

Yours most truly

Signé Jeremy Bentham.

3665

To JOSEPH HUME

4 May 1830 (Aet 82)¹

Q.S.P. 4 May 1830

Dear Hume

I forget how many days it is since I wrote you a letter and sent it to you somewhere, summoning you to an agreed-upon dinner here, and informing you of my having found samples of the Salary-exhibiting Annual Official Calendars.² Having received a letter franked by you and dated Thursday[?],³ inclosing one from M^{rs} Young,⁴ I ascribe to this circumstance your silence.

Yours ever

Jeremy Bentham

²² Issac, later Sir Isaac, Lyon Goldsmid (1778–1859), financier, educationist, and philanthropist, was a proponent of Jewish Emancipation and had in 1825 partly funded the purchase of the site for the London University. ²³ Letter 3690.

²⁴ i.e. Letter 3688, which may have been partially drafted around this time, but was eventually sent on 14 June 1830: see p. 384 n. below.

The copyist has noted at this point 'de la main de Bentham', indicating that the remainder of the Letter was in Bentham's hand.

3665. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Addressed: 'To Joseph Hume Esq^{re} M.P.' Endorsed: 'Jeremy Bentham.' ² Letter 3658.

³ 29 April 1830[?]

⁴ Presumably James Young's wife Jane. Both letters are missing.

11 AND 12 MAY 1830

TO JOSEPH HUME

3666

TO JOSEPH HUME

11 and 12 May 1830 (Aet 82)¹

Q.S.P. 11 May 1830

Votes of 10 May.
Printing not ordered.
N^o 6. Reduction of Establishments.²

Dear Hume

Two letters of mine unanswered.³
This the third.
Are you alive?

J.B.⁴

Votes of 11 May 1830
N^{os} Not ordered to be printed.
N^o 46. Sheriff's Court Act for recovery of debts, Petitions against.⁵
N^o 62. } Canada.⁶
64. } Judge Willis Complaint of dismissal.⁷
N^o 77. Stamp Duties Ireland. Petition against encrease.⁸
☞ Ask O'Connell why he did not move the printing of it.

3666. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '6. Reduction of Establishments,—Returns *presented*,—of the Establishments of the Public Departments and Offices in 1821 and 1829; showing the reductions made since 1821 {Address 12th February}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 57 (10 May 1830), 547. ³ Letters 3658 and 3665.

⁴ The remainder of the Letter appears on an attached sheet.

⁵ '46. Sheriff Courts (Scotland) Act,—Petition of John Smith, of Denny, complaining of the provisions thereof, as regarding the recovery of Debts; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 58 (11 May 1830), 561.

⁶ '62. John Walpole Willis,—Petition of John Walpole Willis, of Gray's Inn, esquire, Barrister at Law, late one of the Judges of His Majesty's Court of King's Bench of Upper Canada, complaining of dismissal from his office, *brought up*.—', *ibid.*, 563.

⁷ '64. John Walpole Willis,—Petition read; to lie on the Table', *ibid.*, 563.

In April 1828 John Walpole Willis (1793–1877) had been dismissed as Justice of the Court of King's Bench of Upper Canada by Sir Peregrine Maitland (1777–1854), Lieutenant Governor of Upper Canada 1818–28, though the order removing him was set aside by the Privy Council and he was later appointed as Vice-President of the Court of Civil and Criminal Justice in British Guiana 1831–5 and Justice of the Supreme Court of New South Wales 1837–43.

⁸ '77. Stamp Duties (Ireland),—Petition of Inhabitants of Armagh, against the increase thereof; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 58 (11 May 1830), 564.

3667

FROM FRANCIS PLACE

13 May 1830¹

F.P. to J.B.

9 a.m. Thursday 13 May 1830

Your note just now left²—messenger did not wait an answer.
To be sure, I will be with you at half past one or a little earlier.

3668

FROM WILLIAM POLE-TYLNEY-LONG-WELLESLEY

15 May 1830¹

Dear Sir,

I am anxious to dedicate to You a little book relating to the practice of the Court of Chancery which I wish to appear without delay.²

I am obliged to leave Town immediately for about a week. Upon my return I will do myself the pleasure of calling upon You.

In the mean time I should wish You to see the book (it is a mere sketch). M^r Derbyshire,³ who has undertaken to see it through the Press, will submit it to your Notice.

Any suggestions you may be so good as to make, if You will do me the honor to look at it, will confer a great obligation upon

dear Sir

Your's faithfully

W. L. Wellesley

3667. ¹ BL Add. MS 33,546, fos. 412–13. Autograph. Addressed: 'Jeremy Bentham Esq^{re}.' Endorsed: 'Francis Place.' Docketed: '1830 May 13. Place to J.B. Veniet hodie.'

² Missing.

3668. ¹ BL Add. MS 33,546, fos. 414–15. Autograph. Docketed: '1830 May 15. Law Association. Honble Long Wellesley Dover Street to J.B. Q.S.P. Reced through M^r Derbyshire 26th. With illustrations on Chancery practice. Dedicated to J.B.'

² William Long Wellesley, *Illustrations of Chancery Practice*, London, 1830, pp. iii–iv, contains a dedication to Bentham, who is described as the 'first Jurisconsult of Europe'. In 1828 the notoriously dissolute Pole-Tylney-Long-Wellesley had been deprived of the custody of his children by the Court of Chancery. His wife Catherine, née Tylney-Long (b. 1789), whom he had abandoned, had died in 1825.

³ Probably Stewart Derbyshire (1794/5–1863), soldier, lawyer, and public official, who was called to the bar in 1830, and who was later employed by John Lambton (1792–1840), first Earl of Durham, Lieutenant-Governor of Lower Canada 1838–9 and Governor General of the Province of Canada 1838–9, on his investigative mission following the rebellions in

18 MAY 1830

TO SIR ROBERT PEEL

I have requested M^r Derbyshire to be the Bearer of this letter to You.

39 Dover St

Saturday 15th May 1830

3669

TO SIR ROBERT PEEL

18 May 1830 (Aet 82)¹

Queen's Square Place Westr

May 1830

Sir

I have to acknowledge the honor done me by the communication made to me of the copy of a Parliamentary Bill² under your direction. Title of it | |

But as no letter or Note accompanied it I am at a loss to know for what purpose it was sent to me and whether any thing, and if any thing what was expected of me in consequence. I am Sir

with all respect

Your's

Jeremy Bentham

Rt. Honble Sir Rob^t Peel

&c. &c. &c.

Upper and Lower Canada of 1837. Derbyshire settled in Montreal in 1840 where he edited the *Morning Courier* and was elected the member for Bytown in the Legislative Assembly of the Province of Canada 1841-4.

3669. ¹ Trinity College, Cambridge, Manuscripts Collected by Piero Sraffa, Sraffa MS/B/7/6. Autograph draft. Docketed: '1830 May | |. J.B. Q.S.P. to Peel.' A copy, mainly in the hand of Doane and docketed by Bentham '1830 May 18. J.B. Q.S.P. to Peel. Reced certain Bills. Explanatory Letter none', is at UC xi. 363.

Peel had succeeded to a baronetcy on the death of his father Sir Robert Peel (1750-1830), calico printer and politician, MP for Tamworth 1790-1820, on 3 May 1830.

² Peel had promised in Letter 3617, as he explains in Letter 3670, to send a copy of his Bill on the fees of officers in the courts of justice to Bentham. George Bentham records on 8 May 1830 (George Bentham Diaries, GEB/2/1, p. 28) that, 'JB highly pleased at Peel's bill for abolition of Patent Offices'.

TO GEORGE BENTHAM

18 MAY 1830

3670

FROM SIR ROBERT PEEL

18 May 1830¹

Sir Robert Peel presents his Compliments to M^r Bentham and begs leave to acquaint him that he merely sent to M^r Bentham the copy of the Bill referred to in M^r Bentham's note of to day's date, in fulfillment of the promise previously made in Sir Robert Peel's note of the 15th March.²

Whitehall

May 18. 1830

Jeremy Bentham Esq^{re}

Queen Square

Westminster

3671

TO GEORGE BENTHAM

18 May 1830 (Aet 82)¹

Q.S.P. 18 May 1830

Dear George

Here has happened a sad mishap. Col^l Thompson in editing the Chapter on Defensive Force sent to the press along with the rest under the head of §. 12 Military Judicatures eleven pages which are already printed but which on looking at a table which stands on the first page turn out to be composed exclusively of a Letter to me from Col Young formerly Military Secretary to Marquis Hastings in British India.²

Your father³ had for some time in his possession all the matter of the same Defensive Force Chapter. What presents itself to me as possible,

3670. ¹ UC xi. 364. Autograph. Docketed: '1830 May 18. Peel to J.B. Q.S.P. Sent the Bill only in fulfilment of a promise.' An answer to Letter 3669.

² Letter 3617.

3671. ¹ BL Add. MS 33,546, fos. 416–17. Autograph. Docketed: 'J.B. 30 May 1830.'

² Young's letter (i.e. Young to Bentham, 14 September 1824, Letter 3134, *Correspondence*, xii, of which the original is at UC xl. 53–5) was printed in 'Constitutional Code', Ch. X, Supplement, § 2. On Courts-Martial, pp. 282–92 (Bowring, ix. 419–22). It appears that Thompson had sent Young's letter to be printed as part of Ch. X, § 13. (rather than § 12 as Bentham states) Military Judicature, pp. 193–205 (Bowring, ix. 392–5). The table referred to by Bentham has not been identified.

³ Sir Samuel Bentham.

21 MAY 1830

TO THOMAS SOUTHWOOD SMITH

is—that seeing the matter above spoken of headed throughout with the title in question, viz. Military Judicatures, he sent it off with the other papers thinking he had sent all there was on this subject: but that upon making a little rumage the matter destined for this section, and accordingly put together by myself, may be found at your house⁴ in existence. Have the goodness to make enquiry, and as soon as may be, let me know, the press being meantime at a stand.

Yours ever

J.B.

3672

TO THOMAS SOUTHWOOD SMITH

21 May 1830 (Aet 82)¹

Q.S.P. 21 May 1830 at night

My dear Doctor,

I hope you will be able to dine here next Sunday.² *That* is the only day I have disengaged till this day sennight.

You will oblige me by an answer as early as may be tomorrow.

Yours ever

Jeremy Bentham

D^r Southwood Smith

⁴ Sir Samuel and his family were living at 2 Lower Connaught Place.

3672. ¹ Chuo University Library, Rare Books, Bentham Collection, DC15: 192/B47. Autograph.

² 23 May 1830.

3673

TO HENRY BROUGHAM

22 May 1830 (Aet 82)¹*{From the Globe of May, 25, 1830.}*

 JEREMY BENTHAM TO HENRY BROUGHAM.

May 22, 1830.

OLD AND FAMILIAR FRIEND,

The administration of justice in England needs improvement—In this we are both agreed. But, for this purpose you have one plan;² I another³—In this way we disagree. Now for an invitation. Before my mind's eye stands the bar of the public opinion tribunal. Meet me there, and let us make discussion as if in a private suit we were counsel on the two opposite sides.

Mode of proceeding, suppose, this:—

I take in hand your plan, and give expression to my objections to it. Form of these objections, that of queries: each distinguished from the rest by a numerical figure; as in the case of those '*interrogatories*' by which evidence is elicited in an Equity Court.⁴

You take the same course with my plan.

Irrelevancy in every shape we put aside on both sides;—indirectly as well as directly, self-laudation and *personalities*—amicable as well as hostile. To each query giving a simple answer, expressed either by word or by silence—Yes, or by silence; for, the use, and the only use of

3673. ¹ UCL Library, Brougham MS. 26,005. Printed. Addressed in Bentham's hand: 'To Henry Brougham Esq^{re} Lincoln's Inn.' Endorsed in Bentham's hand: 'Jeremy Bentham.' Printed in *The Globe*, 25 May 1830, [p. 3], where it is introduced as follows: 'LAW REFORM. We have received the following communication from Mr. Bentham:—'

² Brougham's 'plan' aimed to establish local courts in Kent, Northumberland, and Durham, which would sit for eleven months of the year in circuits with authority to try actions of debt, trespass, trover, and the breach or non-performance of agreements not exceeding £100, and actions of tort not exceeding £50, with a simplified form of pleading, a summary procedure for the recovery of small debts, and the establishment of 'Courts of Reconciliation': see 'A Bill intituled An Act for establishing Courts of Local Jurisdiction', *Lords Sessional Papers* (1830), cclxxxiii. 57–103.

³ Bentham presumably had in mind the proposed judicatories described in 'Constitutional Code', Chs. XII–XXIV, in Bowring, ix. 454–612.

⁴ According to Blackstone, *Commentaries on the Laws of England*, iii. 438, the mode of trial in the equity courts was 'by interrogatories administered to the witnesses, upon which their depositions are taken in writing, wherever they happen to reside'.

words,—what is it but to give expression to the state of the mind? and, when by either of two interlocutors a question has been put, is it not true that by silence on the part of the other, the state of the mind on that side may be no less effectually made known than by any number of words?

Now as to the *vehicle*. A newspaper cannot be made to answer the purpose. For the *invitation*, yes; *ecce signum*.⁵ and for the *acceptance*, if given; but not for anything more. Beforehand, to know what quantity of space may eventually be requisite—is it not impossible?

Remains, as and for the only possible vehicle, a *pamphlet* or *pamphlets* on each side. In the use thus proposed to be made of this sort of vehicle, is there anything that does not stand approved by both of us?—approved by mutual practice?

The man by whom the ‘Schoolmaster has been sent abroad,’⁶—so far abroad, and with such good and illustrious effect—shall he decline this meeting? Forbid it, consistency! not to speak of justice.

For the more effectual avoidance of personalities, and other delusive and time-and-space-consuming irrelevancies of all sorts, let us adopt the plan so wisely and happily pursued in Parliament—let all mention of *names* be avoided.

Your plan has received the accession of Government; be it accordingly styled *the Government plan*.

Mine has not received any such accession; be it accordingly *the Individual’s plan*.

Under certain circumstances, on the part of him to whom a query is put, *silence*, as above shown, is in effect an *answer*. This considered, the present invitation, has it not secured to itself an answer?

Of the proposed abstinence from personalities, has not this address set an example?

FAREWELL.

Perhaps by this or that other paper, insertion given to this address may be deemed a service done to the administration of justice—the end so lately declared to be in view on the part of Government.

⁵ i.e. ‘here is the proof’, literally ‘behold the sign’.

⁶ In the House of Commons on 29 January 1828, during the debate on the King’s Speech, Brougham had stated in relation to the Duke of Wellington that, ‘There had been periods when the country heard with dismay that “the soldier was abroad.” That was not the case now. Let the soldier be ever so much abroad, in the present age he could do nothing. There was another person abroad,—a less important person,—in the eyes of some insignificant person,—whose labours had tended to produce this state of things. The schoolmaster was abroad {cheers!} and he trusted more to the schoolmaster, armed with his primer, than he did to the soldier in full military array, for upholding and extending the liberties of his country.’ See *Parliamentary Debates* (1828), xviii. 35–68 at 58.

TO HENRY BROUGHAM

29 MAY 1830

3674

TO THOMAS SOUTHWOOD SMITH

24 May 1830 (Aet 82)¹

Q.S.P. Monday 24 May 1830

My dear Sir

I fear the craziness of my memory has produced to you some annoyance. I meant to have answered you by return of post: but fear I have not yet.

I shall be happy to see you the day you mention in your last;² namely Friday next.³

Yours till then and for evermore

Jeremy Bentham

D^r Southwood Smith

3675

TO HENRY BROUGHAM

29 May 1830 (Aet 82)¹

Q.S.P. 29 May 1830

Dear Brougham

'Life is a jest, and all things shew it.

'I thought so once, but now I know it.'²

When your answer to the inclosed bloody Letter-press challenge³ is given, which it will be either in writing or by silence by this day sennight,⁴ will you name a day for your coming here at $\frac{1}{4}$ after 7 to sing the above Catch in a Duet.

Yours ever

J.B.⁵

3674. ¹ King's College, Cambridge, Archive Centre, Papers of John Maynard Keynes, JMK/PP/87/9. Autograph.

² Missing.

³ 28 May 1830.

3675. ¹ UCL Library, Brougham MS. 26,010. Autograph.

² 'My Own Epitaph' by John Gay (1685–1732), poet and playwright, inscribed upon his tomb in Westminster Abbey.

³ Letter 3673.

⁴ 5 June 1830.

⁵ The instruction 'Volti', i.e. 'Turn [over]', appears in the Letter at this point.

29 MAY 1830

TO LEICESTER STANHOPE

Copies of the Challenge go to Your Confederates Peel and Althorp⁶ and perhaps cum multis aliis quos nunc perscribere longum est.⁷

Thus are you posted by Twopenny Post.

3676

TO LEICESTER STANHOPE

29 May 1830 (Aet 82)¹

Q.S.P.

29 May 1830

My ever dear Leicester

Inclosed is a mess-medley for you. Return me Buckingham's to me, and mine to him.²

You had expectations from Lord Weymouth:³ inclosed is a circular for him.⁴

My letter to Brougham⁵ will speak for itself.

What with real business—what with these formalities, I am overwhelmed.

It may be of use you should look in upon me. Yes, do.

⁶ John Charles Spencer (1782–1845), styled Viscount Althorp 1783–1834, later third Earl Spencer, Chancellor of the Exchequer 1830–4, who in March 1830 had been formally recognized as leader of the Whigs in the House of Commons.

⁷ i.e. 'with many other matters which it would be tedious now to write in full': a minor variant (*quos* instead of *quae*) from the so-called Eton Latin Grammar, which was a modified version of [William Lily], *A Shorte Introduction of Grammar, generally to be used: Compyled and set forth, for the bringing up of all those that intende to attayne knowledge of the Latine tongue*, London, 1577.

3676. ¹ UCL Library, Stanhope Letter Collection, no. 34. Autograph.

² Both missing.

³ Thomas Thynne (1796–1837), styled Viscount Weymouth 1796–1837, MP for Weobley 1818–20.

⁴ Presumably a copy of 'Law Reform Association Proposal'.

⁵ Letter 3673.

3677

FROM JOSÉ DEL VALLE

31 May 1830¹Guatem^a 31 de maio de 1830.

My ever dear father:

Recibí las letras preciosas de V. y los libros q^e se sirvio remitirme.² Son constantes mis afectos, y grande mi gratitud.

Esperaba conducto p^a dirigirle la expresion de ella cuando la Tierra empezó à conmoverse, y nosotros à buscar otros hogares. Comenzamos à sentir temblores de poca consideracion al principio; P. repetidos despues y dignos de cuidado. De las 4 de la mañana del 21 a las 5 del tarde dela 22 de abril procsimo hubo 52. El 23 siguiente à las 9 largas de la noche hubo uno son fuerte q^e rumpio los tejados de muchas casas, rajo las paredes de algunas, y hendio las bovedas de varios templos. El 3 del corriente se sintio otra de alg^a duracion, y successivam^{te} siguieron otros de igual ó menor fuerza. Se arruinaron varios pueblos y diversas casas de diferentes haciendas: se trasladaron à Tocotenango, pueblecillo de indios inmediato à esta ciudad, el gobierno del Estado y varias familias: buscaron otros ranchos pagisos en los barrios; y yo y otros nos paramos à Ciudad-vieja, q^e lo otro pueblo poco distante de esta capital. Ya hemos vuelto todos à nuestras casas; p^o sigue todavia el temor p^rq^e se sienten todavia alg^s temblores y se ha observado q^e en otros tiempos y lugares se han reproducido con fuerza cuando està mas avanzada la estacion de aguas. La ruina de la Antigua Guatem^a fue el 29 de julio de 1773.³

Este exemplo horrible, y otros igualm^{te} horrorosos q^e han presentado otros paises no han sido bastantes p^aq^e los hombres tomen experiencia. Sirvase V. observarlo. Diversas ciudades: diferentes pueblos han sido fundados sobre volcanes ó à sus inmediaciones. En esta Republica la banda del sur, donde se ve una serie de volcanes q^e parecen puestos p^a hermohear y atormentar nuestro mediodia, es puntualm^{te} la mas poblada. En ella estan sobre las pendientes de los volcanes ó cerca de ellos las ciudades de Sⁿ Miguel, Sⁿ Vicente, Sⁿ Salvador, Guatemala antigua, Quezaltenango, cet.

3677. ¹ BLAdd. MS 33,546, fos. 418–19. Autograph. Docketed: '1830 May 31. Guatemala. Del Valle Guatemala to J.B. Q.S.P. With 4 pamphlets. Reced through Herrera 28 Sept' 1830.' An English translation in Bowering, xi. 48–9, incorrectly dated 21 May 1830, is reproduced with slight variations below. ² See Letter 3526.

³ Guatemala City, first erected in 1527, had, in fact, been destroyed on two occasions by earthquakes: the first in 1541, when it was moved from the Almolonga to the Panchay valley; and the second, as Valle states, in 1773, when it was moved to its current location.

Eleccion tan triste, en un mundo donde sobran tierras p^a todo el genero humano, es una de las mil causas de su atraso ó retroceso. Poco se hace en tiempos de quietud: casi nada se ha hecho en los de temblores.

Se establecio en nov^{bre} ultimo una Sociedad Economica de Amigos del Estado de Guatemala, y yo fui electo Director. Dixe a su instalacion el Discurso q^e tengo el honor de remitir à V.:⁴ escribí el Prospecto y Num^o 1^o del Mensual⁵ q^e tambien dirijo: sigo escribiendo los otros Num^s q^e enviaré igualm^{te}, y he hecho los Estatutos q^e se imprimiran⁶ y tendré la satisfacion de presentar à V. Seguia la Sociedad haciendo el Bien posible en paises donde escacean los securios q^e abundan en Europa. Los temblores suspendieron su marcha; y ahora es preciso volverla à continuar.

El nombre de V. hace honor al Num^o 1^o del Mensual⁷ y lo hará à los siguientes en q^e yo tenga el de estamparlo. Sus luzes le darán precio ó valor, y cooperarán à disipar las nieblas, densas todavia, q^e obscurecen la admosfera de este pais. Los opusculos publicados p^r la Sociedad instituida en esa capital p^a la difusion de conocimientos utiles:⁸ la Biblioteca popular acordada p^r la Sociedad de instruccion elemental establecida en Paris:⁹ las Cartillas: los Catecismos son los libros q^e necesitan los q^e saben leer en estos pueblos. Convencido de esta verdad propuse, y se acordó p^r ñtra Sociedad Economica la traduccion de algunos delos primeros q^e han ilegado à mis manos, y he pedido à Paris la segunda con el mismo objeto.

Se desea mejorar la agricultura, crear la industria, y extender el comercio. Pero se ignora el camino q^e puede ilevar à este fin: no se sabe p^r donde se ha de comenzar: no se poseen las ciencias economicas, ni se han acordado de su cultivo. Hundidos cerca de tres siglos en el caos mas tenebroso, podrá haber de repente legisladores, gobernantes, financieros, cet.?

⁴ Valle's inaugural address, delivered to the Society on 29 November 1829, was entitled 'Sabios, capitalistas y obreros'.

⁵ *Mensual de la Sociedad Economica de Amigos del Estado de Guatemala*, no. i (April 1830).

⁶ The laws of the Society were printed in 1830 as 'Estatutos dela Sociedad Economica de Amigos del Estado de Guatemala'.

⁷ See *Mensual de la Sociedad Economica de Amigos del Estado de Guatemala*, no. i (April 1830), pp. 1-2.

⁸ The Société for the Diffusion of Useful Knowledge, founded in November 1826 by Brougham, sought to provide cheap educational and instructional material to a mass audience. Its publications included the *Penny Magazine*, the *Penny Cyclopaedia*, and around sixty or so treatises in its *Library of Useful Knowledge* series.

⁹ The Société pour l'Instruction Élémentaire was established at Paris in June 1815 with the aim of introducing the monitorial system of education into French schools. Valle had become a member of the Society in 1826 through the recommendation of Count Giuseppe Pecchio (1785-1835), Italian writer and philhellene: see Bumgartner, *José del Valle of Central America*, p. 260.

El alma se afecta del mas triste delos sentimientos al ver q^e se crian tantos empleos; y no se piensa en la Educacion q^e debe formar hombres aptos p^a servirlos. Debe haber multitud de legisladores; y no ecsiste una sola escuela de ciencia legislativa. Debe haber muchos gobernantes; y no hai una aula p^a enseñar la ciencia de los gobiernos. Lo he dicho en mi Memoria sobre Educacion.¹⁰ No cesaré de repetir— Puede ser q^e al fin se oigan los acentos de la Razon.

La presteza con q^e va à salir el conductor¹¹ no permite extenderme mas. Por la misma razon difiero p^a otro dia la contestacion de sus dignas letras.

Sirvase entretanto aceptar, Señor Bentham, los sentimientos cordiales y consideraciones respetosas con q^e soi su afino serv^r

Jose del Valle.

TRANSLATION

Guatemala, 21st May, 1830.

My Ever Dear Father,

I received the precious letters and the books that you had the kindness to send to me. Unalterable are my affections, and great is my gratitude.

I hoped for an opportunity to express that gratitude, when the earth began to be agitated, and we had to seek out other habitations. We commenced by experiencing earthquakes of little consequence at first, but repeated since, and becoming alarming. From four o'clock in the morning, of the 21st, to five in the evening of the 22d of April last, there were fifty-two shocks. On the 23d following, at nine o'clock at night, there was one so strong as to destroy the roofs of many houses, to overthrow the walls of others, and to rend the vaults of many churches. On the 3d of the present month, we felt another of some duration, which was successively followed by others of equal or less force. Many towns and a number of houses on various estates have been ruined. The Government of the State, and various families, have removed to Tocotenango, a small Indian village near to this city: others sought out straw huts (*ranchos*) near the suburbs; but I and others passed to Ciudad Vieja, which is a town a short distance from this capital. We have now, however, all returned to our habitations, but we are not free from apprehension, as the earth is still agitated, and it has been observed, that, in other times and places, earthquakes return more violently in the rainy season. The overthrow of Old Guatemala took place on the 29th of July, 1773.

¹⁰ See J. del. V., 'Memoria Sobre la Educacion', [n.p.], 1829.

¹¹ Unidentified.

This horrible example, and some equally disastrous that other countries have exhibited, have not been sufficient to induce men to profit by experience; and I would beg you to notice this, in the different cities, and different towns that have been built either on volcanoes or in their immediate vicinity. In this Republic, the southern side, which is one series of volcanoes and which seem placed to beautify and afflict our country, is certainly the most inhabited. On this side, either upon the declivity of volcanoes, or near them, are the cities of St Miguel, St Vicente, St Salvador, Old Guatemala, Quezaltenango, &c.

A choice so sad for a people who possess a territory sufficient for all the human race, is one of the many causes of its backwardness and retrogression. Little enough is done in times of rest, and nothing can be done in seasons of earthquakes.

We established, in November last, an Economic Society of the Friends of the State of Guatemala, and I was elected Director. I delivered at the installation, a discourse which I have the honour of transmitting to you. I wrote the Prospectus, and the number for the first month, which I also send. I shall proceed in writing other numbers, which I shall equally forward; and when the laws are printed, I shall have much satisfaction in presenting them to you. The Society will do much good in countries where the resources, which abound in Europe, are but scanty. The earthquakes have suspended our operations, but we are immediately about to recommence.

Your name is honoured in the number for the first month, and will be so in the succeeding numbers, if I am connected with it. Your genius will give it weight and value, and will coöperate in dissipating those clouds, still dense, that obscure the atmosphere of this country. The pamphlets published by the Society instituted in your capital for the Diffusion of Useful Knowledge; the Popular Library issued by the Society for Elementary Instruction, at Paris; books, and Catechisms for Youth, are requisite for those who know how to read in this land. Convinced of this truth, I have proposed, and our Economic Society decided on, the translation of some of the principal that have come into my hands, and I have sent to Paris for the succeeding parts, with the same object.

It is necessary to improve agriculture, to create industry, and to extend commerce. But they are ignorant of the road that would lead to this end: they know not where they ought to commence. They do not possess the economic sciences, nor have they agreed on their cultivation. Submerged for above three centuries in a chaos the most lugubrious, can we expect the sudden production of legislators, statesmen, financiers, &c.?

TO JAMES MILL

31 MAY 1830

The mind is affected with the most sad sentiments, at seeing the perpetual creation of public offices, while nothing is thought of that education which is necessary to fit men to fill them. We will have a multitude of legislators; and there does not exist a single school where the science of legislation is taught. We must have many statesmen, but we have no classroom in which can be learnt even the elements of good government. I have said this in my Memorial upon Education; and I shall not cease to repeat it. Perhaps at last, the voice of Reason may be heard.

The immediate departure of the bearer of this letter, does not permit me to proceed at greater length. For the same reason, I defer, until another opportunity, my observations on your important letters.

I beg of you in the meantime, to accept, Mr Bentham, the cordial sentiments, and the respectful consideration with which I affirm myself, &c.

3678

TO JAMES MILL

31 May 1830 (Aet 82)¹

31 May 1830

J.B. to J.M.

Will not you become a Member of the Law Reform Association, of which you must have heard over and over again? John Smith and Son,² Burdett, Hume, Marshall,³ Lords Radnor and King, &c. &c. &c. They meet in my Study on Wednesday,⁴ at 1 for 2.

Will not you, if invited, be one of the Committee of five or three for management?

Inclosed is the Proposal?⁵

Also Copy of my Challenge to Brougham.⁶ Copies of which I have sent to Brougham himself with a jocular private Note and invitation to dinner⁷ when he has answered, by writing, or *silence*.

3678. ¹ Yale University Library, Manuscripts and Archives, John Stuart Mill Papers, 1812–1888, MS 350, box 1, folder 2. Autograph.

² John Abel Smith.

³ John Marshall.

⁴ 2 June 1830.

⁵ 'Law Reform Association Proposal.'

⁶ Letter 3673.

⁷ Letter 3675.

1 JUNE 1830

FROM JOHN TYRRELL

3679

FROM JAMES MILL

1 June 1830¹

To J.B. from J.M.

E.I. House 1st June

I am not only willing, but desirous to contribute my aid to so important an object. But as to the Committee of management, want of time must plead my excuse—as I have already too many irons in the fire, & would not be such a labourer in that situation as the cause requires.

I called upon Cullen this morning, with a view to explain matters, but did not find him at home.

Wednesday² is Court day here,³ & I of course am a prisoner.

3680

FROM JOHN TYRRELL

1 June 1830¹

Lincolns Inn 1 June 1830

My dear Sir

I am sorry that my endeavours to obtain Petitions for your Dispatch Court have been very unsuccessful. It is impossible (as you may suppose) to prevail upon the Attornies to recommend their Clients to become Petitioners. The Suitors (of whom I happen to know but very few) entertain a groundless fear that by petitioning they may prejudice their Cause or remove it to an unsatisfactory tribunal. I thought that I had induced two of them to send Petitions, but my advice was unbalanced by the influence of their Solicitors. My friends at the Chancery Bar, of whom many at my request have made application to the Suitors, have been equally unfortunate.

3679. ¹ Yale University, Beinecke Rare Book and Manuscript Library, James Marshall and Marie-Louise Osborn Collection, File 10207. Autograph. Addressed: '(Jere)my Bentham Esq.' Docketed: '1830 June 1. Associatn. Mill E. India House to J.B. Q.S.P. Member, Yes. Committee Man, No.'

² i.e. 2 June 1830, the date of the meeting of the Law Reform Association.

³ i.e. a meeting of the East India Company's Court of Directors.

3680. ¹ BL Add. MS 33,546, fos. 422–3. Autograph. Docketed: '1830 June 1. Real Property. Tyrrell Linc. Inn to J.B. Q.S.P. Anxious for J.B.'s Commentary.'

FROM JOHN TYRRELL

1 JUNE 1830

I am pleased that your name is at last received with some part of the respect which is due to it, in the House of Commons,² but I fear that the measure proposed by Mr Brougham³ (and which will probably be followed to some extent by Mr Peel in a County Court Bill next year) will, by approximating to the plans which you have proposed, prevent the Country from obtaining the full benefit of them.

I have had every minute completely occupied with my own business, & that of the Commission.⁴ The Report on Registration is nearly ready, & I am most anxious, that before it is presented it shd have the benefit of the observations on the Questions which you were so kind as to commence with Mr George Bentham,⁵ & that the Appendix shd be enriched by the insertion of them—first part of the Appendix is printed, but I have stopped its progress, in the hope that we might be favored with your comment,[?] which will be too late unless it is received during the present week. I hope that you will allow your former letters to be printed before it,⁶ but if (unfortunately for us & the public) you shd be unable to favor us with your commentaries[?] in time, you will perhaps wish your former letters to remain, in order to be printed with any other suggestions with which you may honor us in the Appendix to a future Report.⁷

Believe me, to remain, with the greatest respect

Dear Sir,

Your obliged & devoted

John Tyrrell

Jeremy Bentham Esq

² Tyrrell perhaps had in mind Brougham's appreciation of Bentham in his speech of 29 April 1830: see p. 411 n. below.

³ For Brougham's Local Courts Bill see p. 367 n. above.

⁴ i.e. the Real Property Commission.

⁵ As Bentham explains in Letter 3684, he had been providing answers to the 'Questions on Registration' issued by the Real Property Commissioners, with the assistance of George Bentham.

⁶ Letters 3521 and 3523.

⁷ Bentham's comments on registration eventually appeared in an Appendix to the Third Report: see p. 174 n. above.

1 JUNE 1830

FROM ISAAC GOLDSMID

3681

FROM ISAAC GOLDSMID

1 June 1830¹

Dulwich Hill House
Camberwell

1 June

My Dr Sir

I assure I am much flattered by your kind note² & I set the highest value on it as affording me some Consolation for what I trust I may call my temporary defeat.³

From the deep interest you take in my cause I shall speak to you as if I had the honor of your friendship for years. I therefore beg leave to state that as I wish to conciliate all parties & to induce all to unite in promoting what I conceive to be a simple honest & legitimate [. . .?], I might do mischief if I were to (id)entify myself with any attempts at reform. (Pe)cuniary subscription, where my name (is) not necessarily used, is completely (un)der your command, for I shall be (h)appy to prove my sense of the (se)rvices which you have rendered your fellow men.

Believe me to be

My Dr Sir with great regard

Most truly Yrs.

Isaack Goldsmid

Jeremy Bentham Esqr

The Pamphlets were forwarded⁴ & a friend who left London on Saturday for Brussels promised to enquire if they have reached their destination.

3681. ¹ Bound with a copy of 'Law Reform Proposal' at Chadwick Tracts, BL shelf-mark C.T.84.(1.) Autograph. Docketed: '1830 June 1. Association. Goldsmid Dulwich House to J.B. Q.S.P. Gives *money*. Not *name*.' ² Missing.

³ Goldsmid had been involved in the campaign to secure Jewish Emancipation. 'A Bill for The Relief of His Majesty's Subjects professing the Jewish Religion' had been introduced into the House of Commons on 5 April 1830 (see *Commons Sessional Papers* (1830), ii. 461–2) by Robert, later Sir Robert, Grant (1780–1838), MP for Elgin Burghs 1818–20, Inverness Burghs 1826–30, Norwich 1830–2, and Finsbury 1832–4, Governor of Bombay 1834–8, but had been defeated on its second reading on 17 May 1830. See *Parliamentary Debates* (1830), xxiii. 1303, 1336; xxiv. 814.

⁴ See Letter 3664.

FROM LOUIS MCLANE

1 JUNE 1830

3682

FROM LOUIS MCLANE

1 June 1830¹

9 Chandos St.

June 1. 1830

My dear Sir

I am to regret very much that any mistake or accident should have disappointed your obliging wish to afford me the opportunity of dining at the 'hermitage'; but I hope you will perceive that I am not chargeable with any serious fault.

Lest you may have overlooked our real situation, I beg leave to enclose your note of the 22. May² proposing, Monday the 31st (Yesterday) and informing me that you would consider that day as fixed unless you heard from me the day following. The illness of my Servant contributed in part to my silence, and acquiescing in your suggestion I held myself in readiness to attend you at the appointed hour, *yesterday*. A few minutes before the hour, however, our friend *Doctor Bowring* sent me a note suggesting the existence of some misunderstanding and that you did not expect me at dinner *yesterday*; and, *on that account I did not wait on you*.

In conversation with Dr Bowring I had intended to ask your permission to wait on you at dinner today; but finding on my return home that Mrs. M Lane³ had made an engagement for me inconsistent with that arrangement, I can only submit myself to your own pleasure for some other occasion.

My present engagements are, for this day, the 2nd. 4th 5th & 8th instant.

For myself, I am quite sure that I shall find ample indemnity for all the accidents that have attended it in the honor of my acquaintance with Mr: Bentham; but I must regret that you should have had so much more trouble than can be compensated by any act of

dear Sir,

Your faithful & obliged Servant

Louis M'Lean

To,

Jeremy Bentham Esqre
&c. &c. &c.

3682. ¹ BL Add. MS 33,546, fos. 420–1. Autograph. Docketed: '1830 June 1. Maclane 9 Chandos Street to J.B. Q.S.P. Pranditurit.'

² Missing.

³ Catherine Mary, née Milligan (1791–1849), who had married McLane in 1812.

3 JUNE 1830

TO JOHN TYRRELL

3683

TO CHARLES SINCLAIR CULLEN

2 June 1830 (Aet 82)¹

J.B. to C.S.C.

2 June 1830

With this I return O'Connell's Letter.²

Virtue would consist in your getting Harvey to circumgirate with me³ at between 1 and 2 tomorrow: if not then, to name to me the next day on which he is disengaged: and to give me advertisement thereof.

3684

TO JOHN TYRRELL

3 June 1830 (Aet 82)¹

Q.S.P. 3 June 1830
Thursday

My ever dear Tyrrell

To prepare any thing for you within the compass you mention, namely that of the present week² is altogether impossible. Neither is it at all necessary or even desirable. Either what I may have to send will be worth absolutely nothing, or it will of itself furnish sufficient matter for a separate Report. Send me therefore as you propose, the Report which you have in readiness.³ No Bill, in pursuance of it can be brought in this Session: and before the next Session my communication will be in readiness for you. Since you and I met, I have for almost the whole time been obliged to abstract from this my Nephew's⁴ disposable time, and apply it to other still more pressing business. Still however, in a rough way we have found answers to all the questions relative to the *Registration* part: and have gone about half through the string of questions relative to the subject at large.⁵

3683. ¹ The Huntington Library, Art Museum, and Botanical Gardens, HM 11479. Autograph. ² Missing.

³ i.e. to accompany him on his walk around his garden at Queen Square Place.

3684. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 3–4. Autograph.

² See Letter 3680.

³ i.e. the Second Report of the Real Property Commissioners on registration.

⁴ George Bentham.

⁵ Bentham's answers to the 'Questions on Registration' circulated by the Real Property Commissioners are at UC lxxvi. 120–41, 98–119 (17, 20, 24 February, 3, 6, 10, 13, 17, 22,

Last evening we went through 8 pages of these questions:⁶ at the same rate of progress we shall have gone through the whole in a fortnight more: say at any rate, three weeks.⁷ But then comes the writing the whole matter over again in the condensed form of Suggestions. Should I live to compleat them, then will be the time for the publication of my letters to the Commission at large.⁸

At the risk of being thought half crazy, as a sample of the form which my Suggestions are likely to take, I believe I must send you a Copy of what is printed of the 2^d Volume of my Constitution Code under the head of Defensive Force § intituled *Leading Principles*.⁹

I am thinking how in the most desirable manner to substitute in the case of you and your Commission the so justly due admiration to the ignominy in which in the House of Commons certain others will speedily be involved, if the promises made to me are fulfilled.

For what you have done in relation to Law Reform I am all gratitude: this is all I can find time and space for saying of it.

After dinner, while I am vibrating in my *ditch*, my Nephew seated in the chair you occupied, he reads your questions, and I preach answers to him which he claps down, making in relation to them such observations as occur to him. In this way what I do in relation to Real Property is done thus far as it were *in no time* as the phrase is: otherwise it could not be done at all. I must see you ere long for a little confidential gossip. How have I been longing all this time to fold you in my embrace.

Ever since I have known you you have been in my eyes an object of paternal fondness. But my paper is as full as my heart. So, no more of this scribble from

Jeremy Bentham.

P.S. I hope there will be no need of any communication *now* from me to the Commission. If yes I must send a formal one. For assuredly this is any thing but ostensible.

and 24 March 1830). He was working his way through the questions that the Real Property Commissioners had circulated in relation to their First Report (see p. 128 n. above). George Bentham first records working with his uncle on the Real Property Commission's proposal for registration on 13 February 1830 (George Bentham Diaries, GEB/2/1, p. 5) and with him on answers to the questions of the Real Property Commissioners on 15 May 1830 (*ibid.*, p. 29).

⁶ See UC lxxvi. 193–200 (2 June 1830), and George Bentham Diaries, GEB/2/1 (2 June 1830), p. 34: 'After dinner writing from dictation as usual answers to Queries of Real Property Commissioners.'

⁷ Bentham completed his answers on 26 June 1830. For the complete text see UC lxxvi. 170–239 (15, 22, 29 May, 2, 9, 12, 19, and 26 June 1830).

⁸ i.e. Letters 3521 and 3523.

⁹ See 'Constitutional Code', Ch. X, § II, pp. 12–32 (Bowring, ix. 336–42).

4 JUNE 1830

FROM JAMES SILK BUCKINGHAM

3685

FROM JAMES SILK BUCKINGHAM

4 June 1830¹

11 Wigmore Street

June 4. 1830

My Dear Sir

I am sorry for the issue of your Meeting:² but the indisposition to give money for the support of laudable objects seems to me the prevailing vice of the age: & I am sorry to say I find the most liberal professors rather more backward than the opposite side to promote what they profess to think desirable.

I am going on with my endeavours to get a Ship for myself:³ & shall leave town in a fortnight or three weeks on my Tour to lecture again.⁴

If, before I go, I may add your name to my List of Subscribers for ever so small a sum I shall feel honored & obliged

Yours truly

J.S. Buckingham

3685. ¹ BLAdd. MS 33,546, fos. 424–5. Autograph. Docketed: '1830 June 4. Buckingham 11 Wigmore Street to J.B. Q.S.P. Regrets failure of Law Reform Mission[?]. Reiterates begging for his Nautical Expedition.'

² The inaugural meeting of the Law Reform Association, chaired by Radnor, had been held at Bentham's house on 2 June 1830: see Letter 3678 and George Bentham Diaries, GEB/2/1 (2 June 1830), p. 34.

³ Buckingham was promoting a scheme to conduct a voyage around the globe with the following objectives: '1. The Collection of General Information regarding the East. 2. the Diffusion of Useful Knowledge in every Quarter. 3. The Extension of the Sale of British Manufactures. 4. The Discovery of new Articles of Commercial Return.' According to Buckingham's prospectus, the 'first requisite' for such a voyage was 'that a Ship of sufficient size and competent equipments should be provided by the British Public, fitted, manned, and ready for sea'. On 22 July 1830 a public meeting at the Royal Institution would endorse Buckingham's plan and make arrangements for the receipt of subscriptions. See 'Sketch of a Plan for effecting A Voyage Round the Globe, by the route of India, China, Japan, and the Pacific Isles, for the purposes of Discovery,—Civilization,—And Commerce,—Combined to be performed under the direction and command of J.S. Buckingham', [London, 1830].

⁴ For an outline of Buckingham's lectures see *Explanatory Report on the Plan and Object of Mr Buckingham's Lectures on the Oriental World*, pp. 21–9.

3686

FROM FRANÇOIS DE MONTROL

Early June 1830¹

Allow me to address to you the memento of one who is celebrated in our revolutionary history, by the virtues of a noble life, and the courage of a noble death. You will read, not without pleasure, his record of the friendship which bound you and him together: his eulogium will seem more flattering, dictated as it was by the most austere of our Republicans, in a moment when he never dreamt of disguise.

3687

TO FRANÇOIS DE MONTROL

Mid-June? 1830¹

I know not how any suspicion, as to the authenticity of the *Memoires*, can have arisen: I will mention one little corroborative circumstance. He refers to my habit of dining with my father in the house I now occupy, and at four o'clock:² a circumstance so trivial, so unconnected with anything important, so little likely to be mentioned, could be known only to an intimate friend.

3686. ¹ Bowring, xi. 54, where it is described as a 'Translation' and introduced as follows: 'In 1830, were published De Montrol's Memoirs of Brissot The author, in transmitting his work to Bentham, says:—'

Jacques-Pierre Brissot de Warville (1754–93), leader of the Girondin party in the French Legislative Assembly and the Convention and slavery abolitionist, had formed a friendship with Bentham in London in 1783. For the account of Bentham see *Mémoires de Brissot, membre de l'assemblée législative et de la convention nationale, sur ses contemporains, et la révolution française. Publiés par son fils; avec des notes et des éclaircissemens historiques*, 4 vols., Paris, 1830–2 (the first three volumes appeared in 1830), ii. 253–7. The work was edited by François Mongin de Montrol (1799–1862), writer and politician. Translated extracts from Brissot's *Mémoires* appear in Bowring, x. 192–4.

The date of the present Letter is inferred from Bentham's informing Livingston in Letter 3690 that he had just received *Mémoires de Brissot*.

3687. ¹ Bowring, xi. 54, where, following the rendition of Letter 3686, it is introduced as follows: 'M. de Montrol says, the genuineness of the *Memoires* has been impugned; and calls on Bentham to authenticate the fact by his own knowledge. In answer to which, he writes:'

Having received Brissot's *Mémoires* from de Montrol in mid-June 1830, it seems likely that Bentham would have replied soon afterwards.

² See *Mémoires de Brissot*, ii. 255: 'à son lever, il se promenait au loin pendant deux ou trois heures, revenait déjeuner seul; il se livrait ensuite à son travail favori jusqu'à l'heure de son dîner, repas qu'il allait toujours prendre à quatre heures, chez son père'.

14 JUNE 1830

TO ANDREW JACKSON

Time has made sad ravages on my memory; and especially on those parts of it where foreign languages were stowed away: so, if you use this letter, you must do what Voltaire did with Frederick the Great's poetry³—or what Dumont did for me, by translating my Anglo-French into veritable French.

3688

TO ANDREW JACKSON

14 June 1830 (Aet 82)¹

Jeremy Bentham, London, to Andrew Jackson
President of the Anglo-American United States

Sir,

When your last predecessor in your high office² was in this country in the character of Minister Plenipotentiary, towards the close of his residence here it happened to me to commence with him an acquaintance which ripened into an intimacy which, in my capacity of legislative draughtsman for any political community which should feel inclined to accept my services, was of very essential service to me. Besides some concerns of a private nature he condescended to take charge & become the bearer of a packet of circular letters to the several Governors of the United States as then constituted, from several of whom I had the honour of receiving favorable answers.³ By candid and authentic information on several topics of high importance he was of use to me in various more ways than you have time to read of or I to write. Days more than one in a week he used to call

³ See, for instance, *The Life of Frederick the Second, King of Prussia. To which are added, Observations, Authentic Documents, and A Variety of Anecdotes. Translated from the French*, 2 vols., London, 1789, ii. 190–1, which recounts that when François Marie Arouet de Voltaire (1694–1778), French writer and wit, arrived in Berlin in June 1750, he became 'corrector of the works' of Frederick the Great (1712–86), King of Prussia from 1740, and 'spent two hours regularly with him every day, revised all his productions, gave him a written account of all his erasures, which alone composed a system of rhetoric and poesy for that prince, by which his genius knew how to profit'.

3688. ¹ Library of Congress, Manuscript Division, Nicholas P. Trist Papers, Box 2. In the hand of Doane, except for several corrections, the valediction, signature, direction, and postscript, which are in Bentham's hand. Printed in *Correspondence of Andrew Jackson*, ed. J.S. Bassett, 7 vols., Washington, 1926–35, iv. 147–50. Also printed in Bowring, xi. 39–42, as two separate letters, where the first four paragraphs are dated 26 April 1830, and the remainder 10 January 1830. Internal evidence indicates that the letter was written at two different dates, and it seems probable that Bowring had access to drafts that bore the dates that he gives. The date of despatch is inferred from Letter 3830, according to which the present Letter was sent at the same time as Letter 3690.

² John Quincy Adams.

³ For further details see '*Legislator of the World*' (CW), Editorial Introduction, pp. xvi–xx.

on me at my Hermitage as above, and to accompany me to the Royal Gardens at Kensington, in my neighbourhood, where after a walk of two or three hours he used to return to a tête à tête dinner with me. What gave occasion to our first meeting was a letter to me of which he was the bearer from the President Madison.⁴—A letter of introduction which I took the liberty of addressing to him (Mr Adams) in favor of an intellectual character, a relation of my friend Joseph Hume M.P.⁵ (of which last-mentioned friend of mine the reputation cannot be altogether unknown to you) experienced that reception which I could not but anticipate.

These things considered, you will not be at a loss, Sir, to conceive what must have been my disappointment upon my learning of his failing to receive the customary addition to his term of service. Judge, Sir, of the consolation—the more than consolation—which I experienced when, upon reading your Inaugural Message, I found that upon the whole your sentiments were not only as fully in accordance with mine as his had been (and in politics and legislation I do not think there was a single topic on which we appeared to differ) but that they were so, and I trust remain so, in a still more extensive degree—embracing several topics which between him & me had never been touched upon.⁶ With Mr Rush⁷ I was also upon such a footing that in a letter of his which I still have, written some months before his departure, he had the kindness to offer himself to me as my *'Agent and Fac Totum'* (those are his words) upon his return to the United States.⁸ Notwithstanding which, several months before his departure, from some cause which I never heard nor can form so much as the slightest guess at, he dropt my acquaintance & took his departure without so much as a farewell Message. Since his retreat from Office, I have however been favored by him with the copy of a pamphlet of his⁹ without further explanation.

⁴ Having received Letter 2344, *Correspondence*, viii, from James Madison (1751–1836), President of the United States of America 1809–16, Bentham appears to have instigated contact with Adams: see Letter 2359, *ibid.*

⁵ Bentham had received a request from Hume for 'a few letters of introduction' for his brother-in-law William Hardin Burnley (1780–1850), slave owner and colonial politician (see Letter 3264, *Correspondence*, xii). Bentham had thereupon written to Adams (Letter 3265, *ibid.*), enclosing a copy of Hume's letter in lieu of his own letter of recommendation.

⁶ For Jackson's 'First Annual Message' to the Senate and House of Representatives, 8 December 1829, see J.D. Richardson, *A Compilation of the Messages and Papers of the Presidents, 1789–1897*, 10 vols., Washington, D.C., 1896–9, ii. 442–62.

⁷ Richard Rush.

⁸ See Letter 3043, *Correspondence*, xi.

⁹ Perhaps [Richard Rush], *Letter and accompanying documents from the Hon. Richard Rush to Joseph Gales, Esq., Mayor of the City of Washington; respecting the loan of a million and a half of dollars, negotiated by the former, in Europe, for the said city and the towns of Georgetown and Alexandria, under the authority of an Act of Congress of the United States, passed on the 24th of May, 1828*, Washington, 1830.

14 JUNE 1830

TO ANDREW JACKSON

I might mention in like manner my friendship with Mr Lawrence, late Chargé d’Affaires from your country to this, and Mr Wheaton Minister to Denmark to whom I have been obliged for various important and, to me, honorable services. But of this more (you will say) than enough.

I now look back to a letter I had begun dictating between 3 & 4 months ago. Cause of the long interval, how deservedly regretted by me, not worth troubling you with. What now follows had been completely forgotten when what you have seen above was commenced—this oblivion years of age more than 82 render but too natural.

I have this moment finished the hearing of your Message: I say the hearing; for at my age (as above mentioned) I am reduced to read mostly by my ears. Intense is the admiration it has excited in me:—Correspondent the sentiments of all around me.

‘Tis not without a mixture of surprise and pleasure that I observe the coincidence between your ideas and my own on the field of legislation. The coincidence of mine with those of Dr Livingston, the Louisiana Senator, are perhaps not unknown to you.

The flattering manner in which he is pleased to speak of my labors in that field is in the highest degree encouraging to me. The herewith-transmitted publication entitled ‘Codification Proposal’¹⁰ may serve to bring it to view.

These circumstances combined concur in flattering me with the hope that the present communication will not be altogether unacceptable to you. Annexed is a list of some of my works which solicit the honour of your acceptance.

Here follow a few observations which I take the liberty of submitting to you, on some of the topics touched upon in your above-mentioned Message.

1st. Navy Board—In this subdepartment of the Defensive Force Departm^t you find I perceive many-seatedness established:—by you I see single-seatedness is preferred—so is it by me:—for this preference your reason is, responsibility¹¹—so is it for mine. But in my account, though the principal reason, it is but one among several. This may be

¹⁰ For the inclusion of Letter 3520 in ‘Second Supplement to Codification Proposal’ see p. 264 n. above.

¹¹ In his ‘First Annual Message’ to the Senate and House of Representatives, 8 December 1829, Jackson proposed ‘dispensing altogether with the Navy Board as now constituted, and substituting in its stead bureaus similar to those already existing in the War Department. Each member of the Board, transferred to the head of a separate bureau charged with specific duties, would feel in its highest degree that wholesome responsibility which can not be divided without a far more than proportionate diminution of its force.’ See Richardson, *Compilation of the Messages and Papers of the Presidents, 1789–1897*, ii. 460.

seen in the accompanying copy of the first part of my Constitutional Code Ch. IX § 3.¹²

2nd. After that you come to the Judiciary.¹³ If I do not misrecollect, in your superior Judicatories the bench is single-seated. In my leading Chapter on the Judiciary, to all the reasons which apply to the Administrative department in all its subdepartments (twelve or thirteen in number) several which are peculiar to the Judiciary are added.¹⁴

3rd. Utter inaptitude of Common Law for its professed purpose—guidance of human action. Places in which you may find this topic worked—1. Papers on Codification &c. 2. Codification Proposal—3. Petition for Justice in the Vol. of ‘Petitions’.¹⁵

4th. Superfluous functionaries.¹⁶ In that number my researches have led me to reckon the whole of your Senate. Not merely is the whole expense thrown away, but the whole authority much worse than useless. Responsibility in greatest part destroyed by a single functionary, what must it be by a multitude so numerous. Functions legislative and administrative thus united in the same body: thus the same men are judges over themselves. In my view of the matter the administrative and the judiciary are two authorities employed to give execution & effect to the will of the Legislative, [and]¹⁷ which accordingly ought to be in the instance of every Member of each at all times distinct—the legislative being by means of the power of location & dislocation, though not by that of imperation, subordinate to the people at large—the constitutive.

Knowing nothing of the facts, my theory leads me to expect to find that the sort of relation that has place between the Presid^t & the Senate is—that each of these functionaries—the Pres^t included—locates

¹² See *Constitutional Code*, I (CW), pp. 173–86.

¹³ In his ‘First Annual Message’ to the Senate and House of Representatives, 8 December 1829, Jackson called for the extension of the federal judicial system throughout all the states of the Union. See Richardson, *Compilation of the Messages and Papers of the Presidents, 1789–1897*, ii. 461.

¹⁴ See ‘Constitutional Code’, Ch. XII, § 5, in Bowring, ix. 470–3.

¹⁵ See ‘Papers relative to Codification and Public Instruction’, Supplement, No. V, pp. 97–142 (*Legislator of the World* (CW), pp. 113–85) and ‘Petition for Justice’ in *Justice and Codification Petitions*. ‘Codification Proposal’, however, was more concerned with justifying the enactment of a pannomion or all-comprehensive code, rather than with providing a critique of the Common Law.

¹⁶ In his ‘First Annual Message’ to the Senate and House of Representatives, 8 December 1829, Jackson ‘invited the attention of Congress to a general and minute inquiry into the condition of the Government, with a view to ascertain what offices can be dispensed with, what expenses retrenched, and what improvements may be made in the organization of its various parts to secure the proper responsibility of public agents and promote efficiency and justice in all its operations’. See Richardson, *Compilation of the Messages and Papers of the Presidents, 1789–1897*, ii. 455.

¹⁷ MS ‘in’. The text follows Bowring.

14 JUNE 1830

TO ANDREW JACKSON

within his field of patronage a protégé of his own without any check from the authority of the rest.

This is nothing more than a faint, imperfect, and inaccurate outline drawn momentarily by a broken memory from the recollection of a short paper written several years ago:¹⁸ should it afford any prospect of being of any use, and you will favour me with a line to let me know as much, I will get it copied & transmitted to you: possibly I may not even wait for such your commands.

It occurs to me that should our opinions agree on this subject there might be a use in the idea's being delivered as coming from me or any body rather than yourself: seeing the wound from the opposition it would be sure to meet with from those who are satisfied with things as they are, the wound such an opposition might give to your popularity, which is as much as to say the interests of the State.

5th. Defensive Force—by sea & land—its organization. Tactics (of course) neither in land nor water service am I, who know nothing of the matter, absurd enough to have comprised in it; but the part that I have undertaken has undergone the minute examination & received the considerate approbation of leading minds of the first order distinguished not only by talent, but by experience & splendid success:¹⁹ and who, indeed, though without having published on the subject had in great part anticipated me.

An intelligent man, who is in the confidence of the Duke of Orleans,²⁰ and bears the whimsical name of *Le Dieu*²¹ has been here in London for some time publishing a periodical in French under the name of '*Le Représentant des Peuples*'.²² He is thought to be the author of an address to the French army that after having been written here and either printed or lithographized has been transmitted to & circulated in France²³—it has for its object the engaging the army, should matters come to a crisis, to act not against but for the people. The above-mentioned periodical I have not had time to look into—I am told it advocates Monarchy; wh^h considering the connectⁿ of the author

¹⁸ i.e. 'Anti-Senatica': see Letter 3689.

¹⁹ Bentham had received assistance from James Young, Leicester Stanhope, and Thomas Perronet Thompson, in preparing 'Constitutional Code', Ch. X. Defensive Force.

²⁰ Louis Philippe, Duc d'Orleans, later Louis Philippe I, King of the French.

²¹ Louis François Joseph Le Dieu (b. 1791), author of *Considérations sur la constitution espagnole*, London, 1821, and *Le Général Du Mouriez et la révolution française*, Paris, 1826.

²² *Le Représentant des peuples. Hebdomadaire de la politique et de la littérature étrangères* appears to have been published between March and August 1830. A review of the first number appeared in the *Westminster Review*, xii (April 1830), 518–25. According to the *Morning Post*, 6 June 1829, p. 3, Le Dieu had arrived in London and was staying at the Lisbon Hotel, Dover Street.

²³ The 'address' in question has not been identified.

with the family so near to the throne as the D. of Orleans is, he could not choose but do. Thinking you might possibly have the curiosity to look into it I send you a copy of such of the numbers of it as have appeared. La Fayette is a dear friend & occasional correspondent of mine: but unless it be for some special purpose we have neither of us any time to write.

Forgive the liberty I take of suggesting the idea of your putting in for a copy of our House of Commons Votes & Proceedings—the annual sum I pay for them is between 16 and 17£, included in which is a copy of our Acts of Parliament. Infinite is the variety of the political information which they afford: for scarcely any document that is asked for is ever refused. As to the price scarcely w^d six or eight or ten times (I believe I might go further) the money procure the same quantity of letterpress from the booksellers. Trash relatively speaking, of course, is by far the greatest part; but if in the bushell of chaff a grain of wheat were to be found, the above-mentioned price you will perhaps think not ill bestowed in the purchase of it. D^r Livingston, if either of the packets I have endeavoured to transmit to him through²⁴ the same official channel have reached their destination, will be able to show you a few articles of the above-mentioned stock.²⁵

If I do not misconceive you, you are embarked or about to embark on a civil enterprize which Cromwell notwithstanding all his military power failed in—I mean the delivery of the people from the thralldom in which every where from the earliest recorded days of Rome they have been held by the harpies of the law. Having yourself officiated in the character of a Judge,²⁶ You are in possession of an appropriate experience, which in his instance had no place. But will you be able to resist their influence over the people? In opposition to you, so long as you are engaged or believed to be engaged in any such design, it were blindness not to look to see their utmost influence employed. The interest of the lawyers and that of their fellow citizens in the character of clients (need it be said?) is utterly irreconcilable. You cannot assuage the torments of the client, but you diminish in proportion the comforts of the lawyers. If this be really of the number of your generous designs, I cannot but flatter myself with the prospect of being for that purpose an instrument in your hands: the contents of

²⁴ The word 'through' has been crossed through, but needs to be retained for the sense.

²⁵ Bentham had included four volumes of official Reports in both of the packets he had sent to Livingston through Maclane, the first on 21 October 1829 and the second with Letter 3602.

²⁶ Jackson had been a judge in the Supreme Court of Tennessee 1798–1804.

14 JUNE 1830

TO ANDREW JACKSON

the accompanying packet will insofar as you have time to look at them show you on what grounds.

With the most heartfelt esteem and respect
I subscribe myself, Sir,
Yours

Jeremy Bentham

Andrew Jackson
President of the Anglo-American United States

Eyes will not permitt my looking over what is above. It is in great part written from dictation.

List of Books &c. herewith sent—June 1830

1. Rationale of Judicial Evidence—5 vols.
2. Constitutional Code—1st Vol.
3. Rationale of Reward—1 Vol.²⁷
4. Justice and Codification Petitions—1 Vol.
5. Papers on Codification—1 Vol.
6. Codification Proposal—1 Vol.
7. Leading Principles of a Constitutional Code—A pamphlet.
8. Westminster Review, No. XXII containing '*Bentham, Brougham, & Law Reform*'.
9. Article on Real Property—from *West's Rev^u*.
10. Equity Dispatch Court Proposal—Pamphlet.
11. Letters to Toreno on Penal Code.²⁸
12. Truth versus Ashhurst—Pamphlet.²⁹
13. Radical Reform Bill.³⁰
14. King against Edmonds &c.—and—Rex v. Wolseley, &c. Pamphlet.³¹
15. Emancipate your Colonies.
16. Draught of a Plan of Judicial Establishment in France—1 Vol.
17. Scotch Reform.

²⁷ *The Rationale of Reward*, London, 1825 (Bowring, ii. 189–266).

²⁸ *Letters to Count Toreno on The proposed Penal Code, delivered in by the Legislation Committee of the Spanish Cortes, April 25th, 1821: written at the Count's request*, London, 1822, reproduced in *On the Liberty of the Press, and Public Discussion and other Legal and Political Writings for Spain and Portugal*, ed. C. Pease-Watkin and P. Schofield, Oxford, 2012 (CW), pp. 113–274.

²⁹ *Truth Versus Ashhurst; or Law as it is, contrasted with what it is said to be*, London, 1823 (Bowring, v. 231–7).

³⁰ *Bentham's Radical Reform Bill*.

³¹ *The King against Edmonds, and others: set down for trial, at Warwick, On the 29th of March, 1820. Brief Remarks, tending to show the untenability of this indictment*, London, 1820 (Bowring, v. 239–51), and *The King against Sir Charles Wolseley, Baronet, and Joseph Harrison, Schoolmaster: set down for trial, at Chester, On the 4th of April, 1820. Brief Remarks, tending to show the untenability of this indictment*, London, 1820 (Bowring, v. 253–61).

TO ANDREW JACKSON

14 JUNE 1830

18. Représentant des Peuples—No 1 to 11.
19. Hauman's Prospectus of Brussel's Edition of J.B.'s Works.³²
20. Official Aptitude Maximized Expense Minimized—1 Vol.
21. 'Financial Reform' Scrutinized—By General Sir Samuel Bentham.
22. J.B.'s Challenge to Brougham.³³
23. Political Tactics—4to.³⁴
24. Panopticon—&c.—2 Vols.
25. Article 'Militia' from *Morning Herald*—in Slips—3 copies.³⁵
26. Constitutional Code—2nd Vol. Ch. X. *Defensive Force*. Not yet published—the remainder of the Volume not being yet printed.
27. Naval Essays, by Sir S. Bentham.³⁶
28. Naval Papers, No^s 1, 2, 3, 5, 6, 7, 8—No. 4 not as yet published.³⁷

3689

TO ANDREW JACKSON

14 June 1830 (Aet 82)¹

To President Jackson

Private and Confidential

Anti-Senatica Papers.²

14 June 1830.

Of the paper in its present state—in this worse than rough state—a state, in which it never was destined to make its appearance—not

³² No copy of the prospectus has been located.

³³ Letter 3673.

³⁴ 'Essay on Political Tactics: containing six of the principal rules proper to be observed by a Political Assembly, In the Process of forming a decision; with the reasons on which they are grounded; And a comparative application of them to British and French Practice: Being a Fragment of a larger Work; a Sketch of which is subjoined', London, 1791.

³⁵ See 'Jeremy Bentham to the Editor of the Morning Herald', in the *Morning Herald*, 27 April 1829, p. 2, containing an introduction to a list of the section titles of 'Constitutional Code', Ch. X. Defensive Force, and the text of § 3, Arts. 21–35 (Bowring, ix. 345–8).

³⁶ Samuel Bentham, *Naval Essays, or Essays on the management of public concerns as exemplified in the Naval Department, considered as a branch of the business of Warfare*, London, 1828.

³⁷ Samuel Bentham, *Naval Papers and Documents referred to in Naval Essays*, London, 1828, containing a 'Preface' and 'Naval Papers No. I. Containing correspondence on the subject of improvements in His Majesty's Dock Yards and relative to the institution of the Office of Inspector-General of Naval Works'. No copies of any further 'Naval Papers' have been located.

3689. ¹ Library of Congress, Manuscript Division, Nicholas P. Trist Papers, Box 2. In the hand of Doane, with the exception of the direction, the words 'Private and Confidential', the heading, date, signature, and postscript, which are in Bentham's hand. Printed in *Correspondence of Andrew Jackson*, iv. 146–7. The present Letter was presumably sent with Letter 3688.

² This work, produced with the assistance of Doane, was a compilation of manuscripts

14 JUNE 1830

TO ANDREW JACKSON

having undergone the author's revision—, the only use is the enabling you to form a conjecture whether, as to the purpose in question, it would be of any use that, from this same author it should receive the amendments necessary to its being regarded by him as completed: in case of the affirmative, you have but to give me an intimation to that effect, and I will do what depends upon me towards the rendering it fit to be sent to the press.

Had my own reputation been my principal object, never could I have trusted these papers out of my own hands in such a state: but, being, (as I told Mr M'Lane) at heart more of a United-States-man than an Englishman, it cost me little or nothing to subject myself to this exposure.

The whole mass, taken in the aggregate, was written at different times: each time without looking back for what had been written before: which, for one reason or other, has been the case with no small portion of my scrawl. Hence, no small quantity of repetition and perhaps some incongruities—this however will not prevent its answering the purpose—the only purpose, which, as above, I had in view in sending it.

I suspect that there will not be time for my hearing read, for the purpose of rendering it intelligible, more than half of the copy I have got taken of it, time enough to go by the present conveyance.

Jeremy Bentham

Information of the receipt of this letter and the accompanying packet which might be by a line or a letter to M^r MacLane without waiting to write to me would much oblige me.

written in the early 1820s on the subject of second legislative chambers. The original manuscripts for the text are at UC cviii. 150–2, xlv. 17–77, with a copy at xlv. 78–137 and part of a fair copy at xlv. 138–62. A version was published as 'Anti-Senatica. An Attack on the U.S. Senate, Sent by Jeremy Bentham to Andrew Jackson, President of the United States', in *Smith College Studies in History*, vol. xi (1926), 209–67. For further details see *First Principles preparatory to Constitutional Code (CW)*, Editorial Introduction, pp. xxv–xxvi, and for part of the text see *ibid.*, pp. 101–16.

3690

TO EDWARD LIVINGSTON

14 June 1830 (Aet 82)¹

Jeremy Bentham London to Edward Livingston LL.D.
Legislative Draughtsman of the State of Louisiana and Senator
for the same in the Senate of the Anglo-American United States.

Sir,

In consequence of my receipt of your highly-valued present of a Copy of your collection of papers containing the matter of your proposed Code for Louisiana, with the flattering letter which accompanied it² and [which] called forth my utmost gratitude, availing myself of the offer made me with correspondent kindness by Mr M'Lane, Minister from the United States to this country,³ I transmitted to him, on the 21st of October last, for the purpose of its being forwarded to you, a packet containing books and manuscripts, a list of which you will find hereinafter repeated.⁴ Of your receipt of this same packet no information whatever has in all this time reached me. Should this second address⁵ ever reach you, I stand assured that no endeavours on your part will be wanting to put an end to the uneasiness I have thus long been experiencing.

Several months ago would what is above in this my second letter to you have been dispatched but for a prospect I had been day by day deluded with—namely, that of finding a periodical of suitable character to impress this part of the world with some conception of the nature of the service you are rendering to the people whom you honour and by whom you are honored. Destiny has been adverse to this design. The *Jurist*, a highly estimable Law Reformist periodical would have gladly undertaken it: but for want of adequate encouragement it has been for months past between life & death, and there

3690. ¹ Princeton University Library, Manuscripts Division, Department of Special Collections, Edward Livingston Papers, General Correspondence, 1820–1836, Box 72, Folder 12–13. In the hand of Doane, with the exception of the heading, valediction, signature, direction, and the final paragraph of the postscript, which are in Bentham's hand. Docketed: 'Jeremy Bentham. 14 June 1830.' The accompanying lists of books are also in the hand of Doane, except where otherwise noted. ² Letter 3520.

³ For McLane's agreement to act as a conduit for correspondence sent by Bentham to Livingston see Letter 3533.

⁴ Bentham had sent Livingston a second packet, containing the same material, on 23 February 1830 with Letter 3602. Livingston acknowledges the receipt of this second packet in Letter 3702. A third packet was sent with the present Letter.

⁵ The first was Letter 3602.

14 JUNE 1830

TO EDWARD LIVINGSTON

are but little hopes of its recovery.⁶ My endeavours have been directed to a Review about to be set on foot in the Netherlands;⁷ and as soon as a favourable opportunity presents itself, which I expect will be in a few days, I mean to make an experiment on a Review stiled the Foreign Quarterly.⁸

Meantime comes forth among the papers of our House of Commons a Second Report of the Common Law Courts Inquiry Commission, being the continuation of a Volume which formed part of the cargo before sent.⁹ Under circumstances of some difficulty I have succeeded in procuring a copy of this paper likewise, and it will form an article in the packet which this letter is written to announce. Two or three other publications, a list of which accompanies this, will speak for themselves. My labors in the field of legislation being at this time before the Legislature & the public in such a variety of shapes you will not wonder at my being necessitated to shut the door against observations in abundance which crowd upon me for admittance. With all the esteem and respect which your talents, and above all the use you put them to, inspire,

I am, Sir
Yours

Jeremy Bentham

To D^r Livingston

P.S. I am to such a degree delighted and I must confess surprised by your President's first Message that I cannot resist the ambition of contributing my endeavors, such as they are, to the accomplishment of his generous designs.¹⁰

J.B.

Information of the receipt of this letter and the accompanying packet, by the earliest opportunity, without waiting for details, would much oblige me.

⁶ The last number of *The Jurist* had appeared in April 1829, but four further numbers would appear in April, July, and November 1832 and [n.d.] 1833: see also pp. 200 and 359 above.

⁷ Bentham also mentions this projected Netherlands review in Letter 3664.

⁸ The *Foreign Quarterly Review* was published from July 1827 to July 1846, and from October 1846 merged with the *London and Westminster Review* (as the *Westminster Review* had become in 1836) to form the *Westminster and Foreign Quarterly Review*.

⁹ i.e. 'Copy of the Second Report made to His Majesty by the Commissioners appointed to inquire into the Practice and Proceedings of the superior Courts of Common Law'. Bentham had included a copy of the Commission's First Report with the packets sent on 21 October 1829 and 23 February 1830.

¹⁰ See Letters 3688 and 3689.

Books sent to Mr M'Lane for D^r Livingston 21st of October 1829

I. Folio

1. Report of the Chancery Inquiry Commission—2 Volumes.
2. Report of the Real Property Commission—1 Vol^e.
3. Report of the Superior Common Law Courts Inquiry Commission—1 Vol.

☞ The above not on sale: obtained by Jeremy Bentham from the House of Commons Office.

II. Octavo

i.—1. Tyrrell (one of the Real Property Commissioners) on Real Property—1 Vol^e—☞ Not on sale: a present from the author.

2. Prospectus of Brussels' Edition of J.B.'s works.

ii.—Works of Jeremy Bentham:—

1. Const. Code:—the first of 3 Vol^s—an Introductory part wanting, not being yet finished; the others not sent, not being either of them quite completed, in MS.

2. Draught of a Judicial Establishment for France—1 Vol.

3. Article on Real Property; from *Westminster Review*.

☞ The above not on sale.

4. Justice and Codification Petitions—1 Vol.

5. Codification Proposal—1 Vol.

6. Emancipate your Colonies—A pamphlet.

7. Equity Dispatch Court Proposal—d^o.

8. Rationale of Judicial Evidence—5 Vol^s.

9. Papers on Codification—1 Vol.

10. List of J.B.'s Works—down to 1827.

III. MSS.

1. Tables—Titles of Chapters & Sections of the four following Codes—viz—i. Constitutional—ii. Penal—iii. Civil—iv. Procedure, Civil and Penal.

2. Jeremy Bentham's Letter to D^r Livingston.

'The Spectator' for Dec. 19, 1829: containing account of J.B.'s visit to the Adelphi.

'The Examiner' for Dec. 23, 1827: containing Article from the 'Scotsman' on '*Rationale of Evidence*.'

14 JUNE 1830

TO EDWARD LIVINGSTON

Queen's Square Place, Westminster.¹¹

List copied by an Amanuensis of M^r Bentham's from
a Memorandum penned by the same Amanuensis at the time.

1830—Feb. 23. Sent to Mr MacLane for D^r Livingston.¹²

1. Report of the Chancery Inquiry Commission—*2 vols. folio.*
2. Report of the Real Property Commission—*1 Vol. folio.*
3. Report of the Superior Common Law Commission—*1 Vol. folio.*
4. Tyrrell on Real Property (*not published*).
5. Prospectus of Brussells' Edition of J.B.'s works.
6. Constitutional Code—*1st Vol.*
7. Judicial Establishment.
8. Real Property Article from the Westminster Rev.
9. Justice & Codification Petitions.
10. Codification Proposal.
11. Emancipate your Colonies.
12. Dispatch Court Proposal.
13. Rationale of Evidence—*5 vols.*
14. Papers on Codification
15. List of J.B.'s works, to 1827.

MSS.

1. Jeremy Bentham to D^r Livingston.
2. Tables—Titles of Chapters & Sections of i. Constitutional Code—
ii. Penal Code—iii. Civil Code—iv. Procedure Code, Civil & Penal.

'The Spectator' Newspaper for Dec. 19, 1829, containing an article
on J.B.'s visit to the Adelphi Theatre.

'The Examiner' Newspaper 1827 containing article on the 'Rationale
of Evidence.'

This is believed to be the last of the two packets. The other, whether
anterior or posterior, there has not been time to look out: nor yet that
addressed to President Jackson.

Books &c. now sent to D^r Livingston (| | June 1830)¹³

1. Constitutional Code—1st Vol.—with Tables, Preface, &c.
2. Law Reform Association Proposal.

¹¹ This line and the following heading and the paragraph beginning 'This is believed'
are in Bentham's hand.

¹² See Letter 3602.

¹³ Docketed: 'Jeremy Bentham. List of books sent me.'

TO EDWARD LIVINGSTON

14 JUNE 1830

3. Rex versus Edmonds &c. and King against Sir Charles Wolseley &c.
4. Official Aptitude Maximized, Expense Minimized.
5. Second Report of Common Law Courts Inquiry Commission.
6. Jeremy Bentham's Challenge to Brougham.
7. Scotch Reform
8. Représentant des Peuple—No. 1 to 11.
9. Article from *Morning Herald*—'Militia.'—3 copies—in slips.
10. Constitutional Code—2nd Vol. *Ch. X. Defensive Force*—Not yet published—the remainder of the Volume not being printed.

3691

TO EDWARD LIVINGSTON

14 June 1830 (Aet 82)¹

June 1830.

J.B. To D^r Livingston

From D^r Bowring to Mr Bentham.²

'A periodical is to start from the Börsen Halle of Hamburg (the largest literary establishment in Europe) in June next' (the present month) 'to be entitled *Critical Literary Leaves*. Its politics are to be *Benthamite*. In this an article on Livingston's labors shall appear.³ Its circulation is expected to be very extended.'

14 June 1830. D^r Livingston's Codification Papers.

On this subject the last information that can be given is this.

A few days ago I saw John Romilly, Barrister, Son of the late Sir Samuel Romilly.⁴—Being one of the Co-Editors of the *Jurist*⁵—now I believe the principal one,—he assured me, that it would go on:—that a fresh number would come out speedily, and that he would undertake for the insertion of an Article on the subject of D^r Livingston's Codification Papers in their most recent state, as received

3691. ¹ Princeton University Library, Manuscripts Division, Department of Special Collections, Edward Livingston Papers, General Correspondence, 1820–1836, Box 72, Folder 12–13. In the hand of Doane, with the exception of the salutation, date, signature, date again, and postscript, which are in Bentham's hand. Docketed: 'Jeremy Bentham. June 1830.'

² The original letter is missing.
³ The first issue proper of *Kritische Blätter der Börsen-Halle* was, in fact, dated 5 July 1830, though it did not contain a review of Livingston's work.

⁴ John Romilly (1802–74), later first Baron Romilly, barrister, MP for Bridport 1832–5, 1846–7 and Devonport 1847–52, Solicitor General 1848–50, Attorney General 1850–1, Master of the Rolls 1851–73, was the second son of Sir Samuel Romilly.

⁵ The co-editors included Henry Bickersteth and Joseph Parkes.

14 JUNE 1830

TO EDWARD LIVINGSTON

by me, should any such article be written time enough to make its appearance in the N^o next but one.⁶

Much about the same time I received from D^r Southwood Smith a letter⁷ in which he says that for three months then to come he could not spare the time, his whole time being pre-occupied by a work of his own, which he mentioned:⁸ but that, as soon as ever that was finished, he would take in hand these same Codification Papers, the copy of which I transmitted to him for that purpose.

Jeremy Bentham

14 June 1830

By a Letter received from Jullien, Editor of the *Revue Encyclopédique*,⁹ I learn that several of my works have been translated into and published in the German and Polish languages:¹⁰ so were some of them already in the Spanish, Italian and Russian languages:¹¹ further particulars are not mentioned.

Just received the two first of the 4 Volumes of Brissot's autobiographical Memoirs.¹² Brissot the head of the Girondist the most virtuous party in the Revolution. His travels in the United States were published at the time.¹³ He and I were intimate. About ten pages are occupied with the flattering character he gives of me.¹⁴

⁶ The next number of *The Jurist* did not appear until April 1832, and the next but one in July 1832, but no such article was published.

⁷ Missing.

⁸ Presumably Southwood Smith, *A Treatise on Fever*, London, 1830.

⁹ Missing.

¹⁰ German editions of Bentham's works included *Tactik oder Theorie des Geschäftsganges in deliberirenden Volksstänversammlungen von Jeremias Bentham. Nach dessen hinterlassenen Papieren bearbeitet von St. Dumont, Mitglied des repräsentativen Rathes des Cantons Genf*, Erlangen, 1817, and *Grundsätze der Civil- und Criminal-Gesetzgebung aus den Handschriften des englischen Rechtsgelehrten Jeremias Bentham, herausgegeben von Etienne Dumont, Mitglied des repräsentativen Rathes von Genf*, trans. Friedrich Eduard Benecke, 2 vols., Berlin, 1830. No Polish translations of Bentham's works have been identified.

¹¹ For Spanish editions of Bentham's works see p. 19 n. above. The following Italian translations of Dumont's recensions had appeared by 1830: *Trattati di Legislazione Civile e Penale. Preceduti da'principi generali di legislazione, e da un progetto di un corpo completo di dritto: terminati da un saggio sulla influenza de'tempi e de'luoghi relativamente alle leggi. Dal Sig.^r Geremia Bentham Giureconsulto Inglese. Pubblicati in Francese da St. Dumont di Ginevra da' manoscritti confidatigli dall'Autore*, trans. Michele Azzariti, 3 vols., Naples, 1818; *Tattica delle Assemblée Legislative, seguita Da Un Trattato di Sofismi Politici; Opera estratta da' Manoscritti di Geremia Bentham, Giureconsulto Inglese da Stefano Dumont, Membro del Consiglio rappresentativo del Cantone di Ginevra. Tradotta dal Francese*, Naples, 1820; *Teoria delle Prove Giudiziarie di Geremia Bentham Giureconsulto Inglese. Prima Versione Italiana del dottore Barnaba Vincenzo Zambelli con note*, 3 vols., Bergamo, 1824; and *Della Formazione De' Codici di Stefano Dumont estratto dalle opere di Geremia Bentham Giureconsulto Inglese versione con aggiunte ed osservazioni Di Tommaso Zoffili academico filergita*, Forli, 1830. For the Russian translation of *Traité de legislation civile et pénale* see pp. 424–5 n. below.

¹² See Letter 3686.

¹³ See J.P. Brissot (Warville), *Nouveau voyage dans les états-unis de l'amérique septentrionale; fait en 1788*, 3 vols., Paris, 1791.

¹⁴ In fact, around five pages were devoted to Bentham: see p. 383 n. above.

FROM DANIEL WHITTLE HARVEY

16 JUNE 1830

3692

FROM DANIEL WHITTLE HARVEY

16 June 1830¹

Great George Street

16th June 1830

My dear Sir.

I have been contemplating a visit to you for some time past, much desiring your judgment upon a practical plan of criminal Law & Equity, and which I partially developed to M^r Cullen. And this is still my intention, when it shall be in a shape to justify intrusion upon your valuable time.

Many thanks for your 'official Aptitude,'² which I shall highly prize as a source of much useful information, and from my great esteem for its author.

By this post I have written to M^r White,³ expressing my readiness to assist, and my desire to see him.

I am

Dr Sir

with esteem

Y^r faithful Ser^t

Dan^l W. Harvey

Jeremy Bentham Esq.

3692. ¹ BL Add. MS 33,546, fo 426. Autograph. Docketed: '1830 June 16. Harvey G^r George St^l to J.B. Q.S.P. Thanks for Official Aptitude. About to communicate his Law-cheapening project.'

² *Official Aptitude Maximized; Expense Minimized.*

³ Possibly Henry White (1787–1873), MP for County Dublin 1823–32 and County Longford 1837–47, 1857–61.

17 JUNE 1830

TO SIR FRANCIS BURDETT

3693

TO SIR FRANCIS BURDETT

17 June 1830 (Aet 82)¹

Q.S.P. 17 June 1830.

My dear Burdett.

Along with this, goes my proposed Codification Petition—that Petition which relates in a peculiar manner to myself;² and which, if I do not overflatter myself, you were kind enough to undertake—not merely to present to Honourable House, but to imbed in your speech, in such sort as to make it a matter of obligation to Honourable House to receive into its ears so much of it as you will be pleased to pour into them—this being, according to what I have heard, without contradiction, an acknowledged right. Of course, if you find it to such a degree grating to the aforesaid Honble ears that Honble Gentlemen run out of the House as they used to do when Orator Burke was pouring forth the torrent of his eloquence,³ you will stop in time. To accommodate the proceeding as well as may be to those contingencies, I have divided the matter into four or five topics—marking the topics at the top of the margin of each page.

If ever there was a paper which, from the importance of the subject matter, as measured by it's extent, presented a prospect of experiencing this indulgence, it is this:—for the extent of it is neither more nor less than that of the whole field of legislation—a field which does not want much of being co-extensive with the whole field of thought

3693. ¹ Bodleian Library, MS. Eng. Lett. d. 97, fos. 26–7. In the hand of Doane, with the exception of the address, salutation, valediction, signature, direction, and postscript, which are in Bentham's hand. Addressed: 'To Sir Francis Burdett Bar^t. M.P.' Endorsed: 'Jeremy Bentham. 17 June. With a packet.' Printed in Bowring, xi. 50–1, and in M.W. Patterson, *Sir Francis Burdett and his times (1770–1844)*, 2 vols., London, 1931, ii. 470–2. At the conclusion of the letter, Bowring adds the following note: 'But Burdett did not undertake the task. He answered Bentham that he would consider of it; and Bentham considered this as a withdrawal.'

² Bentham had written a 'Codification Petition' (distinct from 'Petition for Codification' in *Justice and Codification Petitions*), offering to draw up a Pannomion were the House of Commons willing to sanction the printing of 'all such contributions, towards the aforesaid work, as it shall happen to [Bentham] to furnish'. A corrected copy of the 'Petition' is at UC lxxx. 78–112 (21–30 May 1830) and a fair copy at lxxx. 113–60 (n.d.)

³ The sobriquet of 'dinner bell' applied to Edmund Burke (1729/30–97), politician and author, may have had its origin in a comment by John Scott, afterwards Scott-Waring (1747–1819), the political agent of Warren Hastings. In response to Burke's speech of 1 December 1783 in the House of Commons on the East India Bill, Scott noted that Burke had spoken for more than two hours and that 'the members who retired to dinner when you got up, knew they had full two hours of spare time; and when they returned, you had not sat down': see John Scott, *A Letter to the Right Honourable Edmund Burke, Paymaster General of His Majesty's Forces*, London, 1783, p. 5.

and action: and this, with your unexampled brilliancy of imagination, you will deal with better than anybody else could do.

Now for a convivial gossip at this Hermitage. I hope neither gout nor anything else will hinder you from appointing an early day for it. Meantime, you will have looked over the said Petition, and marked any such passages as you think had better be omitted or changed.

Should any thing prevent your taking upon yourself this holy function, Joseph Hume has promised to take it upon himself: and if you perform it, you will have him, for a certainty, for your support, and he accordingly will be furnished with a copy in time:—so likewise O'Connell, who they say shines more particularly in reply—in reply in the generality of cases: but in this case, his assistance at that period will be more particularly desirable, on account of the grimgribber matter which the matter of my Petition will, if it receives any determinate answer, elicit from opponents. But what I should rather expect, is—that they will not dare to grapple with it, but fabricate a pretence for getting rid of it, out of a quirk, composed of some vague-generality phrase—or move the Order of the Day upon it—etc. etc.

Lest they should be prepared with a stratagem of this sort, I shall propose to Hume and O'Connell, as well as yourself, to keep the matter secret between you three, till the very moment of making the speech, for which you will naturally select a time when there is a good attendance.

O'Connell, I see, has given notice of an intended Motion for *Codification*.⁴ This is without concert with me; and I shall beg of him, in time, to let drop that Motion, and, instead of making it, to take upon himself the function proposed to be allotted to him as abovementioned.

Yours most truly

Jeremy Benth(am)

Si(r Francis Bur)dett.

Excuse the *non-autography* of this Epistle.

All my few remaining minutes are (you know) counted. My writing time I devote to Codification: Letters &c. I dictate at times when I can not write: for example after dinner, while vibrating in my ditch: in the ditch opposite the chair which (I hope) you will occupy in a day or two.

The present place of your existence being unknown to me, and consequently the fate of the accompanying packet appearing more or less problematical, let me beg the favour of a single line, to inform me of the receipt of it, without waiting to speak of the contents.

⁴ According to 'Notices given on Tuesday 8 June 1830', *Votes and Proceedings of the House of Commons*, no. 77 (8 June 1830), p. 740, O'Connell gave notice that on 24 June 1830 he intended to move for an 'Address to His Majesty, that he will be pleased to take measures to have drafts or plans of a Code of Law and procedure, either in the whole or in parts, to be laid before this House'.

19 JUNE 1830

FROM LOUIS MCLANE

3694

FROM SIR JAMES ROBERT GEORGE GRAHAM

19 June 1830¹

Grosvenor Place, 19th June, 1830.

SIR,—Permit me to offer my sincere thanks for the present of your valuable work, which I shall study with the respect due to the productions of the most enlightened and honest jurist, every mark of whose approbation is regarded by me as an honourable distinction.—With sincere respect, Sir, your faithful and very obedient servant.

3695

FROM LOUIS MCLANE

19 June 1830¹

9 Chandos Street
Portland Place

June 19. 1830

My dear Sir,

I have been prevented by indisposition and my public engagements from sooner acknowledging the receipt of the two packages you were obliging eno' to send me, one for the President of the United States² & the other for Mr: Livingston.³

I hope, however, it is not too late to say that, having been safely delivered to me, their safe transmission to the United States will be the object of my early & particular care.

I have taken the liberty of writing, at the same time, to the President, and besides giving him an account of the interesting day I had the honor of passing with you, have not failed to assure him how well you

3694. ¹ Bowring, xi. 51, where it is introduced as follows: 'Bentham having sent his "Official Aptitude Maximized, and Expense Minimized," to Sir James Graham, because he had signalized himself in defence of economy, was much gratified by his acknowledgment of the receipt of the book in these terms:—'

3695. ¹ BL Add. MS 33,546, fos. 427–8. Autograph. Docketed: '1830 June 21. U.S. MacLane Chandos Street to J.B. Q.S.P. Has received J.B.'s packets: Writes to President reporting day at Q.S.P.'

² See Letters 3688 and 3689.

³ See Letters 3690 and 3691.

TO HENRY BROUGHAM

POST-21 JUNE 1830

deserve of him the same respect and regard with which I have the honor to be

My dear Sir,
very faithfully
Your obliged Servant
L. M'Lane

To,
Jeremy Bentham Esqr^e
&c. &c. &c.

3696

TO HENRY BROUGHAM

Post-21 June 1830 (Aet 82)¹

Jeremy Bentham to Henry Poltroon, Esq., M.P.—Decline my challenge, you will be posted all over the civilized world.

Copy of your bill, with the abstract of it, are come to me, of course, with the other Parliamentary papers.² Enactive matter—yes. But, the Rationale, where is it, or can it be? Answer—nowhere: nor dares it even make its appearance. *Return*,—in Parliamentary style, *nil*,³ in Common Law style, *non est inventus*, add *non inveniendum*.⁴ Come, if you dare, to this Hermitage; and the hermit—hermit and octogenarian as he is, 'will hang a calveskin on those recreant limbs.'⁵

3696. ¹ Bowring, xi. 33–4, where the Letter is not dated, but misleadingly included with correspondence from January 1830.

² See 'A Bill {as amended by the Committee} For establishing Courts of Local Jurisdiction', 21 June 1830, in *Commons Sessional Papers* (1830), i. 123–65, and 'Abstract of Bill {as amended by the Committee} For establishing Courts of Local Jurisdiction', 21 June 1830, in *ibid.* 167–71. Bentham's annotated copy of the Bill is at UC iv. 10–31.

³ See pp. 139–40 n. above.

⁴ i.e. 'he has not been found', as returned by a sheriff when the person named on a writ was not found in his jurisdiction, and 'he was not to be found'. ⁵ *King John*, III. i. 130.

23 JUNE 1830

TO DANIEL O'CONNELL

3697

TO DANIEL O'CONNELL

23 June 1830 (Aet 82)¹

Q.S.P. 23 June 1830

Jeremy Bentham to Daniel O'Connell

I am still alive: partly, because to save me from hanging myself, my friends—our friends—tell me that you, every now and then, give tokens of your remembering that I am so.

I see by the Votes that you have given notice of an intended Motion of yours for Codification for the 24 or 26th instant²—I forget which.

This is to request of you—not to make any such Motion: but to pursue the same end, by another course, which is this:—

Before your Notice was given, Burdett (I was told) stood engaged to present a Petition from me, praying that any such contributions to an all-comprehensive Code, as I shall send in, may be printed for the use of Members by Order of Honble House, in the same manner as so much other trash is printed.³

He stands pledged (said the information) in like manner to compel Honble House to hear every syllable of it: which is what any Member can do, by reading it as part of his Speech.

This is what Burdett (it is said) is fit for—and to a degree which you know better than I.

That which he is less, if at all, fit for—is—the making a reply to Opponents. This is what you are fit for in a superior and ultra-superlative degree. What I have therefore to solicit you to do—is—to take that course: to render such your *Knight's service* to the cause, in that shape.

To provide against accident Hume stands engaged to move my Petition and apply like torture to Honble House in case any thing should happen to prevent Burdett from administering it.

Herewith goes a copy of the said Petition. Have the goodness to keep it a profound secret from all but Hume, and such others as may

3697. ¹ National Library of Ireland, MS 13,648 (3). In the hand of Doane, with the exception of the date, salutation, first two paragraphs, and two corrections, which are in Bentham's hand. Printed in *The Irish Monthly*, vol. xi, no. 124 (1883), 550–2. An autograph draft is at UC lxxx. 61–3 (13, 23 June 1830).

² O'Connell's notice was for 24 June 1830: see p. 401 n. above. In the event, on 24 June 1830 he deferred his address until 8 July 1830: see 'Notices given on Thursday 24 June 1830', *Votes and Proceedings of the House of Commons*, no. 90 (24 June 1830), 818.

³ Bentham's 'Codification Petition': see Letter 3693.

[be] disposed to give support to it, lest the adversary in the mean time get up some quirk for a pretence to stop the reading of it.

What is above was written as long ago as the 13th: but kept unsent I cannot exactly remember how or why.

Meantime comes an incident which (I fear) will necessitate a change of plan. For on receipt of my proposed Petition, Burdett instead of embracing the bantling, (as I had been assured he would do) with eagerness, sent me the next day, a short answer (written by another hand, his own being disabled by gout) concluding with the words 'I will consider of it.'⁴ Nothing more having been received from him since, my conclusion is that all chance of his being the *Mover* is at an end—whatsoever assistance, if any, he may be disposed to lend in other ways.

One reason why he sh^d be the *Mover* rather than you is—that besides his being more in favour with Honble corruptionists, than you, & thus standing a better chance for obtaining a hearing for so unusual an address, he is more in favor with the Reporters lately with so much propriety yclept the 4th Estate—however if what I hear just now is true you have in pay a Reporter of your own: still the only reservoirs into which that pump will inject your speeches are the Irish Newspapers.

To Cullen, who is at Chichester canvassing,⁵ I write by this post,⁶ requesting of him, if he can do so without prejudice to his prospects, to come to London though it be but for a single day, to see how the land lies with Burdett, & if possible keep him in the right way: but all things considered my hopes from this quarter amount to next to nothing.

Remains therefore that you be requested (so I am advised by various friends) if you see no objection to take upon yourself the office of *Mover*: for little as you will be able to move the said 4th Estate 'the deaf adder that stoppeth his ears, and refuseth to hear the voice of the charmer, charm he ever so wisely'⁷ you will with much more effect than downright Joseph Hume move Hon. House; and if nothing can procure success for an innovation of so unpalatable a nature, the singularity and all-comprehensiveness of the ground taken by the Petition when enriched with the ornaments you bestow upon every ground you touch upon, will do so.

By experiment the number of minutes occupied by the reading of said Petition, is fifty: one hour, *minus* ten minutes. Brougham's

⁴ Missing.

⁵ In the General Election of 1830, Cullen stood as a candidate for Chichester, where he came third in the poll behind Lord John George Lennox (1793–1873), MP for Chichester 1819–31, Sussex 1831–2, and Sussex West 1832–41, and John Smith, who were returned on 4 August 1830.

⁶ Missing.

⁷ Psalm 58: 4–5.

ON OR POST-23 JUNE 1830

TO DANIEL O'CONNELL

famously long speech, which did not touch upon the tenth part of the field, occupied six hours & upwards.⁸

Hume I have not the least doubt will do every thing in *his* power for your support in this enterprise. Whittle Harvey is favourably disposed towards me and for a project of his thinks my assistance w^d be of use to him.⁹ Sir Ja^s Graham, in return for the present of a Copy of my *Official Aptitude* &c. pasticcio (which is on the point of being published) unaccompanied with any letter from me has just sent me spontaneously a highly flattering and gratifying letter,¹⁰ from which I am disposed to hope that he also on this occasion might be disposed to be of use.

3698

TO DANIEL O'CONNELL

On or post-23 June 1830 (Aet 82)¹

Since writing what is on the 4^{to} paper² received an open missive from Burdet, of which the following is a Copy. By his Messenger I answered it in like manner proposing ½ after 1 tomorrow that being my circumgration time.

Dear Bentham

Will you let me know at what hour, you take a walk in your Garden or if at any hour, I co^d call upon you without interfering with any business you may have in hand. I have nothing particular to say.

For Sir F. Burdett³

Jer^v Bentham Esq^{re}

Is it not matter of absolute necessity that you and I should see one another speedily? What say you to dining here on Sunday next?⁴ which need not be superseded by your calling here on some earlier day.

J.B.

⁸ i.e. Brougham's speech on law reform in the House of Commons on 7 February 1828.

⁹ See Letter 3692.

¹⁰ Letter 3694.

3698. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/4/20. Autograph, except for the copy of Burdett's letter, which is in the hand of George Bentham. Printed in *The Irish Monthly*, vol. xi, no. 124 (1883), 555–6, where it is misplaced.

² Letter 3697.

³ An illegible signature follows.

⁴ 27 June 1830.

FROM PRÓSPERO DE HERRERA

28 JUNE 1830

3699

TO MARGARET URQUHART

26 June 1830 (Aet 82)¹

Q.S.P. 26 June 1830

My dear Madam

The inclosed letters² will speak for themselves: When done with, you will have the goodness to return them to me.

M^r Sam's³ desire of receiving a receipt from me was immediately complied with.

Dear Madam

With the truest respect

Yours

Jeremy Bentham

M^{rs} Urquhart.

3700

FROM PRÓSPERO DE HERRERA

28 June 1830¹

My ever dear Sir

I received through the Mexicain mail yesterday papers, and letters of 26th of March last from my Cousin,² whose contents I shew this morning to M^r Bowring, & what concerns to you is the following.

Se esta escribiendo mucho aqui y en Sⁿ Salvador sobre reforma de la Constitucion. Unos creen que la felicidad consiste en que el Senado non sea perpetuo: otros dicen que el Presidente deve tener el derecho de sancionar las leyes: otros publican que deve reducirse el numero de diputados: otros piden que las autoridades federales se trasladen a otro lugar &c. Yo reuniré todos los impresos publicados y los remitiré al Señor Bentham con una Carta extensa. Celebraré muchisimo que tu le hayas consultado. Ojala no lo hayas olvidado.

3699. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/8. Autograph.

Margaret Urquhart, née Hunter (1769–1839), was the mother of David Urquhart (1805–77), diplomatist and writer, MP for Stafford 1847–52, who had fought for Greece in the War of Independence 1827–8 and had remained in the Eastern Mediterranean.

² Missing.

³ Unidentified.

3700. ¹ BL Add. MS 33,546, fos. 429–30. Autograph. Docketed by Moore: '1830 June 28. Prospero de Herrera to J.B. QSP.'

² José del Valle. The letters are missing.

28 JUNE 1830

FROM PRÓSPERO DE HERRERA

Otro párrafo.

Llegaron tambien en estos dias los Libros que me remitió el Sr. Bentham.³ Son de bastante merito. Manifiestale mi gratitud y dile que el portador de esta saldra pronto p^a Wales y yo quiero escribirle con extension: que lo harè p^r el primer conducto, y volveré a ofrecermè como su *ever dear Son*.

I have the Satisfaction to acquaint you that *mis Reflexiones sobre la division de la propiedad del clero regular*⁴ has been adopted allmost entirely as I send them. Perhaps you will remember that you approved them, and that you did me the favour to affix your signature on my papers.

M^r Bowring knows the political Things[?] of my Country, which are going in a favorable footing. He will tell you what my cousin says about news.

I have also the Satisfaction, that all the proposals which I made to my Government are seen in my Country with pleasure & that now I think has been taken in consideration for the Congress. We shall know in a few months the good resultate of my endeavours to serve my Country with your kind assistance.

For the mean time, with my best wishes for your health.

I am my very dear Sir.
Your's for ever.

P. de Herrera

I send a memoir which I have not read yet.⁵

TRANSLATION

A great deal is being written here and in San Salvador about reform of the Constitution. Some believe that happiness consists in the non-perpetuity of the senate; others say that the President should have the right to sanction laws; others put out that the number of members of Congress should be reduced; others ask to move the federal authorities to another place. I will collect all the published material and will send it to Mr Bentham together with a comprehensive letter. I will be very pleased when you have consulted him. I hope you have not forgotten it.

Another paragraph.

I have recently received the books sent by Mr Bentham. They are of great value. Convey my gratitude and tell him that the bearer of this

³ For the books sent to Valle with Letter 3526 see p. 183 n. above.

⁴ Not further identified.

⁵ Missing.

FROM ALBANY FONBLANQUE

28 JUNE 1830

letter will leave soon for Wales and I would like to write to him extensively: I will do it at the first opportunity, and again I will offer myself as his *ever dear Son*.

3701

FROM ALBANY FONBLANQUE

28 June 1830¹

19 Edgware Road

June 28th

My dear Sir,

May I beg you to use your interest with your nephew, M^r George Bentham, for the undermentioned persons, candidates for the Athenaeum,² and particular friends of mine.

N^o 794—my brother.³

434. Charles Edward Stewart.⁴

1098. Lord Dunboyne.⁵

Believe me,

My dear Sir

yours faithfully

A. Fonblanque

3701. ¹ BL Add. MS 33,546, fos. 431–2. Autograph. Docketed by Doane: ‘1830 June 28. Albany Fonblanque 19 Edgware Road to J.B. Q.S.P.’

² The Athenaeum Club, founded in 1824 by John Wilson Croker, had in February 1830 occupied its first permanent clubhouse at 107 Pall Mall, designed by the architect Decimus Burton (1800–81). In order to offset the expense of the building, it was decided at a General Meeting on 30 May 1830 to add two hundred individuals to the membership, of whom one hundred would be chosen by a special Electoral Committee and one hundred by ballot of the existing members. See H. Ward, *History Of The Athenaeum*, London, 1926, pp. 39–42, and *The Survey Of London: Volumes 29 and 30, St James, Westminster, Part 1*, London, 1960, pp. 386–99. George Bentham had received notice on 15 June 1830 that he had been elected to the Athenaeum Club. He does not appear to have canvassed for the individuals suggested by Fonblanque below, but did so for his friend William, later Sir William, Ogle Carr (1802–56), barrister, Chief Justice of Ceylon 1854–6, who was elected on 11 July 1830: see George Bentham Diaries, GEB/2/1 (15 June 1830), p. 37, (21 June 1830), p. 38, and (11 July 1830), p. 43, and George Bentham, *Autobiography*, ed. M. Filipiuk, Toronto, 1997, p. 333.

³ John Samuel Martin de Grenier Fonblanque (1787–1865), legal writer and military officer, Commissioner of Bankruptcy from 1831, one of the founders of *The Jurist*.

⁴ Unidentified.

⁵ James Butler (1780–1850), thirteenth Baron of Dunboyne [I].

1 JULY 1830

FROM EDWARD LIVINGSTON

3702

FROM EDWARD LIVINGSTON

1 July 1830¹

Montgomery Place July 1st 1830

Sir,

I thank you sincerely for the valuable books with which you have enriched my Library, and for the kind and instructive letter by which they were accompanied,² these favors would have been sooner acknowledged, if they had not arrived just before the closing of the Session of Congress,³ when all the business, which the procrastination, prevalent I believe in most legislative bodies, had put off from day to day, is pressed forward, and renders a week or two before the adjournment, a very laborious period for those who wish to do their duty.

Escaped at length from the bustle of public life, to a retreat I have on the banks of the Hudson, I devote my first leisure to the cultivation of a correspondence from which I expect to derive as much profit and pleasure in its sequel, as I have already derived instruction from its commencement. Not having kept a copy of my letter to you, I did not perfectly recollect its contents, and my only fear on hearing that you had published it,⁴ was, lest I should have imperfectly expressed how much my work is indebted to yours, for those parts of my attempts to reform the law of my State, which have found favor from the public. From the printed copy you have sent me, I find this apprehension was well founded, and therefore take pleasure in acknowledging that although strongly impressed with the defects of our actual system of Penal law—yet the perusal of your works, first gave method to my ideas, and taught me to consider legislation as a Science, governed by certain principles applicable to all its different branches, instead of an occasional exercise of powers called forth only on particular occasions, without relation to, or connection with, each other. I have lately observed with great pleasure the just homage that has been paid to your talents and services in the british house of Commons, rendered more valuable, by its coming from a Statesman and lawyer

3702. ¹ BLAdd. MS33,546, fos. 433–5. Autograph. Docketed: '1830 July 1. U.S. Livingston Montgomery Place (New York?) to J.B. Q.S.P. Reced Aug. Paid 11^s 1^d 0. It was superscribed on one side by favour of his Excellency Louis MacLane.' Printed in Bowring, xi. 51–3. An extract is printed in Hunt, *Life of Edward Livingston*, p. 118 n. The final page and docket of Livingston's draft is at Princeton University Library, Edward Livingston Papers, General Correspondence, 1820–1836, Box 72, Folder 12–13.

² Letter 3602.

³ Congress had adjourned on 31 May 1830.

⁴ Bentham had printed Letter 3520 in 'Second Supplement to Codification Proposal': see p. 264 n. above.

of the first eminence in the Kingdom.⁵ It must be a matter of the highest gratification to you, to witness not only the prevalence of your doctrines, but to hear their truth acknowledged by those whose professional prejudices they so severely attack, and whose pecuniary interests they tend to destroy. I think I understand the outline of your plan for the gradual amelioration of a written code without the aid of Judicial decisions,⁶ and thus obviating one of the strongest objections that is made to a system of Written Law: but I wish exceedingly to see the outline filled up, for I feel some pride in having made a similar proposal in relation to our Civil Code in the year 1823, and I wish to see whether your details can not be applied to the general proposition I then made—you will find it from page 8th to the end of a short report, which I enclose.⁷ It supersedes the necessity for that which one of our most celebrated Jurists (M^r Duponceau) calls the *Malleability* that is found in the Common law—that is to say the permission it gives to judges to make ex post facto laws.⁸ The plan traced in this report

⁵ Livingston perhaps had in mind Brougham's praise of Bentham, during the debate on law reform in the House of Commons on 29 April 1830, while expressing his disagreement with him on the subject of trial by jury: 'the name of Mr. Jeremy Bentham is forced on my recollection—a man whose merit as a philosopher, and as a benefactor of mankind is above all praise—a man who has the transcendent merit—I say it without hesitation—of being the founder of all legal reform, and who must go down to future ages with the reputation of having been the only great and effectual purifier of our judicial system—when I pay to him the tribute of my admiration and my gratitude for the eminent services he has rendered to his country, and to mankind during the course of his long, laborious, and useful life—I retract no praise, I qualify no admiration, when I say, in connection with this subject, that I am far from agreeing with him in the whole of those reforms which he has at various times proposed. I differ from him in degree—he going much further in some instances than I am disposed to go; and I differ from him also in the kind of reform which he proposes—but in nothing more than in that which he suggests with respect to trial by jury'. See *Parliamentary Debates* (1830), xxiv. 263–4.

⁶ In Letter 3602 Bentham had referred to a 'method' he had devised to prevent judges from defiling the work of the legislature: see pp. 274–5 above.

⁷ See 'Preliminary Report of the Code Commissioners Dated February 13, 1823' (reprinted in *Louisiana Legal Archives. Volume 1. A Republication of the Projet of the Civil Code of Louisiana of 1825*, New Orleans, 1937, pp. lxxxv–xcv), signed by Livingston, Louis Moreau-Lislet (1766–1832), jurist and linguist, and Pierre Auguste Charles Bourguignon Derbigny (1769–1829), Chief Justice of the Louisiana Supreme Court 1813–21, Louisiana Secretary of State 1821–8, Governor of Louisiana 1828–9, who had been appointed on 14 March 1822 by the Louisiana legislature to revise the Civil Code of 1808.

⁸ See Peter S. Du Ponceau, *A Dissertation on the nature and extent of the jurisdiction of the courts of the United States, being a valedictory address delivered to the students of the Law Academy of Philadelphia, at the close of the academic year on the 22d April, 1824*, Philadelphia, 1824, p. xvii: 'Of all systems of jurisprudence the common law is the best adapted for improvement, therefore I rejoice to see it established in this country. It is more malleable, if I may use the expression, than written codes or statutes.' Pierre Étienne Du Ponceau (1760–1844), a lawyer specializing in international and constitutional law and author on linguistics, was a French immigrant who took United States citizenship in 1781. He was under-secretary of Edward's brother Robert R. Livingston (1746–1813), when the latter was Secretary of Foreign Affairs 1781–3.

1 JULY 1830

FROM EDWARD LIVINGSTON

was not pursued, the Gentlemen joined with me in the Commission, were unfortunately too impatient for the Completion of this task to enable them to do the work in the manner we had proposed.—I was overruled; and the Civil Code was reported and sanctioned in the form you will see by the copy now sent to you.⁹ Yet imperfect as it is, it has been a great blessing to the State. But not greater I think than the rejection of the Common law procedure in Civil Suits. A simple system was¹⁰ substituted based upon the plan of requiring each party to state in intelligible language, the Cause of Complaint, and the grounds of Defence. I comprised it in a single law of a few pages.¹¹—And although from its novelty, many questions might be naturally supposed to arise under it, before the Court and Suitors became accustomed to its provisions. Yet our books of reports—from 1808 to 1823—contain fewer Cases depending on disputed points of practice, than occurred in a single year 1803 in New York—where they proceed according to the English law which has been in a train of Settlement by adjudication for so many hundred years. An anecdote to exemplify this, may not be unacceptable to you. When I was pursuing my profession at New Orleans, a young Gentleman¹² from one of the Common Law States, came there, he had been admitted to the Bar in his own State and was of course entitled to admission in ours, if found by examination sufficiently versed in our laws—he had studied them and was ready to undergo the examination, but expressed to me his regret that a long time must elapse before he could make himself master of the routine of practice with which, on our system, he was entirely unacquainted; and asking to be admitted in my Office until that could be effected requested me with much solicitude to tell him in what period I thought he might with great diligence be enabled to understand the rules of practice, so difficult to be acquired, according to the Common Law. I answered that it was not very easy to calculate to an hour, but that as he was engaged to dine with me the next day at four, if he would come to me at three I thought I could initiate him into all the mysteries of the Practice before we sat down to dinner. Nor was there any exaggeration in the Statement.—What will your articulated Clerk, tied for seven years to an Attorney's desk, say to this?—I have hitherto been too busily employed in extracting the good from your works to think of making objections to any part of the Doctrines they contain;¹³

⁹ *Civil Code of the State of Louisiana.*

¹⁰ MS 'was was'.

¹¹ See 'Code of Practice, in Civil Cases, for the State of Louisiana', n.p., [1825], Pt. II, Ch. 2, § 3, Arts. 169–207, pp. 60–75, and § 6, Arts. 316–29, pp. 114–19 (English text on even pages, French on odd).

¹² Unidentified.

¹³ In Letter 3602 Bentham had asked Livingston to list the objections that any of his works had suggested to him.

and indeed it has happened so frequently that on the second perusal my assent has been given to positions which I thought unsound on the first, that I always hesitate long before I venture to deviate from them in any of the provisions of my Code. I have in some instances done so, and although I cannot immediately comply with your request of stating the reasons for my dissent from you in those points yet it shall hereafter be done and as you desire fully and frankly.

I knew before the receipt of your letter that I was under great obligations to M^r John Smith, but was not aware until you apprised me, of those I owed to D^r Southwood Smith to whom I shall soon write to express my acknowledgements. To M^r John Smith I sent by M^r M^cLean¹⁴ a copy of my projected Code and had written to him twice before.

You will naturally enquire whether my system has yet been adopted by the State which commissioned me to prepare it. I am sorry to say that they have not yet taken [it] into consideration. A joint committee of the Senate and the House of Representatives was appointed last year to examine it during the Recess and report upon it at the succeeding Session—but the prevalence of the yellow fever and other circumstances prevented their meeting—the next winter I hope will find them disposed to pap upon it.

In the other States advances are making to free themselves from the reproach of being governed by unwritten and therefore unknown laws: none however have progressed so far as to form a general system, methodizing their statutes, and giving the force of Law to some of the judicial constructions of them is the present extent of their daring.

If cheap editions of some of your works could be struck off, it would much aid the great cause, but our Lawyers are all politicians and our politicians are all party men, and party men in all Countries are alike. To you I need not describe their characteristics—or point out those causes which render them indifferent to any thing unconnected with their prevailing passion. The mass of the people therefore must first be enlightened by a knowledge of your principles before their representatives can be persuaded to act upon—or even to examine them.

I send with this letter a copy of the civil Code of Louisiana, a number of the papers printed by order of the Senate or House of Representatives, some of which may prove interesting to you, together with a number of other pamphlets relating to the Civil and Criminal Statistics and institutions of the several States.¹⁵ My Code of evidence is

¹⁴ Louis McLane.

¹⁵ The papers and pamphlets in question have not been identified.

1 JULY 1830

TO MARGARET URQUHART

printed but I will not submit it to your inspection until the introductory report which is nearly finished can accompany it.¹⁶

With sentiments of the highest respect and Esteem

I am Sir,

Your Most Obedient Servant

Edw. Livingston

3703

TO MARGARET URQUHART

1 July 1830 (Aet 82)¹

Q.S.P. 1 July 1830.

My dear Madam

Strong and sincere was my delight at receiving the letter² for the sight of which I am indebted to your kindness. Painful was the anxiety from which it has relieved me: for considering the length of the interval that had elapsed since your receipt of the last of his former letters—namely, not less than half a year if I understood you right—it seemed to me that there was but too much reason for looking to death as having been the cause.

Now as to the matter of this same letter. I know not very well how to reconcile his call for an answer to it with what he says of the arrangements in contemplation for his return.

His and my intelligent and supremely trustworthy friend D^r Bowring being with me the day before yesterday, I took the opportunity of putting the letter in his hand for the purpose of hearing what he would say as to the terms. Great has been the attention paid by him, abundant the means of information, and in consequence the stock of information on the subject of our relations with Greece considered in a commercial point of view. He said at once that he should not expect to find any person here in London, or elsewhere in England, who, unless he had been on the spot, would for so small an interest as 10 per cent trust his money to a borrower resident in a country so circumstanced as Greece is at present and is likely to be.

¹⁶ No copy of this work has been located.

3703. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/9. In the hand of Doane, except for the address, date, salutation, signature, and direction, which are in Bentham's hand.

² Evidently a letter from David Urquhart to his mother.

FROM FRANCISCO DE PAULA SANTANDER

1 JULY 1830

Dear Madam
with the truest respect
Yours

Jeremy Bentham

M^{rs} Urquhart.

Herewith goes the aforesaid letter.

3704

FROM FRANCISCO DE PAULA SANTANDER

1 July 1830¹

A Mon^r Jeremy Bentham Esq.

Monsieur

Permettez qu'un colombien votre élève, et votre admirateur ait l'honneur de vous présenter ses hommages et ses respects. En arrivant à Londres,² je n'ai pas pu résister à l'envie de vous écrire cette lettre, d'abord pour acquitter un devoir auquel ont tant de droits votre caractère, vos lumières, votre immense réputation, et ensuite pour vous prier de vouloir bien me permettre de connaître personnellement le créateur de la Science de la législation, et l'ami sincère de la cause du peuple et de l'humanité.³

Je serai bien heureux si vous voulez m'accorder cette permission. Après que j'ai été le premier qui a ordonné aux professeurs des collèges de la Colombie de se servir de vos ouvrages pour l'enseignement des principes de législation, et de la tactique des assemblées représentatives⁴ ¿comment pourrai-je être privé de l'honneur et du plaisir de faire votre connaissance personnelle? Non, j'espère de votre bienveillance

3704. ¹ BL Add. MS 33,546, fos. 436–7. Autograph. Docketed: '1830 July 1. Santander—Ex-Vice-President of Colombie 51 Torrington Square to J.B. Q.S.P. Venturit. Answered appositely Monday.'

Francisco de Paula Santander (1792–1840), Vice President of Colombia 1821–8, President of the Republic of New Granada 1832–6.

² According to *Diario del General Francisco de Paula Santander en Europa y los EE. UU. 1829–1832*, ed. R. Martínez Briceño, Bogota, 1963, pp. 149–50, Santander had arrived in London on the evening of 8 June 1830.

³ See *ibid.*, p. 172, entry for 1 July 1839: 'Escribí a Bentham por consejo de Bowring, suplicándole me permitiera conocerlo personalmente', i.e. 'I wrote to Bentham on Bowring's advice, begging to meet him personally'.

⁴ On 8 November 1825 Santander had decreed that 'Los catedráticos de derecho público enseñarán los principios de legislación por Bentham', i.e. 'The professors of public law will teach Bentham's principles of legislation': see 'Decreto del Poder Ejecutivo' in *Gaceta de Colombia*, no. 215 (27 November 1825), p. [1]. For Bolívar's countermandment of Santander's decree see p. 223 n. above.

1 JULY 1830

TO FRANCISCO DE PAULA SANTANDER

que je ne quitterai pas l'Angleterre sans avoir vu accomplis mes ardens désirs.

En attendant, je vous prie, Monsieur, d'agréer l'assurance de ma considération la plus distinguée, et de mon profond respect, et très-sincère admiration.

Votre très-humble,
et très-obéissant Serviteur
F.P. Santander

Ancien Vice Président de la République de Colombia.

Londres le 1^r juillet 1830
51 Torrington Square.

3705

TO FRANCISCO DE PAULA SANTANDER

1 July 1830 (Aet 82)¹

1st July, [1830].²

Dinner with the Hermit, at the Hermitage, a quarter past seven on Monday.³ On entering St James's Park by the gate, called Storey's gate, at the end of the street called Great George Street, you will find yourself in the alley called the Bird-cage Walk: mid-way in this alley are the barracks for recruits.⁴ Before reaching this building, you will see a garden entered by an iron-rail gate, near the barracks, where you will see a sentinel. Having entered this gate, you will find yourself in a narrow path, which takes you in a straight line to a walk, where there is another iron gate, which you will find open. Enter by it, and you will find yourself in another garden, on the left of which is the house I inhabit. You will mount by a step, which takes you to a door; and you will find yourself in a small hall, with a staircase before you, and a small chamber at the left, at whose door you will knock: as to porters, or other men-servants, they are a sort of animals not kept in my den.⁵

3705. ¹ Bowring, xi. 53, where it is described as a 'Translation' and introduced as follows: 'An invitation to General Santander gives an amusing description of the *quò eundum*, in order to reach Bentham's abode.' According to *Diario del General Francisco de Paula Santander*, p. 172, Santander received the present Letter on 3 July 1830.

² Bowring '1840'.

³ 5 July 1830.

⁴ The Wellington Barracks, home of the Foot Guards.

⁵ According to *Diario del General Francisco de Paula Santander*, p. 172, the present Letter concluded as follows: 'Je suis, monsieur, avec le respect que votre renommée m'inspire, tout à vous, Jeremias Bentham.'

TO CHARLES SINCLAIR CULLEN

5 JULY 1830

3706

FROM FRANCISCO DE PAULA SANTANDER

3 July 1830¹

Londres le 3 juillet 1830.

Monsieur

Je suis extrêmement flatté de la lettre dont vous avez bien voulu m'honorer,² et de l'invitation dont vous me favorisez pour dîner chez vous lundi prochain à ¼ passé de 7 heures.³ Je tâcherai d'y me trouver le jour, et l'heure indiquée avec tout le plaisir imaginable dont est capable un cœur avide de faire votre connaissance personnelle.

Agréé, Mons^r mes remerciemens pour votre immense bonté, et l'assurance de ma très-distinguée considération, et de mon profond respect.

Votre très humble
Serviteur

F.P. Santander

A Mons^r Jeremias Bentham
Esqu^{re} &c.

3707

TO CHARLES SINCLAIR CULLEN

5 July 1830 (Aet 82)¹

Q.S.P. 5 July 1830

J.B. Q.S.P. to C.S. Cullen

My ever dear child

A little information which I have to afford you may, I hope, be contributory to your keeping up your spirits. It must be in the most abridged form imaginable.

3706. ¹ BL Add. MS 33,546, fos. 438–9. Autograph. Docketed: '1830 Juillet 3. Letter II. Santander Torrington Square to J.B.'

² Letter 3705.

³ An account of Santander's visit to Bentham on 5 July 1830 appears in *Diario del General Francisco de Paula Santander*, p. 173.

3707. ¹ University of Illinois at Urbana-Champaign, Jacob H. Hollander Collection Manuscripts 1660–1936, Box 1, Item 3,952. Autograph. Addressed: 'To Charles Sinclair Cullen Esq^{re} Chichester.' Endorsed: 'J.B. Q.S.P. 5 July.' Postmark: 'H / JY · 5 / 1830'.

5 JULY 1830

TO CHARLES SINCLAIR CULLEN

Yesterday the 4th called here Long Wellesley.² Ante-jentacular circumgyration of near 1½ hour.

He seems disposed to put himself under my guidance.

He returned to town but Friday the 2^d from a visit to S^t Ives where he has just been purchasing of the representatives of the late Sir Christopher Hawkins³ of boroughmongery memory property which with what he had before, there, gives him the 2 seats.

This day he was to set out for Essex to canvass for the County, with Whittle Harvey for his Election Agent.

Of the two seats he keeps of course one for himself in the event of non-success in Essex:⁴ the other remains undisposed of. For this he had a man in view:⁵ but on hearing what I had to say in relation to him, promised not to enter into any engagement with him without consulting me: and I see no likelihood of my not having set up an effectual bar against him.

Thereupon I preached you: you may imagine how. He listened with complacency: and moreover observed that [there] was another Seat which he expected to have, and which might be thus disposed of. The man so put by as above, I found him prepared to take money from. I said that could not be the case with regard to you: and to this he assented without difficulty.

Great not less than agreeable was the surprize produced in me by the abovementioned purchase. My notion was that he was a self-ruined man. Now for the fact according to his statement of it. Not a foot of land had he ever sold: although at one time he had a debt upon it of £15,000 a large portion of it by law expenses: but that he had paid off in two years: creditors consenting to that respite. For the materials of Wanstead House he had received £12,000: for the furniture £48,000: together, 60,000: they had cost him several times as much. But his calculation was that Wanstead House could not be kept up in stile for less than £100,000 a year: and that was more than he had.⁶

² William Pole-Tylney-Long-Wellesley.

³ Sir Christopher Hawkins (1758–1829), MP for Mitchell 1784–99, Grampound 1800–7, Penryn 1818–20, and St Ives 1821–8.

⁴ In the event, at the General Election of 1830, Pole-Tylney-Long-Wellesley failed to be elected for Essex, but was returned for St Ives, together with James Morrison (1789–1857), merchant, MP for St Ives 1830–1, Ipswich 1831–4, 1835–7, and Inverness Burghs 1840–7, who had advanced money to Pole-Tylney-Long-Wellesley in order to purchase Hawkins's property in St Ives.

⁵ Possibly James Morrison.

⁶ Wanstead House, Essex, was a large Palladian mansion that had been inherited in 1805 by Catherine Tylney-Long. When in 1812 she married Pole-Wellesley, the marriage contract obliged him to add Tylney-Long to his name and gave him a life tenancy of a portion of her estates, whereupon they would pass to their children. Pole-Tylney-Long-Wellesley was, therefore, unable to sell the estates, and so, in order to secure his enormous debts, two public auctions of the contents of Wanstead Hall were held in June–July 1822

Of my grounds for hoping that I have some practical influence over him, examples these—

1. His dedication which you⁷

2. A letter from his Fidus Achates⁸—Derbyshire the Young Barrister⁹ dated from W.'s house in Dover Street, written the very day after W.'s arrival,¹⁰ and accompanying a copy of the pamphlet you saw bound in pursuance of an order 'to spare no expense' with 6 or 7 others.¹¹ In this way was given answer to a letter of mine to D.¹² lamenting the loss of the Preface and begging another copy.

3. His paying me his visit the very next day (yesterday)¹³ when there was only that day before the day of his expedition into Essex.

4. In this short interval it was that he had been settling with Harvey about engaging the M.P. as Solicitor in his service.

5. The length of his stay with me notwithstanding the pressure of business he must have had upon his mind: and his stay might have been indefinitely longer, but that, being tired with circumgyration, it was I that put an end to it.

6. His promise that he would come and dine with me immediately upon his return from Essex: and that in the mean time he would take no definitive measures in regard to the *Seats*.

His family in general¹⁴ had set their faces against him he said: and the obtaining more respect from them he mentioned as one motive for trying for Essex in preference to an ordinary Borough seat.

Having various reasons for looking on Harvey's disposition as favorable to me, I proposed to W. to make mention of me to the said H.: and I suppose he will naturally also make mention to him of you: and from this, if you have not much to hope, you have I trust nothing at all to fear.

He spoke to me of his imprudences: and accounted for them by a short history of his life: which has indeed many curious singularities in it.

and September 1822, but failed to raise sufficient money. Owing to the great running costs and the failure of Pole-Tylney-Long-Wellesley's trustee, his father William Wellesley-Pole (1763–1845), first Baron Maryborough [GB] and later third Earl of Mornington [I], Chief Secretary to the Lord Lieutenant of Ireland 1809–12, Chancellor of the Exchequer for Ireland 1811–12, Master of the Mint 1814–23, Postmaster General 1834–5, to find a tenant, the fabric of Wanstead Hall was auctioned off between May 1823 and June 1824 and the building demolished in 1825.

⁷ The sentence is incomplete, but presumably refers to the dedication of *Illustrations of Chancery Practice* to Bentham: see Letter 3668.

⁸ Virgil, *Aeneid*, vi. 158.

⁹ Stewart Derbyshire.

¹⁰ 4 July 1830. The letter is missing.

¹¹ In Letter 3668 Pole-Tylney-Long-Wellesley had promised to send Bentham a copy of *Illustrations of Chancery Practice*. George Bentham records on 3 July 1830 (George Bentham Diaries, GEB/2/1, p. 41) that, 'JB. rec^d from Wellesley Pole a presentation copy splendidly bound of his Chancery pamphlets & 6 other copies of which took one home for my father'.

¹² Missing.

¹³ 4 July 1830.

¹⁴ Pole-Tylney-Long-Wellesley's relations included his uncles the Marquis Wellesley and the Duke of Wellington.

7 JULY 1830

FROM THE COMTE DE LASTEYRIE

From his alienation as to his family, and the great part of his time he has passed abroad,¹⁵ I confess that the stock of his connections and intimacies here is very narrow: and that thence, he and I having for our bond of connection my zeal for Law Reform and on his part such a scene /course/ of suffering for want of it, he may be not undisposed to throw himself into the arms of a (*poor philosopher*—a Leontine is it not in Theodosius?)¹⁶ of whose character he has the sort of conception in his aforesaid Dedication mentioned.

If he does, we may say in a *Trio* '*Turne quad optanti* Divum promittere nemo Auderet. &c.'¹⁷

I have not had time to read this over: much less to take a copy of it.

I must beg of you without loss of a day to take a legible copy of it upon fools cap and send it to me by return of post. I think you will not grudge the trouble of it.

I have been thus particular, that you may be the better enabled to determine what course to take in regard to Chichester:¹⁸ a subject on which I am too much in the dark to be warranted in saying any thing.

3708

FROM THE COMTE DE LASTEYRIE

7 July 1830¹

7 juillet 1830

M^o de Lasteyrie est extrêmement Sensible à l'invitation amicale que veut bien lui faire Monsieur jeremy Bentham pour vendredi prochain.² il aura le plaisir de s'y rendre, et de prendre ses commissions pour Paris.

¹⁵ Pole-Tylney-Long-Wellesley had fled abroad around May 1820 in order to escape his creditors.

¹⁶ See Nathaniel Lee, 'Theodosius: or, The Force of Love, a Tragedy', London, 1680, p. 48, where Athenais refers to her father '*Leontine*, that poor Philosopher'.

¹⁷ Virgil, *Aeneid*, IX. 6–7: *Turne, quod optanti divum promittere nemo auderet, volvenda dies en attulit ultro*, i.e. 'Turnus, what no god dared to promise to your prayers, see—the circling hour has brought unasked!'

¹⁸ Cullen was canvassing at Chichester: see p. 405 n. above.

3708. ¹ BL Add. MS 33,546, fos. 440–1. Autograph. Docketed: '1830 July 7. Lasteyrie Sabloniere's Leicester Square to J.B. Q.S.P. Accepts invita(tion) for 9th.' Addressed: 'À Monsieur Monsieur jeremy Bentham Lower Connaught, Hyde Park. Londres.' The letter was sent to Samuel Bentham's address.

Charles Philibert, Comte de Lasteyrie du Saillant (1759–1849), French writer on education, philosophy, politics, and agriculture.

² 9 July 1830.

3709

FROM HUMPHREY PRICE

8 July 1830¹*Needwood Parsonage, near Lichfield,**July 8, 1830.*

I am now returned to the bare walls of my parsonage, with the recollection that a libel prosecution stripped them of numerous beautiful and valuable paintings, and scattered to the four winds of Heaven a family which contained within itself more, perhaps, of the elements of rational enjoyment, than any other family in even a polished neighbourhood, without the possibility of a reunion.² Accomplishments now perform the part of drudgery, and are turned to the procuring of bread rather than to the communication of intellectual enjoyment to a once happy family. But I repine not: I rather rejoice in my sufferings; and I think I am prepared to suffer greater evils still—so that I suffer wrongfully.³

3709. ¹ Bowring, xi. 47–8, where it is introduced as follows: ‘On his return to his abode, Mr Price writes—’

² See Letter 3643.

³ Bowring concludes the letter with the following observations: ‘In the controversy in which Mr Price was engaged, he certainly exhibits ignorance of the principles of political economy; and supposes that the rate of wages is decided by the feelings—more or less benevolent—of the masters. He would trace the sufferings of the labourer—not to the excess of labour in the field of demand and supply, but to the determined oppression of those who employ the labourer. This is *erroneous* doctrine; but it is not illegal doctrine: it ought not to be punishable doctrine; and least of all punishable when mingled, as it undoubtedly was, in Mr Price’s case, with a truly philanthropic concern for the felicity of the suffering many. It would have been easy to answer Mr Price: it was most unwise—most cruel, to persecute him. In his addresses to the operatives, he reproves them for their want of knowledge; he encourages them to seek instruction; he exhorts them to eschew violence,—while he becomes the organ of their opinions and their prejudices. But the most objectionable phrases are but the outbreaks of a sympathizing and strongly excited mind—the overflowing of a really charitable and generous temper. The arts of the prosecuting lawyers, and of the prejudiced judges, were successful in giving, to expressions which really originated in, and represented regard for the labouring many, the character of hatred and wicked purposes against the master few. Mr Price was condemned by a special jury of twelve Esquires.’

8 JULY 1830

FROM DANIEL O'CONNELL

3710

FROM DANIEL O'CONNELL

8 July 1830¹

Maddox St

8^t July 1830

My dear Sir

You consider me deserving of reproach whilst in fact I only want your compassion. Never was there an unfortunate wretch so overloaded with business of a multifarious nature. The approaching elections in Ireland impose on me a necessity of employing uselessly hours which might be profitably employed. The impossibility of arranging my time throws every thing into confusion. Should I come again I will endeavour to provide against this destroyer of time.

I inflict these observations on you as my excuse for not having written to you sooner. I feel that I want an excuse—but I do not want that Spirit of Veneration and gratitude which is due to one of the most eminent benefactors of the human race that ever lived. The sentiments of gratitude and respect with which I am penetrated for your useful labours have long been prevalent all over the world England only excepted—and England is now becoming as much alive to your merits as any other nation.

I have had no communication from Sir Francis Burdett on the subject of your petition—neither has he manifested it to M^r Hume.² I prepared that gentleman for its presentation this day before the motion of which I gave notice and which I should have shaped according to the prayer of your petition. I will mention the subject to day but not make a debate or pass to a division.³

3710. ¹ National Library of Ireland, MS 34,985. Docketed: '1830 July 8. O'Connell Maddox Street to J.B. Q.S.P. Respectful but Cold. Wrote answer immediately. Sent it next day.'

² See Letter 3697.
³ On 8 July 1830 O'Connell withdrew his notice for a motion 'for "An Address to his Majesty, that he would be graciously pleased to take measures to have drafts or plans of a Code of Laws and procedure, either in the whole or in parts, to be laid before the House"', observing 'that it was too late in the Session to enter upon the consideration of so important a subject. He regretted extremely that the hon. Baronet, the member from Westminster [i.e. Sir Francis Burdett], was prevented from presenting a petition on this important question, from a man whose name was his highest eulogy—he meant Mr. Jeremy Bentham—to whom the world was so deeply indebted for his works on the subject; which petition contained an offer to submit to the House the draft of a full Code of Laws and procedure, with reasons for every article, if the House would think proper to go to the expense of printing it. He (Mr. O'Connell) was instructed to say, that Mr. Bentham, in his plan, met the objection which had hitherto been made to all codes, that they were subject to misinterpretation'. See *Parliamentary Debates* (1830), xxv. 1114.

Preserve your vigour of mind but for one year more—and believe me that even in your lifetime [Statues]⁴ will be raised to you—and if not altars—for that fashion has gone bye—the devout aspirations of the even and good will arise for you to that being who gave you to Mankind as an Ameliorator of Man.

I have the honour to be with Sentiments of profound respect and Veneration

My dear Sir

Your humble but Most Zealous disciple

Daniel O'Connell

Jeremy Bentham Esq.

3711

FROM FRANCISCO DE PAULA SANTANDER

9 July 1830¹

Le général Santander a l'honneur de présenter ses civilités respectueuses à M^r Jeremias Bentham, et de l'informer qu'il partira demain à 3 heures du matin pour Hambourg, et Berlin. Santander part plein de satisfaction d'avoir fait la connaissance de l'ami sincère, et désintéressé de l'humanité auquel il consacrera pour toujours ses souvenirs, ses hommages, et ses respects.

il laisse à M^r Bowring une esquisse des événements politiques de la Colombie depuis 1826 auxquels doit ce-pays-là la perte de ses libertés, et le renversement de ses lois constitutionnelles.² L'ambition et l'orgueil d'un soldat heureux et intrépide³ ont causé tous les maux publiques de ces contrées-là.

Santander prie M^r Bentham de vouloir accepter ses nouveaux remercimens par ses bontés, et l'assurance de sa considération très distinguée, et de son profonde respect.

Londres le 9 juillet 1830.

⁴ MS 'Statutes' appears to be a slip.

3711. ¹ BL Add. MS 33,546, fos. 442–3. In the hand of an amanuensis. Docketed: '1830 July 9. Santander 51 Torrington Square to J.B. Q.S.P. Quits tomorrow.' See *Diario del General Francisco de Paula Santander*, p. 175, entry for 9 July 1830: 'Escribí a Bentham despidiéndome', i.e. 'I wrote to Bentham to say goodbye'.

² See 'Amérique Méridionale. Exposé sommaire des progrès qu'a faits la république de Colombie, depuis 1822, époque de la publication de sa constitution par le congrès de Bogota, jusqu'en 1827, où cette constitution fut abolie', *Revue Encyclopédique*, vol. xlvi (April–June 1830), 229–36. Bentham's copy, in the form of an offprint headed 'Extrait de la Revue Encyclopédique (Avril 1830)', is at BL shelf-mark C.T.54.(17.)

³ Simón Bolívar.

9 JULY 1830

TO NIKOLAI MORDVINOV

3712

TO NIKOLAI MORDVINOV

9 July 1830 (Aet 82)¹

Jeremy Bentham to Admiral Mordvinoff &c. &c. &c.

Queen's Square Place
Westminster London

9 July 1830

My dear Admiral

I am alive; though turned of 82: still in good health and spirits, codifying like any dragon. I hope to hear the like *of* you: but the hearing of it *from* you, being, under the engagements with which you complain of being overloaded, hopeless, I have commissioned my friend General Santander, who (I hope) will be the bearer of this,² to endeavour to collect satisfactory evidence of the *fact*—that fact so highly desirable for the benefit of the Russian Empire—and make report to me.

Now for a short account of him, in justification of (I should have said by way of apology for) the liberty I am thus taking with you on his behalf. In the State of Columbia in late Spanish America, in the Military line he is among the Heroes who have had none above them but Bolivar: in the Civil line, under Bolivar's Presidency, he has been Vice President: but, in company with your humble Servant, having fallen into the disgrace of the Arch-Hero, has been made to share the same fate, being expelled from his country, as well as that *work of mine*,³ which had the honour of receiving (so I was told) two different translations into the *language of yours*.⁴ General Santander (so I hear

3712. ¹ Russian State Historical Archive, St Petersburg, fond 994, register 2, file 928-5. Autograph. Copy, in the hand of George Bentham, at Archivo General De La Nacion, Fondo Academia Colombiana de la Historia, Serie Francisco de Paulo Santander, Caja VIII, fos. 505-7. Printed in *Arkhiv grafov Mordvinovykh*, 10 vols., St Petersburg, 1903, vii. 326-9. A version is printed in Bowring, xi. 33, where it is introduced as follows: 'The character of Santander, the late President of Venezuela, is given in a letter of Bentham to Admiral Mordvinoff:—'

² In the event Santander was denied entry to Russia (see p. 429 n. below), but on 9 August 1830 forwarded Bentham's packet, which contained the present Letter, to Mordvinov from Hamburg: see *Diario del General Francisco de Paula Santander*, p. 194.

³ For the banning of Bentham's books see p. 223 n. above.

⁴ *Traité de législation civile et pénale*, with a number of additions supplied by Dumont, was translated into Russian under the auspices of Mikhail Mikhailovich Speranskii (1772-1839), when Director of the Department of Internal Affairs of the Russian Ministry of the Interior, and published as *Rassuzhdenie o grazhdanskom i ugovnom zakonopolozhenii. S predvaritelnyim izlozheniem nachal zakonopolozheniia i vseobschhego nachertaniia polnoi*

from himself, as also from other quarters) General Santander when in office, did what depended on him towards the diffusion of my works throughout the territory, of the State of which he was so distinguished and influential a Member: and such was the part, if any, which, till t'other day, was also taken, in relation to them, by Bolivar. But, of late, Bolivar, (as is so natural to man, and even in a greater or less degree, unavoidable) has been spoilt by *power*: and, having for so many years, deserved, so well, his assumed title of *Liberator*, is now (alas!) become the Tyrant, of his country. At one time, he and I had something of a correspondence:⁵ and, in consequence of a recommendation from me, he had raised to a Colonelcy a talented man of the name of *Hall*, an Englishman—who had been Lieutenant in the English service.⁶ But in the course of the opposition made to him (Bolivar) from various quarters, some person or other had made reference to some or other of my works, and such was the cause, for which, under I know not what penalties, he thought fit, t'other day, to issue an Edict, having for its declared object the preventing *every one of them* from being read by any body. This is what I flatter myself will not be quite so easy to *effect* as to *ordain*: for I have from a Booksellers partnership in Paris (Bossange Frères) an account of 40,000 Volumes of my works (namely those edited by Dumont in French) translated into Spanish and *sold* by them for the Spanish American trade.⁷

As to General Santander's object in his visit to Your Capital, as far as I can comprehend, it has nothing political in it. Our *Thames* he has not, as yet at least, set on fire, or (I verily believe) so much as attempted it: and I do not think the *Neva* has any thing more to fear from him. Being in easy circumstances, (the tyrant not daring to confiscate his property) his object is, I believe, neither more nor less than to amuse

knigi zakonov, i s prisovkupleniem optya o vliianii vremeni i mesta otnositel'nozakonov, 3 vols., St Petersburg, 1805–11. According to A.N. Pypkin, 'Russkie otnosheniia Bentama', first published in *Vestnik Evropy* in February and April 1869, and reproduced in *Ocherki literatury i obshchestvennosti pri Aleksandre I*, introd. N.K. Pisanov, Petrograd, 1917, pp. 1–109 at 39, there was no second, unofficial, translation. Excerpts from the official translation appeared in the *Sankt-Petersburgskii Zhurnal*, the organ of the Ministry of the Interior, in January, February, July, and August 1804, and it may be these that Bentham had been mistakenly told were a second translation.

⁵ See Letter 2734, *Correspondence*, x; Letters 2921, 2940, and 2975, *ibid.*, xi; and Letters 3208 and 3296, *ibid.*, xii.

⁶ Francis Hall (d. 1833) had in 1819 joined the Irish Legion raised by John Devereux, also D'Evereux or Deveraux (1778?–1860), United Irishman, soldier, and adventurer, to fight under Bolivar, and later became colonel of engineers. Hall was the author of *Colombia, its present State*, London, 1824, which he dedicated to Bentham, and from 1822 was editor of the bilingual Caracas newspaper *El Anglo-Colombiano*. He was killed in Quito in 1833 while plotting a coup against Juan José Flores y Aramburu (1800–64), President of Ecuador 1830–4, 1839–43, 1843–5. For Bentham's recommendation of Hall to Bolivar see Letter 2719, *Correspondence*, x.

⁷ For Spanish translations of Bentham's works see p. 19 n. above.

himself, by the observation of a state of society which forms such a contrast with that to which he has been most accustomed: travelling about till the tidings arrive of the tyrant-Usurper's having shared the fate of Yturbides, of Pseudo-Imperial memory.⁸

Through this channel I avail myself of the opportunity of sending you another article or two of my manufacturing, made in the old workshop, where you picked a *querelle d'Allemand* with my poor lamp, and broke his head for him. Here and there, I can not but flatter myself, you might find in them a hint, capable of being made application of to advantage, in your country, notwithstanding its being stationed in the *antipodes* to those countries for the government of which my Constitutional Code was principally designed.⁹

In a Supplement to the copy herewith sent of my Codification Proposal you will find me availing myself of your name to the purpose of giving lustre to mine:¹⁰ the temptation was an altogether irresistible one: if I had had any the least suspicion of its being detrimental to you in any way where you are—if I could have found in the paragraph in question any the least ground for any such suspicion, most assuredly I never should have taken any such liberty: and should you ever find time to favour me with a line, any *veto* which it may be your pleasure to put, to the publication of this or that part, or even the whole, shall receive the most punctual obedience: and in default of such *veto* I shall have my regard for you, and for my own reputation, for guides.

In default of any such letter from you I shall beg of my Columbian friend to do what depends upon him towards serving as a medium of communication between yourself and me: in particular, I shall beg of him to *dun* You for what formed the subject of an humble request in my last to you,¹¹ namely for some account of what progress had been made in the work of Codification in *Your* Country, since the appearance of your Codicator (Novoseltsoff was not that his name?) in *this*.¹² I can not bring myself to think, that, among the crowd of

⁸ For Iturbide's career and execution see p. 151 n. above.

⁹ According to its title page, *Constitutional Code* was intended 'for the use of All Nations and All Governments professing Liberal Opinions'.

¹⁰ Bentham had printed extracts from a letter from Mordvinov to Sir Samuel Bentham, dated 18/30 March 1829, in 'Second Supplement to Codification Proposal', p. 115 (*Legislator of the World* (CW), p. 380), in which Mordvinov had written: 'Je vous prie de témoigner mes hommages les plus sincères à l'illustre Jérémie Bentham, notre maître et législateur dans la grande science de la loi; par l'instruction et les préceptes duquel je tâche souvent de me guider dans ma carrière de justice.'

¹¹ Probably Letter 3125, *Correspondence*, xii.

¹² Nikolai Nikolaevich Novosil'tsev (1761–1836), having served as a diplomat under Catherine II and then lived privately in London 1796–1800, had become an adviser to Alexander I during the early years of his reign and was appointed Deputy Minister of Justice in 1802 and Chairman of the Commission of Laws in 1804.

TO FRANCISCO DE PAULA SANTANDER

9 JULY 1830

aspirants and *protégés* with which you must be encompassed, there is not one, to whom, on receiving intimation that it would be agreeable to you, it would not be a pleasure to execute a little job of this sort in Manuscript in French, in the compass of 1½, 2, or at most 3, sheets of 8^v printed paper. Considering the quantity of combustible matter I have supplied you with, and the saving I have thereby enabled you to make in the article of fuel for your stoves, I think you might have '*remembered the poor*' Hermit of Q.S.P. as say the beggars in this country.

As to family news and remembrances, the present is not a time for it, the time of the *delivery* being so uncertain: and after what I have been scribbling, being fatigued, I have neither time nor space to say more than that I am with all sincerity, and respect

Yours

Jeremy Bentham

3713

TO FRANCISCO DE PAULA SANTANDER

9 July 1830 (Aet 82)¹

Queens Square Place Westminster London
9 juillet 1830

Jeremy Bentham à Monsieur le Général Santander, ci-devant
Vice-Président de l'État de Colombie.

Ci-joint, Monsieur, je prends la liberté de vous envoyer un paquet pour mon ancien ami l'Amiral Mordvianoff à Pétersbourg² dont le nom officiel qu'il porte à présent n'est pas, à ce moment, présent à ma mémoire: car, de tems à autre il a presque fait le tour de toutes les premières places officielles de son Empire.

Au cas que dans ma lettre à lui il puisse se trouver telle ou telle chose qui pourrait vous déplaire ou vous être préjudiciable, j'ai fait tirer la copie,³ que vous mettra à même de jeter au feu l'original au lieu de la remettre à son address.

3713. ¹ Archivo General De La Nación, Fondo Academia Colombiana de la Historia, Serie Francisco de Paula Santander, Caja VIII, fos. 503-4. Autograph.

² See *Diario del General Francisco de Paula Santander*, p. 175, entry for 9 July 1830: 'Recibi carta de Bentham eminentemente honrosa y satisfactoria y unos libros de su parte para el almirante ruso Mordvinof', i.e. 'I received a letter from Bentham, eminently honourable and satisfactory and some books from him to Russian Admiral Mordvinof.' Santander forwarded the packet, which included Letter 3712, to Mordvinov from Hamburg: see p. 424 n. above.

³ For this copy see p. 424 n. above.

À ma prière, vous avez eu la bonté, je crois, de me masquer le nom de l'individu auquel nous sommes redevables de cette belle Constitution Bolivienne,⁴ avec quelques particularités à son sujet: j'en ai pris note, mais si à la hâte, que ce que j'ai griffon[n]é ne m'est pas lisible. Si ce n'est pas trop prendre sur votre tems, peut-être que vous m'obligerez en m'envoyant avant votre départ quelques lignes à cet égard.

Pour ce qui regarde la lecture, notre langue Anglaise a l'avantage de ne pas vous être inconnue: voilà si je ne me trompe pas, [ce que] vous m'avez fait savoir. Cela étant pour supplier à l'édition imparfaite de la traduction Espagnole,⁵ ainsi que pour servir de correctif aux fautes que l'on dit qu'elle renferme j'ai pris la liberté d'y ajouter un exemplaire de l'original en Anglais.

Recevez, M. le Général, avec la déclaration le plus sincère du respect qui vous est dû à tant de titres, les vœux également sincères pour votre rétablissement le plus prompt dans la position éminente et illustre dont la tyrannie vous a chassé, et en[?] a si haute voix le bien de votre patrie souffrante vous rappelle.

Lors de votre arrivée à Pétersbourg vous m'obligerez en me donnant quelqu'avis de ce qui se sera passé entre vous et mon ami Mordvinoff. Mais si vous n'avez pour cela [d']autre moyen que la poste aux lettres, vous ne laisserez pas d'être sur vos gardes, sachant la jalousie de ce gouvernement, et la probabilité pour ne pas dire la certitude que votre lettre, avant de partir aura à passer à travers la censure des employés à cet effet.

Au point de fermer cette lettre, j'ai reçu votre Billet d'aujourd'hui.⁶

Quant au paquet adressé au D^r Olderman, j'avais dessein de l'envoyer *peut-être*, car ce n'étoit qu'un peut être, par quelqu'autre voye; mais il m'est venu dans l'esprit, que cet Avocat étant un homme respectable et avantageusement connu dans son pays pourroit bien vous être de quelque utilité dans ce petit État, ou vous allez arriver pour la première fois en qualité d'étranger.⁷

⁴ As Santander explains in Letter 3714, Bolívar had written the Bolivian Constitution of 1826.

⁵ The work in question has not been identified.

⁶ Letter 3712.

⁷ Cf. *Diario del General Francisco de Paula Santander*, p. 192, entry for 1 August 1830, Hamburg: 'He enviado al doctor Oldermann unos libros y una carta de introducción que me dio en Londres el señor Richard Duane, amigo de Bentham', i.e. 'I have sent Dr Oldermann some books and a letter of introduction given to me in London by Mr Richard Doane, friend of Bentham.'

3714

FROM FRANCISCO DE PAULA SANTANDER

10 July 1830¹

Le 10 Juillet 1830.

Mon respectable M^r Bentham

Je suis infiniment redevable de vos immenses bontés. Votre lettre,² et votre opinion à mon égard me sont plus estimables et plus honorables que la Presidence de la Colombia. Agréez tous mes remercimens les plus sincères.

Je tâcherai de ne pas manquer aux commissions dont vous m'avez chargé. C'est pour moi un devoir très-agréable.

Bolivar est l'auteur de la Constitution boliviana, et M^r Pando natif du Pérou, et élevé en Espagne, a été son conseiller intime.³ Ce Monsieur est un homme assez instruit et de moyens; mais qui ainsi que Bolivar est prévenu en faveur des formes monarchiques, et prétend que nous autres les américains ne pouvons pas être gouvernés par des institutions libérales et républicaines. Cet[te] Constitution monstrueuse a été la véritable pomme de discorde qui a divisée et ruinée la Colombia, le Pérou, et Bolivia.

Je suis sur le point d'aller m'embarquer. Je vous laisse mes respects profondes, et je porte avec moi la satisfaction de vous avoir parlé, et les plus [fervents]⁴ vœux pour votre bonheur, pour votre Santé qui est la santé de l'humanité.

Votre très-Obéissant Serviteur

F.P. Santander

Jeremy Bentham Esq^{re}

3714. ¹ BL Add. MS 33,546, fos. 444–5. Autograph. Docketed: '1830 Juillet 10. Santander Torrington Square to J.B. Q.S.P. Abiturus. About the refusal of passport as reported by Herrera, he says nothing.'

According to *Diario del General Francisco de Paula Santander*, p. 174, Santander was informed on 7 July 1830 by the Russian minister in London that he would not be granted a visa to enter Russia and so he decided instead to visit the Netherlands.

George Bentham records on 10 July 1830 (George Bentham Diaries, GEB/2/1, p. 43) that, 'Gen^l Santander has been with J.B. in mutual admiration'. ² Letter 3713.

³ José Maria Pando y Remírez de Laredo (1787–1840), Peruvian writer, diplomat, and politician, Spanish Secretary of State 1823, Peruvian Minister of Government and Foreign Affairs 1826–7, 1829–30, 1832–3, 1834. ⁴ MS 'fervereux'.

13 JULY 1830

TO JOHN TYRRELL

3715

TO MARGARET URQUHART

12 July 1830 (Aet 82)¹

Q.S.P. 12 July 1830

M^r Bentham's respects wait upon M^{rs} Urquhart with sincere thanks for her kind letter,² and the interesting communication relative to her Son,³ joining with her in regrets for the accident by which the scantiness of it was produced. But by his near approaching return to this country all gaps will be filled up.

Herewith is returned the Letter of Sir Herbert.⁴

3716

TO JOHN TYRRELL

13 July 1830 (Aet 82)¹

Q.S.P. 13 July 1830.

My ever dear Tyrrell

I am more afraid of being thought by you to have done, or at least to be endeavouring to do, too much, than not enough. In no small measure, in your formulation[?] and with your materials, we are busy, my Nephew and I, at such times as we can respectively contrive to spare, on one entire bran-new Civil Code. To Bethlem—Yes to Bethlem—think you not that we are far on the road to it.²

3715. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/10. Autograph. Black-edged: George IV had died on 26 June 1830.

² Possibly a missing reply to Letter 3703.

³ David Urquhart.

⁴ Sir Herbert Taylor (1775–1839), courtier and senior military officer, MP for New Windsor 1820–3, Private Secretary to George III 1805–12 and to Queen Charlotte 1812–18, Military Secretary to the Commander-in-Chief 1820–7, first aide-de-camp to George IV 1827–30, Surveyor General of Ordnance 1828–9, Adjutant General of the Forces 1828–30, Private Secretary to William IV 1830–7, and first aide-de-camp to Victoria (1819–1901), Queen of Great Britain and Ireland from 1837 and Empress of India from 1876. Margaret Urquhart corresponded with, and sent to, Taylor copies of David's letters to her: see *The Taylor Papers being a record of certain reminiscences, letters, and journals in the life of Lieut.-Gen. Sir Herbert Taylor G.C.B., G.C.H. . . . who at various stages in his career had acted as private secretary to King George III., to Queen Charlotte, and to King William IV.*, ed. E. Taylor, London, 1913, pp. 294–300.

3716. ¹ Letters of J. Bentham 1829–1831, BL Add. MS 34,661, fos. 5–6. Autograph.

Bentham, with the assistance of George Bentham, was answering the 'Questions on Registration' circulated by the Real Property Commissioners, as he explains below and had previously explained in Letter 3684.

² An allusion to the Hospital of St Mary of Bethlehem, an asylum for the mentally ill.

TO JOHN TYRRELL

13 JULY 1830

Now then, when will you come hither—with or without a strait waistcoat in your hand, to hear and see me report progress?

Along with this, or soon after it, you will receive a copy of the first part of Vol. II as yet unpublished of my Constitutional Code, which when completed will be in three Volumes. In page 10 of this same 2^d Volume may be seen in two columns the appellatives of the *Leading principles*,³ by the application of which the matter of what follows them is brought into existence.

Whenever you give me Your company, I can shew you, in an as yet rough state, a sort of table of *Leading principles*, drawn up by my Nephew and me, by the application of which my proposed Code would be brought into existence.⁴

They were deduced (these same *Leading principles*) from the questions proposed by your *Commission*. Each day, after dinner, while I was taking exercise, by vibrating in the ditch opposite to the chair in which you sat while in my workshop, I set my Nephew to read one of the questions: whereupon, I set myself, extempore, to dictate an answer, grounded mediately or immediately upon the all-embracing principle—the greatest happiness principle; and my answer was never regarded by me as completed, till I had obtained the idea of, and devised a denomination for a *principle* by which expression was given to the substance of it. In this way he has drawn a sort of diagram in the form of a tree having for its root the Greatest happiness principle from which issue branches rising out of branches, of which the principles the denominations of which are narrowest in their extent, are the extreme twigs: present number of them, 26.⁵

Come to me, my dear Tyrrell, and of this tree, such as it is, (alas! a sadly dry one!) you shall see the fruit on the table, forming part and parcel of the desert.

What say you to next Sunday?⁶ Is not Sunday your leisure day? Your only leisure day—for such purposes?

Yours with the sincerest
affection and respect

Jeremy Bentham

John Tyrrel Esq^e

³ i.e. 'Constitutional Code', Vol. II, Ch. X, § 2, p. 16 (and not p. 10 as Bentham states) (Bowring, ix. 338). The copy sent to Tyrrell, inscribed 'To John Tyrrell Esq^{re} from Jeremy Bentham Q.S.P. 13 July 1830', is at Library of Congress, Rare Book and Special Collections Division, shelf-mark UB320.B4.

⁴ A diagram of this description, headed 'Principles applicable to Real Property', in the hand of a copyist, is at UC lxxvi. 13 (3 July 1830).

⁵ No manuscript that meets this description has been located.

⁶ 18 July 1830.

14 JULY 1830

FROM JOHN MACCULLOCH

P.S. Worthy as they are, say nothing of this to any of your colleagues or your pupils, till we meet.

Along with this, if you have not one already sent you by me, goes a Copy of Constitutional Code Vol. I.

3717

FROM JOSEPH HUME

14 July 1830¹

Bry. Square

14 July

My Dear Sir

If you should be disengaged tomorrow/Thursday² I shall be most happy to dine with you, as that appears to be the only Vacant day I can give in the present Month.

Believe
Yours Sin^{ly}

Joseph Hume

Jer. Bentham Esq.

3718

FROM JOHN MACCULLOCH

14 July 1830¹

Wednesday

My dear Sir

I was out of town when your note² came, & received it when I could only answer it by deputation, which I did. I also sent the Printer³ to see you yesterday, when M^r Colls⁴ received him & seemed to say that you did not want any thing.

3717. ¹ BLAdd. MS 33,546, fo. 448. Autograph. Docketed: '1830 July 14. Hume Bryanston Square to J.B. Q.S.P. Pransurus cras.' ² 15 July 1830.

3718. ¹ BL Add. MS 33,546, fos. 446–7. Autograph. Addressed: 'Jeremy Bentham Esqre.' Docketed: '1830 July 14. Reced. D^r MacCulloch S^t James's Square to J.B. Q.S.P. Pressing to employ the Printer before-mentioned. N.B. M^r Colls has the printer's address.' ² Missing.

³ John Godfried Schroeter Teuten, printer, of 14 Dean Street, Soho, who later printed MacCulloch's *A System of Geology, with a theory of the earth, and an explanation of its connexion with the sacred records*, 2 vols., London, 1831.

⁴ Bentham appears to have acceded to Colls's request to re-employ him during his vacation from St Bees Theological College: see Letters 3527 and 3549.

FROM JOHN MACCULLOCH

14 JULY 1830

I think there must be some error; & that it may not at least lie with me, I write this to yourself to give it to M^r Teuten to convey, that if you think fit, you may speak to himself.

Believe me

Yours ever sincerely

J. MacCulloch

3719

TO THE DUKE OF WELLINGTON

14 July 1830 (Aet 82)¹

This waits upon you with what belongs to subject of Defensive Force, including the Sea as well as Land force in Vol. II of my proposed Constitutional Code:² proposed for forms of government widely different from that in which it has been my lot to be born and live.³ The object is—not to teach one man how to best every other man, nor one nation how to best every other nation: if it happened to me to suppose I knew any thing about the matter, it would be not in public but in secret that I should offer it to the nation, that is to say to the Government of the nation, to which it was my wish to give the advantage.

What then on this occasion is my object? It is this. Speaking in the supposed character of a legislator, so to order matters that on the one hand the people at large, on the other hand the public functionaries belonging to this class might each on its own part, so far as is dependent on its relation to the other, be as comfortable as possible, and that between the one and the other Harmony and mutual regard altogether without exception, or if any with as little interruption and exception as possible, may at all times, so far as depends upon the state of the law in relation to them, have place.

In the other leaf is a sort of tabular indication of the subject matters treated of, exhibited by the titles of the 19 Sections into which the matter of this part of the proposed Code is divided.⁴

It waits upon you in this [...?], for the chance of your pitching upon this or that one of the topics in relation to which you may have a

3719. ¹ UC x. 207–8, of which the former folio is headed ‘1830 July 14. J.B. to Duke of Wellington with Defensive Force’ and the latter ‘1830 July 14. J.B. to Duke of Wellington’. Autograph draft. There is no evidence that the present Letter was sent.

² ‘Constitutional Code’, Vol. II, Ch. X (Bowring, ix. 333–428).

³ i.e. ‘Nations and . . . Governments professing Liberal Opinions’, which appeared on the title page of the first volume of *Constitutional Code*: see p. 426 n. above.

⁴ The table is missing.

17 JULY 1830

FROM JAMES SILK BUCKINGHAM

curiosity to look into the correspondent part of the book.⁵ Should it in any part of it be fortunate enough to receive this honor, perhaps by way of correction of information, by way of remuneration for the time and labour honestly employed in this branch of the public service, perhaps you might not be disinclined to favour me with a few hints. Any commands which you may think fit to lay upon regard to secrecy shall be followed by the most punctual obedience. Nothing that passes between us upon this occasion will give to either of us a claim upon the other.

The topics on which I feel myself most at home, in what present themselves to me as least likely to be regarded by you as worthy of your attention, are distinguished by an asterisk. It is [in] my quality of a lawyer that I thus speak, and having been a lawyer for above these 60 years, I do not regard myself as less entitled to attention for having ceased as soon as it was in my power to cease being a mercenary one.

3720

FROM JAMES SILK BUCKINGHAM

17 July 1830¹

10 Great Marylebone Street

July 17.

My dear Sir,

If the enclosed has not yet been thought of by you—let me beg you will give a moment to it now: and favor me with Your name to add to my List:² as there is no one name among the whole that I should value more highly than Yours—& therefore I hope you will not deny me the gratification of seeing it there: & as early as you can direct it to be done—consistently with your convenience.

I am My dear Sir
Yours truly

J.S. Buckingham

⁵ In the margin, Bentham has noted at this point: 'It has undergone the review of men of extensive professional experience as well as general intelligence[?], as your discernment will not fail to observe.' For the assistance received by Bentham see p. 18 n. above.

3720. ¹ BL Add. MS 33,546, fos. 449–50. Autograph. Docketed: '1830 July 19. Buckingham to J.B. Q.S.P.'

² Buckingham was perhaps enclosing a copy of 'Sketch of a Plan for effecting A Voyage Round the Globe' and, as in Letter 3685, again requesting that Bentham subscribe to the scheme.

FROM THOMAS PERRONET THOMPSON

21 JULY 1830

3721

FROM JOSEPH PARKES

21 July 1830¹

My dear Sir,

I return your American books with a little interest—in a copy of a vol. of my own manufacture.² It will be quickly succeeded by another—an account of U.S. Codification & Common Law.³ I can do no harm by putting the American example under the noses of our Governors. The Americans are suffering you will see under the effects of the Equity Legacy left them by the Mother Country.

Yours most sincerely

Joseph Parkes

21 July 1830

3722

FROM THOMAS PERRONET THOMPSON

21 July 1830¹

12. Baker Street. Portman Square

21 July 1830.

My dear Sir,

I shall be happy to dine with You on Thursday;² and am very sorry the misunderstanding should have happened.

I am,

My dear Sir,

Yours very truly & sincerely,

T. Perronet Thompson

Jeremy Bentham Esq.

3721. ¹ BL Add. MS 33,546, fo. 451. Autograph. Docketed, in the hand of Moore: '1830 July 21. Parkes to J.B. Q.S.P.'

² Joseph Parkes, *The Statutes and Orders of the Court of Chancery and the Statute Law of Real Property of The State of New York, recently revised and amended. With a brief account of the equity jurisdictions and law of real property and registration in the United States, North America*, London, 1830.

³ No such work appears to have been published.

3722. ¹ BL Add. MS 33,546, fo. 452. Autograph. Docketed: '1830 July 28. Thompson Baker Str. to J.B. Q.S. Pransurus cras.' The docket appears to be mis-dated.

² 22 July 1830.

3723

TO JOHN BOWRING

23-4 July 1830 (Aet 82)¹

Sent off before dinner the packet for you to Heward.² Since dinner, received one from Joseph Parkes containing a new work of his intituled 'The Statutes and Orders of the Court of Chancery & the Statute Law of Real Property of the State of New York, recently revised and amended. With a brief account of the Equity Jurisdictions & Law of Real Property & Registration in the United States, North America. By Joseph Parkes.'³

Concluding section of the Preface page xiv this. 'A second Volume may detail more specifically the improvements effected in the different States in the departments of the Common Law, Codification, & Legal Education; & particularly in relation to local jurisdictions for cheap and expeditious justice, the necessity for which in this country has been advocated by Sir Robert Peel, & lately so forcibly demonstrated by Mr Brougham.'

From nothing in this preface would any one conclude that any such man as myself, ever had existence: much less that on the subject of codification any thing had ever been written or said by me: still less that I was the first who ever preached the *operation*; that it was I that planted the *word* in the language.

Thus are the parts of Humphreys and Black⁴ played over again by this second Sussex.⁵ Wanted a *flapper* for the use of *hoc genus omni*.⁶

3723. ¹ UC x. 218-20. Draft, of which the first five paragraphs, with the exception of the title of Parkes's work and the extract from its Preface, are in the hand of Bentham, with the remainder mainly in the hand of Doane, most probably at Bentham's dictation. UC x. 218 is headed in Bentham's hand '1830 July 23. ~~J. Be to J. Be.~~ Joseph Parkes', under which Bentham has added the following note: 'Nov' 1830. Delivered to him [presumably Bowring] a fair copy at dinner time.' The remaining pages (i.e. UC x. 219^r, 219^v, and 220) are headed in Doane's hand '1830 July 24. ~~J. B. to J. Be.~~'

In the margin of UC x. 218, Bentham has noted: '25 July. Custom is the law of fools. Appeal to it is the Appeal of Knaves.'

'*Nil est prehendum, nil unquam tale futurum.* [i.e. 'There is no catch, nothing will ever be like this.'] Believed to be a manufacture: may pass perhaps for a quotation: whether it be found any where, a good subject for a classical dissertation.'

² Possibly containing matter related to John Bowring, *Poetry of the Magyars, preceded by a sketch of the language and literature of Hungary and Transylvania*, London, 1830, the title page of which lists Heward as one of the sellers.

³ Parkes had sent this work to Bentham with Letter 3721.

⁴ Bentham was not mentioned in either the first or second editions of Humphreys, *Observations on the Actual State of the English Law of Real Property*, while a number of leading articles on law reform that had appeared in the *Morning Chronicle*, of which Black was Editor, had made no mention of Bentham: see the *Morning Chronicle*, 18 January

Saturday 24. What a sad illegible scrawl this I scribble, when half-blind, as during candle-light!

Tu pol, si sapis, quod scis nescis.⁷

In regard to me this policy seems to be pretty extensively understood & practised.

Were the effect on the individual in question the only effect resulting, scarcely in a general point of view, reference had to the sum of human happiness, would it be worth considering. But, considering the sort of work this individual has been occupied upon during the whole intellectual portion of a long life,—if in that work there be any thing of a nature contributory to human happiness—if the quantity of such contribution runs in any proportion to the degree of diffusion & acceptance given to that work, proportionably serious will be the evil produced by the extent of the observance given to that policy—were I to see it observed in such sort as to put a check to the effect of beneficent labour in any other part of the field of thought and action could I behold it without severe regret at the thoughts of the defalcation thus made from the sum of human happiness or without a strong sentiment of disgust that the idea of the infirmity in the moral constitution thus exhibited on the part of the author. Add to these considerations that of the sentiment of self-regard, the general predominance of which is a condition *sine quâ non* to the existence of the human species, & you will judge of the sort of emotion which it is my destiny so frequently to experience.

What has the appearance of being another stroke of the same policy is the placing my name not on the title-page, where it would meet every eye that took up the book, but on the outside of the cover where it is scarcely visible & will cease altogether to be so when the book is sent to be bound.⁸

Moreover it seems probabalized by the Preface that in recommending the issue of another Commission for taking cognizance of the state of the law in the United States &c. the situation of one of these Commissioners presents itself to his mind as being on his part a

1830, p. 2; 8 April 1830, p. 3; 10 April 1830, p. 2; 13 April 1830, p. 2; 21 April 1830, p. 2; and 18 June 1830, p. 3.

⁵ Thomas Savile (bap. 1590, *d.* 1657x9), first Earl of Sussex, who, owing to his duplicitous political allegiances was, according to Edward Hyde (Lord Clarendon), *The History of the Rebellion and Civil Wars in England, Begun in the Year 1641*, 3 vols., Oxford, 1702-4, ii. 155, 'a Man of an Ambitious and restless Nature; of Parts and Wit enough; but, in his disposition, and inclination, so False, that he could never be believ'd, or depended upon'.

⁶ i.e. 'all this kind'.

⁷ i.e. 'If you are wise, you will not know what you do know': Terence, *Eunuchus*, 720.

⁸ Bentham is perhaps alluding to a dedication inscribed by Parkes in the copy of *Statutes and Orders of the Court of Chancery and the Statute Law of Real Property of the State of New York* that he had sent to Bentham.

not-altogether-undesireable one: could he have mustered up magnanimity enough to confess to me that this was his object and to ask for my consent to his utter silence as to every thing I had ever done in relation to the field in question, the effect would of course [have] been an object of regret to me but the frame of mind of the author would not have been the source of any such unpleasant feeling as above. As it is the instructions I have been giving to Arthur⁹ in relation to Joseph Parkes [are]¹⁰ as follows:—The next time he comes & asks for me & about me, to inform him that there is no such person in existence nor ever has been—and for proof to refer him to the whole tenor of his Preface & in particular the last sentence in it¹¹—that true it is that in the neighborhood a notion of the existence so named has been pretty extensively prevalent, but that it is a vulgar error & that, as among the ancient Greeks & Romans, the notions about the existence of the heathen Gods, Goddesses, Satyrs, Nymphs & so forth was not any sufficient proof of the existence of any of those supposed beings, so neither is it in the case of the being in question. If the course taken by him in consequence is that of taking it for a joke & insisting on seeing me, then to say to him that two years ago or thereabouts he undertook to procure the reprinting of my Judicial Establishment clear of expense to me, which promise has since then been several times repeated:¹² that upon the faith of that same promise having at that time from a dozen to a score or some such matter of the copies remaining I have given them away all but one or two—that when that promise has been fulfilled, if indeed it be its destiny to be fulfilled, I may perhaps be able to see him with the pleasure which the sight of him at one time used to inspire—but that till then I could not—not but that if it appeared to be necessary for any public purpose I could submit to the unpleasant mental—as to any unpleasant bodily feeling for the sake of health: but that bating that contingency he would oblige me by not going so far out of the way of his business as to pay a visit to this house—that I shall not obtrude upon him any more of those works, to the existence of which he seems so determined no longer to bear testimony—that besides those books of mine that he has returned,¹³ there are some others, I do not exactly recollect what, that he has had by him for some years—and that if his regard for his own character will not suffice to obtain for me the restitution of them, so it must be.

⁹ Arthur Moore.

¹⁰ MS 'is'.

¹¹ i.e. the sentence quoted in the second paragraph of the present Letter.

¹² For Parkes's plan to reprint 'Draught of a New Plan for the Organisation of the Judicial Establishment in France', which in the event was not carried out, see Letters 3413 and 3415, *Correspondence*, xii.

¹³ Parkes had returned Bentham's 'American books' with Letter 3721.

3724

FROM FRANCISCO DE PAULA SANTANDER

29 July 1830¹*Hamburg, 29th July, 1830.*

Bolivar is acting prudently, in giving way to that general opinion which is opposed to his permanence at the head of public affairs.² It would have been happy for the reputation of his country, and for his own, had his retreat, like that of Scylla at Rome, been voluntary.³ But we withdraw, leaving Colombia the prey of hostile parties—divided into two camps, just ready for civil war. Instead of giving us peace, tranquillity, and freedom, he bequeaths hatreds, and resentments, and passions—a demoralised army, and a wretched example. What has his unhappy dictatorship brought to Colombia, and his overthrow of the Constitution of 1821?⁴ His daring has not had even the justification of success: his despotism has torn Colombia into pieces by factions and discord, and filled honourable families with mourning:—the scaffolds of criminals have streamed with the blood of honest citizens. Immorality and anarchy have triumphed; and Colombia has been dragged back to fanaticism and ignorance. In the last three years, Bolivar has sullied all the glories with which his perseverance, his boldness, his activity, his disinterestedness, and many other virtues, distinguished him during the War of Independence. Alas! the same sword which overthrew Spanish domination, has destroyed the liberties of the Colombian people!

3724. ¹ Bowring, xi. 53, where it is described as a 'Translated Extract'. Santander notes that he had written to Bentham from Hamburg in *Diario del General Francisco de Paula Santander*, p. 192, entry for 30 July 1830.

² Bolivar had resigned as Dictator of Gran Colombia in May 1830.

³ Lucius Cornelius Sulla Felix (c. 138–79 BC), having led a brutal rebellion, had been appointed Dictator of Rome in 82 BC, whereupon he enacted a series of measures that restored power to the Senate and then retired to private life shortly before his death.

⁴ The Cúcuta Constitution of 1821, which had confirmed Bolivar as President of Gran Colombia, had been overthrown by him in June 1828 when he had assumed the office of Dictator.

3 AUGUST 1830

TO JOSEPH HUME

3725

FROM ALBANY FONBLANQUE

3 August 1830¹

19 Edgware Road

August 3^d

My Dear Sir,

I regret extremely to find that I shall not be able to return to town in time to dine with you to-morrow; but I will certainly call to pay my respects before I leave town.

Believe me,

My dear Sir,

faithfully Yours

A. Fonblanque

3726

TO JOSEPH HUME

3 August 1830 (Aet 82)¹

3 Aug: 1830.

My dear Hume

It pains me to think, how much mischief you may have been doing to the *cause*, while thinking you were doing good. In giving your support to the man we were speaking of, you have been opposing a strong obstruction to your own purposes: a man compleatly devoid of all principle, whose principle, if he had any, would be *absolutism*: a violent and persevering opposer of the *ballot*.² Personally I have no quarrel with him: nor have I seen him but upon terms of the most perfect personal amity. But I have seen, and hearing enough of him, and upon occasions of importance, to understand him thoroughly.

3725. ¹ BL Add. MS 33,546, fo. 453. Autograph. Black-edged. Docketed: '1830 Aug. 3. Reced. 4. Fonblanque to J.B. Q.S.P. Non prandit hodie.'

3726. ¹ Hume Correspondence, BL Add. MS 89039/1/1. Autograph. Black-edged. Docketed: 'Jeremy Bentham's opinion of Sir Robert Wilson.'

Sir Robert Thomas Wilson (1777–1849), MP for Southwark 1818–31, Governor and Commander-in-Chief of Gibraltar 1842–9.

² According to a report in *The Times*, 31 July 1830, p. 3, in a speech at a public hustings at Southwark Town Hall on 30 July 1830, Wilson, while supporting 'a fair and free representation of the people in Parliament', had expressed his opposition to annual Parliaments, universal suffrage, and the secret ballot.

TO JOSEPH HUME

3 AUGUST 1830

Doane has just brought to my view a scene, the recollection, I am somewhat surprized at observing to have failed preventing you from taking the part you have done. It was when, during Canning's Administration,³ you moved to repeal the *Six Acts*.⁴ The leading Whigs—most of them—Brougham in the number—purposely kept out of the way. For opponents you had Lord Milton,⁵ *Scarlett*, Wilson, and Canning. Milton said little. *Scarlett* and Wilson joined Canning in ridiculing you.

What a subject—what an occasion! for ridicule! He refers me to Annual Register for 1827. p. 143. published in 1728.⁶

Every maintainer of the Six Acts would vote for making Don Miguel⁷ King of England and absolute, if he thought he could get any thing by it.

Yours ever

J.B.

³ George Canning (1770–1827), Foreign Secretary 1807–9, 1822–7, leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer April–August 1827.

⁴ The so-called Six Acts (60 Geo. III & 1 Geo. IV, cc. 1, 2, 4, 6, 8, and 9), enacted in December 1819 in the wake of the Peterloo Massacre of 16 August 1819, with the intention of suppressing radical agitation, were, respectively, the Unlawful Drilling Act, the Seizure of Arms Act, the Misdemeanours Act, the Seditious Meetings Act, the Blasphemous and Seditious Libels Act, and the Newspaper and Stamp Duties Act. The Seizure of Arms Act had expired in 1820 and the Seditious Meetings Act had expired in 1824. On 31 May 1827 Hume's motion in the House of Commons for the repeal of the Seditious Libels Act was defeated by 120 votes to 10: see *Parliamentary Debates* (1827), xvii. 1062–83.

⁵ Charles William Wentworth Fitzwilliam (1786–1857), styled Viscount Milton 1786–1833, third Earl Fitzwilliam [GB] and fifth Earl Fitzwilliam [I], MP for Malton 1806–7, Yorkshire 1807–30, Peterborough 1830, Northamptonshire 1831–2, and Northamptonshire North 1832–3.

⁶ A slip for 1828. A summary of the debate on Hume's motion appeared in *The Annual Register, or a view of the History, Politics, and Literature, of 1827*, London, 1828, pp. 142–6.

⁷ Miguel Maria do Patrocinio de Bragança e Bourbon (1802–66), King of Portugal as Dom Miguel I 1828–34, Duke of Braganza from 1834, was notorious for his authoritarianism and cruelty.

c. 7 AUGUST 1830

TO THE FRENCH PEOPLE

3727

TO LEICESTER STANHOPE

3 August 1830 (Aet 82)¹

Q.S.P.

3 Aug. 1830

My ever dear Leicester

I suspect a Note of mine to you has miscarried.² It was written and sent yesterday forenoon: proposing to you to look in upon me *that* evening or this. After that came here one from you to me:³ saying nothing of the above.

A curious letter has just now come in.⁴ I send it you with my answer:⁵ which Your Noble Brother⁶ may perhaps be pleased to frank: if not you will put it into some other hand for that purpose.

An answer if this reaches you, You will favour me with of course

J.B.

Pray put up the inclosed list of my works⁷ to the poor Parson.
What say you to the sending him an Association Proposal.⁸

3728

TO THE FRENCH PEOPLE

c. 7 August 1830 (Aet 82)¹

BENTHAM TO THE FRENCH PEOPLE.

Queen's Square Place, Westminster,

London, August 1830.

FELLOW-CITIZENS,—‘Your predecessors made me a French citizen. Hear me speak like one.’ So said I, anno 1793.² So say I now, anno 1830.

3727. ¹ UCL Library, Stanhope Letter Collection, no. 12. Autograph. ² Missing.

³ Missing.

⁴ Evidently a letter from Humphrey Price.

⁵ Missing.

⁶ Tavistock.

⁷ Perhaps the printed list of Bentham's works up to 1827: see p. 278 above.

⁸ i.e. ‘Law Reform Association Proposal’.

3728. ¹ Bowring, xi. 56–8, where it is introduced as follows: ‘On the Revolution of the Three Days in France, it was Bentham's intention to address a series of letters to the French people. Only one, however, was written, as follows:—’

For the surviving material relating to Bentham's proposed address entitled ‘Jeremy

I have written, and I have written. I have written, and I have torn.

I had then been more than twenty years occupied in the study of what belongs to the happiness of nations;—thirty-nine³ more years have been added to those twenty. I was then somewhat known among you: I am at present, I hope I may say, somewhat better known. There are those who have said to me—‘Speak now again to these your fellow-citizens: what has these forty years been your right, is now become your duty.’ Hearing this, I took up the pen.

Circumstances have been changing every day—circumstances changing every day—circumstances will change every day; but principles remain unchanged. It is from them I speak to you.

A proclamation of La Fayette lies before me. It is that which was issued by him on accepting the command of the National Guards of Paris. Date of it, August In this behold my text—at any rate my *main text*. In it I read these words:—‘Parisian energy has reconquered our rights. . . . Nothing is definitive but the sovereignty of those rights.’⁴ Thus far the veteran hero whom it so delights me to call my friend. Now for an observation which to some may appear a trifling one.

Rights are fictitious entities—*the people* real ones. Realities, on this occasion as on all others, realities I prefer to fictions—even the most innocent ones. Realities—I understand them better. But should my friend say to me—‘Our fellow-citizens will understand us better if we say *rights*’—even so let it be. Let us say what we will, our meaning is the same.

Think you this is a question of mere words?² Not it, indeed. I will tell you why I say *people*. In ‘*the Sovereignty of the People*,’ I behold a locution which, even in the sink of corruption from which I write—even in this

Bentham to the French People’, which deals with the themes of the present Letter, see UC xxiii. 8–33 (4–7 August 1830).

The present Letter was written in the aftermath of the July Revolution, which was marked by three days of street fighting in Paris on 28–30 July 1830. Louis Philippe, Duc d’Orleans, was appointed Lieutenant-General of the Realm on 31 July 1830; Charles X abdicated on 2 August 1830; and the Duc d’Orleans was proclaimed King of the French as Louis Philippe I on 9 August 1830. George Bentham notes on 7 August 1830 (George Bentham Diaries, GEB/2/1, p. 53) that Bentham ‘has just written an address to the French people against the *no change* principle—as well as can be made out through the curious confusion of the style’.

² See ‘Jeremy Bentham to the National Convention of France’, in *Rights, Representation, and Reform (CW)*, p. 296. Bentham had been made a French citizen by the Legislative Assembly on 26 August 1792.

³ In fact, thirty-seven.

⁴ La Fayette had accepted command of the reconstituted National Guards and explained his decision to do so in a ‘proclamation’ which, appearing in English translation under the title ‘National Guards of Paris. Orders of the Day.—August 2’, in the *Morning Chronicle*, 6 August 1830, p. 4, commenced as follows: ‘At the glorious crisis when Parisian energy has reconquered our rights, every thing is still temporary. Nothing is definitive, but the sovereignty of those national rights, and the eternal recollection of the great week of the people.’

seat of ill-disguised despotism, has, at public dinners, been for years a not unfrequent toast.⁵ It comes *before* 'the King;' and not for these many years, if ever, has any servant of the king dared prosecute for it.

So much for the *Commandant of the Parisian National Guards* and *his* Proclamation.

Now for the *Lieutenant-general of the Kingdom*, and *his*.

'Attached by inclination and conviction to the principles of a free government, I accept beforehand all the consequences of it.' This delights me: this is good sense: this is good logic. 'All rights must be solemnly guaranteed, all the *institutions necessary to their full and free exercise*, must receive the *developments* of which they have need.'⁶ This, though in letter-press it stands antecedent to what is said as above of *principles*, is, in *reason*, one great consequence of it; but to '*developments*,' I should have preferred *modifications*, or, to speak out, *changes*.

Now for interpretation: from words I pass to symbols. 'I hastened,' (says in that same document this same functionary,) 'I hastened,' (so and so,) 'wearing those colours, which, for the *second* time, have marked among us the triumph of liberty.'⁷ Here there is one *change*, and that a *speaking* one. And what is it that it speaks a second time, if not that which it spoke the *first* time—the *Sovereignty of the People*?

While writing what I have been tearing, I had before me another text—'*the Charter is a truth*.'⁸—Charter?—I do not like—I never liked the sound. Charters and the Sovereignty of the People cannot have existence, in the same place, at the same time. Admitted into the Chamber of Legislation, I beheld the Sovereignty of the People throwing the Charter out of the window.

⁵ At a public dinner held at the Crown and Anchor Tavern on 24 January 1798 to celebrate the birthday of Charles James Fox, the Duke of Norfolk proposed a toast to 'Our Sovereign's health—the Majesty of the People' (there is some discrepancy in the accounts as to the exact words used). As a consequence of the toast, George III stripped Norfolk of his office of Lord Lieutenant of the West Riding of Yorkshire and of his colonelcy of the militia there. (See *The Times*, 25 January 1798, p. 2, and 2 February 1798, p. 2.) At a dinner held by the Whig Club at Freemason's Tavern on 1 May 1798, Fox himself repeated the toast, in the form 'The Sovereignty of the People of Great Britain', and as a result on 9 May 1798 was expelled from the Privy Council. (See *The Times*, 3 May 1798, p. 3, and 15 May 1798, p. 2.)

⁶ See the speech of the Duc d'Orleans to the combined members of the Chambers of Peers and Deputies, reported under the heading 'Paris, Aug. 3. Opening of the Chambers—Speech of the Lieutenant-General of the Kingdom', in the *Morning Post*, 6 August 1830, p. 4: 'All rights must be solemnly guaranteed, all the institutions necessary to their full and free exercise must receive the developments of which they have need. Attached by inclination and conviction to the principles of a free Government, I accept beforehand all the consequences of it.'

⁷ See *ibid.*: 'I hastened to the midst of this valiant people, followed by my family, and wearing those colours which, for the second time, have marked among us the triumph of liberty.'

⁸ See *ibid.*, under the heading 'National Guards of Paris. Orders of the Day.—August 2', referring to the Constitutional Charter of 1830, which was imposed on the Duc d'Orleans

Oh, would but some prosperous breeze blow it over to London! I should pick it up with transport—stick it on my hat, and cry—Charter for ever! Yes: this refuse of France would, for England, be a feast. Behold here (I would say) Magna Charta the second! Magna Charta the first has been long worn to nothing—trodden under foot by *our* Holy Brotherhood—the Lawyers. Before this clear and ably-fashioned reality, that miserable fiction—*matchless Constitution*⁹—that maleficent phantom, which every corruptionist makes for himself—makes for his own purposes—makes, on each occasion, out of his own leaven—would flee away screeching, and drown itself in our Thames.

‘Let no evil ever be lessened. Let every existing evil (as does all evil, unless nipt by remedy) receive continual increase.’ This is what is meant by—for incontestably this is included in—that which is said by those who say, ‘Let us have no change.’ ‘Let all evil be perpetual,’—this would be too much to say; this is what in those same words they dare not say. They therefore *change* the words: which done, they say, ‘Let us have no change;’ and out of these words they make an established principle.

There you have the principle: now, think of the consequences. What, if this had been the principle when William the Second of England kept laying waste the country, to convert it into hunting-grounds?¹⁰ What, if when Louis the Fourteenth of France laid waste the Palatinate to make a frontier of it?¹¹ What, if having by Louis the Eighteenth been put into a charter,¹² and by a successor of his that same charter declared to be a *truth*, that declaration were to become *law*: and that law an immutable one? the ceremony of an oath having, moreover, as by Art. 74. of the same charter, been called in, and supernatural terrors added to all natural ones, for the pious purpose, and in the pious hope, of preserving for ever all evil from diminution,—wrong, in all shapes, from all remedy? ‘Le Roi *et ses successeurs* jureront, dans la solennité de leur sacre, d’observer fidèlement la présente charte constitutionnelle.’

as a condition of his being proclaimed King of the French: ‘It was by mistake that the last sentence of the Proclamation of his Royal Highness the Lieutenant-General of the Kingdom was printed these words: “A Charter shall henceforth be a truth.” The sentence ought to be as follows:—“*The Charter shall henceforth be a truth.*”’⁹ See p. 37 n. above.

¹⁰ William II, known as William Rufus (c. 1060–1100), King of England from 1087, whose role in extending the forest laws is mentioned by Blackstone, *Commentaries on the Laws of England*, iv. 413.

¹¹ During the War of the Grand Alliance of 1688–97, French forces under Louis XIV embarked upon a scorched-earth policy in the Palatinate in order to forestall any invasion of French territory by the German states.

¹² The Charter of 1814 had been granted by Louis XVIII upon the restoration of the House of Bourbon.

Behold here, my fellow-citizens, one of the rocks, which in many places and many times,—perhaps in all places, and at all times, when occasion presented itself,—men, old in power, and men new in power, have joined in splitting upon.

Let *things as they are* continue unchanged for ever, has, in all places, and all times, been the cry of all those who, reaping good for themselves from the evil done by those same things to other men,—good, in justification of which no direct and undeceptive argument was to be found,—sought refuge for it in this fallacy.

Nor was this fallacy without an outward show of truth. ‘All change produces *preponderant* evil,’—this would be too manifestly false,—to all eyes, too clearly so,—to be advanced by anybody. But, ‘All change produces evil,’—this, it cannot but be confessed, is little less than true. But, ‘*All change produces preponderant evil*,’—nothing less than this would serve to preserve from the reproach of maleficence, universal and perpetual maleficence,—the *no-change* principle.

So much for power when *old*. Now for power when *new*.

This constitution is perpetual and unchangeable. Such, in these terms, or what is equivalent to them, (for there is not time to look for them,) was the declaration of our *first* National Assembly.¹³ Add to this, so of every *other*.

Altogether natural is this: for, to every man in power, natural is a mixture of intellectual and moral weakness,—of folly and maleficence. For, mark well, my fellow-citizens, the propositions that are involved in it.

1. No change that can possibly have place in the state of *things*, or in the state, conduct, and disposition of men, can be such as to render it contributory to the greatest happiness of the community, to make any change in the changes which we have been making for that purpose.

2. We, who compose the majority of the body to which we belong,—we are to such a degree *wise*, that there exists not any the smallest probability, that, at any future point of time, those who have then succeeded to us will be equally so.

3. We are, moreover, to such a degree good that there exists not any the smallest probability that, at any future point of time, those who

¹³ According to the French Constitution of 1791, Tit. VII, Art. 2, changes to the Constitution could only be made by an Assembly of Revision, and only then after three successive legislatures ‘auront émis un vœu uniforme pour le changement de quelque article constitutionnel’. The point had been emphasized in a supplementary clause that stated, ‘Aucun des pouvoirs institués par la Constitution, n’a le droit de la changer dans son ensemble ni dans ses parties, sauf les réformes qui pourront y être faites par la voie de la révision’. For Bentham’s discussion of this point see ‘Necessity of an Omnipotent Legislature’, in *Rights, Representation, and Reform* (CW), pp. 263–88.

TO JOHN TYRRELL

11 AUGUST 1830

have then succeeded to us will to *wisdom* equal to ours, have added *goodness* equal to ours.

So much for 1791, or thereabouts. Now for 1822, or thereabouts. Then came the *Spaniards*, with their constitution. More modest *they* than we were. In their view years, during which the state of things and persons would be so sure to continue without change,—not more than *four*: years, during which matchless goodness would be so sure to continue in union with matchless wisdom, not more than the same number: all this while, provided the *body* were but called *the same*, no matter how different the individuals.¹⁴

Farewell, for the present at least, my beloved, my now so much more than ever admired, fellow-citizens. I have done what I have felt to be in my power, towards laying the foundation, a necessary foundation for all future good, for remedy to all existing evil. I have blown up (I hope you will think I have) the dead-weight I saw the ground encumbered with,—the *no-change* principle.

3729

TO JOHN TYRRELL

11 August 1830 (Aet 82)¹

Q.S.P.

11 Aug. 1830

My ever dear Tyrrell

You would oblige me much if you could find time to bestow a momentary glance on the few lines inclosed in the pencil bracket on the first of the two pages with which this billet is accompanied for the purpose of observing whether in any particular the representation there given of the practice of the Court is incorrect, and if yes applying the requisite correction.²

You would oblige me doubly if you would give me the promise of Your company at the usual hour next Sunday sennight.³ Still better

¹⁴ According to Article 375 of the Spanish Constitution of 1812, which had been re-established in 1820, rather than 1822 as Bentham states, no alteration was permitted in any part of the Constitution until eight years, rather than four as Bentham states, had elapsed from the time of its implementation in full. For Bentham's discussion of this point see 'Rid Yourselves of Ultramarina', Part II, Letter 9, in *Colonies, Commerce, and Constitutional Law: Rid Yourselves of Ultramarina and other writings on Spain and Spanish America*, ed. P. Schofield, Oxford, 1995 (CW), pp. 1–194 at 182–4.

3729. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 9–10. Autograph.

² The pages in question have not been identified, but evidently belonged to 'Equity Dispatch Court Bill'. ³ 22 August 1830.

12 AND 13 AUGUST 1830

TO JOHN TYRRELL

because nearer would be the very next Sunday:⁴ except that⁵ at that time I should have nothing to shew you whereas the Sunday after I shall hope to have something to shew you, more or less.⁶

Now I am about it I think I may as well add a little packet of four pages. Not for any need which I suppose them to have of revision; only on account of the mention which it fell in my way on that occasion to make of Your Commission.⁷

The question I have taken the liberty to propose to you lies within so narrow a compass, and to a practical man is so easy to answer that I hope you will be able to give me the line or two requisite by return of the bearer: for the press is waiting for these two pages. As to the other four, if you have not time to glance over them in Ms you will see them in print when we meet.

Yours ever

Jeremy Bentham

John Tyrrell Esq^{re}

3730

TO JOHN TYRRELL

12 and 13 August 1830 (Aet 82)¹

Q.S.P. 12 Aug. 1830

My ever dear Tyrrel

Your amendments,² besides Your present of the *Report*³ have filled me with gratitude: but now, after gratitude comes shame: it is for the trespass I must attempt to committ upon kindness. Have pity upon a poor old man of 82 with his shattered memory. I wanted your list of *incorporeal hereditaments* to insert at the close of Chapter *Consignees* or *In-trust-holders*.⁴ I have been hunting for it upwards of an hour: and

⁴ 15 August 1830.

⁵ MS 'that that'.

⁶ Presumably a printed version of 'Equity Dispatch Court Bill'.

⁷ See 'Equity Dispatch Court Bill', Part I, § VI, in Bowring, iii. 349–50 n., where Bentham comments on the powers given to the Real Property Commissioners to call officers of the courts of law to appear before them and for the production of documents belonging to the courts.

3730. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 7–8. Autograph.

² Presumably amendments to the pages sent with Letter 3729.

³ The Second Report of the Real Property Commission had been ordered to be printed by the House of Commons on 29 June 1830.

⁴ See 'Equity Dispatch Court Bill', Part I, § VIII, in Bowring, iii. 382–8, though Tyrrell's list is not reproduced there.

all this consumption of time has been fruitless: whereupon (face as red as scarlet all the while) now comes my humble Petition for another copy. Do not let your Clerk know who it is for: he would be in such a rage, he would cram it with Jeofails: and it would be all void. Tell him it is for John Doe or Richard Roe—which you please.⁵

Just received a letter from Codifier Livingston⁶—You know who he is—Lawgiver of Louisiana, to whom, by your favor, I sent a copy of your *personal* Real property works over and above the copy of the *aggregate work* which I stole from Honble House.⁷

Promise to dine with me next Sunday fortnight:⁸ & make Bickersteth give bond conditional for d^o the next Sunday thereafter on which he is disengaged.

Ever Your's

Jeremy Bentham

Candlelight makes my scrawl still more illegible than in day light.

John Romilly. I am sadly disappointed in him. 6, 7 or 8 weeks ago it is that being here, he assured me a fresh N^o of the Jurist would come out within a fortnight:⁹ thereafter fortnights, 3 or 4 elapsed, Jurist none.

Item on what subject I do not remember—he made a *spontaneous* promise of writing to me: letter received from him, none.

P.S. 13 Aug.

How unfortunate! I was upon the look-out for your Messenger with the papers returned by you, and he slipt through my fingers. So, I must have recourse to twopenny.

⁵ Tyrrell appears to have obliged, for Bentham drew up a rudiments sheet entitled 'For Civil Code or Real Property Commission or Equity Dispatch Court. Incorporal Hereditaments. List of—from J. Tyrrell Commiss^r of Inquiry', dated 17 August 1830: see UC lxxvi. 6, with a copy at lxxvi. 7.

⁶ Letter 3702.

⁷ For the works sent by Bentham to Livingston see Letter 3602. ⁸ 22 August 1830.

⁹ In Letter 3691 Bentham states that he had seen Romilly a few days previously.

3731

TO THE DUC DE BROGLIE

13 August 1830 (Aet 82)¹

BENTHAM TO THE DUC DE BROGLIE.

August, 13, 1830.

The *opinion* with which I was not long ago favoured by you on the subject of Imprisonment for Debt,² afforded me the heartfelt satisfaction of beholding in you a friend to justice. It is not, however, by that, or any other isolated and unconnected operation on the field of procedure, that the ends of justice can be accomplished, and the benefit of the services of the functionaries belonging to the judicial department imparted to all who stand in need of it.

In this respect, Buonaparte's Codes³ have made a prodigious advance beyond anything that ever went before them, and present to view a pattern of perfection in comparison of that system of abomination under which I have had the misfortune to live, and which so large a portion of my long life has been occupied in the endeavour to expose to that full and general abhorrence which must take place before any effectual reform can be accomplished.

But the system, the greater part of which is exhibited by these Codes, will, if I do not grossly deceive myself, be seen to be yet at a sad distance from that degree of perfection which the nature of the case admits of. After all that has been done by it, it leaves the benefit of justice still out of the reach of the vast majority of the whole numbers of the people: for besides the fees which it attaches to all the several operations and written instruments which it necessitates, it supposes and necessitates, on both sides of the suit, the intervention of professional assistants or substitutes of the parties under the name of *Avoués*, behind whom [lurk],⁴ without being once held up to view by any of the Codes, the further and still more expensive assistance of *Avocats*, on both sides of the suit. What is the consequence? That those

3731. ¹ Bowring, xi. 54–6.

On 9 August 1830, following the July Revolution of 1830, de Broglie had taken office as President of the Council of Ministers and Minister of Public Worship and Education in the new government which remained in office until November 1830. Broglie was later Minister of Foreign Affairs 1832–4 and Prime Minister and Minister of Foreign Affairs 1835–6.

² i.e. 'Opinion de M. le Duc de Broglie Sur l'article 3 du projet de loi relative à la Contrainte par corps': see p. 225 n. above.

³ For the Codes promulgated by Napoleon Bonaparte see p. 274 n. above.

⁴ Bowring 'link' appears to be a slip.

who are utterly unable to purchase the assistance of these professional men, without breaking in upon their own means of subsistence, must go without justice—must submit to depredation and oppression at the hands of all those who are content to pay the price of this maleficent service: the expense on the plaintiff's side, having the effect of denying remedy to wrong in every shape; and that on the defendant's side, of lending the assistance of the several functionaries, official and professional, together with the use and service of judicatories, in the infliction of wrong in every shape, for want of the means of defending, on the occasion in question, his just rights.

As to the *Cour de Conciliation*,⁵ in name it affords remedy without expense,—remedy accessible to all without distinction,—without that distinction which has place between those who are, and those who are not, in condition to defray the expenses.

But the supposed remedy is little better than an empty name; and against those against whose machinations the demand for justice is most urgent, it amounts absolutely to none,—I mean the whole class of *mala fide* suitors: suitors whose plan it is, by means of relative opulence on their side, coupled with relative indigence on the other side, to engage on their side the power and services of the judge; to their case this same supposed remedy is clearly inapplicable. By resort made to the Reconciliation Court, their plan would be defeated; and they are under no obligation to resort to it. To the ordinary courts, and to these alone, they apply themselves; for there it is that the faculty of depredation, or that of oppression, whichever it is that is most to their taste, or both in one, is upon sale, ready to be exercised at the expense of whatsoever relatively indigent individual they have marked out for their victim.

Unfortunately for mankind, the interest of professional lawyers on this ground is in a state of direct and inexorable opposition to the interests of the rest of mankind; and the same everywhere,—in the unchangeable nature of the case, the influence of that body can never cease to be very great.

The interest of non-lawyers is, that in the business of procedure, expense and delay be at a *minimum*; the interest of professional lawyers is, that those evils be at a *maximum*: expense for the sake of the lawyer's profit, of which, in so large a part, it is composed: *delay* for the sake of the occasion it produces for expense.

Under the English Judicial Establishment, official lawyers are large partakers of that same sinister interest: under the French to a comparatively minute extent, if any.

⁵ See *Code de procédure civile*, Livre II, Tit. I. De la Conciliation, Arts. 48–58.

If reaping pecuniary profit in proportion as the ends of justice are contravened by them, and their professed duty thus violated, *is not corruption*, I know not what *is*: if not, it is, at any rate, something worse, being practised by wholesale, and in the instance of every individual suit whatsoever; whereas, in the mode styled bribery, it has never, by the most abandoned offender, been practised but in here and there a suit: and the money being received under the name of fees, the act of maleficence (for be it understood it is not *an offence*) is practised with the full assurance of impunity; and the profit, direct and (by means of patronage) indirect together, is so enormous, that you would find difficulty in giving credit to it.

I am wandering, and must have done.

In a word, the object of the liberty I am thus taking is this. Notwithstanding all that has been done (and it is no small matter) by Buonaparte and his draughtsmen—his codifiers, towards the remedying the cost, still in France the benefit of justice remains inaccessible to a very large portion of the community,—I believe far the largest; and to another vast portion is not attainable, without a grievous and most oppressive tax paid to the professional lawyers, the sum of whose enjoyments from that source bears but a very small ratio to the sum of the sufferings produced by the same cause in all other breasts.

In this state of things, notwithstanding the comparative disinterestedness and generosity of the French character, any such expectation as that of finding, in the instance of the influential portion of the body of professional lawyers, any sincere coöperation with anything other than the most determinate opposition to any plan well adapted to the diminution of their own profit, would be altogether inconsistent with any the smallest insight into human nature.

The object of this is, therefore, to endeavour to learn whether I may entertain a hope of a disposition on your part to contribute in your country, by your endeavours and your influence, towards the removal of so cruel an evil as that in question, and to honour me with your coöperation towards that end. Dr Bowring obliges me by being the bearer of this letter: he is my most intimate and confidential friend, and a man so well qualified for giving all the required and desirable explanations is not to be found.—I am, Sir, with the most sincere respect, yours, &c.⁶

⁶ Bowring, xi. 56, concludes the present Letter as follows: ‘The Duke replied, that he hoped, when the agitating events were passed, which then occupied every public man’s attention in France, he should be able, “à tête reposée, et avec maturité d’esprit,” to occupy himself with the important subject of Law Reform.’

TO SIR SAMUEL BENTHAM

15 AUGUST 1830

3732

TO JOHN TYRRELL

14 August 1830 (Aet 82)¹

Q.S.P. 14 Aug. 1830

My dear Tyrrell

On looking at the *four pages* returned by You Yesterday or the day before, I found I had not revised them, as I thought [I]² had.³ I found them replete with incongruities which I have *altered* at least if not corrected. You will find the whole matter wears a considerably different, and I hope less bad face when you see it in print, which will be when we meet.

Yours ever

J.B.

3733

TO SIR SAMUEL BENTHAM

15 August 1830 (Aet 82)¹

15 Aug. 1830

J.B. to S.B.

Received your declinatory Letter written by G.B.²

Good: the provision you are making for your eventual exculpation may be very proper.³

But—fix a certain day, at the end of which *non-promise* will be taken for, and acted on as, a *negative*: this course, I have more than once taken with success, in dealing with Peel &c.⁴

If not, you may linger on till you are either dead, or too indolent, to undertake the thing, or too little master of your faculties to go through with it successfully.

3732. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 11. Autograph.

² MS 'they' is a slip.

³ Bentham had sent four pages on the powers given to the Real Property Commissioners to Tyrrell with Letter 3729 and he had acknowledged their return in Letter 3730.

3733. ¹ BL Add. MS 33,546, fos. 454–5. Autograph. Black-edged.

² Missing. 'G.B.' is George Bentham.

³ Possibly a reference to Sir Samuel's innovations in relation to the shape of ships' hulls, which he had introduced while Inspector General of Naval Works, and on which, according to George Bentham, *Autobiography*, p. 365, he hoped to obtain authority to conduct further experiments.

⁴ See Letter 3252, *Correspondence*, xii, and Letters 3491 and 3498.

21 AUGUST 1830

TO SIR SAMUEL BENTHAM

What wretches Admiralty and Navy Boards are composed of is no secret to you. How can you tell that your Proposal will not be referred to one or both? in which case it will of course be extinguished.

Say, that if you have not full authority to proceed, with assurance of the money necessary, you will consider this silence as expressive of their consent to make application to the government of any other Country: as your plan applies to Navigable Vessels in general: and to *war* vessels not more than others.

Meantime I shall do what depends upon me towards paving the way for You without committing you.

For my part I had rather see the thing done by France than England.

You would be received there with open arms: and might very likely have the faculty and pleasure of carrying Your other improvements *there* into practice to an indefinite extent.

If you let slip this opportunity, all that belongs to you will have reason to reproach you.

Not to speak of mankind in general, for whom I care much, and you little or nothing.

3734

TO SIR SAMUEL BENTHAM

21 August 1830 (Aet 82)¹

Q.S.P. 21 Aug. 1830

J.B. to S.B.

Panopticon

In any event would you like to take a part in it if adopted at Paris? 1. in the erection of it? | 2. in the management of it by contract? | In this last case, would George² be fit for it? if yes would it be agreeable to him?

I think there are good hopes of it through the influence of La Fayette. La Fayette has declared against the punishment of death in all cases.³ Bowring went to Paris on Wednesday last (the 18th) to urge it amongst other things.⁴

3734. ¹ BL Add. MS 33,546, fo. 456. Autograph.

² George Bentham.

³ See the account of the debate in the Chamber of Deputies on 17 August 1830 in the *Morning Post*, 21 August 1830, p. 4, when La Fayette had spoken in support of a petition, introduced by the Comte de Tracy, for the abolition of the death penalty.

⁴ See the account of Bowring's visit to France following the July Revolution of 1830 in *Autobiographical Recollections of Sir John Bowring*, p. 137: 'I conveyed the congratulatory address of the citizens of London, which I had written, and which was voted in Common

TO SARAH AUSTIN

25 AUGUST 1830

Bowring stays there till the last day of the month: then comes back by way of Brussels.⁵

Answer this.

3735

TO SARAH AUSTIN

25 August 1830¹

August 25, 1830.

Odd as it is, I am still alive. Are we ever to see one another again? If yes, I propose, or name, a distant day—next Wednesday²—to make the surer—or any day hereafter (the nearer best) that you will name. You are a widow bewitched.³ To return in the evening to your own abode would not be (practically speaking) possible. Myrmidons for escorting you back I have none. The bed-chamber your mother⁴ once occupied is vacant; should that not quadrate with your notion of propriety, in Bell Yard, within twenty feet of my street door, is a bed-chamber, in which you would be under the care of the wife of a tenant of mine, a perfectly decent woman.⁵ I never saw it, but it has

Hall. A public dinner was given to me at the Hôtel de Ville by Odilon Barrot, the Prefect of the Seine, and I was the first person received by Louis Philippe after the British Ambassador had announced to him that he was recognized by the English Government as King of the French.'

Camille Hyacinthe Odilon Barrot (1791–1873), Prime Minister of France 1848–9.

⁵ The ostensible purpose of Bowring's visit was to investigate the public accounts of France, the Netherlands, and Belgium, which gave rise to four Reports: see 'Report on the Public Accounts of France, to the Right Honourable The Lords Commissioners of the Treasury, by John Bowring', 5 July 1831, *Commons Sessional Papers* (1831), xiv. 339–499; 'Second Report on the Public Accounts of France, to the Right Honourable The Lords Commissioners of the Treasury, by John Bowring', 29 September 1831, *ibid.* 501–689; 'Third Report on the Public Accounts of France, to the Right Honourable The Lords Commissioners of the Treasury, by John Bowring. (Military Expenditure of France)', 9 July 1832, *Commons Sessional Papers* (1831–2), xxviii. 1–492; and 'Report on the Public Accounts of the Netherlands, to the Right Honourable The Lords Commissioners of the Treasury, by John Bowring', 5 March 1832, *ibid.* 493–658. The latter Report included an account of the 'Public Accounts of Belgium' at 636–54.

3735. ¹ Janet Ross, *Three Generations of Englishwomen. Memoirs and Correspondence of Mrs. John Taylor, Mrs. Sarah Austin, and Lady Duff Gordon*, 2 vols., London, 1888, i. 66. The cover of the present Letter, in the possession of the Bentham Project, is addressed 'To M^{rs} Austin 26 Park Road Regents Park', endorsed 'Jeremy Bentham', stamped 'T · P / BdWay West', and postmarked '4 · EVEN · 4 / 26 · AU / 1830'.

Sarah Austin, née Taylor (1793–1867), translator and writer, had married John Austin (1790–1859), legal philosopher, Professor of Jurisprudence and the Law of Nations, University of London 1826–35, on 24 August 1819. ² 1 September 1830.

³ According to Ross, *Three Generations of Englishwomen*, p. 65, 'Mr. Austin had gone to see his sister.'

⁴ Susanna Taylor, née Cook (1755–1823).

⁵ Unidentified.

31 AUGUST 1830

FROM ROWLAND HILL

been occupied, with marks of satisfaction, at various times, by guests of mine, more than once.

Your loving great-grandpapa,
J.B.

3736

FROM ROWLAND HILL

31 August 1830¹

Bruce castle

August 31st 1830

My Dear Sir

I beg your acceptance of a little fruit from our garden. If the glorious proceedings on the continent² have left you any attention to spare for things of such inferior importance, you will read the enclosed translated extract from a Swedish paper with interest. It is a short account of the opening of a Hazelwood school near Stockholm.³

I remain, Dear Sir
With great respect
Your most obed^t Serv^t
Rowland Hill

Jeremy Bentham Esq^{re}

3736. ¹ BL Add. MS 33,546, fo. 457. Autograph. Docketed: '1830 Sept. 1. Rowland Hill Bruce Castle to J.B. Q.S.P. With fruit, and Account of Stockholm Hazlewood School.'

² Presumably an allusion to the July Revolution of 1830.

³ Missing, though it may have been a translation of 'Den Hillska Skolan vid Barnängen', *Medborgaren*, no. viii (6 July 1830), 163–4, which describes the opening of Hillska Skolan on 2 July 1830.

TO JOHN BOWRING

27 SEPTEMBER 1830

3737

TO MARGARET URQUHART

16 September 1830 (Aet 82)¹

Q.S.P. 16 Sept^r 1830.

Thursday 5 P.M.

My dear Madam

Many thanks for this token of your kind remembrance: as also from another quarter received a few days ago in the shape of a present of fruit. Your indefatigable kindness is raining gifts upon me.

But the gratification from all this is cast into the shade by the comfortable news of the existence of our David so lately as July.

Dear Madam, in haste,

Yours most respectfully and gratefully
Jeremy Bentham

M^{rs} Urquhart.

3738

TO JOHN BOWRING

27 September 1830 (Aet 82)¹

Q.S.P. 27 Sept 1830

J.Be to J.Bo

By your Messenger.

I was to blame in letting you go last night without desiring you to let me know the result of any communication you might have with Monk[?]² about dining here on Wednesday.³ His dining any where on any day is in its nature too uncertain to warrant my taking silence on his part for consent.

Long letter from Del Valle⁴ sent by a short note from Herrera⁵ and accompanied with a pamphlet on Education, and three on Political Economy:⁶

3737. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/AG/11. Autograph. Addressed: 'M^{rs} Urquhart.'

3738. ¹ UC clxxiv. 113. Autograph.

² Possibly John Berkeley Monck.

³ 29 September 1830.

⁴ Letter 3677.

⁵ Missing.

⁶ For details of the material sent by Valle see p. 372 & n. above.

15 OCTOBER 1830

TO JOHN BOWRING

I should have sent them all to you but that without them you are sufficiently occupied.

Perhaps Harfield⁷ will [be] able to transcribe the letter to me: and I expect my Nephew from Hamburgh every day.⁸

3739

TO JOHN BOWRING

15 October 1830 (Aet 82)¹

To D^r Bowring.

R. Doane, on reading this, says that what follows had better be omitted, for that it would have the appearance of labouring to clear myself of some imputation that had been cast upon me on the score of touchiness: and it seems to me that he is right in this respect.²

No anger on my part need he care about. Be his anger at me ever so fierce, none on my part will he give birth to, let him strive ever so hard. No anger on my part do any enemies that I may happen to have produce by anything they say of me in print: judge whether any could be produced by any thing said of me in that same way by a friend.

⁷ James Harfield.

⁸ George Bentham had departed for Germany for a botanical holiday on 28 August 1830 and returned to England on 13 October 1830: see George Bentham, *Autobiography*, pp. 340–59.

3739. ¹ UC xxiii. 73. In the hand of Doane, on a sheet of composition paper, which is headed, in Bentham's hand, '1830 Oct. 15. J.B. to France against Peers.'

² The following paragraph appears on a slip, which has been glued to the main sheet, and may refer to material critical of him that Bentham suspected Brougham of having published in the *Edinburgh Review*: see Letter 3755.

3740

TO THE MARQUIS DE LA FAYETTE

15 October 1830 (Aet 82)¹

Jeremy Bentham to General La Fayette

Queen's Square Place
Westminster London

15 October 1830

My ever dear La Fayette!

Your commands are laws. Subject-matter this question—'In France, shall we, or shall we not—have a Chamber of Peers?' On this question you desire my thoughts:² here they are at your service. For these thoughts, *you* are not responsible; nor for any part of them. What yours are I have never known; nor, antecedently to your receipt of this paper, would I know them if I could help it. My wish has all along been—that mine on this subject should be free from all bias: and that they should stand or fall by their own strength.

Proud and gratified, of course, shall I be, in proportion as my notions of what is best are found to coincide with yours.

With yours? . . . Yes; and I will add—with those of our beloved King.³ As to any points on which, in either instance, I fail to experience this good fortune, set any of the honest and talented men whose qualifications have come within your observation—set them to apply correction to any such errors as it may have happened to me to fall into. In this way, at any rate, I may have the satisfaction of being of use to our dear country: and it matters not in what proportion it may be in the one way, and in what proportion in the other. Whosoever—if any one—writes accordingly,—desire him to write altogether at his ease, speaking of my thoughts in the terms, whatsoever they are, in which his own as to mine happen to present themselves.⁴

3740. ¹ Cornell University, Carl A. Kroch Library, Authur H. and Mary Dean Lafayette Collection, 4611, Box 1, Item 15. Autograph draft. The present Letter was published in *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates*, London, 1830, p. 2 (Bowring, iv. 419–50 at 419) as an explanation of the provenance of the work. It is possible that it was never sent to La Fayette as an independent letter.

² La Fayette's letter to Bentham is missing.

³ Louis Philippe I.

⁴ Bentham has added a footnote marker at this point, but the relevant text is missing.

21 OCTOBER 1830

TO MARGARET URQUHART

3741

FROM JOHN TYRRELL

20 October 1830¹

20 October 1830

My dear Sir

I shall be most happy to avail myself of your kind invitation next Sunday.²

I am sorry to find that a short form, which I sketched for you, some weeks ago has not reached you, in consequence of the negligence of my Clerk & I will bring it with me.

I remain Dear Sir

Your greatly obliged

John Tyrrell

Lincoln's Inn

20 Octr 1830

3742

TO MARGARET URQUHART

21 October 1830 (Aet 82)¹

Q.S.P. 21 Oct^r 1830

My dear Madam

I am sorry that business which would not wait, prevented me to this moment from so much as looking into the packet of letters which accompanied your kind letter to me,² desiring my advice as to the recalling or not recalling our dear David. What grounds *you* may have for thinking of any such thing, are of course unknown to me: but the strange letter in which that measure is so rudely insisted on, does not most assuredly afford any the smallest ground for it. Upon the *face of*

3741. ¹ BL Add. MS 33,546, fo. 458. Autograph. Docketed: '1830 Oct. 20. Tyrrell Linc. Inn to J.B. Q.S.P. Prandet Sunday next 24.'

² 24 October 1830.

3742. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/12. Autograph.

² Margaret Urquhart's letter and the letters she enclosed are missing, but presumably consisted of the transcripts of letters from her son David mentioned in Letter 3761. In his journal at Papers of David Urquhart, DU/VI, in explanation of the lack of further entries, Urquhart noted on 10 December 1830 that, 'Since last year and the above date [i.e. 6 October 1829]—my journal is in my letters from Constantinople to my Mother'. Several letters of this description, dating from late 1829, are at DU/I/B2.

TO CHARLES SINCLAIR CULLEN

22 OCTOBER 1830

it, it is not only one of the harshest but one of the unwise I ever met with. David has been for years better able to judge for himself, than *any body* at such a distance could be to judge for him. The advice that I expected to find proper for me to submit to you was—the leaving the matter altogether to himself: accompanied with information of the utmost which you were able to do for him or obtain for him in the way of money matters: and in this advice I am not shaken but confirmed by the strange letter above spoken of.

I am,

My dear Madam

with the truest respect

Your's

Jeremy Bentham

M^{rs} Urquhart.

3743

TO CHARLES SINCLAIR CULLEN

22 October 1830 (Aet 82)¹

22 Oct. Friday

J.B. hopes to see C.S.C. on Monday.² Not *impransus* as said D^r Johnson to his Bookseller:³ but *pranditus*.

3743. ¹ Sherborn Autographs, BL Add. MS 42,583, fo. 26. Autograph, on a clipped sheet. The present Letter gave rise to the following letter from Doane to Cullen, 24 October 1830, at BL Add. MS 42,583, fo. 27:

'Q.S.P.

'Sunday morning.

'My dear Sir,

'The only part of the Note in Benthamee, which you have inclosed, that I can make out is this.

"22 Oct^{er} Friday

"J.B. hopes to see C.S.C. on Monday."

'The rest is a perfect mystery & as the Philosopher is not yet stirring, so it must remain, for some time. What I know, is that he expects you to dine with him on Monday at the usual time. I regret I shall not have the pleasure of meeting you, as [I] shall not be in Town.

'The gods be praised, on spelling over the enigma a second time I think I have succeeded in solving it, viz.

"Not *imprimatur* as said D^r Johnson to the Bookseller: but *pranditur*."

'Yours truly

'R. Doane.'

² 25 October 1830.

³ Samuel Johnson (1709–84), author and lexicographer, signed a letter of November 1738 to his employer Edward Cave (1691–1754), proprietor of the *Gentleman's Magazine*, with the word 'impransus', i.e. 'I have not dined': see *The Letters of Samuel Johnson*, ed. B. Redford, 5 vols., Princeton, N.J., 1992–4, i. 21.

31 OCTOBER 1830

TO CHARLES SINCLAIR CULLEN

3744

TO CHARLES SINCLAIR CULLEN

29 October 1830 (Aet 82)¹

29 Oct^r 1830

Friday

J.B. to C.S.C.

I find I am unengaged to day at dinner time.

You may as well dine here as any where else if not engaged.

Let me know.

You shall be flung away after dinner as soon as you will.

3745

TO CHARLES SINCLAIR CULLEN

31 October 1830 (Aet 82)¹

Q.S.P. 31 Oct. 1830

J.B. to C.S.C.

Herewith you will receive two copies of my Letter to France on Peers &c.² It will not be on sale till some time to come

The one for O'Connell I will beg of you to forward to him for I know not his direction.³

He ought to see it before he sees me and, if you could do so without inconvenience, it might be of use that after having read it, you should see him before he sees me.

3744. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.49. Autograph. Addressed: 'To C.S. Cullen Esq^{re} 1 Derby Street.'

3745. ¹ New York Public Library, Astor, Lenox, and Tilden Foundations, Manuscripts and Archives Division, Montague Collection of Historical Autographs. Autograph.

² These items appear to have been manuscript copies of *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates*, since he sent six such copies to La Fayette on this day: see Letter 3748. George Bentham records that the work had been printed by 6 November 1830: see George Bentham Diaries, GEB/2/1 (6 November 1830), p. 88.

³ O'Connell had just returned to London from Dublin and, according to his letter to P.V. Fitzgerald, 30 October 1830, *Correspondence of O'Connell*, iv, 221, his address was 14 Manchester Buildings, Westminster.

3746

TO FRANCIS PLACE

31 October 1830 (Aet 82)¹

Sunday 31 Oct. 1830

J.B. to F.P.

My own scrawl being illegible, behold a copy of it.

Well then, being engaged for tomorrow (I suspect it is with the King that you are engaged)²—what say you to Tuesday?³

My hour—½ after 7—I suspect is a bad hour for you. If you ever eat suppers it might be my dinner and your supper, and I could for that purpose, without the smallest difficulty, put it off to 8 or ½ after 8.

Or if that does not suit you, you might come by ½ after eight and drink tea or coffee: by that time I *should* have or *could* have dinner over.

3746. ¹ Place Papers, BL Add. MS 37,949, fos. 248–9. The date, salutation, and first and final paragraphs are in the hand of Bentham and the remainder in the hand of Doane. Addressed, in the hand of Doane: ‘To Francis Place Esq^r Charing Cross.’ Endorsed by Bentham: ‘Jeremy Bentham.’

² Bentham was perhaps referring ironically to the attempts of William IV (1765–1837), King of Great Britain and Ireland from 1830, to court popularity, on which Place himself commented in a letter to Hume, 1 November 1830, reproduced in G. Wallas, *The Life of Francis Place, 1771–1854*, revised edn., London, 1918, pp. 242–3: ‘George the Fourth . . . shut himself up from mere hatred of the people. The present silly man is courting them most absurdly. No sooner was he made king, than he who had been private became public; he walked in the streets; he rode among the people; he went about with his queen in an open carriage; he bowed and waved his hat, and laughed, and was as merry as the silliest of the mob.’

³ 2 November 1830. According to *ibid.*, pp. 247–8 (citing Place Papers, BL Add. MS 27,789, fo. 176), on the evening of 2 November 1830 Place ‘dined alone with Mr. Bentham. . . . The printed speech of the king was brought to us soon after dinner, and it greatly disconcerted us. We had no doubt that the Lords had been sounded on the subject, and had warranted the insertion of the hostile paragraphs in the speech. Every sort of evil seemed to follow in the [t]rain of a general war, and our forebodings were dismal enough’. According to *The Times*, 3 November 1830, p. 3, during his speech at the opening of Parliament on 2 November 1830, William IV had stated that he was ‘endeavouring, in concert with my Allies, to devise such means of restoring tranquillity as may be compatible with the welfare and good government of the Netherlands, and with the future security of other States’.

According to Wallas, *Life of Francis Place*, p. 248 (citing Place Papers, BL Add. MS 27,789, fo. 177), on 3 November 1830 Place again dined with Bentham, when they ‘congratulated ourselves and one another on the occurrence of the preceding evening, being quite convinced that great changes were at hand,’ though they were ‘also a little perplexed at not being able to see exactly how they would be brought about’. On the evening of 2 November 1830, in the debates on the King’s speech, Charles Grey (1764–1845), styled Viscount Howick 1806–7, second Earl Grey, leader of the administration as First Lord of the Treasury 1830–4, in the House of Lords and Brougham in the House of Commons had given notice of motions in favour of some measure of Parliamentary reform: see *Parliamentary Debates* (1830), i. 37–8 and 54–5 respectively.

2 NOVEMBER 1830

TO THE MARQUIS DE LA FAYETTE

Answer me—tell me which of all these arrangements would be most convenient and agreeable to you.

I have need to see Rintoul⁴ about some particular business: should he pitch upon the same day that you do, you will (I hope) indulge me with the convenience of changing your day, his time being so little at command in comparison of yours.

3747

TO DAVID URQUHART

2 November 1830 (Aet 82)¹

Q.S.P. 2 Nov^r 183[0].

My dear David

What an odd fellow you are? I was preparing to come down to you; but because I did not come down *instanter*, off you went, not leaving so much as a message to me, through any body. What does this mean? Do, write, or come and tell me what this means, and what was the matter with you.

Yours ever

J. Bentham

David Urquhart Esq^{re}

3748

TO THE MARQUIS DE LA FAYETTE

2 November 1830 (Aet 82)¹

London 2 Nov^r 1830

My ever dear and honoured friend

I have done my best towards executing your commands about Second Chambers²—besides successive fragments *six* completed and

⁴ Robert Stephen Rintoul (1787–1858), journalist and Editor of *The Spectator* 1828–58.

3747. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/1. Autograph.

3748. ¹ UC lxxxvi. 291^v. Cancelled autograph draft, with substantial revisions in the hand of George Bentham. A version of the Letter is printed in Bowring, xi. 60. It is possible that Bowring had access to a later draft or copy.

² Bentham had written *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates* in response to a request from La Fayette: see Letter 3740.

corrected copies went from hence on Sunday last the 31 October by the Diligence that sets off from Charing Cross for Paris, three times every day.

If you have read it I hope you have struck out, or if it be not too late will strike out, any thing in it which you think very likely to do more harm than good.

Through a private channel I embrace the opportunity of sending to you two copies of a tabular view of the composition of our House of Commons.^{3(a)} This dissection might (I thought) in one way or other be matter of curiosity, and eventually even of use, not only to yourself, but even to our 'King of Kings':⁴ considering how well he is acquainted with our *Carte du Pays*. In addition to what the Table exhibits on the subject of patronage, let me tell you that whole classes of commercial men have for supporters their Representatives: namely those of the West Indies and those of the East Indies: & in former days, the Nabob of Arcot alone had to himself a number of them: I do not remember the exact number: 3 or 4 at least: all located at his expense, & paid or not paid besides.⁵ In those days the price was not more than £3000 or £4000: namely for sitting as long as the Parliamt lasts. In the only two instances that have come to my certain knowledge, it has been just now as high as £6000—a more common price is (I believe) £5000. Some have hired a seat by the year, & paid £1000 a year: which, when it can be managed, seems to be the most prudent course.⁶

^(a) Three or four editions have been sold of it in the compass of two days.⁷

For this purpose I take two copies of the Newspaper: and thus I have four pages: all which I pin or paste on one large sheet of strong paper.

³ Bowring adds 'from the *Spectator*.' See 'Parliamentary Anatomy', *The Spectator*, vol. iii, no. cxxi (23 October 1830), 843–4.

⁴ Louis Philippe I. See I Timothy 6: 15; Revelation 17: 14, 19: 16.

⁵ Members of the so-called 'Arcot Interest', who had made their fortunes in India and retained commercial interests there, included Paul Benfield (1741–1810), MP for Cricklade 1780–4, Malmesbury 1790–2, and Shaftsbury 1793–1802, the Nawab's chief banker; Sir Samuel Hannay (c. 1742–90), MP for Camelford 1784–90; Lauchlin Maclean (c. 1727–78), Governor of St Vincent 1766, Under Secretary of State 1766–8, MP for Arundel 1768–71; James Macpherson (1736–96), writer, MP for Camelford 1780–96, and the Nawab of Arcot's agent from 1778; Sir John Macpherson (c. 1745–1821), MP for Cricklade 1779–82, Horsham 1796–1802, member of the Supreme Council of Bengal 1781–7, Acting Governor General of Bengal 1785–6; Richard Smith (1734–1803), MP for Hindon 1774–5, 1776–7, Wendover 1780–4, and Wareham 1790–6, Commander-in-Chief of the Bengal Army 1767–9; John Mansell Smith (b. c. 1758), MP for Wendover 1780–4; and George Stratton (c. 1734–1800), MP for Callington 1778–9, 1779–84.

⁶ Bentham's enumeration of the paragraphs indicates that a passage is missing at this point.

⁷ The following paragraph appears in the margin at this point, and explains why Bentham sent two copies of the newspaper to La Fayette.

5 NOVEMBER 1830

TO CHARLES SINCLAIR CULLEN

Punishment of Death.

On this subject I have already written *once over*^(b) a letter, in two parts: one on the *general* question, the other on the *special* question.⁸ On the *general* question I pronounce upon this mode the most decided condemnation in its application to all sorts of crimes: on the special question I forbear letting you know my opinion, that I may be at the more perfect liberty.

^(b) What I write for press, I write always twice over, sometimes 3 or 4 times.

3749

TO CHARLES SINCLAIR CULLEN

5 November 1830 (Aet 82)¹

Friday night
5 Nov^r 1830

J.B. to C.S.C.

My dear Cullen,

I hope you are not engaged for Sunday.² Nothing that I would wish an engagement put off for: but I have a scene to open to you, which can not but be cheering to you.³

⁸ Presumably a draft of the essay later published as *Jeremy Bentham to his Fellow Citizens of France, on Death-Punishment*, London, 1831 (Bowring, i. 525–32), where Bentham notes at p. 3 n. (Bowring, i. 525 n.): ‘In France, while this paper was writing, two mutually connected questions were on the carpet:—the *general* question—shall death punishment, in any, and what cases, be employed?—the *special* question—shall it be employed in the case of the Ex-Ministers? The lot of these men being now disposed of, the matter, which applied exclusively to their case, has been struck out.’ The discussion of the ‘special’ question does not appear in the published text and hence it is not divided into two parts. A draft of the relevant discussion is at UC xxiii. 77–83 (26, 29 October and 18 November 1830). At the head of UC xxiii. 77, Bentham has noted: ‘1831. Jan. 1. Omitted out of the matter sent this day to the press.’

The ‘Ex-Ministers’ were those who formed the final ministry of Charles X, namely Auguste Jules Armand Marie, Comte de Polignac (1780–1847), Prime Minister 1829–30, Pierre-Denis, Comte de Peyronnet (1778–1854), Minister of Justice 1821–8, Minister of the Interior 1825, 1826, 1829, 1830, Jean Claude Balthazar Victor de Chantelauze (1787–1859), lawyer, Minister of Justice 1830, and Martial Côme Annibal Perpétue Magloire, Comte de Guernon-Ranville (1787–1866), Minister for Religious Affairs and Public Instruction 1829–30, who had been accused of high treason by the Chamber of Deputies. Their trial by the Chamber of Peers eventually took place on 15–21 December 1830, whereupon they were found guilty and sentenced to life imprisonment and deprived of their titles, rank, and orders.

3749. ¹ Dunedin Public Library, RA+M Reed, 10/BEN. Addressed: ‘To C.S. Cullen Esq^r 1 Derby Street.’ ² 7 November 1830.

³ The *Leicester Chronicle*, 13 November 1830, p. 3, reported that Cullen died on 8 November 1830 at Derby Street, Westminster, ‘of a disease of the heart’, while the

3750

FROM NIKOLAI MORDVINOV

9 November 1830¹

Mon cher M^r Jérémie Bentham.

Les livres que vous avez eu la bonté de m'envoyer furent reçus dans ma maison, pendant mon absence, qui a duré tout l'été passé.² ils parvinrent sous l'adresse russe, sous le cachet minist[é]riel, & le paquet fut considéré comme appartenant à la Société Économique, dont je suis le Président.³ Je m'étois abandonné à la même erreur, & je ne l'ai ouvert qu'au milieu de la Séance de la Société. J'ai trouvé alors votre lettre du 9. Juillet⁴ et celle de M^r Santander, qui m'écrit de Hambourg: qu'ayant eu des difficultés pour se rendre à Pétersbourg,⁵ il remettoit le paquet au Consul Russe.⁶

Je suis bien fâché de n'avoir pas pu profiter de la connaissance de M^r Santander, l'homme aussi distingué, tel que vous le dépeignez; mais si des Jalousies du mérite éminent l'arrêtaient dans sa marche glorieuse pour le présent, l'avenir pourrait lui être propice, & le rendre encore utile à son pays. Ce qui regarde le service qu'il pourrait rendre, en y répandant les lumières de vôt écrits, les 40 mille volumes, imprimés à Paris pour le commerce de l'Amérique,⁷ seront les apôtres qui ne prêcheront pas dans le désert.⁸

Vous me faites des excuses de ce que vous avez fait mention de moi dans un de vôt ouvrages.⁹ Je me crois très honoré, en trouvant mon nom cité sur une des pages de l'auteur le plus célèbre en Jurisprudence.

Hampshire Chronicle, 15 November 1830, p. 1, reported that his 'health had declined from the time he contested the great representations of Chichester in June last. The great exertions he had made on that occasion were too much for his constitution, and to that, coupled with his defeat, may be attributed his death. He had been in the House of Commons an hour before, and expired in his chair.'

3750. ¹ BL Add. MS 33,546, fos. 462–3. Autograph. Docketed: '1830 Nov^r 9. Mordvinoff Petersb^g to J.B. Q.S.P. Reced Dec^r 4 by General Post. Postage 3^s 4^d, it being made double by the envelope.'

² Bentham had sent Mordvinov a number of books with Letter 3712.

³ Mordvinov was President of the Free Economic Society for the Promotion of Agriculture and Household Management 1823–40, which had been founded at St Petersburg in 1765 in order to advance Russian agriculture.

⁴ Letter 3712.

⁵ Santander had been refused a visa to enter Russia: see p. 429 n. above.

⁶ Possibly Prince Pyotr Borisovich Kozlovsky (1783–1840), diplomat and writer, Russian Consul in Hamburg in 1830.

⁷ Bentham mentions this figure in Letter 3712.

⁸ An allusion to Matthew 3: 1–3.

⁹ Bentham had included extracts from a letter from Mordvinov to Samuel Bentham, dated 18/30 March 1829, in 'Second Supplement to Codification Proposal': see p. 426 n. above.

11 NOVEMBER 1830

FROM THOMAS PRINGLE

Je me ferai toujours gloire de vous reconnoître pour mon maître & le guide dans les cas, ou la Chicane Judiciaire pourrait m'égarer. Vous avez jetté des faisceaux de lumière sur les voies de la Justice, que la conscience & la raison peuvent marcher hardiment, & le code des loix, qui pourrait rendre les peuples heureux, est déjà tracé dans ses principes, développés par vôtre infatigable travail & sagacité.

Vous me dites que vous avez 82. ans, & que vous conservez encore toute la vigueur de l'esprit; mais le génie est toujours Jeune, & il est immortel pour la posterité, tant que la vérité sera révérée & que les préceptes de la sagesse seront honorés. Le nom de Jérémie Bentham passera aux siècles les plus reculés dans sa fraîcheur & la puissance d'instruire les nations dans ce qui les intéresse le plus essentiellement.

En vous témoignant ma vive reconnaissance pour la communication des nouveaux oeuvres de vôtre fabrique, ainsi que vous les nommez, j'ai l'honneur d'être avec l'Estime & la plus haute considération

vôtre très humble & le très obéissant Serviteur.

N. Mordvinoff.

St Petersburg
28 Octobre
9 Novembre 1830.

3751

FROM THOMAS PRINGLE

11 November 1830¹

18 Aldermanbury, Nov. 11. 1830

Sir

I have to report that owing to my being absent in Scotland at the time you addressed a letter to me with a communication to D^r Walsh,² I was

3751. ¹ BL Add. MS 33,546, fos. 464–5. Autograph. Addressed: 'Jeremy Bentham Esq. Queen Square Place Westminster.' Postmark: '18 · PAID · 30 / NO · 11 / NIGHT'. Stamped: 'Chief Office / 2py P. Paid'. Docketed, in the hand of Moore: '1830 Nov. 11. Pringle Aldermanbury to J.B. Q.S.P. Walsh returned—inclosing Anti-Slavery Report.'

Thomas Pringle (1789–1834), poet, journalist, and philanthropist, had been appointed as Secretary of the Society for the Mitigation and Gradual Abolition of Slavery Throughout the British Dominions, better known as the Anti-Slavery Society, in 1827.

² Robert Walsh (1772–1852), clergyman and author, had been chaplain to the British Embassies at Constantinople 1820–4, 1831–2, and St Petersburg 1825–6, and the special mission to Brazil of 1828–9 led by Percy Clinton Sydney Smythe (1780–1855), diplomat, sixth Viscount Strangford [I] and first Baron Penshurst [GB]. The publication of Walsh's *Notices of Brazil in 1828 and 1829*, 2 vols., London, 1830, and his investigations into the slave trade in Brazil, led to his appointment to the committee of the Anti-Slavery Society.

Bentham's letter and 'communication' are missing.

FROM ROBERT WALSH

11 NOVEMBER 1830

not able to give that prompt attention to it which my great respect for you would have commanded. My assistant here, I learn, acknowledged the receipt of your letter at the time by a note to yourself,³ and also wrote to D^r Walsh in the Country, informing him of the import of your letter. D^r Walsh has recently arrived in Town, & I have this day seen him & put your communication into his hands, & he will not fail to call upon You to morrow or next day—or at all events on some early day before he leaves Town for Constantinople.

I write this note to assure you that there has been no intentional neglect of your wishes on my part: & at the same time avail myself of the occasion to place in your hands the inclosed tract, with the hope that the great importance of the subject may induce you to peruse it and give it your consideration. Should you find leisure to do so I should consider it a very special favour to be honoured at your conveniency with your sentiments respecting the point at issue—the fitness of the slave population of our Colonies for *early emancipation*.⁴

I have the honour to be with high respect

Sir

Your obed^t Servant

Tho. Pringle

3752

FROM ROBERT WALSH

11 November 1830¹

Thursday Nov—11—1830

No 59 Sloane St.

Chelsea

Dear Sir

On my return to England after several months absence, my friend M^r Pringle, Secretary to the Antislavery Society, sent me a letter of Yours,² containing some flattering notice of a Work of Mine on Brazil.³ I am much pleased indeed at the good opinion You are so kind as to express, & fully appreciate the value of the laudari a laudato viro.⁴

³ Missing.

⁴ See 'A Brief View of the Nature and Effects of Negro Slavery, as it exists in the Colonies of Great Britain', London, [1830], printed by the Anti-Slavery Society.

3752. ¹ BL Add. MS 33,546, fos. 466–7. Autograph. Docketed: '1830 Nov. 11. Walsh to J.B. Q.S.P. Brought by himself. Dines here on Tuesday 16th.'

² Missing.

³ i.e. *Notices of Brazil in 1828 and 1829*.

⁴ i.e. 'to be praised by a man himself deserving of praise'.

14 NOVEMBER 1830

FROM JAMES YOUNG

I regret that my absence from England, deprived [me] of the pleasure of accepting Your kind invitation, or of waiting on You before; but I now avail Myself of the opportunity, & leave this note in the Event of Your not being at home. I am about I [believe]⁵ to proceed to the East & shall be happy to take any Commands You may have for Constantinople.

I have the honor to be
My D^r Sir
With esteem & respect
Very faithfully Yrs
Rob. Walsh

3753

FROM JAMES YOUNG

14 November 1830¹

Calcutta 14 Nov^r 1830.

My dear & venerable friend

This letter will be presented to You or transmitted, waiting Your leisure, by no less a Person than the distinguished Ram Mohun Roy.

You have heard of him often, from me and from others—and know that he is one of the most extraordinary productions of the ‘March of intellect’. A Brahmin of the highest order—and therefore an Aristocrat by birth—one of the Privileged class and a man of easy fortune by inheritance—deeply learned in Sanskrit—Arabic & every thing Oriental, he has nevertheless, unassisted & of himself, been able to shake off prejudice of almost every kind, and to give his natural understanding *fair play*.

If I were beside you and could explain matters fully, you would comprehend the greatness of this undertaking. His going on board ship to a foreign and distant land, a thing hitherto not to be named among Hindoos, & least of all among Brahmins!² His grand object,

⁵ MS ‘belief’.

3753. ¹ Inserted at Bowring, x. 82, in the copy at BL shelf-mark C.61.c.15. Autograph. Docketed: ‘1830 Nov. 14. Young Calcutta to J.B. Q.S.P. 1831 May 3. Received through Ram Mohun Roy.’ Printed in Bowring, xi. 59–60, where it is introduced as follows: ‘Rammohun Roy brought to England the following Letter of Introduction to Bentham from a highly valued correspondent:—’ Extracts from the letter are printed in *Life and Letters of Raja Rammohun Roy*, pp. 124–5, 171–2.

² The *Dharmasutra of Baudhayana*, Prasna II, Adhyāya 1, Kandikā 2 (II. i. 2), places the undertaking of sea voyages at the head of a list of offences leading to the loss of caste: see *Dharmasūtras: The Law Codes of Āpastamba, Gautama, Baudhāyana and Vasiṣṭha*, ed.

besides the natural one of satisfying his own laudable spirit of enquiry has been to set a great example to his benighted Country men, and every one of the slow and gradual *moves* that he has made preparatory to his actually quitting India, has been marked by the same discretion and judgment. He waited patiently till he had by perseverance & exertion acquired a little but respectable party of disciples. He *talked* of going to England from Year to Year since 1823, to familiarize the Minds of the Orthodox by degrees to this step and that his friends might in the mean time increase in numbers & in confidence. As it was of the utmost importance to the preservation of his Rank and influence with the Hindoo Community—who care less about *dogmatics* than *observances*, that he should continue one of ‘the Pure’, and should not be suspected of quitting Hindoo-ism for any considerations of a personal nature, he has externally maintained exactly so much & no more of conformity to Hindoo Customs as his profound knowledge of their Sacred books enabled him to justify—relaxing however by little and little—yet never enough to justify being *put out of the Pale*. I need not say that in private it is otherwise & that prejudices of all sorts are duly contemned by our Philosopher. But so important does he judge it, to the efficacy of his example & the ultimate Success of his honorable mission of experiment, that he should maintain the essentials of his Brahminical Sanctity—that even in the flagrant and outrageous act of making this Voyage & Sojourn, he is contriving to preserve appearances to a certain point which he considers sufficient to save his Caste so that on returning he may resume his influential position against the abuse & calumnious reports which the whole tribe of Bigots will not fail to raise against him while in England & when he comes back. He now judges that the time is come & that the Public mind is pretty well ripe for his Exploit—and he embarks in two or three days in the Albion, for Liverpool; where he has friends & Correspondents in Cropper, Benson, & others of liberal feeling.³

The good which this excellent & extraordinary Man has already effected by his writings and example cannot be told. But for his exertions & writings, Suttee would be in full vigour at the present day,

P. Olivelle, Oxford, 1999, p. 168. Cf. Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (first published in 1776), ed. R.H. Campbell, A.S. Skinner, and W.B. Todd, 2 vols., Oxford, 1976 (*The Glasgow Edition of the Works and Correspondence of Adam Smith*), ii. 682: ‘as the Gentoo religion does not permit its followers to light a fire, nor consequently to dress any victuals upon the water, it in effect prohibits them from all distant sea voyages’.

³ James Cropper (1773–1840), merchant and philanthropist, and Robert Rathbone Benson (1785–1846), partners in the Liverpool mercantile house of Cropper, Benson and Co., founded in 1799.

14 NOVEMBER 1830

FROM JAMES YOUNG

& the influence of the Priesthood in all its ancient force.⁴ He has given the latter a *shake* from which, aided by the Education & Spirit of bold enquiry gone forth among the rising Generations of Hindoos, it never can recover.

I need hardly tell you that the liberalism of such a mind is not confined to points of Theology or Ritual. In all matters involving the progress and happiness of Mankind his opinions are most independent, and he is withal one of the most modest men I ever met with, though near 50 Years of Age, and though he is the most learned & enlightened of his Country & Nation, and indeed has held that position for the last 15 or 20 Years—& has received praises enough to have turned the head of any other Man alive.

It is no small compliment to such a man that even a Governor General like the present,⁵ who tho a man of most honest intentions, suspects every one & trusts nobody, and who knows that R.M.R. greatly disapproves of many acts of Government—should have shewn him so much respect as to furnish him with introductions to friends of Rank & Political & *Indian* influence. Either they will find him intractable & throw him off, or they will succeed in what no one hitherto has succeeded—in beguiling or bending the stranger.

A Stranger however, he is; and of such sort as has not before appeared among you; and he will stand in need, doubtless, of all the kindness and attention that friends here can procure for him. *You* have other & weightier matters to occupy You; nor are Your habits such as to enable you to be of service to R.M.R. in the ordinary way. Yet I felt assured you would like to see & converse with my Indian friend, and indeed I recollect you expressed such a wish. For the rest You will probably make him over with his credential to our friend Bowring & the Reprobates⁶—& Stanhope.⁷

I most truly rejoice to hear and to see pointed proofs that you continue to enjoy your accustomed health & Strength *and Spirits*. No one among all whom you know wishes more truly and earnestly than I—that you may continue to enjoy those blessings, for the sake of us all.

Your affectionate & attached friend
J. Young

⁴ An opponent of the practice of sati, the immolation of widows on their husbands' funeral pyres, Roy was the author of the anonymous pamphlets *Translation of a Conference between An Advocate & an Opponent of Burning Widows Alive. From the Original Bungla*, n.p., 1818, and *A Second Conference between an Advocate and an Opponent of the practice of Burning Widows Alive. Translated from the Original Bengalee*, Calcutta, 1820.

⁵ Lord William Bentinck.

⁶ Bentham's amanuenses.

⁷ Leicester Stanhope.

3754

FROM THOMAS PERRONET THOMPSON

18 November 1830¹

2. Wellington Street. 18 Nov.

My dear Sir,

I shall hope to dine with you on Friday,² according to invitation.

I am

My Dear Sir,

Yours very truly & sincerely,

T. Perronet Thompson

Jeremy Bentham Esq.

3755

TO HENRY BROUGHAM

19 and 20 November 1830 (Aet 82)¹

Q.S.P., 19th Nov., 1830.

MY DEAR BROUGHAM,—It is with no small gratification that I heard Doane's account of the kind mention you made of me in the short conversation he had with you this day: finding thereby that the state of your affections towards me harmonizes so exactly with that of mine towards you. Whatsoever may be in the *Westminster Review* notwithstanding,² be assured that no sentiment of personal hostility has ever had place in anything I have said of you there or elsewhere.

It is accordingly truly delightful to me to see such good reason for believing that no considerable, if any, uneasiness has been produced in your mind by what has been called my '*truculence*':³ for assuredly, if

3754. ¹ BL Add. MS 33,546, fo. 468. Autograph. Docketed: '1830 Nov. 19. Thompson Wellington Street to J.B. Q.S.P. Pransurus.'

² 19 November 1830.

3755. ¹ Bowring, xi. 61.

² See 'Mr. Brougham and Local Judicatories. Art. XII.—1. Bill (as amended by the Committee) for establishing Courts of Local Jurisdiction. House of Commons Papers, Session of 1830. Date 21st of June, 1830. No. 568. Moved by Henry Brougham, Esq., Barrister-at-Law, M.P. at that time, for the Borough of Knaresborough. 2. Equity Despatch Court Proposal. By Jeremy Bentham. 3. Equity Despatch Court Bill. By Jeremy Bentham', *Westminster Review*, vol. xiii (October 1830), 420–57.

³ See *The Examiner*, no. 1,189 (14 November 1830), 722, complaining of 'a distempered—we might say, a truculent attack on Mr. Brougham's plan in the last number of the *Westminster Review*', referring to 'Mr. Brougham and Local Judicatories'.

you were sitting opposite me, (as I hope you will shortly be ere long,) it would not be possible for me to witness any symptoms of uneasiness on your brow, without imbibing, through the channel of sympathy, more or less of it. Not that in substance my course would be altered by any such irrelevant observation: for, if you were my brother in the flesh, instead of being my *soi-disant* grandson in the spirit,⁴ (Oh, naughty boy!) never could I sacrifice to my regard for any individual that affection for my country and mankind, to which my whole soul has been devoted, for I forget how much more than threescore years. As I am dealing with you, so dealt I by my friend Romilly: for, on the occasion of the *Westminster election*, he being, in my phrase, *no better than a Whig*, I wrote against him in favour of—I forget who, (Douglas Kinnaird, I believe,)—of whom I knew nothing, but that he stood upon Radical ground.⁵ What the *Review* has said of you, either this time or the former time,⁶ I know not; nor do I think I ever shall. Sure enough did I send in the *meat* for that meal; for it was what nobody else could have done; but, as to the dressing, I neither know how it was done, nor who were the cooks.

I have understood that it was you that let slip the dogs of war at me in the *Edinburgh*, and perhaps elsewhere.⁷ The more there are of them, the more tickled I shall be; and in so all-comprehensive an assurance you would find a good and valid license, should you ever suppose yourself to have need of any such thing.

⁴ See Letters 3371 and 3373, *Correspondence (CW)*, xii.

⁵ Douglas James William Kinnaird (1788–1830), writer, banker, and politician, MP for Bishop's Castle 1819–20, stood as a radical candidate in the Parliamentary election for Westminster in July 1818, but withdrew in favour of Burdett, who was elected with Romilly.

Cf. *Memoirs of the life of Sir Samuel Romilly, written by himself; with a selection from his correspondence. Edited by his sons*, 3 vols., London, 1840, iii. 365: 'Among the strange incidents which occurred during the election, was the decided part which my excellent friend, Jeremy Bentham, took against me. He did not vote, indeed; but he wrote a hand-bill, avowed and signed by him, in which he represented me to be a most unfit Member for Westminster, as being a lawyer, a Whig, and a friend only to moderate reform. This hand-bill he sent to Burdett's Committee; but, as it did not reach them till after they had become sensible that they had injured their cause by their abuse of me, they refused to publish it. Some of my friends were very angry with Bentham for this hostile interference against me. For myself, I feel not the least resentment at it. Though a late, I know him to be a very sincere, convert to the expediency of universal suffrage; and he is too honest in his politics to suffer them to be influenced by any considerations of private friendship.'

⁶ The 'former time' was 'Bentham, Brougham, and Law Reform', which had appeared in the *Westminster Review* in October 1829.

⁷ See 'Allen on the Rise and Growth of the Royal Prerogative in England. Art. VIII.—Inquiry into the Rise and Growth of the Royal Prerogative in England. By John Allen. 8vo. London: 1830', *Edinburgh Review*, vol. 52, no. 103 (October 1830), 139–57, which contains a passage highly critical of '[t]he school of Mr Bentham', contrasting the depth of Allen's historical learning with the approach of 'the intolerant and dogmatical Utilitarians'. According to the *Wellesley Index to Victorian Periodicals, 1824–1900*, Brougham was author of this article, but it appears, from his response to Bentham (Letter 3756), that the passage in question was an interpolation.

FROM HENRY BROUGHAM

21 NOVEMBER 1830

I have my views, you have yours; but, in all other respects, I am—yours most truly, &c.

P.S.—Since writing the above, I have heard (for I cannot read) the *Morning Chronicle*, in which I see my suspicion, that your *Nolo Officiari* was *Nolo Episcopari* carnalised, confirmed, though not put absolutely out of doubt:⁸ I say since, and, I assure you, upon my honour, so it is. What to say to it, I know not. If I could assure myself, that by this change delay, vexation, expense, and denial of justice will not be increased, nor the abolition of those scourges rendered less probable or less speedy, it would be matter of sincere delight to me to see a mind such as yours turned aside from fee-gathering by the indiscriminate defence of right and wrong, by the indiscriminate utterance of truth and falsehood,⁹ and concentrated to the service of mankind.

20th November.

3756

FROM HENRY BROUGHAM

21 November 1830¹

Hill st.

Sunday Mg

Private

My dear Sir—Many thanks for your kind Letter²—but how could you listen to such a tale of tales as that *I* of all your friends, ever

⁸ On 16 November 1830 William IV appointed Grey as leader of a new Whig administration. Brougham's appointment to the Lord Chancellorship was announced, with the caveat that 'the Law appointments are not to be altogether relied on', in the leading article in the *Morning Chronicle*, 20 November 1830, p. 2. Bentham is alluding to 'the prevailing vulgar error, that every bishop, before he accepts the bishoprick which is offered him, affects a maiden coyness and answers *nolo episcopari*' (see William Blackstone, *Commentaries on the Laws of England*, ed. Edward Christian, 12th edn., 4 vols., London, 1793, i. 380 n.) Bentham may have heard that on 17 November 1830 Brougham had refused the office of Attorney General and had told Grey that he did not intend to accept any office (see *The Life and Times of Henry Lord Brougham. Written by himself*, 3 vols., Edinburgh and London, 1871, iii. 74), or may have had in mind Brougham's statement in the House of Commons on the same day that, in relation to the incoming ministers, 'I have nothing to do with them except in the respect I bear them, and except as a Member of this House' (see *Parliamentary Debates* (1830), i. 567). ⁹ See p. 38 n. above.

3756. ¹ UC clxxiv. 118. Autograph. Docketed: '1830 Nov^r 21. Brougham Hill Street to J.B. Q.S.P. Answer to yesterday's Letter about Chancery shop &c. J.B. to name a day for his dining at Q.S.P. J.B. named one, as per this day's Letter II. But he never came. Written 31 May 1831.' Printed in Bowring, xi. 62. ² Letter 3755.

21 NOVEMBER 1830

TO HENRY BROUGHAM

could have let slip the dogs in E.R.³ at *you*? The truth is I had a correspondence of weeks & all but a rupture with Jeffry⁴ on the subject. He had got committed on the point before I could remonstrate—not having a conception of what was doing till I saw it on my table in print & published.⁵ I succeeded afterwards in stopping the useless & worse than useless controversy between varying or differing allies—for so it was—not enemies.

I want to see you one of these days—and when you summon me to dinner I will attend—but don't make it next Wednes^y⁶—for I go that day to our Society's monthly meetg.⁷

Yrs ever

H. Brougham

3757

TO HENRY BROUGHAM

21 November 1830 (Aet 82)¹

Jeremy Bentham to Henry Brougham

Q.S.P. 21 Nov^r 1830

Henry Brougham or Lord Brougham—whichever at this moment thou art²—thou art a magnanimous fellow, if ever there was one. None but himself can be his parallel³ might, if without a bull it could be said of any body, be said of thee.

³ The *Edinburgh Review*.

⁴ Francis Jeffrey (1773–1850), Rector of the University of Glasgow 1820–2, MP for Perth Burghs 1831, 1831–2, Malton 1831, Edinburgh 1832–4, Lord Advocate 1830–4, elevated to the Court of Session as Lord Jeffrey in 1834, was Editor of the *Edinburgh Review* 1803–29.

⁵ i.e. 'Allen on the Rise and Growth of the Royal Prerogative in England'.

⁶ 24 November 1830. ⁷ Possibly the Society for the Diffusion of Useful Knowledge.

3757. ¹ UCL Library, Brougham MS. 26,006. Autograph. Copy at BL Add. MS 33,546, fo. 469, in the hand of George Bentham, and docketed in Bentham's hand: '1830 Nov. 21. Copy. J.B. Q.S.P. to Brougham Hill Street. Letter 2 of this day.'

² On 22 November 1830 Grey appointed Brougham as Lord Chancellor and on the following day he was ennobled as Baron Brougham and Vaux.

³ See *Double Falshood; or, The Distrest Lovers. A Play, As it is Acted at the Theatre-Royal in Drury-Lane. Written Originally by W. Shakespeare; And now Revised and Adapted to the Stage by Mr. Theobald, the Author of Shakespeare Restor'd*, London, 1728, p. 25, Act III, Scene i:

O my good Friend, methinks I am too patient.
Is there a Treachery, like This in Baseness,
Recorded any where? It is the deepest:
None but Itself can be its Parallel:
And, from a Friend, profess'd!

TO SIR SAMUEL BENTHAM

21 NOVEMBER 1830

You bid me name the day—Come on Tuesday.⁴

Dinner on table at ½ after 7—unless any other time would suit you better: in which case mention it.

If this (day as well as hour) suits you, write the word *yes*: and send it off.

Come the *Park* way:⁵ which you may do, in your carriage. The Gate shall be left unlocked for you.

3758

TO SIR SAMUEL BENTHAM

21 November 1830 (Aet 82)¹

J.B. to S.B.

George² will have given you an account of my letter to Brougham.³ You will [not] be sorry to see the answer: it reached me by 2 o'clock to day.⁴

Inclosed is the brouillon of my Letter to him:⁵ it is not all legible, the Postscript excepted namely what is dated 21 Nov^r,⁶ nor is it exactly what the fair copy that went was in[?]: A fair copy which I have taken I can not just now part with.

Herewith also I send a copy of Brougham's to me:⁷

And perhaps of my reply to his.⁸ I sent it to night to his house in Hill Street but he was not at home.

When you have read what I now send you will return it [to] me by Twopenny. No objection to Your taking copies.

The correct copy of my first to Brougham⁹ you shall have another time.

⁴ 23 November 1830. George Bentham records on 23 November 1830 (George Bentham Diaries, GEB/2/1, p. 90) that, 'Brougham was to have dined at [Queen Square Place] to day but it seems he does not come & JB is much disappointed in the hopes he had conceived at Lord Brougham's appointment'. According to George Bentham, *Autobiography*, p. 361, after having accepted Bentham's invitation to dine with him on 23 November 1830, Brougham 'sent an excuse . . . for not coming to the dinner, and *never after came near him*'.

⁵ i.e. St James's Park.

3758. ¹ BL Add. MS 33,546, fo. 607. Autograph.

³ Letter 3755.

⁵ The brouillon, or draft, of Letter 3755 is missing.

⁶ According to Bowring, the postscript of Letter 3755 is dated 20 November 1830, which appears to be the correct date.

⁸ Letter 3757.

² George Bentham.

⁴ Letter 3756.

⁷ Letter 3756.

⁹ Letter 3755.

21 NOVEMBER 1830

TO HENRY BICKERSTETH

3759

TO HENRY BICKERSTETH

21 November 1830 (Aet 82)¹

Q. S. P. Nov. [1830].²

MY DEAR BICKERSTETH,

You will be more surprised than sorry to know that Brougham has invited himself to dinner here. He bids me name any day but Wednesday³—Wednesday excepted for a reason that he mentions. I have named Tuesday,⁴ but there has been no time yet for me to have heard whether that day will suit him.

Some say *you* are to be Solicitor-General: others say *not*. If not I shall hang myself,—if yes, it will be of great importance that I should see *you*, before I see him; and in this case I hope you will contrive to look in upon me between this and then. Everybody must eat; and if you would come to-morrow at dinner-hour you could hear and speak without loss of time. Half-after seven is the time at which my dinner is generally on the table; but I would substitute any other hour that would suit you better—better later than earlier, if it is the same to you: not otherwise—you can depart with meat half masticated, if necessary.

If you are not to be Solicitor-General I know of no particular reason for our meeting before Brougham and I meet, and in that case you will I hope name some other day.

It delights me to understand from my dear friend Tyrrell that you and he are on such terms.

Yours ever,

JEREMY BENTHAM.

Pray answer this as soon as convenient, and without waiting for twopenny.⁵

3759. ¹ Hardy, *Memoirs of Langdale*, i. 387–8, where it is introduced as follows: ‘In the new Ministry, Mr. Henry Brougham had been appointed Lord Chancellor, and raised to the peerage; and it was currently reported that Mr. Bickersteth was to be made Solicitor-General: and there is no doubt of his having been named to that office by Lord Grey, but opposed by the new Chancellor, though he had known him many years as the friend of Bentham, as well as an earnest law-reformer, who had especially attended to the reform of the Court of Chancery, and who was in very considerable practice.

‘Mr. Bentham was in a state of great expectation on the occasion, imagining that Mr. Bickersteth was to be Solicitor-General, especially as the new Chancellor had written to him expressing an anxious desire to see him, and begging an early appointment for a dinner. He wrote thus to Mr. Bickersteth:—’

The present Letter refers to Bentham’s invitation to Brougham to dine on 23 November 1830 in Letter 3757 and invites Bickersteth to dine on 22 November 1830.

² Hardy ‘1840’.

³ 24 November 1830. See Letter 3756.

⁴ In Letter 3757 Bentham had invited Brougham to dine on 23 November 1830.

⁵ Hardy, *Memoirs of Langdale*, i. 388–9, concludes the letter with the following

3760

FROM JOHN CLAUDIUS LOUDON

30 November 1830¹Bayswater 30th Nov^r 1830

Dear Sir

I send you herewith the *Morning Advertiser* for the sake of the last paragraph of a letter in it, signed J. Milton.²

I shall probably have to write to you on the subject of the letter to which he alludes³ & a pamphlet which I am getting up '*Politics for the*

observation: 'Lord Brougham, however, took no more notice of the veteran law-reformer—much to his disgust.

'It seems, from documents before me, that he never had a thought of recommending Mr. Bickersteth to be made Solicitor-General, for he had given out that he was a Tory, and was too much of a follower and admirer of Lord Lyndhurst to be trusted by the present Ministry; he, moreover, had strongly recommended Lord Grey to appoint Mr. Wilde, though his recommendation was not acceded to by the Premier. In the end, the Chancellor succeeded in getting Mr. Horne made Solicitor-General, who had formerly sat in Parliament as a nominee of a Tory boroughmonger, and who, if he had any politics at all, was a Tory.' On 26 November 1830 Grey appointed William Horne as Solicitor General.

Thomas Wilde (1782–1855), later first Baron Truro, MP for Newark-on-Trent 1831–2, 1835–41 and Worcester 1841–6, Solicitor General 1839–41, Attorney General 1841, 1846, Chief Justice of Common Pleas 1846–50, Lord Chancellor 1850–2. Sir William Horne (1773–1860), MP for Helston 1812–18, Bletchingley 1831, Newtown, I.O.W. 1831–2, and Marylebone 1832–4, Solicitor General 1830–2, Attorney General 1832–4, Master in Chancery 1839–53.

3760. ¹ Wellcome Institute for the History of Medicine, MS 7452/1. Autograph.

John Claudius Loudon (1783–1843), landscape gardener and horticultural writer.

² See the letter, headed 'Causes and Remedies.—State of the Country', dated Great Mary-le-bone-street, 29 November 1830, and signed John Milton, in the *Morning Advertiser*, 30 November 1830, p. 3, calling for the abolition of the laws of entail and primogeniture: 'The above was written before I saw in your paper of the 24th instant, the letter of Mr. Loudon. I had no previous knowledge of that gentleman, but highly approving of his letter, I have written to him, to request his permission to do all in my power to make his letter as widely known as possible. Should I obtain his consent, I propose opening a subscription for as much (say from 60*l.* to 70*l.*) as will pay for its insertion as an advertisement in all the newspapers in the empire.' Milton appears to have been the apiarian who later published *The Practical Bee-Keeper; or, concise and plain Instructions for the Management of Bees and Hives*, London, 1843.

³ Loudon's letter, addressed 'To the Editor of the *Morning Advertiser*' and dated Bayswater, 22 November 1830, in the *Morning Advertiser*, 23 (and not 24, as Milton states) November 1830, p. 2, called for 'election by ballot; the gradual, but entire appropriation of the revenues of the National Church, of the Woods and Forests, and of other Crown Lands; a National Education Establishment substituted for the National Church Establishment; the abolition of the law of primogeniture, and of hereditary titles; the pensioning off of all the branches of the Royal Family, once and for ever; and a fixed sum set apart for the King, or by whatever title the Chief Magistrate of the country may be distinguished'.

As he proposed in his letter of 29 November 1830, Milton printed an expanded version of Loudon's letter as J.C. Loudon, 'The Great Objects to be attained by Reform; In a Letter

7 DECEMBER 1830

TO MARGARET URQUHART

People,⁴ in a day or two, & in the mean time with sincere wishes for the prolongation of your most valuable life,

I have the honour to remain

Dear Sir

Very sincerely

Yours

J.C. Loudon

3761

TO MARGARET URQUHART

7 December 1830 (Aet 82)¹

Q.S.P. 7 Dec. 1830

My dear Madam

It is for the means of showing them to D^r Bowring that I have kept thus long those transcripts of our David's letters with the sight of which you have been kind enough to favour me.² Government (he tells me) have already in Greece an agent, whom he mentioned to me but whose name I have already forgot, though Bowring has but just left me—*Hodgson* perhaps it is.³ In the state in which these transcripts are as yet, it would be of no use to show them to any man who is so engaged by business as every influential Government man is. But he is an apt decypherer—and seldom is there a man of his age through whose hands letters in such multitude have passed. If therefore it be agreeable to you to transmit to him the originals (Millman Street, Bedford Row, is his address)⁴ he will see whether he can make out therein any thing more; and out of this and the former letters he hopes to be able to extract som[e] matter that may have the effect of impressing upon the minds of those on whom it depends such an opinion of our David as he so well merits.

to the Editor of the Morning Advertiser', London, 1830. Bentham's copy, on which he has written 'Jeremy Bentham from the Author 1830', is at BL shelf-mark C.T.89.(5.)

⁴ No such work or pamphlet has been traced.

3761. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/6/14. In the hand of Moore, with the exception of the salutation, valediction, signature, and direction, which are in Bentham's hand.

² Presumably the letters referred to in Letter 3742.

³ Edward James Dawkins (1792–1865) was Resident and Consular Agent in Greece 1828–33.

⁴ Bowring had moved to 5 Millman Street, Holborn, in 1829.

TO EDWIN CHADWICK

8 DECEMBER 1830

Perhaps though they have an Agent for Greece—for the other parts of Greece,—they may be not ill-disposed to have one for Albania likewise.

Believe me ever, My dear Madam
with the truest respect
Your's

Jeremy Bentham

M^{rs} Urquhart.

3762

TO EDWIN CHADWICK

8 December 1830 (Aet 82)¹

Aphorisms proposed to be inserted in the *Examiner*²

Q.S.P. 8. Dec^r 1830

My dear Sir

Competent judges whom I have consulted, strongly agree with me, in the Opinion that, were the string of the above aphorisms cut in two, the effect would be much injured: much of it depending on the all-comprehensiveness of it.

Your's most truly

J.B.

| | Chadwick Esq^{re}

3762. ¹ UC clxxi. 1. Autograph.

Edwin, later Sir Edwin, Chadwick (1800–90), social reformer and civil servant, Secretary of the Poor Law Commission 1834–46, Commissioner of the General Board of Health 1848–54, was Sub-Editor at *The Examiner*.

² Bentham may have been proposing to include some aphorisms of his own in the series of illustrative quotations from various works that appeared regularly under the heading of 'Newspaper Chat' in *The Examiner*.

13 DECEMBER 1830 TO SIR JAMES ROBERT GEORGE GRAHAM

3763

TO THOMAS SOUTHWOOD SMITH

8 December 1830 (Aet 82)¹

Q.S.P. 8 Dec^r 1830

Wednesday Night

My dear Sir

A visit from you on Friday² will gladden the heart of

Jeremy Bentham

Answer by return of post requested.

D^r Southwood Smith.

P.S. I have no other day free till Monday:³ nor after that, till Wednesday.⁴

The visit will be a professional one: though as I have nothing particular the matter with me—nothing but old age, one day for it will do as well as another.

3764

TO SIR JAMES ROBERT GEORGE GRAHAM

13 December 1830 (Aet 82)¹

(Copy.)

Queen's Square Pl^e W^r 13 Dec 1830

Sir

Recollection of the favourable acceptance with which a former communication of mine was honored by you² has flattered me with the idea that the herewith transmitted tract may perhaps experience the like good fortune, and in some way or other at some time or other be productive of practical use. Though printed, the matter in question has not as yet been exposed to sale: nor perhaps will be for some time to come. It is destined to form the commencement of the second

3763. ¹ Chuo University Library, Rare Books, Bentham Collection, DC15: 192/B47. Autograph.

² 10 December 1830.

³ 13 December 1830.

⁴ 15 December 1830.

3764. ¹ BL Add. MS 33,546, fo. 471. This copy of the present Letter, in the hand of George Bentham, is reproduced from Letter 3766.

² See Letter 3694.

TO SIR JAMES ROBERT GEORGE GRAHAM 13 DECEMBER 1830

volume of a work of mine in three Volumes intituled '*Constitutional Code* for the use of all Nations and all Governments professing liberal Opinions:'—and consists of the tenth Chapter having for its title the words '*Defensive Force*.'

The only part which bears directly upon the business of that department which is enjoying the benefit of your superintendence³ is that intituled § 19, *Shipboard Oppression obviated*.⁴ An occurrence which, not long ago, recalled my attention to the subject and may perhaps be found to render it not altogether uninteresting to you is the appearance of an article in the *Examiner* of 9 Oct^r 1830, copy of which will be found inserted into the above-mentioned volume. In that paper is contained all the information I have received in relation to the subject; except that I have been told that the so-stiled Reverend person (a quondam boatswain), who is said to have presided at the meeting, does not bear the purest of characters: but, as the facts in question appear not to rest on his evidence, any part which he may have taken in the bringing them before the public will not detract any thing from any title which they may be found to have to your consideration.⁵

I am Sir
With the truest respect
Yours

J.B.

Rt Honble Sir James Graham
&c. &c. &c.

³ Graham had been appointed First Lord of the Admiralty on 22 November 1830.

⁴ See 'Constitutional Code', Ch. X, § 17 (not § 19 as Bentham states), pp. 249–68 (Bowring, ix. 409–15).

⁵ The article in question, entitled 'Maritime Code for Merchant Seamen', *The Examiner*, no. 1,184 (10 [not 9 as Bentham states] October 1830), p. 651, gives an account of a meeting on 5 October 1830 'of the inhabitants of the east-end of the metropolis' in order to 'consider the propriety of presenting petitions to both houses of Parliament, praying that a code of laws should be passed for the better regulation of the officers and seamen of merchant vessels', in response to the punishment of reputed mutineers aboard two East Indiamen. The meeting was chaired by the Reverend George Charles Smith, known as Boatswain Smith (1782–1863), Baptist minister and missionary to seafarers, who had previously served in the Royal Navy 1796–1801 and who attracted a degree of notoriety on account of his street-preaching.

14 DECEMBER 1830

TO SIR SAMUEL BENTHAM

3765

FROM SIR JAMES ROBERT GEORGE GRAHAM

14 December 1830¹

Admiralty Dec 14. 1830

My dear Sir

It always gives me great pleasure to receive any communication from you,² & any suggestions of Yours must always com⟨mand⟩ my strictest attention.

I am very much obliged to You for Your note of yesterday's date & the accompanying work which I will not fail to peruse upon the earliest opportunity.

Believe me
Your's faithfully

Jas G. Graham

Jeremy Bentham Esq^{re}

3766

TO SIR SAMUEL BENTHAM

14 December 1830 (Aet 82)¹

Q.S.P. Tuesday Dec. 14 1830

J.B. to S.B.

It may be of use, and will naturally not be unpleasing to you to see the sort of terms I am on with the head of Your quondam department.² In the two following letters they will be visible.³

From the word *always*⁴ you would be apt to conclude that more than one such *communication* had been made by me. The fact is, that all the intercourse he and I had had, consists in my having sent him a copy

3765. ¹ BL Add. MS 33,546, fo. 470. Autograph. Docketed: '1830 Dec. 14. Graham Admiralty to J.B. Q.S.P. Thanks for Defensive Force.' This copy of the present Letter, in the hand of Doane, is reproduced from Letter 3766.

² See Letter 3764.

3766. ¹ BL Add. 33,546, fos. 471–2. Autograph.

² Sir Samuel Bentham had been Inspector General of Naval Works 1796–1807 under the direction of the Admiralty, where Graham had been appointed First Lord.

³ Letters 3764 and 3765 appear here.

⁴ See Letter 3765.

TO EDWIN CHADWICK

15 DECEMBER 1830

of my Official Aptitude pasticcio with an introductory letter, on which he sent me that civil and respectful letter of thanks⁵ which George⁶ I believe shewed you.

Will You all four of You dine here *en famille* Saturday sennight—the same being Christmas day?⁷ Send me an answer by return of twopenny⁸ without waiting for George's periodical Saturday Visit.

P.S. Parliament is about to adjourn for 6 weeks, to give time to the Ministry for doing their doings.⁹ So Ellice Treasury Secretary¹⁰ told Bowring Yesterday.

3767

TO EDWIN CHADWICK

15 December 1830 (Aet 82)¹

Queen's Square Place West'

15 Decr. 1830

Dear Chadwick

If I misrecollect not, Fonblanque having commissioned you to inform me that at that time he was free for dinner-engagement from that time for any day at the beginning of every week and that on any one of those days he was ready to give me his company on any I would mention, I begged of you to mention Monday next² accordingly. If so it happens that this has not come to his ears when you open this letter so much the better: for so it happens that Bowring and I have a mutual desire to take that same day for settling divers businesses we have to settle. On Wednesday³ he stands engaged to set off for

⁵ Letter 3694.

⁶ George Bentham.

⁷ 25 December 1830. George Bentham records on 25 December 1830 (George Bentham Diaries, GEB/2/1, p. 95) that he went 'to dinner at [Queen Square Place] with my father mother & Sarah. J.B. in excellent health & spirits—dined down in the parlour—a great event for him which he seemed to enjoy'. See also George Bentham, *Autobiography*, p. 363: 'on Christmas Day [Bentham] had my father, mother and sister, as well as myself, to dine "downstairs in the parlour"; my father seemed then to be improving, my uncle in high spirits, and it turned out a most happy family gathering, destined to be the last, but closing well a happy year of my life'. George's sister was Sarah Bentham (1804–64).

⁸ Missing.

⁹ Parliament adjourned its sitting on 23 December 1830 and resumed on 3 February 1831.

¹⁰ Edward Ellice.

3767. ¹ UC clxxi. 2. In the hand of Doane, with the exception of the salutation, valediction, and signature, which are in Bentham's hand.

² 20 December 1830.

³ 22 December 1830.

2 JANUARY 1831

TO SIR SAMUEL BENTHAM

Manchester to take the chair at a grand Meeting of Unitarians⁴ and for Tuesday⁵ he has I know not what indissoluble engagement. If then without inconvenience Fonblanque can manage so as to give me his company on one of the two days in question—namely Tuesday and Wednesday⁶—and your own on the other—then so it is that in the words of the Blackstonian aphorism—‘every thing is as it should be.’⁷ The sooner this humble proposal receives its answer the more you will oblige

Yours ever

Jeremy Bentham

3768

TO SIR SAMUEL BENTHAM

2 January 1831 (Aet 82)¹

2 Jan^y 1831

J.B. (to S.)B.

I send the inclosed,² thinking you may have left it by mistake, and be in distress from missing it.

⁴ See the notice in the *Monthly Repository and Review. New Series*, no. xlviii (December 1830), 873: ‘The Rev. Dr Ledlie, of Larne, Ireland, is engaged to preach at the ensuing Anniversary of the Unitarian congregation, Salford, Manchester, which will be held on Sunday and Monday, the 26th and 27th inst. Dr Bowring has kindly undertaken to preside at the dinner.’

James Crawford Ledlie (1786–1842), who in 1828 had been the first non-conformist minister to be granted an honorary Doctorate of Divinity by the University of Glasgow.

⁵ 21 December 1830.

⁶ 21 and 22 December 1830.

⁷ See Blackstone, *Commentaries on the Laws of England*, iv. 49.

3768. ¹ BL Add. MS 33,546, fo. 479. Autograph. Addressed: ‘To Sir Samuel Bentham 2 Lower Connaught Place.’ Endorsed: ‘Jeremy Bentham.’ Stamped: ‘T · P / B^dWay W(...)’. Postmarked: ‘10 · F · NOON · 10 / 3 · JA / 1831.’ Bentham has written this note on a cover which is addressed ‘To Jeremy Bentham Esq^{re} S^t James^s Queen Square’ and postmarked ‘8 · MORN · 8 / 10 · JU / 1830’.

² Missing.

FROM BARON WYNFORD

9 JANUARY 1831

3769

FROM BARON WYNFORD

9 January 1831¹

Leesons Chislehurst

Jay 9

Sir

I have to apologise to you for not thanking you before for your valuable Book.² I wished to have read it through before I did myself the Honor of writing to You. Business that I have been obliged to attend to has prevented me from paying that attention to it which it deserves. I am now going to set off for Bath where I shall have Leisure fully to avail myself of all your suggestions before my Bills are in Committee.³ I am happy to find that we differ but little (if we differ at all) as to the examination of the parties. I propose that the examination should take place immediately after an action is brought & before any expence is incurred.⁴ I also approximate to your views as I propose giving the Judges authority to require surety from Plaintiffs—if it appears from the examination of the parties that a suit is hopeless or vexatious.⁵ The establishment of a Code of Laws is a matter of great importance. I shall with a mind perfectly unprejudiced consider all that you have written on that subject.

I am Sir with the greatest respect
faithfully yrs

Wynford

3769. ¹ BL Add. MS 33,546, fos. 480–1. Autograph. Docketed: '1831 Jan. 9. Lord Wynford to J.B. Q.S.P.' An extract is printed in Bowring, xi. 62.

William Draper Best (1767–1845), first Baron Wynford, Attorney General 1816–19, Justice of King's Bench 1818–24, Chief Justice of Common Pleas 1824–9.

² i.e. *Justice and Codification Petitions*.

³ The first of two Bills presented by Wynford to the House of Lords on 30 November 1830 was 'A Bill intituled An Act to prevent the Expence and Delay of Suits in the Common Law Courts at *Westminster*', eventually passed as the Officers of Common Law Courts Act of 1831 (1 & 2 Will. IV, c. 25), and the second, presented on 21 December 1830, was 'A Bill intituled An Act to prevent Debtors from defrauding their Creditors by lying in Prison or absconding from *England*', eventually passed as the Bankruptcy Court (England) Act of 1831 (1 & 2 Will. IV, c. 56).

⁴ See 'Petition for Justice', p. 10, in *Justice and Codification Petitions* (Bowring, v. 446), where Bentham recommends that suits should commence with the parties appearing in person before the judge, giving oral testimony, and being subjected to cross-examination.

⁵ See *ibid.*, p. 26 (Bowring, v. 452), where Bentham recommends that, 'in case of mendacity', the plaintiff should be subjected to punishment and, 'in case of damage to an individual, burthen of compensation'.

15 JANUARY 1831

TO JOHN TYRRELL

3770

TO JOHN TYRRELL

15 January 1831 (Aet 82)¹

Q.S.P. 15 Jan^y 1831

My dear Tyrrell

Thanks for your communication.² Already it has produced fruits: though none of them as yet ripe, and many of them will doubtless prove rotten, without having been ripe.

Now then, will you give me your company tomorrow sennight?³ I say tomorrow Sunday being (if I remember right,) your leisure day—not Saturday. I shall by that time have some thing to shew you. My Nephew⁴ and I have read over and commented on (in conjunction, as before) about ($\frac{2}{3}$ ^{ds}) two thirds of the Bill⁵ and we make confident of having read over in like manner the remaining third by the time abovementioned,⁶ and in the mean time he will have (and at my desire) minuted down any proposed amendments that may have occurred to him on the subject of the details[?] of the text: for what he read to me, and formed the subject of our conversation was little more than the marginals.

Ever yours

Jeremy Bentham

John Tyrrell Esq^{re}

3770. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 12. Autograph.

² Missing.

³ 23 January 1831.

⁴ George Bentham.

⁵ i.e. 'A Bill For Establishing a General Register for all Deeds and Instruments affecting Real Property in England and Wales', 21 December 1830, *Commons Sessional Papers* (1830–1), ii. 297–359.

⁶ For Bentham's 'Observations' on the Registration Bill see UC lxxvi. 73–97 (8, 15, 21, 28, and 31 January 1831). In his *Autobiography*, p. 364, George Bentham notes that he read over the Registration Bill with his uncle at his weekly dinners at Queen Square Place, 'and noting some observations of his and discussing some points with him, he asked me to work out my notes in detail, a work to which, for the next six weeks, I devoted almost every morning, from an early hour till 12, besides going over my MS with Jery Bentham—on one occasion for six consecutive hours—and at Lincoln's Inn with Mr Tyrrell, . . . who urged me to get my observations printed, he undertaking to pay the expence, which, however, my uncle did not allow. Mr Tyrrell, however, took great pains in discussing various points with me, and when the pamphlet was printed, in the course of March, he purchased 100 copies for distribution. I gave away a few—received a few compliments—and there the matter ended.' The pamphlet in question appeared as George Bentham, *Observations on the Registration Bill now pending before the House of Commons, addressed to the Commissioners on the Law of Real Property*, London, 1831, with the introductory remarks addressed to the Commissioners dated February 1831. Bentham's copy, with his marginalia, is at BL shelf-mark C.T.186.(8.)

3771

TO JOHN BOWRING

15 January 1831 (Aet 82)¹Moore, Paris²

J.Be to J.Bo

Virtue would consist in your writing a letter to Moore at Paris authorising and desiring him to make that proposal which you were proposing to a Parisian Bookseller or failing him to a series of such Booksellers in succession and begging to know his expences in this matter by postage and et cæteras.³

As to hearing La Fayette's sentiments and intentions in relation to this subject,⁴ *this* of course is out of the question. I was in hopes of being able to hear something about them through our gallant friend: but his so lately intended or at least proposed excursion has already, it seems, evaporated: and can no otherwise be reconvened[?] than by a Mandamus from B.R.⁵ which I should be glad to be able to move for, but I am disabled by the expence.

So *bonus noctus* [...] being settling opposition for this.

3771. ¹ Harvard University, Houghton Library, Donald Hyde and Mary Hyde Eccles Autograph Collection, MS Hyde 10, (43). Autograph. Addressed: 'To D^r Bowring.' Endorsed: 'By favour of Col:^l Thompson.'

² Possibly Francis Moore (1767–1854), who accumulated a large collection of manuscripts and autograph letters: see 'Catalogue of the highly interesting and valuable collection of Historical Manuscripts and Autograph Letters of the late Francis Moore, Esq., formed during his residence of nearly fifty years in Paris, Which will be Sold by Auction, by Messrs. Puttick and Simpson, Auctioneers of Literary Property, at their Great Room, 191, Piccadilly, on Monday, April 28th, 1856, and four following days, at one o'clock most punctually', London, 1856, which included (p. 50) the sale of 'Letters of Jeremy Bentham' on 29 April 1856.

³ It is possible that Bentham was hoping to make some arrangement in relation to *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates*, which was eventually translated into French by Charles Lefebvre (see p. 548 n. below). The matter appears to be taken up again in Letter 3824.

⁴ *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates* commences with Letter 3740 addressed to La Fayette, in which Bentham asks for comments.

⁵ i.e. Bancum Regis, the Court of King's Bench.

19 JANUARY 1831

TO BARON WYNFORD

3772

FROM JEAN-SYLVAIN VAN DE WEYER

15 January 1831¹

Mon Vénérable ami,

Je comptais avoir le plaisir de vous voir aujourd'hui, pour vous demander la permission de changer de jour avec M. Vilain [XIII],² et de remettre jusqu'à lundi³ notre dîner en tête en tête. Mais un violent mal de dent m'a empêché de sortir de toute la journée. Force m'est donc d'arranger les choses ainsi, sans vous avoir consulté, et de vous envoyer en mon lieu et place mon ami M. Vilain. Veuillez me pardonner la liberté que je prends et agréer l'expression de tout mon dévouement.

Sylvain Van De Weyer

3773

TO BARON WYNFORD

19 January 1831 (Aet 82)¹

By what I have had the satisfaction of seeing on this question,² I have been led to hope that the country is destined to receive on this occasion the benefit of the great and splendid talents which the public voice and such of my professional friends whose opinion I have been able to take concurr in ascribing to you: in such sort that either on this same present occasion a[n] all-comprehensive mode of procedure conducive to the ends of justice may be made

3772. ¹ BL Add. MS 33,546, fo. 482. Autograph. Docketed: '1831 Jan^y 15. Belgium. Vanderweyer Hotel | Jermyn Street to J.B. Q.S.P.'

Jean-Sylvain van de Weyer (1802–74), philosopher, diplomat, politician, Ambassador to Britain 1831–67, Prime Minister of Belgium 1845–6. Following the revolution of 1830 by the people of Dutch-speaking Flanders and French-speaking Wallonia against the rule of the United Kingdom of the Netherlands, a national congress declared Belgium to be an independent, parliamentary monarchy. Van de Weyer and Charles-Hippolyte, thirteenth Vicomte Vilain (1796–1873), were sent to London in January 1831 by the provisional government of Belgium to take part in discussions concerning candidates for the Belgian throne.

² MS 'XIII' appears to be a slip.

³ 17 January 1831.

3773. ¹ BL Add. MS 33,546, fo. 515. Fragmentary autograph draft. Headed: '1831 Jan^y 19. J.B. to Lord Wynford. ☞ Quere whether this will be the commencement?'

² Bentham presumably alludes to the proposed measure to reform procedure in the Common Law courts that Wynford had presented to the House of Lords: see Letter 3769.

to take place of an infinite swarm of different modes of procedure which agree in nothing but their opposition to those same several ends, or [at] any rate [made to take the place of]³ a plan from the institution of which the existing evil would, instead of diminution, receive encrease and by which the expenditure necessary to the establishment of the beneficial plan would be antecedently taken possession of and absorbed by the mischievous, and in this material way the country for an indefinite length of time deprived of the benefit of the beneficial plan.⁴

Accordingly, lest any thing that depends upon me towards giving encrease to the probability of the country's receiving so important a benefit should be wanting, I have taken the liberty of presenting for your acceptance and your notice some works of mine which in one way or other bear upon that same subject.

3774

TO JOHN BOWRING

23 or 29 January 1831 (Aet 82)¹Jan^y 23/29 1831

Bentham to Bowring

Polish Commissioner—Unique Marquess Wielopol(ski)²

Well—as he pleads so hard, I believe I must see him—ill as just now I can spare the time. We shall not want for topics of conversation, points of sympathetic contact.

³ MS 'that' appears to contradict the evident sense of the passage.

⁴ Bentham presumably had in mind Brougham's 'plan' for the establishment of county courts, while the 'beneficial plan' was his own: see Letter 3675.

3774. ¹ UC ix. 91. Copy, on the reverse of a cover addressed 'Monsieur M^r Le Docteur Bowring Londres. Wensmister Sq^{re} N^o 51.' The date is uncertain, as it is unclear whether the '3' is written over the '9', or vice versa. Bowring has noted at the conclusion of the present Letter: 'All but the first three lines of this letter is a repetition & almost word for word of what Bentham says of Lind in his Letter for Barker's Parriana.' Bowring's reference is to Letter 3305, *Correspondence*, xii, printed in Edmund H. Barker, *Parriana: or Notices of the Rev. Samuel Parr, LL.D.*, 2 vols., London, 1828–9, ii. 1–40.

² Aleksander Ignacy Jan-Kanty Wielopolski (1803–77), Margrave of Gonzaga-Myszkowski, Polish nobleman and politician, who, along with Count Aleksander Florian Józef Colonna-Walewski (1810–68), Polish-French nobleman, later French Minister of Foreign Affairs 1855–60, Minister of State 1860–3, and Władysław Stanisław Zamoyski (1803–68), Polish nobleman, politician, and military officer, had arrived in London in January 1831 on a mission from the provisional government of Poland to request aid from Britain: see 'Mémoire présenté À Lord Palmerston Secrétaire d'État de S.M.B. par Le Marquis Wielopolski. Envoyé de Pologne', Warsaw, 1831.

Half a century ago, I took as warm an interest in the affairs of Poland as now I do in those of France. John Lind you have heard me speak of as a man with whom I was about as intimate as I am with you.³ You have seen I believe though not read, his letters on the First Partition of Poland.⁴ He came over here, in quality of Privy Councillor to the virtuous & unhappy King Stanislas,⁵ governor to his nephew, Prince Stanislaus—of the same name⁶ (whose portrait I have) & Director of an institution for the education of a corps of 400 Cadets,⁷ with letters from the King to the Lord Chief Justice of those days (Lord Mansfield) with whom his Majesty in the course of above a twelvemonth's stay in England was in habits.⁸ For between ten & twenty years (I forget how many) he⁹ officiated as the resident of the aristocracy ridden Kingdom of Poland, sending a letter to the King every post—an honest man without a head (Bukati I think his name was)—making his appearance in that character for form's sake¹⁰—George III refusing to receive in that character a subject of his own—one who could not but be in a more especial degree obnoxious to him, if known to be what he was—namely an ex-parson, who went to Constantinople as Chaplain to our Ambassador there—a M^r Murray¹¹ & being convicted or suspected of making use of a flesh

³ John Lind (1731–81), clergyman, barrister, political writer, and unofficial minister for Poland, had been a close friend and collaborator of Bentham.

⁴ [John Lind], *Letters concerning the Present State of Poland. Together with the Manifesto of the Courts of Vienna, Petersburgh, and Berlin. And The Letters Patent of the King of Prussia*, London, 1773. The First Partition of Poland took place in 1772, the Second in 1793, and the Third in 1795.

⁵ Stanisław Antoni Poniatowski (1732–98), King of Poland and Grand Duke of Lithuania as Stanisław II Augustus from 1764 until his abdication in 1795, following the Third Partition.

⁶ Prince Stanisław Poniatowski (1754–1833), Polish nobleman, politician, and diplomat, Grand Treasurer of Lithuania 1784–91, was the son of Prince Kazimierz Poniatowski (1721–1800), Polish nobleman, Deputy Chamberlain of Lithuania 1742–73, the eldest brother of Stanisław II Augustus.

⁷ In 1766, having left Constantinople (as Bentham goes on to explain), Lind had arrived in Warsaw where he had been engaged by Prince Adam Kazimierz Czartoryski (1734–1823), Polish nobleman, writer, and politician, to read English to him. During the following year Lind came to the notice of Stanisław II Augustus, who appointed him privy counsellor, director of the Warsaw School of Chivalry, and tutor to Prince Stanisław. In 1771 Lind accompanied Prince Stanisław to England.

⁸ The future Stanisław II Augustus had visited England from February to July 1754, where he had been introduced to William Murray, later first Earl of Mansfield, at that time Attorney General. ⁹ i.e. Lind.

¹⁰ Franciszek Bukaty (1747–97) appears to have arrived in England around 1772 and was Polish Chargé d'affaires in London until 1780 and Polish Ambassador to Britain 1780–94.

¹¹ Lind had left England in the autumn of 1761 to take up the post of Chaplain to the Levant Company at Constantinople, where he served under Henry Grenville (1717–84), Ambassador to Constantinople 1761–5, and John Murray (c. 1714–75), Ambassador to Venice 1754–66 and Constantinople 1766–75.

TO JOHN BOWRING

27 JANUARY 1831

& blood utensil of his Excellency's,¹² found it necessary to take his departure for England¹³—& taking Warsaw in his way, grew into favour with the King to the degree above spoken of & reversed the dictum of *Cedant arma togae*.¹⁴ One day, he being indisposed, or otherwise occupied, I remember holding a pen for him to convey the news of the day—*Le Chancelier chancele*, said one line of it—a pun this & eke also a prophecy. Thurlow was ejected by Pitt the second:¹⁵ Lind was moreover in favour with the Minister of the day—Lord North, & eke also with Lord Mansfield. But a truce for old man's gossiping, for which you & I have so little time. This has nothing to do with Poland.

3775

TO JOHN BOWRING
27 January 1831 (Aet)¹

J.Be to J.Bo

Q.S.P. 27 Jan^y 1831

Polish Commissioner

You may invite the Pole² to dinner—for Saturday, or Monday or Wednesday:³ the earliest day the best: let him know that he is not to expect a diplomatic nor any thing better than a Hermit's dinner.

¹² Possibly with a view to publication, Bowring has amended the text to read 'suspected of interfering with some of his Excellency's amusements'.

¹³ Cf. 'Appendix: Preface intended for the second edition of the *Fragment on Government*', in *A Comment on the Commentaries and A Fragment on Government*, ed. J.H. Burns and H.L.A. Hart, London, 1977 (CW), p. 519, where Bentham states that Lind was dismissed by Murray 'for being too agreeable to his Excellency's mistress'.

¹⁴ i.e. 'Yield, ye arms, to the toga': see Cicero, *De Officiis*, i. xxii. 77.

¹⁵ Bentham has misremembered the details of this matter, which did not concern Edward Thurlow (1731–1806), first Baron Thurlow, Lord Chancellor 1778–1783, 1783–92, and William Pitt the Younger, but rather Thurlow and Lord North, leader of the administration 1770–82. Bentham had recounted this play on words in a letter to Samuel Bentham of 19–26 November 1779 (Letter 341, *Correspondence*, ii), in reference to the threat to Thurlow's position as Lord Chancellor posed by the resignations from North's administration of Thomas Thynne (1734–96), third Viscount Weymouth, first Marquis of Bath, Lord Lieutenant of Ireland 1765, Secretary of State for the Northern Department 1768, Secretary of State for the Southern Department 1768–70, 1775–9, and Granville Leveson-Gower (1721–1803), styled Viscount Trentham 1746–54, second Earl Gower, first Marquis of Stafford, Lord Privy Seal 1755–7, 1784–94, Lord President of the Council 1767–79, 1783–4.

3775. ¹ Dunedin Public Library, RA+M Reed, 10/BEN. Autograph.

² Wielopolski: see Letter 3774.

³ 29 or 31 January or 2 February 1831 respectively.

24 JANUARY 1831

TO GEORGE BENTHAM

Tyrrell

I have just written, and about to send to him, a Letter: a *Mandamus* to give or take breakfast.⁴

Item to Bickersteth a *Venire Facias*⁵—or rather a '*Huc ades*':⁶ not mentioning that it is for M.P. [. . . ?].

3776

TO GEORGE BENTHAM

24 January 1831¹

Q.S.P. 24 Jan^y 1831

My dear George

Herewith I return you your Real Property papers that you may do by them as you proposed.²

I put into Tyrrell's hands your Note to me.³ He read, while with me, the greatest part if not the whole of them. He will speak for himself. His letter to you⁴ may perhaps have reached you before this does.

He told me (inter alia matter) that Your Logic⁵ is in higher estimation among Lawyers than Whateley's.⁶ As one proof he mentioned a man in Chancery Lane who deals in books bought at Auctions &c. and in whose shop he saw Whateley's book marked at 5^s and your's at 6^s 6^d.

⁴ Letter 3777.

⁵ i.e. a summons issued to a sheriff to cause a party to appear before a court.

⁶ i.e. 'Come here'. Bentham perhaps had in mind the lines

Qui mihi discipulus puer es cupis atque doceri

Huc ades haec animo concipe dicta tuo.

i.e. 'Boy, you who are a student of mine and who desire to be taught, come here; consider these things in your mind', from *Carmen de Moribus*, 1–2, a pedagogical poem by William Lily (1468?–1522/3), grammarian and schoolmaster, and which Bentham had quoted in *Book of Fallacies* (CW), p. 26.

3776. ¹ Yale University, Beinecke Rare Book and Manuscript Library, James Marshall and Marie-Louise Osborn Collection, Anthony Taussig Collection of English Legal Manuscripts, Box 37, Item 297. Autograph.

² Presumably a draft of his essay on the Registration Bill: see p. 488 n. above.

³ Missing.

⁴ Missing. George Bentham records that on both 25 and 26 January 1831 (George Bentham Diaries, GEB/2/1, p. 99) he visited Tyrrell at Lincoln's Inn in order to go over his observations on the Registration Bill.

⁵ George Bentham, *Outline of A New System of Logic, with A Critical Examination of Dr. Whately's 'Elements of Logic'*, London, 1827.

⁶ Richard Whately, *Elements of Logic. Comprising the Substance of the Article in the Encyclopædia Metropolitana: with Additions, &c.*, London, 1826.

TO JOHN TYRRELL

27 JANUARY 1831

It will be your fault if you and he are not intimate: he is in high and universal estimation.

Your's ever

J.B.

I inclose the Principle Tree.⁷
Bring it with you on Friday.⁸

3777

TO JOHN TYRRELL
27 January 1831 (Aet 82)¹

Q.S.P. 27 Jan^y 1831

My dear Tyrrell

You must absolutely see Bowring; the sooner the better; he will do Knight's service to our cause. He will speak to *Lamb*, L^d Melbourn's brother:² to *Young* a Secretary of L^d Melborne's.³ In concert with him I have written an ostensible Letter to him⁴ for the purpose of being shewn to them—a letter in which you are trumpeted and your proposal for dissolving your present Commission, as L^d Melbourn intended, but reviving it in a shape which will make you a Bashaw of three tails, and produce trinity in unity, recommended. We are likewise to use our endeavours to get the support of one, two, or three talented Young Members for the support of the desirable amendments in the House.

You and he have remained too long unacquainted. Your's and his are kindred souls. I have not—for a long series of years I have not had—a thought that I disguise from him: you will not be an hour in his company without feeling disposed towards him in the like manner. When a Student, I remember a Silk Gownsmen⁵ who went by the name of *Omniscient Jackson*:⁶ his knowledge was small—his

⁷ See Letter 3716.

⁸ 28 January 1831.

3777. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 13–14. Autograph.

² Frederick James Lamb (1782–1853), first Baron Beauvale and third Viscount Melbourne, Ambassador to Portugal 1827–31 and Vienna 1831–41, was the younger brother of William Lamb (1779–1848), second Viscount Melbourne, Home Secretary 1830–4, leader of the administration as First Lord of the Treasury 1834, 1835–41.

³ Thomas Young, later Receiver General of the Post Office 1836–54, was at this time Melbourne's private secretary.

⁴ Missing.

⁵ MS orig. 'man'.

⁶ Richard Jackson (c. 1721–87), merchant, lawyer, and politician, MP for Weymouth and Melcombe Regis 1762–8 and New Romney 1768–84, Lord of the Treasury 1782–3. According

29 JANUARY 1831

TO JOHN TYRRELL

faculties weak—in comparison of those of this man: his influence great covering the civilised world—and encreasing every day.

I descend from my stilts to say to you that he is equally ready to give or accept a breakfast which ever is most agreeable and convenient to you. Therefore, My dear Tyrrell, write him for that purpose, mentioning time and place, and imagine whether I am not

Your's

Jeremy Bentham

John Tyrrell Esq^{re}

D^r Bowring's address is 5 Millmann Street Bedford Row.

P.S. I have painted you to him, as I am here painting him to you.

3778

TO JOHN TYRRELL

29 January 1831 (Aet 82)¹

Q.S.P. 29 Jan^y 1831

My ever dear Tyrrell

My affliction is what you may imagine. My affection for you—my esteem of you—continue unabated. Your injunctions are laws to me: Enough this for *that* part of the subject.²

But, on *another* part I must take your commands. I have or have not told you, that having heard that my friend Joseph Hume had declared his intentions of moving for the dissolution of all the Commissions, I wrote to him a letter of considerable length and in the strongest terms, to dissuade him from it.³ Shall I let the matter rest there or shall I desire him to do as he would have done had no such letter been written to him? I am to see him I know not how soon about other matters.

I have a prospect of being able to get young talented M.P.s one two or three—to bring forward or give support to any amendments which you and I may agree in thinking useful, to the Bill.⁴ May I do this, or is the abstaining from it the matter of an additional injunction? I believe

to James Boswell, *The Life of Samuel Johnson, LL.D.*, 2nd edn., 3 vols., London, 1793, ii. 381 & n., Jackson was 'stiled *omniscient*' because of his 'extraordinary stores of knowledge'.

3778. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 15. Autograph.

² In the missing letter mentioned below, Tyrrell had presumably objected to Bentham's 'ostensible letter' to Bowring being shown to Lamb and Young, as proposed in Letter 3777.

³ Missing.

⁴ Presumably the Registration Bill.

TO DANIEL O'CONNELL

31 JANUARY 1831

I mentioned this to you before:⁵ be this, as it may, your letter⁶ does not touch upon it.

Bickersteth has called upon me: he dines with me tomorrow sennight.⁷ As between you and me, that day is accordingly closed. Could you, upon occasion, dine with me, in the mean time any week day?

Your's ever

Jeremy Bentham.

3779

TO DANIEL O'CONNELL
31 January 1831 (Aet 82)¹

BENTHAM TO O'CONNELL

31st Jan. 1831.

Once more. The proceeding by way of attachment in the case of the two Dublin printers² brings to my mind a state of things which had place about sixty-five years ago, and does not seem to have attracted attention on the present occasion: it may, peradventure, by the mention of it, be rendered, under your management, serviceable to the cause of the people. Lord Mansfield, in those days Chief Justice of the King's Bench in England, was notorious for his absolutism. A project of his was, in cases which, by the constituted authorities, were regarded, or professed to be regarded, as abuses of the liberty of the press, to substitute to the trial by jury, trial by the Court of King's Bench alone, viz. by motion for attachment, followed by a quantity of affidavit work by writ of attachment accordingly;³ whereupon the defendant, having been taken up and committed to prison, had tendered to him, in the same prison, a paper of interrogatories, to which, whether by written instrument, or *vivâ voce*, I forget which, he was commanded to give

⁵ See Letter 3777.

⁶ Missing.

⁷ 6 February 1830.

3779. ¹ Bowring, xi. 62–3.

² In January 1831 Michael Staunton (1788–1870), founder and Editor of the Dublin newspaper the *Weekly Register* 1818–50, and Patrick Lavelle (c. 1801–37), Editor and owner of the *Freeman's Journal*, faced prosecution for publishing a letter from O'Connell which was critical of the procedure by which he had been arrested on 18 January 1831 on a variety of charges. O'Connell was tried on 12 February 1831, when he pleaded guilty to conspiring to evade the Dangerous Assemblies (Ireland) Act, whereupon the other charges were dropped and judgement was deferred in order to allow him to attend Parliament.

³ For a description of the summary procedure by attachment, which concerned the punishment of contempts by the superior courts of justice, see Blackstone, *Commentaries on the Laws of England*, iv. 280–5.

answer. In this way a printer of the name of Bingley was dealt with: and while in prison, one of these interrogatory papers was tendered to him, and he was commanded to give answers, which answers he refused to give; and for this contempt, as it was called, he continued in prison for I forget how many years; nor do I recollect in what way his imprisonment terminated, whether by death or by disincarceration.⁴ On account of this proceeding, and others of a similar tendency, my Lord Mansfield became the object of a very extensive and well-merited odium, insomuch that he became an object of attack to a man in so singular a situation for a libel-writer, as that of a Master in Chancery: the title of the libel was, 'A Letter concerning Libels, Warrants, Seizure of Papers, and Security for the Peace,' &c., 6th edition, 1766;⁵ followed by another, entitled, 'A Second Letter on Libels, 1770.'⁶ The form in which expression was given to the imputations was, I remember, the hypothetical;—if any Lord Chief Justice should do so and so, and so on with a train of ifs, and, I believe, a pretty long one.⁷ In Clark's Law Catalogue, the sixth is an edition, and the only edition, of this pamphlet mentioned.⁸ From

⁴ In May 1768 the bookseller William Bingley (1738–99) began publishing the new series of John Wilkes's periodical the *North Briton*, beginning with number 47. In June 1768 William de Grey (1719–81), Solicitor General 1763–6, Attorney General 1766–71, Chief Justice of Common Pleas 1771–80, secured an attachment against Bingley for publishing the *North Briton*, nos. 50 and 51, in which it was claimed that Mansfield's treatment of Wilkes in refusing him bail and thus rendering him unable to take his seat in Parliament had led to unrest in London. Initially confined to Newgate in June 1768, Bingley was unable to pay the bail bond of £1,200 and refused to answer questions. On 7 November 1768 he was removed to King's Bench Prison, where he remained until his release in June 1770. For an account of the affair see *The Case of William Bingley, Bookseller, Who was Two Years Imprisoned by the Court of King's-Bench, without Trial, Conviction, or Sentence. Containing a Genuine Narrative of the Proceedings of the Court against him; together with Copies of the several Rules which were made on the Occasion. Compiled by a Barrister of the Middle Temple*, London, 1773.

⁵ Probably *A Letter concerning Libels, Warrants, the Seizure of Papers, and Sureties for the Peace or Behaviour; with a View to some late Proceedings, and the Defence of Them by the Majority. With the Postscript and an Appendix*, 6th edn., London, 1766, of which the first edition was entitled *An Enquiry into the Doctrine, lately propagated, concerning Libels, Warrants, and the Seizure of Papers with a View to some late Proceedings, and the Defence of Them by the Majority; upon the Principles of Law and the Constitution. In a Letter to Mr. Almon from the Father of Candor*, London, 1764.

⁶ Bentham possibly had in mind either *Another Letter to Mr. Almon, in Matter of Libel*, London 1770, or *A Second Postscript to a late Pamphlet, entitled, A Letter to Mr. Almon, in matter of libel. By the Author of that Letter*, London, 1770.

⁷ See *A Letter concerning Libels, Warrants, the Seizure of Papers, and Sureties for the Peace or Behaviour*, 6th edn., pp. 104–8, where the author presents a series of regrettable actions by a hypothetical Chief Justice of King's Bench.

⁸ See *Clarke's Bibliotheca Legum; or, Complete Catalogue of the Common and Statute Law-Books of the United Kingdom, with an account of their dates and prices, arranged in a new manner, Interspersed with Observations, from the best Authorities, on the principal Works. New Edition, with numerous additions and corrections Not to be found in any other Law Catalogue now extant*, London, 1819, p. 316, which lists 'Letter concerning libels, warrants, seizure of papers, and sureties for the peace, &c. with a postscript, 6th edition, 8vo. 1766. 2s.', and adds the comment: 'Said to be written by Ld. Ashburton, and corrected by Ld. Camden.'

John Dunning (1731–83), first Baron Ashburton, barrister and politician, Solicitor General

this you may imagine the run it had, and the sensation it made. The other enormities alluded to were acts of the secretaries of George the Third, whose abominable misgovernment, and endeavours to introduce absolutism, have been sufficiently brought to view.⁹ This case of Bingley I should expect to find in Burrowes' Reports;¹⁰ but neither time nor eyes admit my making search for it. Between the application of the power of the judges without the jury, to the purpose of inflicting punishment for alleged offences committed by abuse of the liberty of the press, and its application to the purpose of punishing offences committed by physical resistance to, or non-compliance with, the mandates of these same judges, there is a very broad and clearly visible line of distinction. If punishment for such resistance or non-compliance were made to depend on the will of a jury, or of any other authority, other than that of the judges themselves, theirs would be a state of impotence, and the whole fabric of the judicial establishment would fall to pieces; whereas, in the case where the offence consists in alleged abuse of the liberty of the press, not any the least danger is there that any such consequence should follow; whatsoever be the attacks made upon them in this way, neither motives nor means can be wanting for engaging defenders, in any number that can be desired; whereupon a suit is thus carried on in the court of public opinion,—a court of dernier resort, which never acts under that corrupted and corruptive influence, under which the highest of the *soi-disant* courts of justice always act. The pamphlet is anonymous, nor is there in print, that I know of, this man's name as its author;¹¹ but I had a slight acquaintance with the man, having been in his company, and to him it was ascribed by everybody. I cannot suppose that you will be under any great difficulty in finding out the 'materiel et personnel' of this war, in your libraries, public or private. My notion is, or say what I should expect to find is, that owing to the odium excited on that occasion, by this mode of proceeding, in the case of alleged abuses of the liberty of the press, it fell into disuse, and has never since been revived.

1768–70. Charles Pratt (1714–94), first Earl Camden, Attorney General 1757–62, Chief Justice of Common Pleas 1762–6, Lord Chancellor 1766–70, Lord President 1782–3, 1784–94.

⁹ Bentham presumably had in mind the issue of a general warrant, signed on 26 April 1763 by George Montagu Dunk (1716–71), second Earl of Halifax, Secretary of State for the Northern Department 1762–3, 1771, Secretary of State for the Southern Department 1763–5, Lord Privy Seal 1770–1, for the arrest of the authors, publishers, and printers of the *North Briton*, no. 45, which was used to arrest Wilkes and forty-eight other individuals. Criticism of general warrants was one of the main themes of *A Letter concerning Libels, Warrants, the Seisure of Papers and Sureties for the Peace or Behaviour*.

¹⁰ The case was not, in fact, reported in James Burrow, *Reports of Cases argued and adjudged In the Court of King's Bench, during the time of Lord Mansfield's presiding in that Court, from Michaelmas Term 30 Geo. II. 1756, to Easter Term 12 Geo. III. 1772*, 2nd edn., 5 vols., London, 1790.

¹¹ i.e. Ashburton's.

2 FEBRUARY 1831 TO A. FONBLANQUE AND E. CHADWICK

I remember being present, in the capacity of a student, at the time of the discussions in that case of Bingley. Here are *facts*, meaning *indications*, of supposed facts: to you it belongs to find logic and rhetoric grounded on these facts.

Written what is above, from dictation, made between sleeping and waking, by one who was once your correspondent, and even host, and will ever be your admirer and sincere well-wisher, though not always and without exception your approver.

3780

TO ALBANY FONBLANQUE AND EDWIN CHADWICK

2 February 1831 (Aet 82)¹

Jeremy Bentham to Albany Fonblanque and Chadwick.

Wednesday 2 Feb^y [1831]²

If you can do it without inconvenience, you would oblige me by giving in the next Examiner 6 Feb^y insertion to what is undermentioned in inverted commas.

‘From the Disseminator³ of Nov^r 28 1830 N^o 32. Interesting information on the subject of slavery.’

☞ Then insert in the Examiner of Feb 6 the matter in the Newspaper herewith sent marked N^o 1 and N^o 2.

After this add as follows.

‘The Newspaper from which the above is copied begins thus. THE DISSEMINATOR. Printed and published every Tuesday, by the Pupils of the School of Industry Office, East End of New Harmony Hall.’ Thus it is that these Schoolboys at home become Schoolmasters abroad;⁴ and give their puffs to the philanthropic and beneficent trumpet first sounded by Lord Brougham.⁵

3780. ¹ Harvard University, Houghton Library, Autograph File. Autograph draft.

² MS ‘1830’ is a slip.

³ *The Disseminator of Useful Knowledge; containing hints to the youth of the U. States, from the ‘School of Industry’*, first published in January 1828 in New Harmony, Indiana, had been established under the proprietorship of William Maclure (1763–1840), Scottish merchant, scientist, and educational reformer, who in 1796 had emigrated to Philadelphia and had become an American citizen. He had invested in land in New Harmony in 1825.

⁴ See p. 368 n. above.

⁵ The following item accordingly appeared in *The Examiner*, no. 1,201 (6 February 1831), 91–2:

‘INTERESTING INFORMATION ON THE SUBJECT OF SLAVERY

‘(FROM THE DISSEMINATOR OF NOV. 28, 1830, NO. 32.)

From the Cincinnati Chronicle.

‘FREE BLACKS IN CANADA.—We have recently had an opportunity of conversing with

If this is printed, you would oblige me if you could send me a *slip* or two or say half a dozen at most, which I should be glad to have for the purpose of sending one in my name to my old friend to shew that I bear no malice towards him notwithstanding his silence after my having in compliance with his [command] appointed a day for his coming to dine with me.⁶

The notion under which I propose this article for publication is—that he may make use of it in some way or other in the speech which before his being made Lord Chancellor he announced his intention of making for the abolition of Slavery.⁷

The other articles you will find marked by being inclosed in Ms black lines are thus distinguished under the notion that you may regard them or some of them as worth inserting in the Notabilia of the next or some future N^o of the Examiner.⁸

Emanuel Andrews, (a coloured man) one of the emigrants from this place to Canada. From the good character of Andrews, we think his statements entitled to credit.

‘The colonies have constituted a board of twelve persons, who have purchased from the Canadian Land Company 25,000 acres of land, at one dollar fifty cents. per acre, payable in ten annual instalments, without interest. This land lies between lake Huron and Grand River, about 160 miles from Little York, and 350 from Detroit. The land is represented as good, being well watered, and timbered with beech, sugar-tree, hickory, chestnut, pine, &c.

‘The board of free blacks, who manage the affairs of the colony, have sold out about 2000 acres of this land at the original cost. There are now about 700 persons belonging to this colony, 500 of whom went from this city. About 150 are settled and farming for themselves, the others are living and working for the Canadians. Their children are allowed to go to the free-schools of the government, and about 30 are already in constant attendance. The free blacks of this colony have now been about one year in Canada, during which time they have enjoyed good health. Last winter they suffered a good deal for want of provisions and clothing. They are generally contented with their situation, and not disposed to return to this state.

‘Baron A. de Lederer, Austrian Consul General, has published a notice, that any slave, the moment he sets his feet upon the soil of Austria, is free—his government having decreed that every man has inborn rights, and is entitled to civil liberty.—*Weekly Messenger*.

‘The newspaper from which the above is copied, which has been sent to us by our most venerated correspondent, begins thus: “The *Disseminator*, printed and published every Tuesday, by the *Pupils* of the School of Industry (Office, End of New-Harmony Hall).” “Thus it is,” says our correspondent, “that the school boys at home give their puffs to the philanthropic and beneficent trumpet first sounded by Lord Brougham.”

⁶ For Bentham’s invitation to Brougham see Letter 3757.

⁷ On 13 July 1830, in a speech on slavery in the colonies, Brougham had moved ‘that this House do resolve, at the earliest practicable period of the next Session, to take into its serious consideration the state of the Slaves in the Colonies of Great Britain, in order to the mitigation and final abolition of their Slavery, and more especially in order to the amendment of the administration of justice within the same’, but the motion was defeated by 56 votes to 29: see *Parliamentary Debates* (1830), xxv. 1171–1214 at 1191–2, and *Works of Henry Lord Brougham*, 11 vols., Edinburgh, 1872–3, x. 193–217 at 217.

⁸ Bentham may have been sending the copy for an item on *Book of Fallacies* that appeared in the ‘Notabilia’ section of *The Examiner*, no. 1,201 (6 February 1831), 90; on *Rationale of Reward*, in *ibid.*, no. 1,202 (13 February 1831), 107; and on *Indications respecting Lord Eldon*, in *ibid.*, no. 1,204 (27 February 1831), 139.

2 FEBRUARY 1831

TO GEORGE BENTHAM

As to Erskine Perry⁹ I have not been a single day disengaged since Fonblanque wrote to me about him.¹⁰ I have heard and admired his Letter about Bavaria.¹¹ I shall tomorrow when Chadwick dines with me talk with him about a day for my seeing Perry.¹²

P.S. Do not tear up this paper,¹³ but preserve it for me. They come to me regularly. They are sent to me by the Editor Maclure a rich philanthropist who it seems has purchased more or less of Robt Owen's Establishment. I forget in which of the United States New Harmony is situated: the State should be added.

3781

TO GEORGE BENTHAM

2 February 1831 (Aet 82)¹

Q.S.P. 2 Febr. 1831

My dear George,

Tyrrell has appointed Friday² as the only day on which he can come to visit—if you can contrive to come the next day, so much the better. You would in that case have the greatest[?] and most clear, correct[?] and comprehensive account of the substance of my conversation with him.

In the meantime you will write for me an account of every thing which it may be worth[?] while[?] that I should know of the substance of your intercourse with him.³

Yours ever

J.B.

⁹ Thomas, later Sir Thomas, Erskine Perry (1806–82), Justice of the Supreme Court of Bombay 1840–52 and Chief Justice 1847–52, was Honorary Secretary of the National Political Union of London and a founder of the Parliamentary Candidate Society. In 1829 Perry had travelled to Germany where he studied at the University of Munich until his return to England in 1831. ¹⁰ Missing.

¹¹ Possibly the letter headed 'A Liberal King', dated 'Munich, December 20, 1830' and signed 'E.', which appeared in *The Examiner*, no. 1,196 (2 January 1831), 2–3.

¹² Perry's account of his dinner with Bentham on 7 February 1831 is in Essex Record Office, Horace Smith Papers, D/Drh C130/1.

¹³ i.e. the copy of *Disseminator of Useful Knowledge*.

3781. ¹ Photocopy in the Bentham Project, but location unknown. Autograph.

² 4 February 1830.

³ For George Bentham's meetings with Tyrrell see p. 488 n. above.

3782

FROM SIR FRANCIS BURDETT

4 February 1831¹

My Dear Bentham,

You know the old pike catches not more eagerly at the young dace than I do at any opportunity that presents itself of your society, especially your dinner.

I shall be with you at ½ after seven.²

Yours truly

F. Burdett

Just arrived

Frid. [...?]-4

3783

FROM JOHN FLOWERDEW COLLS

10 February 1831¹

33, Canterbury Square, Feb. 10, 1831.

Dear and respected Sir * * * If you would be so good as to write but one line more for me, addressed to the Chancellor himself, (Lord Brougham,) his lordship would not hesitate to set my name down upon his list for a living, when I should be qualified to accept it. The object, then, of the application with which I now trouble you is, to request that you would now crown your kindness, by granting me this additional favour. Mr. ——² has permitted me to say, that he is quite sure his lordship would be glad of an opportunity thus to manifest his esteem for you, and that he would not regard the kindness conferred as in the least binding you to restrain your pen against any part of his political conduct upon which you might think yourself called upon, on any future occasion, to

3782. ¹ The Rawlins Collection of Historical Documents and Autograph Letters. Autograph. Docketed: '1831 Feb. 4. Burdett to J.B. Q.S.P. Pransurus cras.'

² George Bentham records on 5 February 1831 (George Bentham Diaries, GEB/2/1, p. 101) that he went 'To JB to dinner. Sir F. Burdett there a great tall Don Quixote in person a random radical in speaking—who says he would give £1000 to get Cobbett in Parl'.

3783. ¹ *English Churchman*, vol. ii, no. 62 (7 March 1844), 153, where it is introduced by Bowring as follows: 'The last letter which I find from [Colls], written the year before Bentham's death, is the following:—'

² Unidentified.

ANTE-12 FEBRUARY 1831

TO WILLIAM CARPENTER

animadvert. * * * —I remain, dear Sir, with unfeigned respect,
your obedient, humble servant,

Jeremy Bentham, Esq.³

JOHN F. COLLS.

3784

TO WILLIAM CARPENTER

Ante-12 February 1831 (Aet 82)¹

PACIFICUS AGAINST THE CONQUEST OF IRELAND.

SIR,—The debates on the occasion of O’Gorman Mahon’s motion have just reached me.² In the representation given of them in the *Morning Chronicle*, I behold a portrait of Honourable House.³ The portrait of Britannia will not, I hope, be a pendant to it. Honourable House has one object of regard. Britannia, I hope,—one of her children, I am sure, has another, and that a very different one. Honourable House has one end in view, an end at which it aims. Britannia I hope— one of her children, I am sure, another, and that a very different one. Honourable House has one principle by which its sentiments, and, when the time comes, its means, and proceedings, and will—in a

³ Bowring has noted at this point: ‘This letter is endorsed, in Bentham’s handwriting, “Colls to J.B. asking J.B. to ask Brougham for a living. Answered No! verbally, through R.D. [i.e. Richard Doane], who had prophesied as much.’

3784. ¹ Bowring, xi. 64–6, where it is introduced as follows: ‘I do not know to whom this letter, on the Repeal of the Union, was addressed:—’

A truncated version of the present Letter appeared under the heading ‘CIVIL WAR!’ in *Another Political Letter*, 12 February 1831, p. 6 (reproduced in William Carpenter, *Political Letters and Pamphlets, published for the avowed purpose of trying with the government the question of law—whether all publications containing news or intelligence, however limited in quantity or irregularly issued, are liable to the imposition of the stamp duty of fourpence, &c.; with a full report of the Editor’s Trial and Conviction, In the Court of Exchequer, at Westminster*, London, 1830–1, no. 21) A series of weekly tracts known as *Political Letters and Pamphlets* had been issued since October 1830 by William Carpenter (1797–1874), journalist, radical, and compiler of religious books.

² James Patrick Mahon, known as the O’Gorman Mahon (1802–91), MP for County Clare 1830–1, 1879–85, Ennis 1847–52, and County Carlow 1887–91, had on 7 February 1831 given notice that he intended to move the next day for copies of proclamations issued by Lords Lieutenant of Ireland since the passing of ‘the Act for the suppression of Illegal meetings and Associations; also for a copy of the Letter addressed by the present Chief Secretary for Ireland to the Magistracy on the subject’ (for the Dangerous Assemblies (Ireland) Act of 1829 see p. 259 n. above). The motion was agreed after a rancorous debate on 8 February 1831, which concluded with the O’Gorman Mahon warning that ‘if blood should be shed in the struggle for the Repeal of the Union, the guilt of it would be on the English Ministry, not on the Irish people, who were determined never to succumb to their tyranny’. See *Parliamentary Debates* (1831), ii. 231, 311–41.

³ See the *Morning Chronicle*, 9 February 1831, pp. 1–3.

word, its actions, if conformable to those its sentiments, are directed. Britannia, I hope—one of her children, I am sure, others, and those very different ones. The principle of Honourable House is the absolute government principle; the principle by which Britannia will, I hope, in her deeds—one of her children, I am sure, in his words—be guided, yes, and governed, is the greatest-happiness principle.

On the part of Honourable House, (unless sadly misrepresented,) an almost unanimous determination stands expressed—I say expressed, for inward feeling is one thing, expression another; (and everywhere, and in Honourable House in particular, but too often a very different one,)—yes, a determination to coerce, and risk a civil war, rather than to consent to the Repeal of the Union.⁴

Now, then, by what motive is this determination, supposing it to have place, produced? Is it by any regard to the happiness of the millions—of the millions on both sides, or on either side of the water? No such thing, Sir, this is not so much as professed; and though any such profession need not so much as ten or a dozen words, those ten or a dozen words are not thought worth the expenditure of, for the purpose of fixing a mark to intention and endeavours. Well, then, on the event in question, Sir, the M.P.s,—the M.P.s, to the amount of a few hundreds, are determined to go forth, to gird on their armour, and with fire and sword to lay Ireland waste, subdue the insolent Irish, and, by God's help, which it will cost them no more than one day's fasting to secure, to establish an aristocratical tyranny of the inhabitants of the one island over those of the other: laying it waste, in the meantime, with fire and sword for that godly purpose. Will they? so let them, then, with Mr Speaker⁵ for commander-in-chief, having first effected a junction with the force of the Right Honourable House, under the command either of the Lord Chancellor,⁶ the Archbishop of Canterbury,⁷ or the late commander-in-chief his Grace of Wellington,⁸ or Earl Grey, in his quality of First Lord of the Treasury, or in that of champion of his order,⁹ as it shall please the Right Honourable House to determine. Yes, Sir, I say once more, forth let them go. By steam they will go; and when from the steam-boat they have disembarked on the banks of the Liffey, let the Liberator¹⁰ and his fellows lay hold of them, toss them in a blanket, and then toss

⁴ The Union of Great Britain and Ireland that had been inaugurated on 1 January 1801.

⁵ Charles Manners-Sutton.

⁶ Brougham.

⁷ William Howley (1766–1848), Regius Professor of Divinity at the University of Oxford 1809–13, Bishop of London 1813–28, Archbishop of Canterbury, 1828–48.

⁸ Wellington had resigned as Commander-in-Chief in 1828 in order take up his position as leader of the administration.

⁹ Bentham may have thought that Grey had been appointed into the Order of the Garter, but according to a report in *The Standard*, 26 November 1830, p. 2, he had refused the honour. He was, however, appointed into the Order on 27 May 1831. ¹⁰ Daniel O'Connell.

them back again into the steamboat, with fuel to fire them back again, or into the Liffey—no great matter which.

To the transportation of this force, I say, Sir, I have not any the smallest objection, bearing in mind the proverb which begins with ‘Good riddance;’ but lest I should be called to order, what it continues and ends with, shall remain in *innuendo*.¹¹ O yes: this force, so much of it as you will; the whole of it, if such be your pleasure. But as to any addition to it, 10,000 men, for example (not that such a number would be sufficient)—100,000 men? No: nor 10 men: no, nor a single man: no, nor half a man, nor so much as a ninth part of a man.

For the achievement of this conquest, if to that band of heroes any addition be made, money and men will be necessary. Well, then, in the first place—the money, where is it to be found? From the people, so many millions sterling as will be required? No, not a penny, (I hear a voice crying,) no, not a penny of it. Not a penny will be had but from taxes. ‘Refuse the Taxes,’ is a cry that has been already heard,¹² and on such an occasion, if on any, will be repeated.

This will not serve the purpose, any further, than as they use the bayonet, or fire on those they are sent to kill; and suppose the 100,000, or any part of them should, when the word of command is given—the word ‘fire’—may not the firing either be in the air, or, if it must be in a line parallel to the earth, may it not be in the direction in which it will meet the very leaders who have been above-mentioned?

Here, then, agreed; agreed inwardly and outwardly, in profession, as well as object and endeavours, are the Tories and the Whigs. But the Radicals?—have they reckoned on the Radicals?—they did not say they had: they did not think it worth their while to say as much. But if, notwithstanding, they did inwardly so reckon, they reckoned, (I trust,) as says another proverb, without their hosts. Tories and Whigs in concert will make enactments—will issue orders. But the Radicals—what is it they will do? They will, I hope, present petitions; petitions, and the sooner the better: that thus, *in limine*, the plague of tyranny may be stayed, and the honest blood of both countries saved from flowing.

¹¹ i.e. ‘good riddance to bad rubbish’.

¹² In a speech in the French National Assembly on 1 September 1789, Honoré Gabriel Riqueti, Comte de Mirabeau (1749–91) had argued that, in any new constitution, the monarch should have the right to veto legislation since the monarch was the ‘perpetual representative of the people’, who would protect the people from the private interests of temporary, elected representatives. To guard against the unjust use of the Royal veto, the National Assembly had, Mirabeau argued, ‘divers means of influencing the kings’s will; it may refuse the taxes; it may refuse the army; it may refuse both one and the other, or merely vote them for a very short term’: see *Speeches of M. de Mirabeau the Elder, pronounced in the National Assembly of France. To which is prefixed, a sketch of his life and character. Translated from the French edition of M. Mejan, by James White, Esq.*, London, 1792, pp. 153, 157–8.

‘The bad example of Paris and Brussels,’ forsooth! when the baroneted offspring of Spinning Jenny speaks thus, he speaks in character—he speaks as might have been expected.¹³ But Lord Althorp! I am sorry to see him join in any such sentiments—much more to see him take the lead in them.¹⁴ But a few petitions from his brother balloters will bring back to his strangely-forgotten duty, this advocate of the ballot.¹⁵ Let them learn in time. Let them make haste to petition; and, with one accord, choosing for their presenter the first-born of Earl Spencer¹⁶—put into his hand their petitions, that, by the presentation of them, the result of passion and humour, the fault of the moment, may thus be expiated.

This, then, let the people petition for: and when they are about it, let them go a step further, and petition for the dismissal of the Ministry, by whom this declaration of war has been made: for their dismissal, not merely for this their bloody purpose, but for the so extreme discordance of their actions with their professions: for their sham Reform under the guise of half Reform: for their sham Parliamentary Reform: for their sham Finance Reform: sham Law Reform, with the learned paragon of insincerity, the *Vaux—etiam Vox et preterea nihil*¹⁷—at the head of it.

So sayeth, and so prayeth, though without fasting,

PACIFICUS

¹³ During the debate of 8 February 1831 on the proclamations of the Lords Lieutenant of Ireland, Peel had stated that, ‘It was not religious differences that now disturbed Ireland—it was not the want of any political rights—but the bad example of Paris and Brussels, acting on the excitability of a generous people, which had produced the present unfortunate state of Ireland’: see *Parliamentary Debates* (1831), ii. 311–41 at 330. Peel was the son of Sir Robert Peel, whose family’s textile business had employed James Hargreaves (bap. 1721, d. 1778), the inventor of the Spinning Jenny, and subsequently enjoyed the financial benefit brought by the machine. The elder Peel had been created a baronet in 1800 for having donated £10,000 to the voluntary contribution against French invasion in 1797 and for having raised six companies of militia at Bury in 1798. William Cobbett, in ‘Rural Ride From Burghelere to Petersfield’, *Cobbett’s Weekly Register*, vol. lvi, no. viii (19 November 1829), 457, had referred to Peel as the ‘offspring of the great Spinning Jenny promoter, who subscribed ten thousand pounds towards the late “glorious” war; and who was, after that, made a Baronet’.

¹⁴ During the debate of 8 February 1831, Althorp, the Chancellor of the Exchequer, had complained that the O’Gorman Mahon ‘was exciting so much discontent . . . that notwithstanding he cautiously terminated every speech, however inflammatory, with a recommendation of obedience to the law, it was evidently tending to insurrection and rebellion’, that he ‘could hardly conceive the possibility’ that repeal of the Union could be attained ‘except by civil war’, and that while ‘No man held civil war in greater detestation than himself, but even that he should prefer to the dismemberment and destruction of the empire’: see *Parliamentary Debates* (1831), ii. 323–5.

¹⁵ Althorp had, for instance, expressed his support for the ballot in debates in the House of Commons on 5 March and 28 May 1830: see *Parliamentary Debates* (1830), xxii. 1340 and xxiv. 1230–1.

¹⁶ Althorp was the eldest son of George John Spencer (1758–1834), styled Viscount Althorp 1765–83, second Earl Spencer, Lord Privy Seal 1794, First Lord of the Admiralty 1794–1801, Home Secretary 1806–7.

¹⁷ i.e. Brougham, who had been created Baron Brougham and Vaux, and who Bentham was describing as a ‘windbag’, playing on the similarity in pronunciation of Vaux and *vox*.

16 FEBRUARY 1831

TO LEICESTER STANHOPE

3785

TO THOMAS SOUTHWOOD SMITH

12 February 1831 (Aet 82)¹

Q.S.P. 12 Feb^y 1831

My dear Doctor

I wrote to you yesterday² requesting the favour of your company at the convivial hour for tomorrow—Sunday. No answer from you has as yet reached me.

In the event of your being engaged for that day, this is to request the like favour for the next day Monday³ which is still vacant here, all the other days in the week being engaged. It is on business of no inconsiderable importance that I wish for the benefit of your advice—a business in relation to which a proposal being made to me, I can not delay giving an answer without giving persons unknown to me considerable ground for complaining of

Yours ever

Jeremy Bentham

D^r Southwood Smith.

3786

TO LEICESTER STANHOPE

16 February 1831 (Aet 83)¹

Q.S.P.

16 Feb^y 1831

My ever dear Leicester

Will you give me Your company at circumgiration time between 1 and 2 tomorrow?

J.B.

3785. ¹ The Morgan Library and Museum, New York, Literary and Historical Manuscripts, MA 8947. ² Missing. ³ 14 February 1831.

3786. ¹ UCL Library, Stanhope Letter Collection, no. 13. Autograph.

TO EDWIN CHADWICK

20 FEBRUARY 1831

3787

TO EDWARD STRUTT

17 February 1831 (Aet 82)¹

Q.S.P. 17 Feb^y 1831.

Dear Sir

Your two missives of yesterday's date have, both of them, reached me:² and, to obviate, as far as depends upon me, ulterior disappointment,— I hereby propose next Saturday sennight, 26th instant, as being the earliest day on which your Parliamentary duty will leave you at liberty to comply with any such request as that from

Your's sincerely

Jeremy Bentham

Edward Strutt Esq.

3788

TO EDWIN CHADWICK

20 February 1831 (Aet 82)¹

Q.S.P. 20 Feb^y 1831

Dear Chadwick

Judge whether any use can be made of the herewith inclosed papers.²

Bowring's was the hand through which that in the 'Political Letter' passed.³ That publication he told me sold 26,000 copies according to the last returns.

J.B.

If Pacificus [...?] be employed it will be advisable[?] to be read[?] what was said on the subject of it by all the Members who spoke (I had only those three) and add their names—they should be in the *Mirror*.⁴ Can you do this or must I set Arthur⁵ to do it?

3787. ¹ University of Illinois at Urbana-Champaign, Jacob H. Hollander Collection Manuscripts 1660–1936, Box 1, Item 3,953. Autograph. ² Both missing.

3788. ¹ UC clxxi. 3. Autograph.

² Missing.

³ i.e. Letter 3784.

⁴ i.e. in the debate on the O'Gorman Mahon's motion in the House of Commons on 8 February 1831. In Letter 3784 Bentham refers to the speeches of the O'Gorman Mahon, Peel, and Althorp. According to *Mirror of Parliament* (1831), i. 102–17, the other speakers in the debate were Burdett, William Hughes Hughes (1792–1874), MP for

22 FEBRUARY 1831

FROM DANIEL O'CONNELL

3789

FROM DANIEL O'CONNELL

22 February 1831¹

16 Manchester Buildings
22^d February 1831

My dear Sir,

The duplicate of your letter of the 31st of January 1831² was handed to me by M^r Mitchell of the Vote Office.³ The original reached me about the 4th of this month and I thought myself at liberty to shew it to M^r Staunton who with me concurred in considering the view of the case taken by you too valuable not to communicate your letter to his counsel. They have formed a resolution to rest much of the defence on the reasoning you suggest—but I have now reason to believe that the case will never be called on. At present my belief is that it will be suffered to rest in oblivion.

I should have answered your letter sooner and should have endeavoured whilst I was last in town to have seen you⁴ but for a reason which does not belong to the characteristics of my countrymen—I mean a sense of shame—I am ashamed of my *inutility*. I had formed a confident hope that my career in parliament would be one of considerable Usefulness. I had flattered myself that in the British Senate I could and should be able to advance the sacred Cause of rational and cheap government and assist to cleanse the Augean Stable of the Law.⁵ My first mistake consisted in entertaining a high opinion

Oxford 1830–2, 1833–7, Henry Hunt, Nicholas Philpot Leader, William Smith O'Brien (1803–64), MP for Ennis 1828–31 and County Limerick 1835–49, Henry John Temple (1784–1865), third Viscount Palmerston [I], Secretary at War 1809–28, Foreign Secretary 1830–4, 1835–41, 1846–51, Home Secretary 1852–5, leader of the administration as First Lord of the Treasury 1855–8, 1859–65, Sir Charles Wetherell (1770–1846), MP for Rye 1812–13, Shaftesbury 1813–18, Oxford 1820–6, Hastings 1826, Plympton Erle 1826–30, and Boroughbridge 1830–2, Solicitor General 1824–6, Attorney General 1826–7, 1828–9, and Thomas Wyse (1791–1862), MP for County Tipperary 1830–2 and Waterford 1835–41, 1842–7. ⁵ Arthur Moore.

3789. ¹ Boston Public Library, MS Eng. 456 (1), 7493441. Autograph. Endorsed: '1831 Feb. 22. O'Connell Manchester Buildings to J.B. Q.S.P. Penitence.' Printed in *Correspondence of O'Connell*, viii. 229–30. A version is printed in Bowring, xi. 63–4.

² Letter 3779.

³ James Mitchell (d. 1833), Assistant Deliverer of the Vote at the House of Commons from 1789 and Deliverer of the Vote from 1812.

⁴ O'Connell had returned to Dublin in December 1830, but had arrived back in London on or about 17 February 1831: see O'Connell to Richard Barrett, 16 February 1831, *Correspondence of O'Connell*, viii. 274.

⁵ For the cleansing of the Augean stables see p. 5 n. above.

of the moral worth and intellectual power of the House of Commons and I shaped my course mildly and gently in order to propitiate the opinions of men whom I respected. You have a right to despise rather than pity me for this gross mistake. The consequences are a shipwreck of my parliamentary fame and the great difficulty I now have to assert a power which perhaps would have been conceded to me had I asserted myself strongly in the first instance. Under these circumstances I am ashamed to call myself Your disciple. I deem myself not worthy of your patronage or friendship—and I console myself only by working for useful objects in a lower grade and endeavouring to make up by perseverance and moral energy for the loss of the more brilliant prospect of usefulness which I think lay before me.

But in every situation and under all circumstances your principles and your powers of mind are to me objects of cultivation and great respect. My respect—my Veneration for you is unchanged and undiminished and if you can point out any thing in which you think so humble a labourer as I am can be useful—pray—pray command me. Rely on it that the principles of legislation which you have advocated are deeply impressed on my conviction and if I can contribute to substitute real justice to the worth[less]ness of Judge-made law it will afford me pride and consolation.

I write with a proud but wounded spirit that is—my proud spirit is wounded and humiliated at the failure I have experienced in my palmy hopes of doing great and extensive good to mankind—and I feel under the necessity of [limiting]⁶ my exertions to the amelioration of the institutions of one of the finest but most oppressed portions of the human race.

In conclusion I beg of you to accept my most grateful thanks—for your letter—for your Continued Kindness—for your patronage—for your preeminent usefulness. I also beg of you to believe that your principles—founded as they are on plain sense and irreversible reasoning form the cherished political creed of

My dear Sir

Your sincere admirer and devoted Servant
Daniel O'Connell

⁶ MS 'limitting'.

5 MARCH 1831

TO WILLIAM TAIT

3790

TO DANIEL O'CONNELL

26 February 1831 (Aet 83)¹

26th February, 1831.

MY DEAR O'CONNELL,—You have cried *peccavi*,² come up this day se'ennight³ and receive absolution from, &c.⁴

3791

TO WILLIAM TAIT

5 March 1831 (Aet 83)¹

5th March, 1831.

Yesterday, (the 4th inst.,) Dr Bowring put into my hands a letter under your signature, in which letter I read the following passage:—'If Bentham approves of such unions, I shall be gratified by a few lines

3790. ¹ Bowring, xi. 64.

² 'I have sinned.'

³ 4 March 1831.

⁴ Cf. George Wheatley, 'A Visit (in 1830 [in fact, 1831]) to Jeremy Bentham', n.p., [1853], p. 37, giving an account of dinner at Queen Square Place on 3 March 1831: 'None at dinner but ourselves. *B.* conversed with *D.* [i.e. Doane] for the most part O'Connell the subject. *B.* seemed displeased that O'Connell had declined several invitations, in a way that made it doubtful whether he *would not* or *could not* accept them. *B.* complained of this, and among other remarks said, O'Connell disliked coming, in fact that he was afraid to meet him (*B.*) on account of breach of promise in regard to matters of omission and commission as well. He intimated one more opportunity for retrieving his error should be accorded, and read the note intended to be sent, to the purport that since *O'C.* acknowledged his sins by crying *peccavi*, if he appeared on a day fixed, he (*B.*) would give him absolution. Now, said Mr. *B.*, I don't know but he'll choose to be offended at my using the term *absolution*. *D.* thought not. *B.*—I doubt, for there is no knowing how to deal with him; there is no managing him, he is so inconsistent, so changeable, you have no certainty what he'll do or say. *D.*—My idea is, he dislikes meeting you after his vacillation and dilatoriness, but I can't think he'll be offended at the expression. *B.*—Ah! who knows, he is so straitlaced, so nice as to outward show, with such ostentatious observance of the forms of religion—I doubt him.' According to *ibid.*, pp. 42–3, on 5 March 1831 O'Connell had 'again broke tryst' and 'Mr. *B.* spoke in severe terms of O'Connell, who ought to have come to-day, now his object was, as he remarked, to give him (*B.*) up without a quarrel.' Bentham instead dined that evening with Thomas Perronet Thompson.

George Wheatley was from Cumberland and was later Editor of the *Carlisle Journal and Northern Literary Advertiser*, which had been founded in 1798 by Francis Jollie (d. 1820). Another account by Wheatley of his visit, which was written shortly after Bentham's death, covering the period from his arrival on 26 February until 6 March 1831 is at UC clxxi. 9–25.

3791. ¹ Bowring, xi. 67–8.

William Tait (1793–1864), Edinburgh bookseller and publisher, founder of *Tait's Edinburgh Magazine*, noted for its radical politics, would later publish the Bowring edition.

from him to communicate to the Union.² Has he written anything recommending unions of the people? His writings are far too little known.'

It is with great pleasure that I make communication of my compliance with the wish thus expressed: it produces in me, as you see, the effect of a law.

In principle I am, and, as long as I can recollect, have at all times been, a decided advocate of the most unrestrained peaceable intercourse between man and man for political purposes; consequently for that union, of which I have heard such warm approbation, from friends in whose wisdom and benevolence I am in the habit of placing the firmest reliance.

But as to details, I have not received any information. You would therefore oblige me much by furnishing me with any such information as is in print; and, in the meantime, letting me know by post at what time, and by what conveyance, I may expect to receive it; and through what channel I may convey to you any such literary matter, as is too bulky to be transmitted by that conveyance.

This same principle—namely, of unrestrained political intercourse, so it be peaceable—including even union, will be found pervading, and upon occasion showing itself in freedom, in every plan I ever published; but in a more particular manner in my work entitled *Bentham's Radical Reform Bill*, in which are contained my reasons for wishing to see given to the suffrage of the electors of the members of the British and Irish House of Commons, the attributes of 'Secrecy, Universality, Equality, and Annuality';³ of the first of which, namely, *Secrecy*, the process called the *Ballot*, is the appropriate instrument.

Towards this state of perfection, the nearer that any actually proposed plan appears to me to approach, the nearer it accordingly approaches to the consummation of my wishes.

As to the plan at present upon the carpet, so considerable is the approval it appears to me to merit, that it is not without high delight that I contemplate it.⁴

Always understood that it will be followed by the Ballot, which I look upon as a consequence sufficiently assured, to keep alive the

² Presumably the Edinburgh Political Union, which appears to have been founded on 9 February 1831, according to a report in the *Caledonian Mercury*, 10 February 1831, p. 6.

³ See *Bentham's Radical Reform Bill*, Preliminary Explanations, pp. 1–17 (Bowring, iii. 558–63).

⁴ On 1 March 1831 Manners-Sutton, Speaker of the House of Commons, had moved for leave to bring in 'a Bill for amending the state of Representation in England and Wales': see *Parliamentary Debates* (1831), ii. 1089. The debate on the motion had, on 4 March 1831, entered its fourth day, would resume on 7 March 1831 and conclude on 9 March 1831: see *Parliamentary Debates* (1831), iii. 22–317.

9 MARCH 1831

TO DANIEL O'CONNELL

most sanguine hope; but not in such sort assured as to warrant any relaxation of the endeavours which are employed for the attainment of it. For without the secrecy in question, I look upon all these other securities as little worth.

As to my works, enclosed is the latest list of them that has been printed.⁵

Flattering myself with the having fulfilled your wishes, as expressed in your letter. I am, Sir, with sincere respect, yours, &c.

3792

TO DANIEL O'CONNELL

9 March 1831 (Aet 83)¹

Q.S.P.

9 March 1831

My dear O'Connell

Matchless—altogether matchless for sound judgment, seasoned with brilliant wit, and productive of triumphant refutation, this 4-column speech of yours,² quoth

Jeremy Bentham

P.S. Perhaps you could contrive to make atonement next Saturday.³

Return by earliest conveyance is requested: because to receive you I must put off an engagement which if I am not thus fortunate I shall not put off.

⁵ For the printed list of Bentham's works up to 1827 see p. 278 above.

3792. ¹ University College Dublin Archives, Papers of Daniel O'Connell, P12/4/20. Printed in the *Irish Monthly*, vol. xi, no. 124 (1883), 552.

² O'Connell's speech in the House of Commons on 8 March 1831 in support of the Reform Bill occupied the equivalent of four-and-a-half columns in *The Times*, 9 March 1831, pp. 1–2, and over three columns in the *Morning Chronicle*, 9 March 1831, pp. 2–3. See also *Parliamentary Debates* (1831), iii. 181–209.

³ 12 March 1831.

3793

TO DANIEL O'CONNELL

12 March 1831 (Aet 83)¹

12 March 1831

My dear O'Connell

I do not retract any thing that is contained in my Note of the 9th instant;² and in that with which you declare yourself so much pleased. I am confirmed by the opinion of others who are not at all partial to you.

But I am sorry to have to add that, so far as regards matters between you and me, I know not what to make of you: and that on pain of suffering uneasiness to an indefinite amount in addition to a very large amount of which you have been the cause, I *must* know what to make of you: and for doing so, I can think of no other than one course, which is the following—

If *before* thursday next³ I do not hear from you appointing a day on which you will call upon me or dine with me (naming which) or if having thus made the engagement you do not fulfil it (sickness or unforse[e]able necessity excepted) I shall conclude—that, from causes to me inscrutable, though your goodwill towards me is manifested by unequivocal proofs, yet, so it is—that some how or other it is your determination, never, if you can help doing so, to see me any more.⁴

Accordingly this will in that case be the last time of my giving you any invitation, or expressing any wish to see you: since any such expression would be productive of waste of time and trouble to us both: and in particular to

Your sincere friend

Jeremy Bentham

Daniel O'Connell Esq^{re}

P.S. Do not (I beg of you) ascribe to any unkind feeling towards you what is above. I assure you simply and deliberately that no such feeling has place, notwithstanding the sorrow, which in reality has place. It is neither more nor less than a measure of supposed necessity, suggested by the desire to avert greater evil to us both.

3793. ¹ National Library of Ireland, MS 13,648 (7). Autograph. Printed in the *Irish Monthly*, vol. xi, no. 124 (1883), 552–3.

² Letter 3792.

³ 17 March 1831.

⁴ It appears from Letter 3797 that Bentham and O'Connell met on 19 March 1831. They may, however, have also met on or before 15 March 1831, since on that date Bentham drafted Letter 3794.

3794

TO DANIEL O'CONNELL

15 March 1831¹

Proposed Codification Motion

Suggestions from Mr Bentham at the desire of Mr O'Connell

For the universally-applying proposal the topics as far as they occur to me are these—

§ 1. *Chronology* of Codification—beginning with the Year 1817, when, in his work entitled 'Papers on Codification &c.' Bentham first planted the word in the language—dates of the works in which the controversy produced by it has been carried on in the Continent. Q^y whether to go higher—for example to the Romans. N.B. the Jewish history a matter of too great delicacy to be touched upon.

Of the Roman example a short mention will be useful.

§ 2. *Opponents* to Codification—their sinister interest—not to say motives—this being unparliamentary and not necessary: for the purpose of weakening their authority independently of their arguments—it being sufficient to show that their interest has so strong a tendency to give birth to these motives & cause the impulse of them to be yielded to: to stand exposed to the action of this sinister interest is no fault of theirs—except in so far as a man's embarking in the profession which gives it him is a fault. The imputation of being governed by these motives will not attach upon any man without his own consent; since every man has it in his power to [be] exempt from it.

Of the opposition produced by the sinister interest of the ruling few in the Roman Commonwealth, that is to say the *Patricians*, a short mention may be useful for the purpose of shewing that the existence of an opposition to public good in this shape is assured by the very nature of man, and that all denials of it in this or any other instance can not but be false.

§ 3. Expedients employed by these opponents.

§ 4. Opponents particular to England—their sinister interest.

§ 5. Expedients employed by them.

3794. ¹ UC lxxx. 65–6 (14–15 March 1831), headed 'Proposed Codification Petition'. Draft in the hand of Moore, with additions and corrections in Bentham's hand. The version sent to O'Connell, dated 15 March 1831, printed in the *Irish Monthly*, vol. xi, no. 124 (1883), 553–4, has not been located.

FROM FRANCIS PLACE

18 MARCH 1831

3795

TO FRANCIS PLACE
15 March 1831 (Aet 83)¹

15 March 1831.

J.B. to F.P.

I have, the instant of reception, heard read the book you sent me in relation to the Parliamentary Candidate Society,² approve of it highly and entirely, and am ready to attach my signature to any document you may send me for that purpose.³

3796

FROM FRANCIS PLACE
18 March 1831¹

18 March 1831.

F.P. to J.B.

Parliamentary Candidate Society.

A written notice was sent to a few persons to attend a meeting at the British Coffee House in Cockspur Street on the evening of March 14 1831 when the following persons—nearly all who had notice attended—viz.

3795. ¹ Place Papers, BL Add. MS 35,149, fo. 42. Autograph. Addressed: 'To Francis Place Esq.' Endorsed: 'Jeremy Bentham. 15 March.' At the bottom of the present Letter, which appears on the reverse of a cover addressed 'Jeremy Bentham Esqre' and endorsed 'Francis Place', Place has added the following note: 'The above is a reply to a note requesting M^r Bentham to become a member of the Society and of the Committee.'

² 'Parliamentary Candidate Society, instituted to promote the return of Fit and Proper Members to Parliament', London, [1831]. A copy is at UC cxxviii. 498.

³ Cf. Bowring, xi. 66: 'In 1831 Bentham took an active part in the formation of the Parliamentary Candidate Society. Its object was to direct public attention to the men who were most likely to forward the popular interests in the House of Commons. Among the parties whom Bentham was desirous of recommending, were Rammohun Roy, as a representative of British India, a half caste, and a negro, in order to subdue the prejudices of colour, and to hold out encouragement and hope to the rest of these races. Bentham wrote, on this occasion, credentials for some of his acquaintance, many of whom, so recommended, found their way into Parliament on the passing of the Reform Bill.' One such recommendation was 'Jeremy Bentham to the Future Electors of Blackburn', London, [1831], dated Queen's Square Place, Westminster, 27 October 1831 (reprinted, for instance, in the *Manchester Times and Gazette*, vol. iv, no. 160 (5 November 1831), 770), in favour of Bowring, who stood unsuccessfully for Blackburn at the General Election of 1832.

3796. ¹ UC cxxviii. 495–6. Autograph.

Colⁿ Jones² in the Chair.

Thomas De Veear. ³	John Crawford.
Erskine Humphreys. ⁴	John George Graham.
Erskine Perry. ⁵	J. Bevans. ⁶
Thomas Hobhouse. ⁷	John Arthur Roebuck.
Francis Place.	Edwin Chadwick.
Major A. Beauclerk. ⁸	Col ⁿ Perronett Thompson.
Daniel Wakefield Jun. ⁹	Charles Buller M.P. ¹⁰
John Mill. ¹¹	H. Lewin. ¹²
Charles Brinsley Sheridan. ¹³	James Corden[?]. ¹⁴
R.S. Rintoul.	Robert Gouger. ¹⁵

These formed the Society, subscribed a sovereign each and advanced 4£ each to make a fund—the 4£ each to be returned to them.

As usual in the formation of societies, there has been some delay in carrying the instructions of the general meeting into effect—fear—doubts—old womanism have plagued the committee sadly. But all has gone right. Still no effort was made to increase the number of members—until last evening—Thursday 17—when active business commenced. The number who have joined is few viz.

Colonel De Lacy Evans. ¹⁶	D ^r Mackinnon. ¹⁷
William Hutt. ¹⁸	John Marshall.

² Leslie Grove Jones.

³ Thomas De Veear (1780/1–1868), Chairman of the Westminster Committee.

⁴ Erskine Humphreys (b. c. 1802, d. 1877), who was called to the Bar on 27 January 1832.

⁵ Thomas Erskine Perry.

⁶ James Bevans (1777–1832), surveyor and architect, formerly of 66 Great Queen Street, Lincoln's Inn Fields, was a supporter of the planned Chrestomathic school and in 1818 had exhibited a design for the school at the Royal Academy: see *Chrestomathia* (CW), Editorial Introduction, p. xiv.

⁷ Thomas Benjamin Hobhouse (1807–76), barrister, MP for Rochester 1837–41 and Lincoln 1848–52.

⁸ Aubrey Beauclerk (1801–54), army officer, MP for Surrey East 1832–7, the son of Charles George Beauclerk (see below).

⁹ Daniel Wakefield (1776–1846), barrister and writer on political economy.

¹⁰ Charles Buller (1806–69), lawyer and journalist, MP for West Looe 1830–1 and Liskeard 1832–48.

¹¹ John Stuart Mill.
¹² Possibly Samuel Hawtayne Lewin (1795–1840), a Sworn Clerk in a Six Clerks office in the Court of Chancery, brother of Maria Lewin (1793/4–1858), who had married Bowring in 1816.

¹³ Charles Brinsley Sheridan (1796–1843), author of *Thoughts on the Greek Revolution*, 2nd edn., London, 1822.

¹⁴ Unidentified.
¹⁵ Robert Gouger (1802–46), writer and settler, Honorary Secretary of the Parliamentary Candidate Society, later Colonial Secretary of South Australia and Member of the South Australian Legislative Council 1836–7, 1839–41.

¹⁶ George, later Sir George, de Lacy Evans (1787–1870), army officer, MP for Rye 1830, 1831–2 and Westminster 1833–41, 1846–65.

¹⁷ Possibly Donald Mackinnon (d. 1849), surgeon, of Great George Street, Westminster.

¹⁸ William, later Sir William, Hutt (1801–82), MP for Kingston-upon-Hull 1832–7, 1838–41 and Gateshead 1841–71, Vice-President of the Board of Trade and Paymaster General 1860–5.

TO DANIEL O'CONNELL

22 MARCH 1831

George Glazier.¹⁹

Michael Scales.²⁰

Joseph Hume.

Sir Francis Burdett.

Charles Beauclerk.²²

E. Lytton Bulwer.²³

Daniel O Connel.

And E. Elliott.²¹

The Printed Address will tell the rest.²⁴

Shall I my dear dad, send you some more of the Printed address—there will be plenty ready by 1 o'clock nicely pressed and fit to be sent as letters.

3797

TO DANIEL O'CONNELL

22 March 1831¹

O'Connel with Bentham. Memorandums. Agenda by O'Connell understood by Bentham as agreed to by O'Connell at yesterday's conference:²

I. As to all-comprehensive Codification, consider, and determine which of the following courses affords the best promise. 1. Motion for printing, by Order of Honble House (subject to necessary limitations)

¹⁹ Possibly the George Glazier who appears on a list, dated 29 January 1838, of members of the Radical Club, with his place of residence given as 16 Titchfield Street, Marylebone: see *London Radicalism 1830–1843: A Selection of the Papers of Francis Place*, ed. D.J. Rowe, London, 1970, p. 70.

²⁰ Michael Scales, butcher, who in February 1831 had been elected Alderman for the ward of Portsoken in the City of London, but who was subsequently disqualified by the Court of Aldermen.

²¹ Ebenezer Elliott (1781–1849), known as the 'Corn Law Rhymer', iron and steel manufacturer and merchant, radical, and poet.

²² Charles George Beauclerk (1774–1845), MP for Richmond 1796–8.

²³ Edward George Lytton Earle Bulwer (1803–73), MP for St Ives 1831–2, Lincoln 1832–41, and Hertfordshire 1852–66, Secretary of State for War and the Colonies 1858–9.

²⁴ See the 'Address' which, together with the names of the Committee, constituted 'Parliamentary Candidate Society instituted to promote the return of Fit and Proper Members to Parliament'.

3797. ¹ UC lxxx. 67–8 (20 March 1831). Autograph draft. The sheets are headed 'O'Connell with Bentham. Memorandums.' At the head of the text on UC lxxx. 67, Bentham has noted: 'Fair Copy sent by Arthur [Moore] 22 March, Tuesday morning.' The version sent to O'Connell, printed in the *Irish Monthly*, vol. xi, no. 124 (1883), 554–5, where it is dated 21 March 1821, has not been located.

² The date of the folios that form the present Letter, namely 20 March 1831, suggests that the conference took place on 19 March 1831, while the version printed in the *Irish Monthly* is headed 'Proposed Agenda for O'Connell: regarded as consented to by O'Connell last night', which suggests that it took place on 20 March 1830.

all such contributions as shall by *any* person or persons be sent in for that purpose.

2. Like Motion confined to Bentham, and for that purpose *reading* his Codification Petition as part of the *speech* (which a Member has a right to do) and thus compelling Honble House to hear it.³ Pray consult with Hume and Burdett about this.

3. Consider whether one alone of these shall be taken, and which, or both and in what order.

II. On the occasion of Brougham's Bankruptcy Court Bill 1. propose single-seatedness in lieu of many-seatedness.

☞ 20th March. Advert here to the Insolvency Courts. Ask why there should be any difference in the Procedure; considering that it depends upon any Insolvent to become Bankrupt. 2. Take the requisite measures for preventing the measure from being huddled through: considering that every addition made by an inadequate measure to the number of Offices necessitates compensation in case of abolition and thereby contributes to constitute an objection to an adequate one: namely on the score of *expence*. ☞ Is the Bill printed?⁴ If not, insert Motion for printing it.

III. Motion for Bill to amend the clause of Peel's Jury regulating Act G.4. Ch. || which admits of packing.⁵ For proof of the means afforded to the Judge's *Associate* or to the *Prothonotary*, see J.B.'s Constitutional Code p. 443. Note. Ch. IX. MINISTERS COLLECTIVELY. § 16. *Located how*. Supplement.⁶

For a gross instance of packing on the part of a *Summoning* Officer, as such, see a Petition of James Hulme in Votes of 17th June 1830, N^o 1267, p. 920.⁷

IV. Sinister interests by which *all-comprehensive* Codification is excluded, and Expence and Delay in the passing of Statutes public and private prodigiously augmented: namely

1. those of the Chairmen of Committees in the Lords (Lord Shaftsbury).⁸

³ For Bentham's 'Codification Petition' see Letters 3693 and 3697.

⁴ The Bill does not appear to have been printed until the autumn: see 'A Bill, intituled, An Act to establish a Court in Bankruptcy', 28 September 1831, *Commons Sessional Papers* (1831), i. 71–83.

⁵ See the Juries Act of 1825 (6 Geo. IV, c. 50), § 32, which describes the procedure for selecting a special jury.

⁶ See *Constitutional Code*, I (CW), pp. 333–5 n. The relevant section title is 'Locable who', rather than 'Located how'.

⁷ See '30. James Hulme,—Petition of James Hulme, complaining of partiality in the selection of a Jury; to lie on the Table, and to be *printed*. {APP^x. N^o. 1267}', *Votes and Proceedings of the House of Commons*, no. 84 (17 June 1830), 787.

⁸ Cropley Ashley, known from 1807 as Ashley-Cooper (1768–1851), sixth Earl of Shaftesbury, was Chairman of Committees of the House of Lords 1814–51.

2. That of the Speaker in the House of Commons.⁹

In the Votes of the 14 March 1831 see 'N^o 4. East Retford Disfranchisement Bill Account presented. Expences paid by the Lords of the Treasury on account thereof, {ordered 10th March} to lie on the Table, and to be printed.'¹⁰ Will not this shew some particulars of the abuse in question? The words inclosed in those brackets in the Votes, do not they betoken unwillingness as to the disclosure? This unwillingness has it not the sinister interest for its cause?

Note that the totals will not throw any light upon this sinister interest: but they will afford a good ostensible ground for a Motion for the particulars. If this Motion is acceded to without Opposition, better say nothing about the sinister interest: lest by the alarm they should be determined to keep the particulars undisclosed, *coute que coute*.¹¹

V. Contrast the expence per head of Democratic Paupers as per Poor Rates, (Returned within these few days),¹² with D^o of Aristocrats as per *Retired Allowances* &c. Aggregate of those latter little short of that of the former.¹³ In U.S. no Retired allowance even for a disabled Judge.

[VI.]¹⁴ In case of *indictments* for *Defamation*, make the Prosecutor examinable as to the *truth* of the imputation. N.B. The 'Witness Examination Bill,' will do this for *Civil* Actions. Wednesday next is the 3rd Reading day.¹⁵ Wait till that passes: it will constitute an incon-[tes]table[?] ground for what *we* want.

⁹ See Letter 3621.

¹⁰ '4. East Retford Disfranchisement Bill,—Account *presented*,—Expenses paid by the Lords of the Treasury on account thereof {ordered 10th March}; to lie on the Table, and to be *printed*', *Votes and Proceedings of the House of Commons*, no. 62 (14 March 1831), 461.

¹¹ The following two paragraphs have been crossed through by Bentham and, according to the version in the *Irish Monthly*, were not included in the 'Fair Copy' sent to O'Connell: 'V. O'Connell to think and judge whether it would not be advisable to let narrow, inadequate and clumsy Law Reform Bills pass *sub silentio* without amendment than to draw down attention upon them by Motions for amendment: and whether to mention that all these petty and narrow amendments were forced into practice by J.B.'s writings, or to leave this unsaid for fear of producing opposition to these petty reforms, petty as they are?

'VI. In particular, to apply this to the clauses about examination of the parties *Vivà voce* in the Bill dated 10 March 1831 intituled An Act to *prevent* the Expence and Delay of Suits in the Common Law Courts at Westminster. On Bentham's plan no suit commences otherwise than by the appearance of a proposed Plaintiff in open Court who tells his story and is examined thereupon by the Judge: and so thereafter all other parties on both sides as well as witnesses.'

For the Officers of Common Law Courts Act of 1831 see p. 487 n. above.

¹² See 'Poor Rates. Abstract of Returns Of the Amount of Money Levied and Expended for the Relief of the Poor, in each County in England Wales, In the Year ending 25th March 1830', 8 March 1831, *Commons Sessional Papers* (1830–1), xi. 201–3.

¹³ For the expenditure on superannuation allowances see p. 282 n. above.

¹⁴ MS 'VII.'

¹⁵ On 23 March 1831 the Bill 'to enable Courts of Law to order the Examination of Witnesses upon Interrogatories and otherwise', later passed as the Evidence on Commission Act of 1831 (1 Will. IV, c. 22), was given its third reading: see *Commons Journals* (1830–1), lxxxvi. 426.

c. LATE MARCH 1831?

TO JOSEPH HUME

3798

FROM ROBERT GOUGER

25 March 1831¹

March 25th 1831

SIR,

I have the honor to inform you, that a MEETING of the COMMITTEE of the PARLIAMENTARY CANDIDATE SOCIETY, will be held at the Crown and Anchor Tavern, Strand, on Monday next,² at one o'clock precisely.

I have the honor to remain,

SIR,

Your most obedient Servant,
ROBERT GOUGER,
Hon. Sec.

Jeremy Bentham Esq.
&c. &c. &c.

3799

TO JOSEPH HUME

c. late March 1831?¹

My dear Hume

I believe a recent Letter of yours is somewhere in the chaos that lies within a yard of my right elbow. Doane gives me just now, a jog, and tells me of it. He tells me that you expressed a wish to receive information about Wheatley: namely as to his trustworthiness &c. Doane bids me tell you that 'Wheatley is one of the *faithful*.' The application is not only *scriptural*, but apposite. Wheatley passed just three weeks in this House.² He has been, and will be again, as soon as he pleases

3798. ¹ UC cxxviii. 498. Printed, with the exception of the date, the words 'Monday' and 'one', and the direction. Endorsed: '1831 Mar. |]. Parl. Candidate Soc^y: Gouger Sec^y to J.B. Q.S.P. Notice of meeting.'

² 28 March 1831. It was as a result of this meeting that a second 'Address', dated 31 March 1831, was issued: see 'Parliamentary Candidate Society, instituted to support Reform by promoting the Return of Fit and Proper Members to Parliament', London, 1831. A copy is at UC cxxviii. 497.

3799. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² Wheatley had arrived at Bentham's house on 26 February 1831, though it is unclear when exactly he departed. The latest date given in 'A Visit . . . to Jeremy Bentham' is 7 March 1831, but he was still at Queen Square Place on 16 March 1831, as evidenced by

TO RICHARD POTTER

EARLY APRIL 1831

Editor of the Carlisle Newspaper, title of it *Carlisle Journal* if I do not misrecollect—is zealous, and in that character, has done, and will do, good service to the cause of the people.

A report is current, that bread and cheese is scarce in Bryanston Square³ and that a certain Honble Gentleman is casting a sheep's eye towards Q.S.P. for some. I hope, before many days are over there may be some to spare: and when the time is arrived, I will [. . . ?] you [. . . ?] know[?]. It is a little age since we have had a gossip: we shall hardly know one another.

What can I say more?⁴

Jeremy Bentham

Joseph Hume Esq^{re}
M.P.

3800

TO RICHARD POTTER
Early April 1831 (Aet 83)¹

Queen's Square Place Westminster

April 1831.

Sir—

If D^r Bowring does not overflatter himself and me, the declaration of my opinion that by his being seated in a reformed House of Commons important service would be done to this Country and to mankind at large, would have a tendency to produce a similar opinion on your part, & through you—on the part of the majority of the Electors

the dating of G.W., 'Remarks upon the Rights and Duties of Jurymen, in Trials for Libel, in a letter addressed to Jeremy Bentham, Esq.', London, 1831, in which he criticized the law of libel and defended the freedom of discussion. A visit of three weeks would have lasted until 19 March 1831.

³ Hume's London home was at 6 Bryanston Square, Marylebone.

⁴ See Richardson, *Clarissa*, iv. 110, vii. 92.

3800. ¹ London School of Economics and Political Science, British Library of Political and Economic Science, Richard Potter Collection, COLL MISC 0146/12, fos. 251–2. Copy. In Letter 3803 Bentham acknowledges receipt of a letter from Archibald Prentice of 9 April 1831, responding to the letter that Bentham, as he notes below, sent to him at the same time as the present Letter.

Richard Potter (1778–1842), merchant, nicknamed 'Radical Dick', MP for Wigan 1832–9, had, with his brother Sir Thomas Potter (1774–1845), merchant, first Mayor of Manchester 1838–40, helped to found the *Manchester Guardian* in 1821. Archibald Prentice (1792–1857), journalist and free-trader, had founded the *Manchester Gazette* in 1824, but the paper had failed in 1828, whereupon the Potters had helped to found the *Manchester Times*, with Potter as editor. In 1831 the paper was retitled the *Manchester Times and Gazette*.

10 APRIL 1831

TO FRANCIS PLACE

for Manchester. My opinion of him is such that on all points taken together, one alone excepted, if there be any one that I should expect to see equal him, there is not at any rate any one whom I should expect to see surpass him. That same excepted point is *Law Reform*, and in relation to this I should not expect to see his equal anywhere, except among the very few men of that profession on whose part any sincere desire of reform in that particular line of service can in the nature of man & things have place.

This opinion of mine has for its foundation and source an intimacy of about 12 years I think it is:² an intimacy continually on the increase till it became as it still continues to be as close and unreserved as any one man can have with any other. A line or two in answer to this would confer an obligation on him who is with sincere respect

Sir
Yours

Jeremy Bentham

Richard Potter Esqre.

Cannon Street Manchester

P.S.

By this same post I write to this same effect to M^r Prentice of the Times Office and M^r Doherty of the Voice-of-the-People's Office.³

3801

TO FRANCIS PLACE

10 April 1831 (Aet 83)¹

J.B. to F.P.

Q.S.P. 10 April 1831

Just heard read the article in the Spectator against the Parl: Reform Candidate Society with his continued list of persons proposed by him as Candidates.² This vexes and alarms me. I had till now a very

² Bentham had first met Bowring in August 1820.

³ John Doherty (c. 1798–1854), Irish trade unionist leader in the Lancashire textile industry, had established the National Association of United Trades for the Protection of Labour in 1830 and conducted a number of periodicals, including the *Voice of the People*, where Letter 3829 was published.

3801. ¹ Place Papers, BL Add. MS 35,149, fo. 68. Autograph.

² Robert Rintoul, the Editor, had published a series of articles under the heading 'Trustees of the Nation', listing and describing individuals who might make 'honest' MPs:

TO LEICESTER STANHOPE

10 APRIL 1831

good opinion of Rintoul. I have not yet examined into the list: but *en passant* my ears were saluted with the names of two persons, of whose inaptitude I was perfectly assured.

I wish much to see you about this business.

Could not you call on me tomorrow at *circumgiration time*, between 1 and 2?

Or even this evening.

I send herewith this same Spectator for you to read it if you have not already: though I think you can scarcely fail to have read it. If you have not read of it return it to me.

An answer I *must* have: unless the Society is really given up.

3802

TO LEICESTER STANHOPE

10 April 1831 (Aet 83)¹

Q.S.P. 10 April 1831

My ever Dear Leicester

I understand that the Chancellor's Bill for providing substitutes to the Commissioners of Bankruptcy² is printed for the use of the House of Lords. Lord Harrington³ of course must have one, or at any rate may have one if he pleases. If you could procure me a sight of it, still more if you could procure for me the fee simple of it, you would much oblige

Your's ever

Jeremy Bentham

see *The Spectator*, vol. iv, no. 142 (19 March 1831), 276–9, no. 143 (26 March 1831), 306–8, no. 144 (2 April 1831), 328, and no. 145 (9 April 1831), 349–51. In the final article, *The Spectator* denied that it was 'the organ of the Parliamentary Candidates Society', which was described as 'an abortion' and its members as well-meaning but 'worse than useless', and added that it had 'made great promises' but had done 'nothing'. Bentham himself, however, was profiled at no. 143, p. 307, though with the caveat that, 'Unhappily his great age is a bar to his becoming an active member of the Legislature.'

3802. ¹ UCL Library, Stanhope Letter Collection, no. 35. Autograph. Docketed: 'From J. Bentham to LFS.'

² i.e. Brougham's Bankruptcy Court Bill, which does not appear to have been printed for the House of Commons until 22 June 1831, and not for the House of Lords until 15 July 1831 (see *Lords Sessional Papers* (1831), cclxxxix. 1–16).

³ Charles Stanhope, fourth Earl of Harrington, Leicester Stanhope's elder brother.

11 APRIL 1831

TO ARCHIBALD PRENTICE

3803

TO ARCHIBALD PRENTICE

11 April 1831 (Aet 83)¹

Queen's Square Place Westminster

11 April 1831

Dear Sir

I have to acknowledge with pleasure and gratitude the receipt of your favour of the 9th instant,² in answer to my address to you on the subject of D^r Bowring in his quality of proposed Member for Manchester.³ The second trouble which I am now giving You has for its object the begging the favour of some more particular instructions for the better enabling him to reap the benefit of the advice contained in that passage of your letter which here follows—

Speaking of the mention you intend to make of his name for the purpose in question, you go on to say 'Nor should I think it prudent to do so until the mind of the public should be prepared by a series of publications on the subjects which chiefly relate to the interests of the mass of the community, in a form and style calculated to attract the attention of the many, without wanting the qualities which would obtain "the suffrage of thinkers, to whom the multitude appeal."' Having said this You go on to speak of Colonel Thompson's publications,⁴ and the beneficial effect they have had, in rendering his Character known to the persons likely to be Electors, and productive of a disposition on their part to render him the object of their choice. Hereupon come the following questions.

1. Will you have the goodness to give me for his (D^r B.'s) information some instruction in relation to the topics which it may be of use should be taken for the subjects of the proposed publications to which you allude—the quantity of matter to be contained in each, the form of the impression, and the number of copies?

2. After that which, for the purpose and with the effect in question

3803. ¹ BL Add. MS 33,546, fos. 498–501. Autograph draft, with corrections in the hand of Doane. Each folio is headed, with minor variations, as follows: '1831 April 11. J.B. to Prentice, Manchester, for Bowring's Election.' ² Missing.

³ Bentham states in Letter 3800 that its content was similar to the missing letter to Prentice. Bowring did not, in the event, stand as a candidate for Manchester at the General Election of 1832, but stood unsuccessfully for Blackburn: see p. 517 n. above.

⁴ Thompson was a prolific author of articles, particularly in the *Westminster Review*, on topics that included parliamentary reform, Catholic Emancipation, and free trade. His best known work was *A Catechism on the Corn Laws; with a list of fallacies and the answers. By a Member of the University of Cambridge*, London, 1827.

has been done by Col. Thompson—what is there, if any thing, that remains to be done by Dr. Bowring or any body else?

3. You are⁵ apprised of the intimate connection, friendship and intercommunicating of ideas that have place between Colonel Thompson and D^r Bowring; and the participation which D^r Bowring has had in the bringing into the world some of those publications by which the gallant Colonel has been stationed in so high a place in the estimation of the persons in question?⁶

4. Might it not be of use that they should come forward in the character of joint Candidates? It would be a sad mortification to both, as well as to myself, if the success of either were not obtainable on any other terms than the non-success of the other.

Were it necessary that a choice should be made by me between my two friends, it would fall upon D^r Bowring for the following amongst other reasons—

1. D^r Bowring is fluent in speech and animated and eloquent to a degree which can scarcely have escaped your observation. In private conversation Colonel Thompson I have always found a man of few words: and of no presumptive evidence of his being otherwise in a public assembly such as that of Honble House, can I anticipate the existence.

2. D^r Bowring has a more extensive acquaintance with my works than the Colonel has, and in particular with those which have Law Reform for their subject, and for that purpose my demand for the assistance of my eloquent friend is of the most urgent nature.

3. By those same publications which have operated so strongly in the Colonel's favour on the Electors of Manchester, he may reasonably be expected to have been recommended to a not inferior degree to the favour of Electors in other places.

4. D^r Bowring occupies a high place in the estimation and confidence of the present administration, and is now acting on the Continent in the exercise of a commission given to him by them:⁷ on which consideration is built an expectation of mine, that he will occupy ere long some distinguished official situation by which he will be enabled to lend such powerful assistance to those labours to which my life has been devoted. Whatever were the subject, my instructions to him would be what an Attorney's Brief is to a Counsel, and would suffice

⁵ In the margin, Bentham has noted at this point: 'Correction suggested by R. Doane 12 April to be made in another letter to Prentice. To "*You are*" substitute *Are you*.'

⁶ Bentham presumably had in mind Thompson's articles in the *Westminster Review*, of which Bowring was political editor.

⁷ Bowring was secretary of Sir Henry Parnell's Commission on the Public Accounts, which was investigating the accounting systems of France, the Netherlands, and Belgium: see p. 455 n. above.

11 APRIL 1831

TO ARCHIBALD PRENTICE

to enable him to grapple with the lawyer tribe with advantage. My correspondence with him, (though sealed) goes through the Foreign Office.

Colonel Thompson started on Saturday the 9th instant for Paris where he will find D^r Bowring.

The time of D^r Bowring's return to this country is subject to some uncertainty. It may arrive before this week is out, it may not come till after another week or ten days have been added.

By tomorrow's post I shall send him a copy of your letter and of this of mine to you.

Any information which you may be disposed to favour him with will reach him at the earliest time by being transmitted through me: and therefore it is that I beg the additional favour of an answer to this by your earliest convenience: being with high and unfeigned esteem

Dear Sir,
Your's

Jeremy Bentham

Archibald Prentice Esq^{re}
Manchester

P.S. In my Constitutional Code Vol. I. Ch. VII is a paper intituled the Legislator's Inaugural Declaration:⁸ a copy of it which begs your acceptance will go by the earliest convenience. (No: upon second thoughts this letter will accompany it.) When the most appropriate time comes, of which I am to give notice, the Editor of the Examiner⁹ has undertaken to give insertion to the paper in question at full length. I can and will undertake for D^r Bowring, (knowing his opinions as I do so perfectly) that if you think it will be of use he will, when a proper time comes, sign and read in public that same declaration notifying at the same time his adoption of it.

I will have copies of it printed in a cheap form for discussion, if you think there will be any equivalent use in it: in which case you will name the N^o of Copies, and the price, if any, to be put to them 1^d or 2^d for example.¹⁰

P.S. Parliamentary Candidate Society. Since the writing of what is above, comes from M^r Place a note¹¹ containing some information in relation to it. I had sent him a Copy of the last Spectator, in which is an Article which it gives me great concern to see.¹² The information

⁸ See *Constitutional Code*, I (CW), Ch. VII, pp. 133–46.

⁹ Albany Fonblanque.

¹⁰ *Parliamentary Candidate's Proposed Declaration of Principles: or say, A Test Proposed for Parliamentary Candidates*, London, 1831, which appears to have usually been sold for 6d.

¹¹ Missing.

¹² See Letter 3801.

contained in it is highly to the disadvantage of that institution, and in essential particulars sadly incorrect. M^r Rintoul is a highly talented man, and much my friend: it passes my comprehension how such an article should have found its way into his paper. He speaks of that institution as being a failure: whereas I have good and specific reason for regarding it as being in a promising way.

The following is an extract from M^r Place's Letter to me. 'We sent off | ¹³

What say you to the opening of your house for the receipt of Subscriptions should a set of the papers in question be sent to You for that purpose, as I conclude of course, upon receiving your permission, they gladly will be?¹⁴

¹³ Bentham has left a space for the insertion of a copy of Place's letter.

¹⁴ Commenting upon the receipt of this letter shortly before he was due to visit London, Prentice recalled that, 'I had long held the name of Bentham in high veneration. His writings had been my political text books, and, as he had been an author nearly twenty years before I was born, my first impressions of them were as precious legacies from the mighty dead, rather than as the productions of a contemporary. When I had taken my station in the ranks of those who were combatting for reform, and, as I believed had been instrumental in popularising some of his doctrines, and thereby rendering them, in my comparatively narrow sphere, the guiding principles of many ardent friends of liberty, my feeling of reverence for the great apostle of reform did not wear off; for I heard of him as an aged recluse, occupying in useful labours the short time that might still be allotted to him, after having lived a dozen years beyond the "few and evil" days which the Psalmist had assigned to man [an echo rather of Genesis 47: 9 than any single passage in Psalms]; measuring out his remaining minutes in works for the promotion of "the greatest happiness;" seeing none but men, who, from their talents or station, were likely to carry his principles into practical operation; and never stirring beyond his threshold but to take his accustomed gyrations in a garden which had been Milton's [i.e. 19 York Street, once the home of John Milton (1608–74), poet], and therefore, in itself, an object exciting elevated and spirit-stirring associations in the mind of every admirer of high intellect and lover of freedom. With such an estimation of Bentham, and not daring to hope that I should ever be admitted to any communication with the venerable jurist, it may be imagined with what exultation I read on the title-page of a book sent me (the first volume of his Constitutional Code) my own name neatly inscribed, with the addition of "from Jeremy Bentham. Q.S.P. 11th of April 1831." I know not if any lover read with more delight the first epistle from his mistress than I did the note accompanying the present, in which I found myself recognized as a fellow-labourer with him "in the field of parliamentary reform—in the vineyard of law reform—in the field of veracity and justice." As I had to be in London in a week or ten days, I delayed to answer certain queries he had put to me, in the hope that, should I find no friend having the privilege of admission to the venerable jurist, I might have the greater chance of being allowed a minute or two in his presence.' See Archibald Prentice, *Historical Sketches and Personal Recollections of Manchester. Intended to illustrate the progress of public opinion from 1792 to 1832*, London, 1851, pp. 379–80.

12 APRIL 1831

TO MARGARET URQUHART

3804

TO MARGARET URQUHART

12 April 1831 (Aet 83)¹

Q.S.P. 12 April 1831

Dear Madam

From my intimate friend D^r Bowring, now at Paris, I have just received a letter,² extract of which you will see in the other leaf. Of the reception given to him by our friend there our David will probably have already given an account which has already reached you, but '*store is no sore*' says the proverb; and to hear the same matters of fact related from different quarters will I presume not be displeasing to you. At any rate the present communication will help to prove the sincerity of the respect and regard with which I am

Dear Madam

Your's

Jeremy Bentham

In what high esteem Bowring is with the constituted authorities, and the influential men of all parties, David will of course inform you.

M^{rs} Urqhart.

'I have seen Urquhart—and find him full of valuable information respecting Greece & have offered him every assistance I can give. He breakfasted with me the day before yesterday. He confirms all I had heard respecting Capo d'Istrias, whose government is absolutely *horrible*.'³

3804. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/20. Autograph, except for the final paragraph, which is in the hand of Doane. ² Missing.

³ Ioannis Antonios Kapodistrias (1776–1831), Foreign Minister of Russia 1816–22, elected Governor of Greece 1827–31, was assassinated at Nafplion on 9 October 1831.

3805

TO FRANCIS PLACE

14 April 1831 (Aet 83)¹

Q.S.P. 14 Apr. 1831

J.B. to F.P.

A copy of Your Parl. Candid^{te} Proposal² found its way t'other day to Bowring at Paris: i.e. I sent it to him. But being sent in a separate letter without explanation he knew not whose it was, nor whom it came from. Arrived from him yesterday a letter³ in which he speaks of it with an epithet of laudation as high as he has ever bestowed on any stuff of mine.

Wheatley Editor of the Carlisle Journal. Have any Prospectuses been sent to him? He was with me for three weeks.⁴ Of course he would do whatsoever depended upon him towards promoting the business.

I hope it is prospering. I should like to hear as much.

My love to Your wife.⁵

I am on the point of losing my Brother!⁶ which of course throws a cloud over my mind.

But there is more caterwauling going forward in the next generation: so that the race is in little danger of extinction.⁷

3805. ¹ Place Papers, BL Add. MS 35,149, fo. 69. Autograph.

² Presumably a copy of 'Parliamentary Candidate Society, instituted to support Reform by promoting the Return of Fit and Proper Members to Parliament'. ³ Missing.

⁴ For Wheatley's visit to Bentham see pp. 522–3 n. above.

⁵ Place had married his second wife Louisa Chatterley, née Simeon (1797–1866), actress, in February 1830. Place's first wife Elizabeth, née Chadd, who he had married in March 1791, had died in October 1827.

⁶ Sir Samuel Bentham died in the early hours of 30 April 1831. George Bentham records on 12 April 1831 (George Bentham Diaries, GEB/2/1, p. 110) that he had told Bentham 'of my father's state at which he was sadly cut up but no intention of coming to see him', but on 13 April 1831 (ibid., GEB/2/2, p. 1) that his father had received a visit from Southwood Smith 'for whom my uncle had sent to see him'. George further records on 30 April 1831 (ibid., p. 3) that, 'At ½ past 12 at night I left my poor father to take some rest in the next room—but little more than an hour after my mother called me to say he breathed no longer—life had become extinguished whilst she was looking over him without a convulsion a groan or even a sigh his countenance not even changing at the time but he expired with a calm smile on his lips—my mother much exhausted but bears up as well as I could have hoped'. Cf. George Bentham, *Autobiography*, p. 365: 'Early in April he [Samuell] had ceased to go out and had shut up his desk, and during the whole of that month he was evidently sinking. I could seldom leave home, and the last fortnight his end was imminent. It was, however, only on the night of the 30th April . . . that he breathed his last, from pure exhaustion, without suffering or positive disease.'

⁷ Bentham no doubt had in mind the news of Sarah Bentham's engagement to Simon de Klustine, of which George had informed him on 12 April 1831 (George Bentham Diaries, GEB/2/1, p. 110). In the event, the engagement was broken off.

15 APRIL 1831

TO JOHN TYRRELL

3806

TO FRANCIS PLACE
15 April 1831 (Aet 83)¹

Q.S.P. 15 Apr. 1831

J.B. to F.P.

I have neither seen you, nor heard from you in consequence of my Note sent yesterday.² If I do not either this afternoon or tomorrow, I shall conclude the scheme is given up, and shall accordingly give up all endeavours to support it.

I could have wished to have talked over with you what if any thing is to be done in consequence of the Specious Article.³

3807

TO JOHN TYRRELL
15 April 1831 (Aet 83)¹

Q.S.P. 15 April 1831

My ever Dear Tyrrell

I see in the Votes of Yesterday's date the second reading of the Register Bill set down for Wednesday next.² This alarms me: though possibly, as Wednesday is generally speaking a day on which no business that requires discussion is done, this appointment may only be pro formâ.

Could not you manage so as to dine with me either tomorrow or Sunday? or if on neither, either Monday or even Tuesday?³ Have the goodness to send me word by Special Messenger.

The Draught of my proposed Letter to the Commissioners, exhibiting my Plan in relation to the whole Scheme is completed though not revised: except the Skeleton which exhibits all the proposed

3806. ¹ Place Papers, BL Add. MS 35,149, fo. 70. Autograph.

² Letter 3805.

³ i.e. the criticism of the Parliamentary Candidate Society in *The Spectator*: see pp. 524–5 n. above.

3807. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 16–17. Autograph.

² i.e. 20 April 1831: see '31. Register of Deeds Bill,—Second Reading *deferred* from To-morrow till *Wednesday* next', *Votes and Proceedings of the House of Commons*, no. 78 (14 April 1831), 638. On 20 April 1831 it was deferred again until 25 April 1831 (see '30. Register for Deeds Bill,—Second Reading *deferred* till *Monday* next', *ibid.*, no. 82 (20 April 1831), 677), but fell with the dissolution of Parliament on 22 April 1831.

³ 16, 17, 18, or 19 April 1831.

arrangements, though without the Rationale.⁴ On the following topics I have not given, nor shall I give you any quarter.

1. Map—the necessity of it (Map all-comprehensive).⁵

2. Manyfold—the necessity of it. By numerous quotations from your own work I shew the demand for exemplars in unlimited number.⁶

3. Expence—throwing it in the shape of *fees*, upon the Suitors, instead of the public at large: thereby denying the benefit to all who can not afford to pay those same fees: and this benefit consisting in so much *evidentiary* matter—(*preappointed* Evidence as I call it) denial of this as of any other evidence is—denial of Justice.⁷

By *driving* thus at you, I shall afford you the pretence of *necessity* for driving it into your Colleagues.

If you come, have the goodness to bring this with you: or if you do not come, to return it to me.

Your's ever

Jeremy Bentham

John Tyrrell Esq^{re8}

Names of persons to whom I have written to my Nephew⁹ to send Copies with the inscription Sent to { } by M^r J. Bentham with his request for attendance to the contents against Wednesday's discussion.¹⁰

1. Daniel O'Connell.
2. Maurice O'Connell.
3. C. Buller M.P.

⁴ The draft of Bentham's comments on registration is at UC lxxvi. 324–66, 368–79 (20, 25, 29–31 March, 3–8, 10, 13, 15–17, 21, 28–30 April, and 2–3, 12–15, 17, 19 May 1831).

⁵ See UC lxxvi. 356–61 (5–6 April 1831).

⁶ See UC lxxvi. 366, 368–76 (30–1 March and 7–8 April 1831). Bentham's submission to the Real Property Commissioners included a passage from his review of Humphreys, *Observations on the actual State of the English Law of Real Property* in the *Westminster Review*, vol. vi, no. 12 (October 1826), 487 n., reproduced as *Article Eight of the Westminster Review No. XII. for October, 1826*, pp. 42–6 (Bowring, v. 405–8), where the manifold writing system is described as follows (p. 43 n.): 'Instead of a pen, a style of the hardest and strongest metal, without ink, is employed. Under the style . . . are laid, one under another, in number the same as that of the exemplars required, sheets of appropriate thin *paper*, alternating with the correspondent number of thin sheets of *silk*, into each of which has been worked all over some of the black matter used in printing, and called *printer's ink*. In this way, by one and the same course taken, at one and the same time by the style, may exemplars be produced, in any number not exceeding twelve, with not much more expense and labour, than is commonly employed in the production of a single exemplar by pen and ink.' The person usually credited with the invention of manifold writing is Ralph Wedgwood (1766–1837), son of Thomas Wedgwood (1734–88), cousin and partner of the potter Josiah Wedgwood (1730–95).

⁷ See UC lxxvi. 362a–365 (29–30 April 1831).

⁸ The instruction '*Turn over*' appears at this point.

⁹ George Bentham.

¹⁰ i.e. on the second reading of the Registration Bill. This list of names also appears on a slip at UC lxxvi. 274 (15 April [1831]).

18 APRIL 1831

TO LEICESTER STANHOPE

4. Lytton Bulwer M.P.
5. J. Strutt M.P.¹¹
6. Ellice M.P. Sec^y Treasury.

3808

TO LEICESTER STANHOPE

18 April 1831 (Aet 83)¹

Q.S.P. 18 Apr. 1831

Monday Night

My ever dear Leicester

You know, or you do not know, that Ram Mohan Roy is arrived in London: arrived this morning. I write this lest you should not otherwise know so soon.

He is at an Hotel in the Adelphi—*Osborne's* I believe it is.² I heard first by an accident that he was at Long's in Bond Street:³ went thitherto[?] (for I happened to have my Brother's Carriage at command)—was sent by them to the Caledonian Hotel in the Adelphi⁴ and from *that* to Osborne's. It was about 10 o'cl. night: he was already in bed: had gone to bed as early as ½ after 8. I left a letter for him:⁵ desiring to see him the sooner the better. I mentioned you, Col. Young⁶ and Bowring. I shall send Arthur⁷ to morrow morning pretty early to endeavour to see him.

My object—I tell him—is to put him on his guard against the snares

¹¹ 'J.' appears to be a slip, as Edward Strutt was the only Strutt in the House of Commons at this time.

3808. ¹ UCL Library, Stanhope Letter Collection, no. 30. Autograph.

² The Osborne Hotel, 21 John Street, Adelphi.

³ Long's Hotel, New Bond Street.

⁴ The Caledonian Hotel, Robert Street, Adelphi.

⁵ Missing. Cf. 'Reminiscences of Rammohun Roy', *India Gazette*, 18 February 1834, pp. 3–4: '[Roy] arrived in London at night, and was set down at some filthy inn near Newgate Street, where he intended to remain till morning: but going up to his allotted bedroom, the closeness and abominable odours that saluted his sense of smelling, induced him instantly to order a coach and set off to the Adelphi Hotel, where he arrived at 10 o'clock at night. He could not be prevailed upon to write to his friends in London to apprise them of the day in which he should reach it, but some gentlemen of the East India Committee had done that for him; still no one knew where to meet him, and Mr. Crawford had prepared rooms for him at Long's Hotel in Bond-street: yet, strange to say, long after he had retired to rest, the venerable Bentham, who had not for many years called on any one, or left his house, I believe, except to take his habitual walk in his garden, found his way to the hotel, and left a characteristic note for him, "Jeremy Bentham to his friend Rammohun Roy."'

⁶ James Young.

⁷ Arthur Moore.

TO MARGARET URQUHART

19 APRIL 1831

that may be laid for him. I hear already, that the Directors⁸ are upon the *qui vive* at so unexpected a visit.

Your's ever

J.B.

3809

TO MARGARET URQUHART

19 April 1831 (Aet 83)¹

Q.S.P. 19 April 1831

Dear Madam

What follows in another hand² is an extract from a letter I have just received from D^r Bowring at Paris of the date of the 15th instant.³

Towards the close is what follows.

'Apr. 15. Herewith a letter from Hassuna,⁴ and one for Urquhart according to an address which he left.' There ends D^r Bowring. For my part, I do not very understand how it is that Hassuna writes to David in London, instead of seeing him in Paris. The superscription of the Letter is—'To David Urquhart Esq^{re}—care of Major Cochran⁵ N^o 118 Regent Street': with this address I accordingly sent it by the Twopenny Post.

I am, My dear Madam with the truest respect
Yours

Jeremy Bentham

M^{rs} Urquhart

⁸ i.e. of the East India Company.

3809. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/15. Autograph.

² The letter is entirely in Bentham's hand.

³ Missing.

⁴ Hassuna D'Ghies (1792–c. 1837), who Bentham had first met in July 1822, had left Tripoli in about 1815. Having resided for several years in France, and carrying diplomatic credentials from the Pasha of Tripoli, D'Ghies had visited England from June 1821 to April 1823, but the British government had refused to recognize him in an official capacity. For Bentham's friendship with D'Ghies, and the writings for Tripoli produced by him between September 1822 and March 1823, see *Securities against Misrule and other Constitutional Writings for Tripoli and Greece*, ed. P. Schofield, Oxford, 1990 (CW), esp. pp. 1–141.

⁵ Thomas Cochrane (1775–1860), styled Lord Cochrane 1778–1831, tenth Earl of Dundonald, naval officer, MP for Honiton 1806–7 and Westminster 1807–14, 1814–18, who, following a conviction in 1814 for fraud which led to his being struck off the Navy List, left England to command the Chilean navy 1818–22 and the Brazilian navy 1823–5, and to join the Greek navy 1827–8, in their respective fights for independence. Cochrane's conviction was annulled in 1832 and he rejoined the Royal Navy with the rank of Rear-Admiral.

20 APRIL 1831

TO LEICESTER STANHOPE

3810

TO JOHN TYRRELL

19 April 1831 (Aet 83)¹

Q.S.P. 19 April 1831

My dear Tyrrell

In the Votes of yesterday's date, among the Notices of Motions, I see one from 'M^r Lamb to bring Grand Jury Laws under the consideration of the House'.² Do you know any thing about it? Are you in the habits of talking with him on any such subjects? There was (you know) an excellent paper on this subject in the *Jurist*.³ and you probably know that it was by Edward Strutt. I have some where or other matter on this subject, written on the occasion of my *Quasi-Jury*; in Const. Code. Ch. XVI Quasi-Jury⁴ and if there were any chance of its being attended to, could get it copied and sent to him.

3811

TO LEICESTER STANHOPE

20 April 1831 (Aet 83)¹

Q.S.P.

20 April 1831

Midnight

My ever dear Leicester

Could not you *obtain leave* to give me a cal[l] for 10 minutes at my circumgiration time between 1 and 2 tomorrow?

Ram Mohan Roy has been dining with me.

Good night

J.B.

3810. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 18. Autograph.

² According to 'Notices of Motions, for Tuesday 19 April 1831', *Votes and Proceedings of the House of Commons*, no. 80 (18 April 1831), 664, George Lamb (1784–1834), MP for Westminster 1819–20 and Dungarvon 1822–34, Under Secretary at the Home Office 1830–4, gave notice that he intended to move 'To bring Grand Jury Laws under the consideration of the House'.

³ 'Art. II.—Grand Juries', *The Jurist*, vol. i, no. 2 (June 1827), 190–202.

⁴ See Bowring, ix. 554–68.

3811. ¹ UCL Library, Stanhope Letter Collection, no. 14. Autograph.

TO FRANCIS PLACE

23 APRIL 1831

3812

TO FRANCIS PLACE

23 April 1831 (Aet 83)¹

Q.S.P. 23 April 1831

J.B. to F.P.

¼ after 4 o'clock

You have heard of my calling on you last night, and leaving word that I wished to see you at circumgiration time (between 1 & 2) for a special purpose. Doane tells me that this is an Election business day,² and that you will of course, be present at it.

Taking this for granted, could not you contrive to look in upon me, some little time before ½ after 7? At that time *Prentice* of Manchester comes to dine with me.³ I understand from him that, some how or other, he is in disgrace with you!⁴ My notion is—that if matters were explained, there would be the most perfect agreement between *his views* of the matter and *yours*: as there is between mine, and what I know of those of both of you: and that it is owing to some misconception that you think amiss of them. I wish much to report to you some facts which he told me of and which make me think so: but the account of them is by much too voluminous, to be, at present, put on paper. I may perhaps send you to look at two letters of his.⁵ But I must have them back for that they may supply me with memorandum for conversation.

Prentice's residence is at the London Coffeehouse Ludgate Hill, till Tuesday.⁶

3812. ¹ Place Papers, BL Add. MS 35,149, fo. 71. Autograph. Addressed: 'To Francis Place Esq^r Charing Cross.' Endorsed: 'Jeremy Bentham.'

² Place was presumably making arrangements for the forthcoming General Election in Westminster, where Burdett and Hobhouse were returned unopposed on 2 May 1831.

³ For Prentice's account of his visit to Bentham see *Historical Sketches and Personal Recollections of Manchester*, pp. 380–6.

⁴ See Letter 3813.

⁵ Missing.

⁶ 26 April 1831.

24 APRIL 1831

TO FRANCIS PLACE

3813

TO FRANCIS PLACE

24 April 1831 (Aet 83)¹

Q.S.P. 24 April 1831

Sunday.

J.B. to F.P.

Dear good boy

I have made an appointment for you: and you must absolutely keep it, or make another. It is to see *Prentice* and hear him express his regrets for calling you a '*bold bad man*'. (Oh—but the *appointment*—it is for Tuesday² 1 o'clock—commencement of my *circumgiration* time.) I said you were a *bold* man: but denied your being a *bad* one: judging from near twenty years intimacy. I asked him *why* he called you a bad man: his answer was—because of the pains you had taken to disseminate Your anti-overpopulation (I should have said Your *over-population-stopping*) expedient.³ The case is—he is *juggical*:⁴ *Calvinistic*: is descended from two parsonical Grandfathers of considerable notoriety.⁵ I observed to

3813. ¹ Place Papers, BL Add. MS 35,149, fos. 73–4. Autograph. Partly printed in Wallas, *Life of Francis Place*, pp. 81–2. ² 26 April 1831.

³ A passage in Prentice's *Manchester Times*, 4 July 1829, p. 304, announcing forthcoming lectures by the 'notorious' Richard Taylor (1784–1844), deist, explained that he would be accompanied by Richard Carlile (1790–1843), radical publisher and writer, author of *Every Woman's Book; or, What is Love*, London, 1826, who was described as 'the advocate of the beastly Peter Place's principles concerning population'.

⁴ i.e. religious. 'Juggernaut' was Bentham's code word for religion.

⁵ Prentice was descended from an old Covenanting family, but rather than his grandfathers, Bentham should perhaps have referred to two of Prentice's great-grandfathers, namely Archibald Prentice (b. c. 1646) and Alexander Reid (1646–1706), who both fought in the defeat of the Covenanting forces at Bothwell Bridge in 1679. Prentice's son David Prentice (b. c. 1689, d. 1756) married Reid's daughter Agnes, whose son Archibald Prentice (b. c. 1734, d. 1813) and his second wife Helen, née Stodhart or Stoddart (b. c. 1757, d. 1836), who he married in 1790, were the parents of Archibald. None of these male ancestors appear to have been ministers in the Church of Scotland, though in the 'Preface' to his edition of *Life of Alexander Reid, a Scottish Covenanter. Written by Himself, and edited by Archibald Prentice, his great grandson*, Manchester, 1822, p. iii, Prentice notes that his great uncle George Reid (1696–1786), the son of Alexander Reid, had been minister at Ochiltree, and in *Historical Sketches and Personal Recollections of Manchester*, p. 384, recounts that George Reid had been tutor to James Boswell (1740–95), lawyer, diarist, and biographer of Samuel Johnson, and that he had 'amused Bentham by telling him how Boswell's father [Alexander Boswell (1707–82), Lord Auchinleck, Scottish judge] on one occasion had combined frugality with generosity. . . . When my relative was about to be married, the old whig lord was told by one of his friends that he ought to make the minister a present of some place, but unwilling to lay out money, he took a dozen silver spoons from the family store, with the family initials upon them, and had the tail of the B altered, so as to convert it into a tolerably decent R, the initial of his son's instructor, and these with half a dozen small mugs of the same metal, and similarly re-inscribed, were presented in form.'

him that every man is master of his own actions: but no man, of his own opinions: that on the point in question *he* was no less far from you, than you from him: and that if every man were to quarrel with every man whose opinion did not on every point whatsoever coincide with his, the earth would not be long burthened with the human race. As to the point in question, I took care not to let him know how my opinions stood: the fat would have been all in the fire, unless I succeeded in converting him; for which there was no time: all I gave him to understand on the score of *religion* as to my own sentiments was—that I was for *universal toleration*: and on one or two occasions I quoted scripture.

Why all this pains taken with him? because I was convinced that it was his intention, as well as in his power to do more or less service—I verily hope and believe very considerable service—to the Candidate-recommending institution,⁶ which you are the life and soul of: not to speak of *Parliamentary reform* in general, in which he has for a considerable time been doing much service, and Law-Reform to which he shews the best dispositions, and will (I stand well assured) do very essential service, as soon as he is sufficiently *instructed*: for which purpose I have supplied him with a quantity of my stuff.

Interrogate him, and he will give you an account of the two Political Unions in Manchester:—one a *mixt* one—aristocratico-democratical, of which it appears that he was the *organiser*; the other a purely democratical one, of which it appears that he is the influential director, having preserved them from breaking out into acts of mischievous violence.⁷ Ask him how the *Newspaper* he is editing was got up:⁸ he will tell you (I imagine) without reluctance: in case of need, tell him of its being my declared wish that you should know: it will be proof positive of the extensive confidence reposed in *him*, and thereby place him in *Your's*.

He starts for Manchester Wednesday afternoon:⁹ he will have seen Bowring. His residence is at the London Coffee house Ludgate Hill.

I can not, in relation to him, say, in *this* way, a quarter of what I should have to say, if we were face to face.

My opinion of him upon the whole, after a careful scrutiny is—that he is well-intentioned, sincere, generous, zealous and disinterested.

Perhaps, after all, the more eligible arrangement would be—if you were to appoint a time for him to call upon *you*: for Q.S.P. would be so much out of the way of both of you: and I should be no more than a chip in porridge.

⁶ i.e. the Parliamentary Candidate Society.

⁷ The Manchester Political Union, founded by Prentice in 1831, and the Political Union of the Working Classes.

⁸ For the provenance of the *Manchester Times* see p. 524 n. above.

⁹ 27 April 1831.

25 APRIL 1831

TO DAVID URQUHART

3814

TO FRANCIS PLACE

24 April 1831 (Aet 83)¹

J.B. to F.P. the second time.

24 April 1831

Be it so, then: you shall not be troubled to come hither: I will give notice to Prentice of the options you give him.

As to Bowring's being of the party—it is all uncertainty.

When you see Prentice, do not look close and cold: but take him by the hand, and [. . . ?] with him, if you can, (though he is a serious sort of person) about the old Hermit.

3815

TO DAVID URQUHART

25 April 1831 (Aet 83)¹

Q.S.P. 25 April 1831

Monday.

My dear David

Doane tells me—You are uncertain as to the day on which it was agreed that you should dine here.

I answer—Wednesday next.²

3814. ¹ Place Papers, BL Add. MS 35,149, fo. 72. Autograph. Addressed: 'To Francis Place Esq^{re}.' Evidently a response to a missing response from Place to Letter 3813.

3815. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/22. Autograph.
² 27 April 1831.

TO JOHN TYRRELL

7 MAY 1831

3816

TO DAVID URQUHART
30 April 1831 (Aet 83)¹

Q.S.P. 30 April 1831

Saturday
½ after 3

My dear David

Just received Yours.²

You would oblige me much by sending me a transcript or translation of this most gratifying intelligence about Greece; that I may send it to the *Morn^g Herald*, time enough for insertion in the paper of Monday:³ that paper being one which it will be of use to the public that I should be upon good terms with.

Wednesday⁴ is a vacant day with me. Let me know at the same time, whether I may expect you to fill up the vacancy.

Ever Yours

Jeremy Bentham

David Urquhart Esq^{re}

3817

TO JOHN TYRRELL
7 May 1831 (Aet 82)¹

Q.S.P. 7 May 1831

My ever dear Tyrrell

In my proposed to be printed letter to Your Commission on the subject of Registration, it will be necessary in the opening to make

3816. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/1/A6/16. Autograph. Black-edged. Sir Samuel Bentham had died in the early hours of 30 April 1831: see p. 531 n. above. George Bentham records on 5 May 1831 (George Bentham Diaries, GEB/2/2, p. 4) that, 'This day at 3 o'clock the remains of my poor father were interred in the same grave as my sister Clara [Bentham (1802–29)] in Paddington Church Yard. The funeral was conducted (in conformity with the desire repeatedly expressed by him) in the most private & unostentatious manner. Nobody attended but Klustine & myself'. ² Missing.

³ No article relating to Greece appeared in the *Morning Herald*, 2 May 1831, though an item headed 'News of a revolution in Greece', containing information obtained from 'a letter just received from Marseilles', appeared in the *Morning Herald*, 3 May 1831, p. 4.

⁴ 4 May 1831.

3817. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 19. Autograph.

10 MAY 1831

TO DAVID URQUHART

reference to my not-proposed-to be-printed Letter, in which, after confession made of the perilousness, I required of the Commissioners as a condition *sine quâ non* of my writing any suggestions of mine on the subject, an engagement on their part to give impression to it in their Reports.²

I mentioned to you my inability to find the brouillon of that letter of mine, as also any letter of theirs which I could, with certainty, perceive to have been designed as an answer to it.³ Of these two letters you were kind enough to give me an undertaking, and if I misrecollect not, a spontaneous one, to send me a Copy. No such copy has as yet reach[ed] me. Forgive me, for thus obtruding upon you this scrawl for the purpose of bringing what is above to Your recollection.

Your's ever

Jeremy Bentham

John Tyrrell Esq^{re}

3818

TO DAVID URQUHART

10 May 1831 (Aet 83)¹

Q.S.P. 10 May 1831

My dear David

I have unfortunately forgotten whether when we met last, it was agreed that we should meet here tomorrow which is *Wednesday* the 11th. I hope we did: because if not, I can not name a day till Bowring is come back from Devonshire which he proposed should be tomorrow in which case he would dine here with me on Thursday:² but, meantime, the exact day remains in uncertainty. Have the goodness to give me a line by *return of post* to let me know whether you come tomorrow or do not come.

Your's ever

Jeremy Bentham

David Urquhart Esq^{re}

² For Bentham's reference to Letter 3521 in his comments on registration printed in the Appendix to the Third Report of the Real Property Commissioners see p. 174 n. above.

³ i.e. the missing letter from the Real Property Commissioners to Bentham of 18 August 1829.

3818. ¹ Balliol College, Oxford, Papers of David Urquhart, DU/I/A6/17. Autograph.

² 12 May 1831.

TO JOHN TYRRELL

16 MAY 1831

P.S. A *line* said I? A single word will suffice namely

Venturus.

3819

TO JOHN TYRRELL
16 May 1831 (Aet 83)¹

Q.S.P. Aug. 16th 1831

My dear Tyrrell

I have to thank you for your kind Letter of the 10th² inclosing at my request a Copy of my letter to the Real Property Commissioners of the 15th August 1829 together with one of theirs to me in answer dated the 18th following undertaking for the insertion of any Suggestions it might happen to me to send.³

My paper on the subject of Registration is now compleated, and wants nothing but the mere revision of the Copy taken of my scrawl which contains about 54 pages such as those you saw.⁴

The last time I had the pleasure of seeing you, you were (if I misrecollect not) kind enough to say that you would call here any day before dinner for the purpose of looking at this said paper of mine in my company. I write this for the purpose of saying that any day you will have the goodness to name I shall be happy to receive you: hours, between 10 and 2 or between ½ after 3 and 7.

Ever Your's

Jeremy Bentham

John Tyrrell Esq^{re}

3819. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 25. Autograph. Bentham has mis-dated the letter to August, whereas internal evidence indicates that it was written in May 1831. When dating the present Letter, Bentham perhaps had in mind the letters of August 1829 to which he goes on to refer. ² Missing.

³ In Letter 3817 Bentham had requested that Tyrrell send him a copy of Letter 3521 and the missing response of 18 August 1829.

⁴ For Bentham's draft, which consists of 55 pages, one further page (UC lxxvi. 348) being added on 19 May 1831, see p. 533 n. above.

24 MAY 1831

FROM JAMES MILL

3820

FROM JAMES MILL

24 May 1831¹

E. India House

Tuesday
1831

I find from Major Carnac, one of our Directors,² with whom I am to dine on thursday,³ that I am to meet Ram Mohun Roy at his house, who comes mainly to meet me. As this anticipates the occasion when I should have been able to be introduced to him by You, it renders it unnecessary for me to trouble You this evening, when I find I shall be obliged to stay late at the opera, in order to see Taglione,⁴ to see whom (being a prodigy) is my great motive for going. I shall still have a great desire to meet & converse with Ram Mohun Roy in company with You, when You can find a time that will be convenient.

J. Mill

Jeremy Bentham Esq.

3820. ¹ In the quondam possession of Mr T. Satoh, Subun-so Book Store, Tokyo. Autograph. Docketed: '1831 May 24. Mill E. (...) to J.B. Q.S.P. Non veniet vespers. Will tell about Ram Mohun Roy on Tuesday.'

² Sir James Rivett Carnac (1784–1846), MP for Sandwich 1837–8, had been elected a Director of the East India Company in 1827 and was later Deputy Chairman 1835–6 and Chairman 1836–7, 1837–8, and Governor of Bombay 1838–41. ³ 26 May 1831.

⁴ Marie Taglioni (1804–84), acclaimed Swedish-Italian dancer. According to a notice in the *Morning Chronicle*, 23 May 1831, p. 2, on the evening of 24 May 1831 at the King's Theatre, a performance of the opera *Tancredi* by Gaetano Rossi (1774–1855) would be followed by a presentation of 'the New Grand Ballet, founded on Sir Walter Scott's Novel of KENILWORTH, in which Madlle. Taglioni will dance the Tyrolenne'.

3821

FROM LEIGH HUNT

26 May 1831¹

18. Elm-Tree Road, St John's Wood—

Regent's Park—May 26. 1831.

Dear Sir,

(For I have not forgotten the right which private acquaintance has given me to address you by that epithet,²—to say nothing of that [which] endears you to all the venerators of knowledge & freedom)—I will not trouble you on the present occasion with words:—I will not trouble you with a long history of struggles & anxiety:—I will not entreat you to put the kindest & handsomest construction on what I am going to ask. A great understanding like yours includes all that we can say to it; and you will construe me handsomely, because I need not have come to passes of this most painful nature, if I had been a less conscientious lover of what I think to be right.

I am in urgent—most immediate, & most distressing want of the sum of sixty pounds. Could you lend it me? I dare not promise to return it you before next spring; but I dare promise it *by* then. The *Tatler* has had hard work to establish itself, has half killed me in the operation, & has cut me off from all money resources for many months (which is the reason why I now trouble you:—I have not received a sixpence from any quarter since I set up its little precursor the 'Chat of the Week', which the Stamp Office pounced upon,—that is to say, ever since the sixth of May 1830); but the *Tatler* receives an accession, this week, of the only thing which speculators have deemed it to want,—namely, a man of business for a partner, with money to advertise it:—we vary & considerably improve its Contents from Monday next, and I am told, & by the experienced, a new & amazing story, that I may still live to be rich!! One of my objects in it is, by degrees, to get it up into a larger size and into a newspaper;

3821. ¹ New York Public Library, Astor, Lenox, and Tilden Foundations, The Henry W. and Albert A. Berg Collection of English and American Literature. Autograph. Addressed: 'Private & Particular. To Jeremy Bentham Esq^{re} Queen's Square, Westminster.' Docketed: '1831 May 26. Leigh Hunt Regent's Park to J.B. Q.S.P. Begging £60. Delivered at Q.S.P. Returned verbal answer. No money for such purposes. R.D. read the Letter.'

(James Henry) Leigh Hunt (1784–1859), poet, journalist, literary critic, founder of *Chat of the Week* (5 June–28 August 1830) and *The Tatler* (4 October 1830–13 February 1832).

² Hunt had been invited by Bentham to dine at Queen Square Place and seems to have done so on 19 August 1812: see Letters 2182–6, *Correspondence*, viii, and Hunt to Bentham, 18 August 1812, University of Iowa Libraries, Special Collections Department, Brewer-Leigh Hunt Collection, MSL H94ben (forthcoming in *Correspondence*, xiv).

28 MAY 1831

TO FRANCIS PLACE

& I need not say on whose side it would be found fighting.—You may think that I might apply to the gentleman I allude to, on the present occasion; but it is in the highest degree desirable, that I should not disturb a partnership with my private wants; & the difficulty I am in at present is solely of a private nature, & arises from the long & distressing absence of money from my pocket. Nobody but my wife & my elder children³ know what I have gone through: nor did I think (...) to here trouble you with any thing of the sort. I ha(d) hoped you would know me only through the medium of my respect & my co-operation,—such as it is. Pardon me for the pain I give you, if I write in vain,—I mean, if you are unable to oblige me; for I persuade myself you would not be unwilling:—but if the obligation be *possible*, I dare not, consistently with my duty to my family, but say to you, that my want is as urgent as my respect for you *is* sincere. Of *that* at all events be assured, for I shall believe as implicitly whatever you say, as becomes him who says it, and the truth of,

dear Sir,

with veneration yours,

Leigh Hunt.

P.S. It was M^{rs} Hunt that mentioned your name to me on this occasion; otherwise I have been so accustomed to connect it with ideas of the general good, in contradistinction to that of an individual, that I doubt, even in my eremitical dearth of acquaintances, whether it would have presented itself to my mind.

3822

TO FRANCIS PLACE

28 May 1831 (Aet 83)¹

Jeremy Bentham to Francis Place

Queens Square Place Westm^r

Saturday 28 May 1831

Before me lies M^r Mill's Note to me dated the 2^d instant,² and put by you into my hands open, but not till the 10th instant. I did not read it (I

³ Hunt had married Marianne, née Kent (d. 1857) on 3 July 1809 and they had seven children, including Thornton Leigh Hunt (1810–73), journalist and editor of his father's works.

3822. ¹ Place Papers, BL Add. MS 37,949, fos. 250–1. Autograph. Endorsed: '28 May. 1831. M^r Bentham to F. Place.'

² The original note is missing.

TO JOHN TYRRELL

11 JUNE 1831

believe) at the time; but, upon your acquainting me with the contents, expressed immediately my entire acquiescence, together with my sensibility to your kindness in taking upon you the friendly office. Just now, M^r Doane informs me of your desire, than which nothing can be more reasonable, to receive my answer in writing, without loss of time.

This I accordingly proceed to give, after copying the whole of M^r Mill's said Note which is as follows.

'1 Queen's Square West^r 2 May 1831

M^r Mill's respects to M^r Bentham—begs to give him notice of his intention to quit the house N^o 1 Queen Square Westminster, which he at present occupies. M^r Mill would desire to give possession to M^r Bentham before Michaelmas next;³ holds himself answerable for the rent during the time which this might fall short of legal notice.

Any other pecuniary question which his leaving the said house may give occasion to, M^r Mill would find no difficulty in leaving to M^r Bentham, himself. But, if M^r Bentham, as is probable, would prefer the arbitration of a third party, M^r Mill may state, that he would most willingly abide by the decision of their common friend M^r Place.' Thus far M^r Mill. To which I add—and with equal willingness so will and do I, as witness my hand

Jeremy Bentham

3823

TO JOHN TYRRELL
11 June 1831 (Aet 83)¹

Q.S.P.

11 June 1831

My dear Tyrrell

Along with this you will receive my scrawl on the subject of Registration.² I send it to you preparatively to the being so bold as to send it to the great men who have the honor to be associated with you.³

Along with this you will also receive a letter of apology with which I humbly propose that the aforesaid scrawl should be accompanied.⁴

³ 29 September 1831.

3823. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 20–1. Autograph.

² Presumably the revised copy of his comments on registration that he undertook to produce in Letter 3819.

³ i.e. the Real Property Commissioners.

⁴ Letter 3840.

15 JUNE 1831

FROM FÉLIX BODIN

Have the goodness to do what depends upon you towards keeping me out of all scrapes.

I write this, as well as the just mentioned address, between sleeping and waking, and perhaps dreaming: but sleeping, waking or dreaming, I am always

with the sincerest affection
Yours

Jeremy Bentham.

John Tyrrell Esq.

P.S. On opening one of my drawers I find a letter or a commencement of one written almost two months ago and, howsoever it may have happened, never sent.⁵

It accompanies these presents.

P.S.2. I had like to have forgotten to mention that at my desire the Paper has in good part of it been marginalised by My Nephew; but the job is not quite completed. It is to be completed on Friday next,⁶ on which day he is to dine with me: so that it can not be sent to the Commissioners, till the next day Saturday.⁷ But in the meantime you will have the goodness to retransmitt it to me in such sort that it may meet him when he comes.

3824

FROM FÉLIX BODIN

15 June 1831¹

Mon cher maître,

Je vous adresse quelque chose que vous ferez bien de ne pas lire, 1^o parce que cela n'en vaut pas la peine, 2^o parce que vous n'en avez pas le temps. C'est de la politique accommodée au tempérament de notre Charte et de nos électeurs.² C'est du moyen terme et de la transition.

⁵ Possibly Letter 3807 or Letter 3810.

⁶ 17 June 1831. The marginal summary paragraphs on the draft at UC xxvi. 324–66, 368–79, insofar as they have been added, are in the hand of George Bentham, but Bentham here seems to be referring to the copy that he was sending to Tyrrell with the present Letter. ⁷ 18 June 1831.

3824. ¹ BL Add. MS 33,546, fo. 502. Autograph. Docketed: '1831 June ||. Bodin Paris to J.B. Q.S.P. Sends his Projet de Loi as to Peers.'

² i.e. Félix Bodin, 'De la pairie en France', *Revue des Deux Mondes. Tome Second*, Paris, 1831, pp. 306–21. Bodin had, moreover, arranged the translation of, and written the foreword to, *Jérémie Bentham à ses concitoyens de France. Sur les chambres des pairs et les sénats*, trans. Charles Lefebvre, Paris, 1831.

FROM LOUIS MCLANE

16 JUNE 1831

Je crois que c'est ce qu'on fera éternellement dans ce bas-monde. Il n'en est pas moins utile à l'humanité, qu'un législateur comme vous trace le plan d'un édifice définitif,³ afin de nous tenir en haleine et de nous montrer un but que nous atteindrons, Dieu sait quand!

Vous aurez encore de longs et heureux jours si mes vœux sont satisfaits.

Félix Bodin

Paris, Rue de Choiseul 15.
15 juin 1831.

3825

FROM LOUIS MCLANE

16 June 1831¹

12 Devonshire Street

June 16. 1831.

Dear Sir

I regret sincerely that my numerous engagements preparatory to my sudden departure for the United States² will deprive me of the pleasure of accepting your flattering invitation to dinner; and will also prevent me, I fear, from calling to assure you in person of the high respect I entertain for your character, and of my sense of your obliging attentions to me during my residence in London.

Of my desire to impress those in the United States whose opinions may be entitled to your respect with similar sentiments you need not doubt; and tendering my best wishes for your prosperity I have the honor to be

dear Sir

respectfully & faithfully

Your ob^t Serv^t

Louis M'Lane

To

Jeremy Bentham Esqr^e
&c. &c.

³ Bodin possibly had in mind *Constitutional Code*, the first volume of which had been published in 1830.

3825. ¹ BL Add. MS 33,546, fos. 503-4. Autograph. Docketed: '1831 June 16. U.S. MacLane to J.B. Q.S.P. Recd June 21.'

² McLane was about to return to the United States to take up his appointment as Secretary of the Treasury.

16 JUNE 1831

TO FRANCIS PLACE

3826

TO FRANCIS PLACE

16 June 1831 (Aet 83)¹

Q.S.P. Thursday 16 June 1831

J.B. to F.P.

Knowing the difficulty you have been under about decyphering my scribble, I have had it transcribed for you as follows. I hope there are no material errors. I can not find time to read it over.

In obedience to your commands, as signified by yours of the 13th,² I write as follows:—

‘I am afraid’ (you say) ‘there is much difference between the notions you and he³ entertain: and I must therefore have them in writing before I can proceed to make any allotment of expense.’ Thus far you.

‘Notions *he* entertains’—what these are is I suppose known to you: indeed they cannot but be known to you, forasmuch as the whole business originated in a communication made by him to you.⁴

But as to the notions *I* entertain in relation to this subject, what grounds can you have for *fears* of any sort? On this subject not a syllable have I ever said to you either in writing or by word of mouth.

Now then as to the notions I am thus called upon to declare myself as entertaining in relation to this unpleasant subject, which has come upon me like a thunderstroke.

What you have to do in relation to it, if I do not misconceive the matter is this—Call to mind the history of the subject.

That he and I might be in the society of one another in the winter, as we had been in the habit of doing in the summer, he and his family being all the time my guests,⁵ he entered, at my proposal, upon a house of mine in York Street,⁶ at the accustomed rent (I believe it

3826. ¹ Place Papers, BL Add. MS 37,949, fos. 252–3. In the hand of a copyist, except for the address, date, salutation, first paragraph, and postscript, which are in Bentham’s hand. Endorsed: ‘16 June 1831. M^r Bentham to F. Place.’ ² Missing.

³ James Mill.

⁴ Bentham perhaps had in mind Mill’s note of 2 May 1831 copied in Letter 3822. Though the note was addressed to Bentham, it had been delivered to him by Place.

⁵ On 5 June 1805 Mill had married Harriet, née Burrow (1783–1854), whose family owned and ran the Holly House lunatic asylum on Hoxton Street. John Stuart Mill, born in 1806, was the eldest of nine children. The Mills had spent the summers with Bentham at Barrow Green House, near Oxted, Surrey, and then stayed at Ford Abbey, where Bentham had passed around half of his time between July 1814 and February 1818.

⁶ The Mills had rented 19 York Street, once the home of Milton. After the Mills had left, Bentham had rented the house to William Hazlitt (1778–1830), writer and painter.

was) and that a very small one: £20 or £30 a year or some such matter: and, on this occasion, for his better accommodation, I laid out upon the house a sum more or less considerable. He had not been long in it—not more than $\frac{1}{2}$ a year, perhaps not more than $\frac{1}{4}$ of a year or so much, before I was informed that Mrs Mill was dissatisfied with her situation: dirty, ragged, ill-looking children were frequently within her view: she was unhappy—she was continually in tears,—her husband in a state of correspondent discomfort.

At this time, so it happened, the lease of the house in question in Queen's Square came to be sold by auction. The change of residence from the York Street house to the Queen's Square house—would it be agreeable to Mr and Mrs Mill? Of course it could not be otherwise. But the rent it was charged with to the Landlord (Major Dive) was £50 a year. Would it suit them to pay that rent? Answer—Yes; it would.⁷ And, if I misrecollect not, this was not much, if any thing, more than they had paid at Penton Ville,⁸ from which place they had removed to my house in York Street, of which, as above, the rent was so considerably less. This ascertained, Mr Mill all along knowing as much of the whole proceeding as I did myself, the communication on this subject, as on every other, being, on both parts (or at least on my part) without reserve, I purchased the lease, at the expense of £420—400 guineas was I believe the words by which the sum was expressed.

I have some notion—not that I am aware of its being any way material—I have some notion that though this same lease was *put up* to auction, it was not *bought* at the auction but that it was bought in for the landlord and that this same £420 was the price paid by me for it afterwards in the way of *private sale*. If it were by auction that the purchase was made, the *auction-duty* upon it must have been paid: by *whom* paid, whether by the buyer or by the seller or between them I do not at this moment remember: you, I suppose, do: and I do not remember paying more than that £420: My Banker's book for that time which I could rummage out, were it material, would of course show. For a species of comfort which I had every reason to regard as being reciprocal £420 to be given by one of the two friends,

⁷ The Dive family had owned 1 Queen Square since 1726. Bentham had taken a lease of the house from George Dive for 31 $\frac{3}{4}$ years from Christmas 1813 (i.e. until Michaelmas 1845), at a rent of £55 5s per annum, and installed the Mills as tenants there from 1814 to 1831, initially at a rent of £50 per annum. After the Mills left and moved to Vicarage Place, Church Street, Kensington, the house was occupied by Bowring. See London County Council, *Survey of London. Volume X. The Parish of Saint Margaret, Westminster.—Part I*, London, 1926, pp. 106–7.

⁸ From 1805 the Mills had lived at 12 Rodney Terrace, Pentonville, which they had rented from Harriet's mother for £50 per annum.

16 JUNE 1831

TO FRANCIS PLACE

he not over rich, the other giving nothing, was an arrangement not to be entered into but upon conviction that on no more favorable terms could the comfort be obtained: and by this circumstance may be accounted for my not bidding at an auction, if such was the case.

Then comes the affair of the rent. The forbearing to receive rent for one of the houses, and at the same time the paying the rent for the other constituted a compound burthen which also on that occasion fell upon me.

As to repairs, how, at that time, the matter stood in regard to *repairs*, I do not at this moment remember. *Tenantable* was the state in which it was, of course, professed to be sold. Yet, upon his going into it, money, to an amount more or less considerable, I should expect to find had been laid out in that way: and whatever, if any, was the sum, no other than mine could have been the pocket out of which it came.

Not many years had elapsed (you can tell me how many), when information was given me (I think it was by you) that *more repairs* were necessary. As to the *expense*, the sum, at first mentioned, was if I misrecollect not £80. A Quaker (of the name of *Bevans*,⁹ I think it was) was the man you were in the habit of consulting with on these occasions. The demand I was informed was an irresistible one: and the expense, whatsoever it might amount to, must be submitted to. I acquiesced: the men were set to work: in process of time, the Bills came in: £300 and a small matter more was the amount of them: and this amount I paid. They having never been destroyed, by myself at least, they could accordingly be found, were the trouble a necessary one.

As to how matters were managed for the residence of Mr Mill and his family while the House was undergoing these repairs, it is what I have no precise *recollection* of. The summer being the best time for this business and Mr Mill and his family being my constant guests every summer, down to the year 1817 inclusive,¹⁰ so (I conclude) it must have been on that *occasion*, and at that *time*.

On this same occasion, Mr Mill took the opportunity of making certain alterations and arrangements for his own particular accommodation: he offering to take upon himself the expense, I left the Matter altogether to him, taking myself no cognizance of it. Your memory is in full vigour: all these things are, of course, in a perfect state, present to it. Mine is a *going*, a *going*, a *going*; as, to a sadly large part of it, *gone*.

⁹ James Bevans.

¹⁰ See p. 550 n. above.

When, after an original talk of no more than £80, the by me so little expected sum of no less than £300 & upwards had been laid out upon the House, with whatever Mr Mill laid out upon it added, and this so few years ago as { } (*you* can fill up this blank:—my memory does not enable me) no *information* of any demand for *any* thing more, having, at any time, been ever given to me: no; nor so much as any the least hint of any such state of things—what possible ground could I have had for any such supposition as that any thing in the way of repairs was at any part of this time necessary? Had I not as full a ground for satisfaction to the contrary as the nature of the case admitted of?

Was it for me to have done by my friend that which when a formal lease is granted, the landlord stipulates for the *right* of doing—namely, the making entry from time to time with workmen to look at the condition the premises are in in this respect?

Judge then of my surprize (not to speak of any other emotion) at *suspecting* from what *you* said to me, and now *learning* from what the *Estimate* you sent says to me, that the house is ready to fall to pieces; and that I am to be made to pay I know not how much to preserve it from so doing!¹¹

When after having kept him in possession of at the least £50 a year for 14 successive years at an expense of near £800 to myself¹² I find myself, under the circumstances above mentioned, called upon to put myself to the expense of I know not how much more.

Now then how was it with you while writing the abovementioned words about ‘the difference between the notions he’ (Mr Mill) ‘and I entertain?’ The notions he entertained—these notions whatever they were you know well enough: you had learnt them from himself: but the notions you conceived me as entertaining—these notions you could not have learnt from me or from any body: no other notions could they have been than those which you yourself were entertaining, after having put yourself in my place.

As to the distinction between *tenantry at will* and *tenantry for a term*, this is a distinction that under the above-mentioned circumstances would not be found to apply. By a Court of Equity, if called upon, to no such technical Common Law distinction would any regard be paid: by a Court of Equity, not one is there of all these circumstances that would be left unregarded.

My friend, your commands have thus, to the best of my power, been

¹¹ Presumably the estimate of £600 for repairs mentioned in Letter 3848.

¹² Bentham perhaps had in mind the lease of £420 and the repairs of over £300.

16 JUNE 1831

TO JOSEPH HUME

obeyed; and to you it belongs to do whatsoever is in your judgement most right.

Queen's Square Place Westminster
16 June 1831.

P.S. Received your yesterday's note¹³ about the imprisoned Turk:¹⁴ and attend to it:—we will talk about it when we next meet.

3827

TO JOSEPH HUME
16 June 1831 (Aet 83)¹

Q.S.P. 16 June 1831

Dear Hume

Various impediments prevented my sending to you the contents of this and the two accompanying packets, in the manner You directed, and I intended.

I wish the list of the Newspapers in question (a Copy of that which I had from Bowring) may suffice respectively for the direction to be put upon the franks.

I must have from You in black and white answers to the following questions in relation to the recommendation letters for M^r Burnley.²

1. His name at length.
2. The Colony he belongs to.
3. His station in the Colony.
4. The person or persons to whom my letters are to be directed.
5. By what time at the latest they must respectively be in your hand.
6. When it is he proposes to visit Washington?

My memory is too weak to carry in it any such particulars: though not quite so weak as not to contain the fact that I am

Yours sincerely

Jeremy Bentham

¹³ Missing.

¹⁴ Possibly Richard Carlile, who had in January 1831 been sentenced to two years' imprisonment: see pp. 583–4 n. below.

3827. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² William Hardin Burnley, brother of Hume's wife Maria, who had settled in Trinidad in 1802.

3828

TO JOHN TYRRELL
17 June 1831 (Aet 83)¹

Q.S.P. 17 June, 1831

My ever dear Tyrrell

I have received this day in company with my papers, your suggestions:² I am grateful for them; and shall profit by them.

Now for a subject-matter altogether different.

Among the well-wishers of the present Administration, and I see nobody else, I find no inconsiderable uneasiness produced by the perseverance in the prosecution of Cobbett for some recent libel of his,³ which I know nothing about and care about as little, except with a view to the public interest: the opinion is—that it will in a serious degree lower the Administration in the estimation of the people. I have reason to be assured that in the opinion of some part of the Cabinet it were better this prosecution were dropped: but I hear it said that the continuance of it, if it does continue, will be owing to Lord Melbourne; for that it was he that at first moved it: and that, be this as it may, his *amour propre* feels itself interested in making on this occasion exhibition of steadiness and perseverance.

To me, Lord Melbourne is nothing but a name: but if I did not misunderstand you, you are more or less in habits with him and if this be so, that any opinion of your's, on a subject of this sort, should fail of making a deep impression on his mind is what I could not bring myself to regard as probable.

Your's ever

Jeremy Bentham

John Tyrrell Esq^{re}

3828. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 22. In the hand of Moore, with the exception of the salutation, valediction, signature, and direction, which are in Bentham's hand.

² Bentham had sent a copy of his comments on registration with Letter 3823 and had asked Tyrrell to return it to him by 17 June 1831.

³ In articles appearing in *Cobbett's Weekly Political Register*, vol. lxx, no. 22 (27 November 1830), 801–2, no. 23 (4 December 1830), 865–6, 876–82, and no. 24 (11 December 1830), 929–51, Cobbett had commented upon what he termed the 'Rural War', also known as the 'Captain Swing' riots, which was marked by machine-breaking and arson. The administration eventually decided to prosecute Cobbett on account of the article of 11 December 1830. He was indicted at the Old Bailey on 18 February 1831 for publishing a seditious libel and subsequently tried at the Court of King's Bench on 7 July 1831, where he was acquitted after the jury failed to reach a verdict. For an account of the trial see *A full and accurate report of The Trial of William Cobbett, Esq. (before Lord Tenterden and a special jury,) On Thursday, July 7, 1831, in the Court of King's Bench, Guildhall, London, 1831.*

3829

TO JOHN DOHERTY
 Ante-18 June 1831 (Aet 83)¹

DR. BOWRING.

To the Editor of the Voice of the People.

DEAR SIR,—Doctor Bowring has transmitted to me a letter of yours to him, dated May the 30th, in which you say,—‘If some of your friends, particularly Mr. Bentham, would furnish me with some of the leading facts of your past exertions in the cause, (meaning the cause of good government and happiness in this country and all others,) it would be attended with a good deal of advantage. For the people, you continue, now ask, (and I hope will continue to ask,) of every man who may be put forward in their representation—“Who is he?—What has he done?”’

My dear sir, it is with the sincerest pleasure that I read this from your pen: it is a beautiful proof of the warmth of your zeal, and of the judgment with which it is guided.

What has he done? What has he not done?—What man that ever lived ever did so much of those things, from the doing of which pure honour is reflected, in the same compass of time?

The utmost I can find *time* to write, or cause to be written, or you space to insert, at any rate in the first instance, can amount to little more than a mere enumeration of topics. If among them there be any, in relation to which it seems to you that there may be a use in being more particular, mention them to me, and put questions to me,—questions calling for the information you are desirous of,—and we will see what further is to be done.

I could wish to give dates throughout; but so shattered is my memory, this is more than I am able to do with certainty in any instance, without more time than it is possible for me to spare. Before I close this letter, I will try whether, in any instance, the omission can be supplied from any other quarter. On this occasion I will send memory on her travels over the civilized world. But as to mentioning all the places, or any thing near all the places in its four quarters, (with its recently-added appendage,)² in which the good genius of this

3829. ¹ *Voice of the People*, no. xxv, vol. i (18 June 1831), 199.

² Presumably the Australian continent, in addition to Africa, America, Asia, and Europe.

TO EDWARD LIVINGSTON

21 JUNE 1831

man has alighted and continues to alight, for the purpose and with the effect of rendering, in various ways, essential service to mankind, and that on the present occasion, I will throw down my pen with regret at the impossibility of it.

Dear sir, yours, most truly,

JEREMY BENTHAM.

Mr. John Doherty.³

3830

TO EDWARD LIVINGSTON

21 June 1831 (Aet 83)¹

Queen's Square Place Westminster

21 June 1831

Dear Sir

This letter is designed to be presented to you by a person of whom my friend Joseph Hume M.P. for Middlesex in a letter I received from him on the 18th of this month² writes as follows—

‘William Harden Burnley Esq^{re} the brother of M^{rs} Hume (whom you formerly introduced to M^r Adams) has been for 20 Years past a Member of the Council at Trinidad, where he resides as a Merchant.’³

That at the solicitation of the said Joseph I did send to him a letter addressed to M^r Adams then Secretary of State in the United States or President thereof, in favour of a person whose description agreed with the foregoing I do remember.⁴ What I also remember is the having received from the said Joseph a letter purporting to have been written to him by the said Burnley, and speaking of himself as having experienced a kind and honorable reception from the said M^r Adams,

³ There follows Bentham's account of Bowring's dealings with, and the tokens of recognition he had received from, governments, organizations, and individuals in France, Poland, Holland, Spain, Portugal, Greece, Belgium, Finland, Russia, Denmark, Italy, and England.

3830. ¹ Princeton University Library, Manuscripts Division, Department of Special Collections, Edward Livingston Papers, General Correspondence, 1820–1836, Box 72, Folder 12–13. Autograph, with the exception of the penultimate paragraph from the word ‘value:’ and the final paragraph, which are in the hand of Bowring, though an addition and the initials are in the hand of Bentham.

² Missing.

³ Burnley had been appointed in 1814 to the Council of Government by Sir Ralph James Woodford (1784–1828), Governor of Trinidad 1813–28.

⁴ i.e. Letter 3265, *Correspondence*, xii, sent following Adams's election as President. See also p. 385 n. above.

21 JUNE 1831

TO EDWARD LIVINGSTON

for which reception the said Joseph and the said Burnley seem to have taken it into their heads they were indebted to me.

Not content with a *vivâ voce* solicitation, antecedent to the above written one, he writes to me a second letter for the same purpose which second letter I have just received.⁵

The repeated draughts he has thus made upon me for a time I can so ill spare have put me in a pet: but under the provocation thus received, I have retained command enough over my wrath, to add as follows. It is altogether out of my power to see more than a very small part of the whole number of persons who by one motive or other are inclined to wish to see me: yet by letters of considerable length purporting to have been written by the said M^r Burnley I have been led to form in relation to him that sort of conception, that I have been and continue to be sincerely desirous of seeing him in quality of my guest, on his visit to this country, which visit I hope is at no great distance. From what causes this desire of mine proceeds you will not be at a loss to conceive, if his conversation is of a piece with his writings. He and M^{rs} Hume I understand to have been equal sharers in a paternal fortune, which from what I know about her part in it, must have been a very ample one.⁶

What I am unable to account for is—how it has happened that my friend Hume, whose affections are in general none of the warmest and who in general is not in the habit of undervaluing the efficiency of his own reputation, should have taken it into his head that, on an occasion such as this, an additional recommendation from a man circumstanced as I am could have been worth the purchase.

I am, Dear Sir
with the truest respect and
regard, Yours

Jeremy Bentham

Edward Livingston Esq^{re}

P.S. Through M^r Louis MacLane, at each of two different times—the last of them I forget how many long months ago—I did what depended on me towards sending you a parcel of no small dimensions, containing, besides works of my own, such as they are, others, which, being official, are of less questionable value: and on the first of those occasions I did also what depended on me towards transmitting through the same official Gentleman a packet of similar bulk

⁵ Missing.

⁶ Hardin Burnley (1741–1823), the father of Burnley and Maria Hume, left an estate valued at £120,000.

TO JOSEPH HUME

21 JUNE 1831

addressed to President Jackson. In each of these parcels was a letter.⁷ I have also received from Mr MacLane, by a letter of his dated April 16 1830,⁸ information of his having done what depended upon him towards that same purpose.

To neither of those letters has it ever been my good fortune to have received any answer or any clear assurance of its having been received. In one way or other I had been led to flatter myself with the hope of being of use to the United States: or so large a portion of my time would not have been expended upon the endeavour. Whenever this matter recurs to me it produces a sensation the nature and intensity of which you will not be much at a loss to conceive.⁹

J.B.

3831

TO JOSEPH HUME

21 June 1831¹

Q.S.P. 21 June 1831

J.B. to J.H.

Devil burn you! as Goldsmith said to his friend in the '*Retaliation*'.²

What could possess you, thus—time after time, to fancy that in company with a recommendation from you a letter from me³ could be of any use?

You have consumed the greatest part of my working day about this nothing, and put me out of temper.

J. Hume M.P.

⁷ Bentham had sent a packet of his works to Livingston on 23 February 1830 with Letter 3602 and another on 14 June 1830 with Letter 3690, and had sent a packet of books to Jackson on 14 June 1830 with Letter 3688. He had also sent a packet of books to Livingston on 21 October 1829.

⁸ Letter 3659.

⁹ In Letter 3702 Livingston had acknowledged receipt of Letter 3602 and the accompanying books.

3831. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Letter edged in black.

² Oliver Goldsmith, *Retaliation. A Poem*, London, 1774, lines 125–36, consisted of a description of his friend Joseph Hickey that concluded with the following couplet:

Then what was his failing? come, tell it, and burn ye!

He was—could he help it?—a special attorney.

³ Letter 3830.

22 JUNE 1831

TO EDWARD ELLICE

3832

TO EDWARD ELLICE

22 June 1831 (Aet 83)¹

Queen's Square Place Westminster

22 June 1831

Dear Sir

Your kindness will excuse this intrusion: the motives will speak for themselves: and if it does no good, it will do no harm.

For something or other that has been lately published by Cobbett, Government (I understand) after having commenced a prosecution against him and let it sleep for some time, perseveres in bringing it to a conclusion.² Several men, of whose public affections I am sure, and of whose judgment I think well, agree with me in the apprehension lest by such a proceeding the administration should be lowered in the estimation of the people. In my opinion this would be a probable result of any prosecution for any thing that goes under the name of a political libel: for, of bad advice in print, if it be in *general terms*, the bad effect may be more effectually counteracted by good counter advice backed by reasons also in print, and bad advice recommending the inflicting injury, in such & such a shape, on an individual would in case of the commission of the injury, render the adviser an accomplice and as such punishable.

As to Cobbett—a more odious compound of selfishness, malignity, insincerity, and mendacity, never presented itself to my memory or my imagination: and I know not that man for whose sufferings I should have less sympathy than for this man's: nor do I know any man in whose estimation the intellectual part of his frame holds so low a place as in mine. Moreover, a friend writes to me 'Cobbett has been abusing you very lately'³—Be it so: his abuse of me is no more

3832. ¹ University of Kentucky Special Collections Research Center, Hugh Peal Manuscript Collection, Manuscripts, *circa* 1448–1955, Box 3, Folder 45. In the hand of Moore, except for the valediction, signature, direction, and final paragraph, which are in Bentham's hand. Printed in Bowring, xi. 68, where it is introduced as follows: 'When the Whig Government was projecting a prosecution of Cobbett, Bentham wrote the following letter to an influential member of that Government:—' Ellice was Secretary to the Treasury.

² See p. 555 n. above.

³ See 'Aristocratical Trickery', *Cobbett's Weekly Political Register*, vol. lxxii, no. 11 (11 June 1831), 615–30, in which Cobbett condemned the 'choice regiment of mongrel aristocrats and tax-hunters' who constituted the Committee of the Parliamentary Candidate Society. Of the members of the Committee, Cobbett observed that he knew 'none of them, even by name', except Bentham, Burdett, Hume, Grove Jones, Marshall, O'Connell, and Scales, and that of Bentham he knew 'that he pocketed a large sum of the public money for being the

TO JOSEPH HUME

22 JUNE 1831

a matter of interest to me than would be a dog's barking at me: never I believe did he make mention of me for any other purpose than that of lowering me in the estimation of the public. For a great many Years past, never to my recollection have I *read* ten lines together of any thing he has written, or *heard* except by accident a few lines more.

Were I for example to succeed in this my application in such sort that for this cause alone the prosecution were dropt, I would not wish that he should know as much: he would (I should expect) labour but so much the more to injure me: such is my opinion of his gratitude.

A small part of all this might probably have sufficed as well as the whole to convince you that this address has for its cause regard for the public and not for the individual: and with this confession I conclude myself

Your's sincerely

Jeremy Bentham.

Edward Ellice Esq^{re}
&c. &c. &c.

☞ This copy substituted to the original scrawl, the said scrawl appearing illegible to any eye not accustomed to it.

3833

TO JOSEPH HUME
22 June 1831 (Aet 83)¹

Q.S.P. 22 June 183[1]

As you have a letter of mine to McLane the U.S. Functionary in favour of Burnley,² it may perhaps be more or less gratifying to you to see one of MacLane's to me written by him on the occasion of his precipitate flight as long ago as the 16th by 2 penny post,³ but not

projector only of that monstrous curse to the nation, the Millbank Penitentiary. When Jerry has paid back that money . . . I should be willing to listen to the grounds upon which Jerry founds his claim to instruct the people of England on the subject of their duty in selecting Members to represent them in Parliament' (*ibid.*, 620–1). Bentham had been awarded £23,000 by the government in compensation for its failure to proceed with the panopticon penitentiary scheme. Cobbett was, of course, mistaken in regard to Millbank, which was built and managed upon very different principles to those envisaged by Bentham for the panopticon penitentiary.

3833. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Black-edged.

² Missing.

³ Letter 3825.

23 AND 24 JUNE 1831

TO JOSEPH HUME

received by me till Yesterday. Have the goodness to return it, when you have done with it.

Yours ever

Jeremy Bentham

Joseph Hume Esq^{re}

3834

FROM RAMMOHUN ROY

23 June 1831¹

125 Regent Street

June 23rd 1831

My Dear and Worthy Sir

Having had a relapse of indisposition on Sunday last² I fear I shall not be able to accompany Mr. Dunn³ to Westminster Abbey on Sunday next,⁴ nor can I promise myself positively the honour of your company on that day—I beg you will oblige me by communicating the purport of this note to that Gentleman. Fervently wishing you uninterrupted health, I remain with the highest respect

My dear Sir

Yours Most Sincerely

Rammohun Roy

3835

TO JOSEPH HUME

23 and 24 June 1831¹

Q.S.P. 23 June 1831

Dear Hume

When your letter of yesterday² reached the Hermitage, the Hermit had played truant and gone off to *Paganini's*.³

3834. ¹ Inserted in Bowring, x. between 570 and 571, in the copy at BL shelf-mark c.61.c.15. In the hand of an amanuensis. Docketed: '1831 June 23. Ram Mohun Roy 125 Regent Street to J.B. Q.S.P. Non venturus 25 June—Sunday.' Bentham has mistakenly written the date 25 instead of 26 June.

² 19 June 1831.

³ Presumably Richard Doane.

⁴ 26 June 1831.

3835. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² Missing.

³ Niccolò Paganini (1782–1840), the celebrated violinist, who made his London debut

TO JOHN BOWRING

24 JUNE 1831

Inclosed is the document, which I believe you wrote for.

Your's ever

J.B.

Joseph Hume Esq^{re} M.P.⁴

Friday 24

P.S. Before your examination, which you inform me is to be performed by the Commissioners, in question takes place,⁵ it is of the highest importance that you and I should talk the matter over fully—therefore before it commences name a day when you will come here and dine with me.

3836

TO JOHN BOWRING

24 June 1831 (Aet 83)¹

Q.S.P., June 24th, 1831.

Just received your packet with the letters,² which I herewith return.

A very comical story indeed; it sets me a shaking; I long to jabber with you about it. Herewith you will receive my crop of matter, concluded for the honour of being converted into twopenny broth.³

I have put a force upon myself to squeeze out what you see, which is no more like what you saw before than chalk is like cheese. Large portion of this last pretious morning wasted by a vain hunt after two pages which I could have sworn I had written and numbered in the corners 8 or 9; but which, I now suspect, were never written, and if ever written never numbered. Doublelight is come and I cannot read what is above, nor do I very exactly remember it, but I believe it is of no consequence.

at the King's Theatre on 3 June 1831. Bentham attended Paganini's fifth and final concert on 22 June 1831, which featured works by Joseph Haydn (1732–1809), Gioachino Rossini (1792–1868), and Wolfgang Amadeus Mozart (1756–91), as well as Paganini's own compositions: see *The Times*, 22 June 1831, p. 4.

⁴ The instruction 'Turn over' appears at this point.

⁵ The 'examination' to which Bentham refers has not been traced.

3836. ¹ 'The Collection of Autograph Letters and Historical Documents formed by Alfred Morrison', 2nd ser., 3 vols., [n. p.], 1893–6, i. 225, where it is described as follows: 'A.L.S. to Dr. John Bowring. Dated "Q.S.P., June 24th, 1831." 2 pages 8vo., with Superscription.'² Missing.

³ Bentham was possibly sending the 'Preface' of *The Book of Church Reform*, which he appears to have drafted on 20–3 June 1831: see *Church-of-Englandism and its Catechism Examined* (CW), Editorial Introduction, p. xxvii n.

24 JUNE 1831

FROM EDWIN CHADWICK

Three or four pages full of matter I should like to have in, if I do not alter my mind: possibly I may send them to you by to-morrow evening for the chance of their coming time enough to be inserted at the end of what I now send. It will not be worth while to wait for them; if you have them not then, you need not expect to receive them.

I am grown so stupid with all sorts of little temporary perplexity, that I know not how to express myself.

3837

FROM EDWIN CHADWICK

24 June 1831¹

Friday Evening

My Dear Sir,

Tomorrow being one of our busiest days in which I shall certainly be employed until late at night for our second edition,² I shall unhappily be again prevented seeing you, until you will appoint a more favorable day.

I send you for your perusal, if you think proper, a translation of Von Savigny's work against codification.³ It is deemed in Germany, as you are perhaps aware, the decisive work on the question. It is printed here with much the same objects, and if no one else will I suppose I must write something in answer to it. I wish you would read it, or I will read it to you. I wish to see you soon as I have an important project to mention to you.

Yours truly

E. Chadwick

3837. ¹ BL Add. MS 33,546, fo. 505. Autograph. Docketed: '1831 June 24. Chadwick.'

At some point in the summer of 1831, Chadwick began to live at Queen Square Place. See Chadwick to Edward Gulson, post-15 July 1837, UCL Library, Chadwick MS. 907, fos. 65-8 at 66: 'Jeremy Bentham, the great author of the science of morals and legislation, was my most attached friend. I lived with him a whole Year. He committed himself to my entire care during his last illness, and I was with him when he died.' It seems likely that Chadwick moved into Queen Square Place after Doane left Bentham's service on 6 July 1831 (see George Bentham Diaries, GEB/2/2 (8 July 1831), p. 15: 'Doane left JB on Wednesday which is a great loss to him').

² i.e. of *The Examiner*, of which Chadwick was Sub-Editor.

³ 'Of the Vocation of Our Age for Legislation and Jurisprudence, translated from the German of Frederick Charles von Savigny, by Abraham Hayward', London, [n.d.] The work had originally appeared as *Vom Beruf unsrer Zeit für Gesetzgebung und Rechtswissenschaft*, Heidelberg, 1814.

TO JOHN TYRRELL

4 JULY 1831

3838

TO MARGARET URQUHART

30 June 1831 (Aet 83)¹

Queen's Square Place

30 June 1831

My Dear Madam

It was singularly unfortunate that I should have been from home (it not having happened to me for many years, before dinner time), when you did me the honour to call here.

Whenever it suits you I shall be at your command: a little after one o'clock is the time that best suits me.

Dear Madam, with the truest respect

Yours

Jeremy Bentham

Mrs Urquhart

3839

TO JOHN TYRRELL

4 July 1831 (Aet 83)¹

Q.S.P. 4 July 1831

My dear Tyrrell

Herewith you will receive once more my paper on Registration, in the state in which it is regarded as ready to be transmitted to Your learned Brethren.² The animadversions and suggestions with which you favored me in your last³ have been carefully attended to and, I hope, profited by.

The delay has had for its cause the waiting for the specimen of the *manyfold*,⁴ which I hope, will not be unsatisfactory: meaning always—to those who have the good of the service really at heart.

3838. ¹ Balliol College, Oxford, Papers of David Urquhart, DU I/A6/18. In the hand of Moore, with the exception of the valediction, signature, and direction, which are in Bentham's hand. Addressed: 'To Mrs Urquhart 25 Old Burlington Street.' Stamp illegible. Postmark: '8 · MORN · 8 / JY · 2 / 1831'.

3839. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 234. Autograph.

² i.e. Bentham's comments on registration that were eventually printed in the Appendix to the Third Report of the Real Property Commission: see p. 174 n. above.

³ Presumably Tyrrell's 'suggestions' acknowledged in Letter 3828.

⁴ See a sheet headed 'Jeremy Bentham to the Real Property Inquiry Commissioners,

c. 4 JULY 1831

TO THE REAL PROPERTY COMMISSIONERS

Your hands will, of course, not be the advisable ones for the paper to be transmitted by to your learned Brethren. Have the goodness to give me *in terminis* the most proper direction to them: for my crazy memory does not enable me to determine whether the address should be—to the Commissioners &c. or to their Secretary.

I long to have a gossip with you about various matters. What say you to next Sunday? Saturday or Sunday the one or the other,⁵ or either I forget which: next Saturday I am engaged:⁶ but either Sunday⁷ or any day thereafter that you will name the Hermitage will receive you with joy and gladness.

Ever Yours

Jeremy Bentham.

P.S. You will find at full length the original of the page which I drew up to serve as a specimen of the Manifold mode of writing. At the suggestion of the operatives, I consented to their omitting that part which is below the black line.⁸ You will either keep it for Your own use, or send it back to be transmitted to the Commissioners along with the rest.

3840

TO THE REAL PROPERTY COMMISSIONERS

c. 4 July 1831¹ (Aet 83)

Gentlemen

Obeying your call, and relying on that assurance of publication which you had the magnanimity to give to me, I herewith transmitt to You

Greeting. Specimen of the Manyfold Mode of Writing', in the hand of Doane, at UC lxxvi. 388, which appears to be a draft of a page of text for copying using the manifold system, and is possibly the sheet referred to below as the 'original of the page [Bentham] drew up to serve as a specimen', and a manifold-produced sheet headed 'National Union of the Working Classes' and endorsed by Bentham '1831 July. For J.B. on Registration. Specimen of Manifold in use by persons other than *Doane*', at lxxvi. 389.

⁵ 9 or 10 July 1831.

⁶ Presumably 16 July 1831, when the proposed overnight visit to the house of Edward Ellice may have been due to take place: see Letters 3841 and 3844.

⁷ Presumably 10 or 17 July 1831.

⁸ See UC lxxvi. 388, where a black line is drawn across near the bottom of the sheet.

3840. ¹ UC lxxvi. 72. Autograph draft. Headed: 'J.B. to Registration Commrs. J.B.'s Copy.' The top line of the sheet, where the date would have been inserted, has been damaged, but the content appears to correspond to that of the 'letter of apology' mentioned in Letter 3823. Hence the present Letter may have been drafted around 11 June 1831, but, according to Letter 3839, Bentham sent it to the Real Property Commissioners with his comments on registration.

TO JOHN BOWRING

6 JULY 1831

a Paper on the subject of REGISTRATION. The state in which the Ms. presents itself to you is such as produces an indispensable demand for explanation and apology. The plain truth is—that no option lies before me, other than that between the sending it in this rough form, and the suppressing it altogether. Neither the time I have at command, nor the state my eyes are in, admitt of my revising any other copy how fairly so ever written. Without any altogether unpardonable presumption, a man so far advanced in his 84th year, and overloaded with a variety of tasks—several of them of importance not inferior to this, of the importance of which he is fully apprised and duly sensible—may cast himself, it is hoped, on your sympathy for the requisite indulgence.

I am, Gentlemen with sincere respect
Yours
Jeremy Bentham

To the Commissioners for Inquiry
into the state of the Law concerning
Real Property

3841

TO JOHN BOWRING
6 July 1831 (Aet 83)¹

Q.S.P. 6 July 1831

J.Be to J.Bo

I had no more thought of sleeping elsewhere than in this Hermitage any night before my last sleep than of bestriding the Cow when, according to a custom I remember to have heard commemorated some 80 years ago, she next betakes herself to the frolic of ‘jumping over the Moon.’²

But, shutting my eyes against my infirmities and all objections arising out of them, I am come to a determination to resist no longer the extraordinary, and in the form which you have taken upon yourself to give to it somewhat romantic invitation which the kindness of M^r Ellice has commissioned you to convey to me.

As to inviting guests to meet me, I know not of that person of either sex that I have any desire to see, unless he or she has any desire to see me. If by accident M^r Ellice should happen to know of any such persons, ‘Longways for as many as will’ is my answer, taken

3841. ¹ National Library of Scotland, Ellice Papers, MS 15004, fos. 1–2. Autograph. Black-edged.

² An allusion to the nursery rhyme ‘Hey diddle diddle’.

by memory from certain Country-Dance books which I used to be scraping on the fiddle from between 70 & 80 Years ago.³

The invitation to bring with me the child⁴ whose office is to preserve me from the strange lugubrious dreams with which I had been in use to be afflicted is the kindest because the more out-of-the-way appendage hung on to the principal one.⁵ Last night, interposing between his body and mine, besides the hard bolster which I shall be obliged to bring with me, a vertical deal board—raised at right angles upon a horizontal one—this additional barrier on account of last night's heat; I dreamt a most curious dream, the scene of it lying at Mr Ellice's Villa wherever it is:⁶ into which I made my entry, having under my arm Mrs Joseph Hume, whom I introduced to Lady Hannah,⁷ having Joseph take Jack Rugby to 'follow my *heels*' as I forget what play has it.⁸

This was one of my dreams; and another was an interview of the sentimental kind with Dr Southwood Smith, who dines with me to day.

As to Mr Ellice's calling on me to give me the invitation, there is much kindness in the proffer, but there would be much unkindness and foolish pride in the acceptance: between one and two hours of his time would be wasted by it: but less than 5 minutes would suffice for putting down in black and white under his hand the abovementioned out-of-the-way particulars that I may be assured that in the communication made to me You did not go out-of-the-way, and beyond Your authority in the mention made of them: your Doctorship being a poet, and in that quality a Romancer.

Ramun Roy—oh yes: it would delight me to have him for companion: but against the pleasure of his company I should have to [set] the *pain* which possibly might be produced by a close carriage.

³ An instruction to the dancers in a country line dance: see, for instance, 'The Cobler's Hornpipe', in *The Dancing-Master: Or, Directions for Dancing Country Dances, with the Tunes to each Dance, for the Treble-Violin*, 17th edn., London, 1721, p. 271.

⁴ Probably William Stockwell.

⁵ To prevent Bentham experiencing nightmares, an amanuensis would sleep in his room at night. For Bentham's description of this and other duties of his amanuenses see Letter 2293, *Correspondence*, viii.

⁶ Ellice's 'Villa' was Wyke House, near Brentford.

⁷ On 30 October 1809 Ellice had married Lady Hannah Althea Grey (1785–1832), daughter of Charles Grey (1729–1807), first Earl Grey, army officer, and widow of Captain George Bettesworth (d. 1808), Royal Navy officer.

⁸ See *The Merry Wives of Windsor*, i. iv. 53, where Dr Caius addresses his servant John Rugby: 'Follow my heels, Rugby.'

TO FRANCIS MOORE

11 JULY 1831

3842

TO FRANCIS MOORE
11 July 1831 (Aet 83)¹

Queen's Square Place Westm^r
London 11 July 1831

Dear Sir

I write this in obedience to your Commands dated the 4th instant,² with which I was favoured in due Course. I should have written earlier, but that, on communication with D^r Bowring, he informed me that, in consequence of what had passed between him and me on the occasion of that same letter of yours, he had written to you, that no time might be lost; mentioning M^r *Le Dieu* as a gentleman, who, it was the wish of both of us, should take as large a part in the business as any engagements it might *then* have happened to you to take on my behalf in relation to the business, would admitt of. I write this, at the suggestion of D^r Bowring, in consequence of his thinking that it might be a satisfaction to you to receive directly from myself the expression of my wishes.

M^r *Le Dieu* is an old friend of mine and interchange of mutual good offices has recently had place between us: though the multiplicity of businesses on both sides has, in one way or other, acted as an unsurmounted obstacle to our personal communication.

Do me the favour to inform M^r *Le Dieu*, that, on his receipt, any number of copies of the translation,³ at the same time, or at any number of successive times, are perfectly at his disposal.

So likewise, are they at Yours. And should he offer money in pay for them You will not accept it. Once more, with all gratitude

I am Your's

Jeremy Bentham

Francis Moore Esq. Paris.

3842. ¹ State Historical Society of Wisconsin, Herbert A. Kellar Autograph Collection. Autograph. ² Missing.

³ Cf. Letter 3771. Possibly the French translation of *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates*, which had been undertaken by Charles Lefebvre: see p. 548 n. above.

13 JULY 1831

FROM RAMMOHUN ROY

3843

TO JOSEPH HUME
12 July 1831 (Aet 83)¹

Q.S.P. 12 July 1831

Dear Hume

I have not plagued you about the old story this long while: but the non-publication of the following article might leave in the documents needful to me for *Law reform*, a gap, the mischievousness of which I am not able to appreciate.

In Votes of July 11th article not ordered to be printed
'85. Criminal Informations, Justices of the Peace &c.'²

3844

FROM RAMMOHUN ROY
13 July 1831¹

5 Cumberland Terrace
Regent's Park July 13th 1831

My Dear and Worthy Sir

I delayed answering your kind communication² until today in expectation of hearing further from D^r Bowring. By a note just received from him I find that there will be no excursion on Saturday or Sunday next.³ D^r B. will have communicated all the particulars to you. I am sorry to observe that you were under an impression that I probably felt a reluctance to meet you. I hope you will excuse me when I say that in entertaining such a thought you did injustice to my feelings. Wishing you the enjoyment of uninterrupted health. I remain

3843. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '85. Criminal Informations (Justices of the Peace),—Return *presented*,—of all Applications made in the Court of King's Bench for leave to file Criminal Informations against Justices of the Peace in England and Wales, from 1st January 1830 to 1st January 1831 (Address 28th June); to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 15 (11 July 1831), 141.

3844. ¹ BL Add. MS 33,546, fos. 506–7. Autograph. Docketed: '1831 July 13. Ram Mohun Roy 5 Cumberland Terrace Regent's Park to J.B. Q.S.P. Apprised of non-visit to Ellice's. Denies unwillingness to accompany J.B.' For the invitation to Bentham to stay overnight at Ellice's home, and the possibility of Roy being invited to accompany him, see Letter 3841. ² Missing. ³ 16 or 17 July 1831.

TO ARCHIBALD PRENTICE

ANTE-14 JULY 1831

My Dear Sir

Yours most faithfully

Rammohun Roy

Jeremy Bentham Esq.

3845

TO ARCHIBALD PRENTICE

Ante-14 July 1831 (Aet 83)¹

Besides giving acquittal to an innocent and calumniated man, though it is not in their power to save you altogether from punishment

3845. ¹ *Manchester Times and Gazette*, vol. iii, no. 142 (23 July 1831), 656, where it is introduced as follows: 'The ground I took in my defence on the trial which is reported in the following pages, is that which was dictated by common-sense; but I was strongly fortified in the course I had laid out for myself, by a communication with which I was honoured by the illustrious JEREMY BENTHAM, and in which, after commenting upon the indictment, he says:'

Reprinted in [Archibald Prentice,] *Report of the Trial of Archibald Prentice, for an alleged libel on Captain Grimshaw, at the Salford Quarter Sessions, 14th July, 1831*, Manchester, [1831], Preface, pp. iii–iv, with the same introduction and concluding comment.

Also printed in Bowring, xi. 69, where it is introduced as follows: 'In July 1831, an action for libel in the *Manchester Times*, was tried, in which Mr Archibald Prentice was defendant. He consulted Bentham as to the course he should take; who recommended him to require that the words of the indictment should be proved. In consequence of his advice, Mr Prentice took the high ground of insisting that evidence should be given to show the *falsehood* of the libel, as its falsehood was made the groundwork of the accusation. In spite of the charge of the Judge, he carried his point. Ten of the jurors were brought to concur in his views; and the Jury (not being able to agree) were called into Court and discharged. Previous to the trial, Bentham wrote a letter to Mr Prentice, in which, after commenting on the indictment, he says:—'

According to *Historical Sketches and Personal Recollections of Manchester*, pp. 386–7, prior to returning to Manchester from London, Prentice had learned that he had been charged with a libel against Captain John Grimshaw of the Royal Lancashire Militia, who Prentice had claimed had 'been accustomed to give indecent toasts at public dinners'. Prentice had 'resolved to deny the tenability of an indictment calling upon the jury . . . without other evidence than proof of publication, to find that I was guilty of the malice and falsehood charged; but having some faint recollection of having seen something in print by Bentham upon the law of libel, I sent Dr. Bowring a copy of the indictment, begging him to lay it before his illustrious friend, and to ask him what course I ought to pursue. In the course of a few days I received a pamphlet published by him in 1817, denying the tenability of such indictments [presumably either *The King against Edmonds, and others* or *The King against Sir Charles Wolseley, Baronet, and Joseph Harrison, Schoolmaster*, both of which were published in 1820]. In a few days more he sent me an examination of the indictment, exposing its absurdities and falsehoods, and arguing that a jury could not, without perjury, find that to be false which was not proved to be false. I was of course delighted with having a corroboration of my opinion from such a quarter; and as it was not likely that I should find a lawyer bold enough to set the dicta of the courts at defiance, I determined to undertake my own defence.' For the charge against Prentice see *Report of the Trial for an Alleged Libel on Captain Grimshaw*, pp. 5–7, and for Prentice's defence, see pp. 12–22. According

under the name of costs, it is in the power of the jury on this occasion to give a great lesson to all Englishmen, and through Englishmen, to all mankind. Yes; it is in their power to drive the first pile for the erection of the fabric—the august fabric of Law Reform. After finding you Not Guilty, let them make it known by the mouth of their foreman, that though it is on the account of the merits that they thus acquit you, yet had they ever thought you guilty of an offence and that a serious one, they could not have found you guilty of the facts charged in and by a written instrument of accusation thus crammed with known and notorious untruths, and that wheresoever an instrument of accusation, thus filled with these and other lies, is stated as the ground of accusation, no verdict will any one of them ever concur in, but that which has the words ‘Not Guilty’ for the expression of it.

Let them make this declaration, or anything to this effect, and they will give a lesson to the ‘good men and true,’ as Jurymen are stiled of the whole community, and the lesson will spread like wild-fire. The lawyers, seeing that by lies of these and other kinds their purposes, instead of being fulfilled as they have been hitherto, will be frustrated, will, with whatsoever reluctance, cease to utter them, and confine their steps to the paths of simple truth, or, at any rate, what has the appearance of it.²

to *ibid.*, p. 24, the jury were discharged after ten of their number had quickly decided to find Prentice not guilty.

² Prentice concludes the letter with the following comment: ‘Such are the opinions of the great man who has honoured me with his advice and aid. The public have now seen a specimen, though a comparatively small one, of the sort of trash which, in quantities altogether unbounded, for the sake and profit of the lawyer-tribe, any man, how slightly soever guilty, or even how completely soever innocent and innoxious, may be made to pay for, or if he has not wherewithal, thrown into gaol and ruined for not being able to pay for. Would men know how it is that this state of things has been produced—this all-comprehensive and constant perpetration of injustice, under the pretence of administration of justice, by the so-called ministers of justice? Would they see and understand how it is that this monstrous state of things has been brought about, they have but to turn to that work of Mr. BENTHAM’S which is entitled *Petitions for Justice and Codification*. In that work may be seen those *devices* laid open—every one of them—in the clearest and most perfectly intelligible manner: and when the time comes, they may perhaps feel disposed to attach their signature to one or other of those petitions.’

3846

TO DAVID URQUHART
20 and 25 July 1831 (Aet 83)¹

Q.S.P. 20 July 1831

My dear David

Thanks for Church's Letter.² I herewith return it, according to order. Yesterday D^r Bowring being with me I put into his hands 2 of the 3 papers you sent me on the Edinburgh Improvement job. I could scarcely prevail on him to take them—he asserting the impossibility of procuring any attention to them in Parliament in the present state of things: especially as the Bill was in so advanced a stage of its progress.³

He likewise saw in a stronger light if possible than I did the impossibility of obtaining insertion of a Letter on the subject in any Newspaper.

Thanks for your sketch of the Lazaretto:⁴ still more for your promises of an improved Edition of it.

Your's ever

Jeremy Bentham

David Urquhart Esq^{re}

25 July—My shattered memory forgot to send this.

Hassuna has since dined with me—I shall be of use to him.⁵

3846. ¹ Balliol College, Oxford, Papers of David Urquhart, DU I/A6/19. Autograph. Addressed: 'To David Urquhart Esq^{re} Old Burlington Street.' Endorsed: 'Jeremy Bentham.' Postmarked: '2 · A-NOON · 2 / 25 · JY / 1831' and illegible.

² Missing. Richard, later Sir Richard, Church (1784–1873), soldier and military officer, was commander of the Greek revolutionary army 1827–9, Inspector-General of the Hellenic Army 1836–44, Senator in the Hellenic Parliament from 1843 until the Senate was abolished under the Constitution of 1864.

³ The Edinburgh Improvements Act of 1827 (7 & 8 Geo. IV, c. 76) had provided for the development of new southern and western approaches to Edinburgh. A number of pamphlets criticized the expense of the scheme, and perhaps these were among the papers that Urquhart had sent to Bentham. A new measure modifying the scheme was being discussed in Parliament and eventually received the Royal Assent on 23 August 1831 as the Edinburgh Improvements Act of 1831 (1 & 2 Will. IV, c. 45).

⁴ Urquhart had been to Lazaretto, Zante (see his letter to his mother Margaret, 2 May 1829, Balliol College, Oxford, Papers of David Urquhart, DU I/B2/12d), but his 'sketch' has not been located.

⁵ In 1826–9 Hassuna D'Ghies had been first minister to Yusuf ibn Ali Karamanli (1766–1838), Pasha of Tripoli 1795–1832, but had been dismissed at the instigation of Hanmer George Warrington (1776–1847), British Consul-General in Tripoli 1814–42, who believed that D'Ghies was implicated in the murder of his son-in-law, the explorer Alexander Gordon Laing (1793–1826). D'Ghies visited England in the summer of 1831 in an attempt to clear his name.

21 JULY 1831

TO ARCHIBALD PRENTICE

He is a very fine fellow.

P.S. When you see Hassuna, pray tell him that I believe I misunderstood what he said to me of the Hotel at which he alighted, and at which he was about to dine: for I sent him for his amusement at dinner time to the only Hotel in *Parliament Street*⁶ a copy of my Codification Proposal, on account of the Testimonials annex: and the result of the enquiry was—that he was not there.

3847

TO ARCHIBALD PRENTICE

21 July 1831 (Aet 83)¹

Queen's-Square-Place, Westminster,

July 21st, 1831.

DEAR SIR,—Yes: I do felicitate you, I felicitate the honest and intelligent jurymen, I felicitate the country in general, I felicitate myself, on this your virtual acquittal.² I say the country in general: for further, much further than to the deliverance of one innocent man from the persecution under which he was suffering, do I look for the benefit capable of resulting from this event. It not only always has been, but will now be very extensively seen to be, in the power—not merely of any jury, but of any one man in any jury to effect no inconsiderable progress in the career of law reform. For producing an effect so eminently desirable, a very few juries, and thence a very few individuals, one in each jury will suffice. Choosing for the experiment those cases in which the acquittal, though of a person by whom the offence has really been committed, will be productive of least evil to the public, (and many are the cases in which it would not be productive of any evil at all), making this choice, and declaring that the acquittal had no other cause than their determination not to join with the judges and their partners in iniquity, in the

⁶ Reilley's is listed as the only hotel in Parliament Street in *The Original Picture of London, Enlarged and Improved: being A Correct Guide for the Stranger, as well as for the inhabitant, to the Metropolis of the British Empire. With Brief Notices of the Environs*, 27th edn., London, 1833, p. 367.

3847. ¹ *Manchester Times and Gazette*, vol. iii, no. 143 (30 July 1831), 664, where it is headed: 'LETTER FROM JEREMY BENTHAM, IN REPLY TO ONE FROM THE EDITOR OF THIS PAPER, ANNOUNCING THE RESULT OF THE LATE TRIAL FOR LIBEL.' Reprinted in Prentice, *Historical Sketches and Personal Recollections of Manchester*, pp. 392–3.

Printed in Bowring, xi. 69–70, where it is introduced as follows: 'On receiving the announcement of the result of the trial, Bentham wrote to Mr Prentice:—'

² See pp. 571–2 n. above.

contamination of the public morals, by the utterance of such a tissue of solemn and pernicious falsehoods, it will be in the power of this small number of individuals to compel those, on whom it depends, to clear all instruments of accusation from the greater part of that mass of pick-pocket lies and absurdities with which they have hitherto been loaded. This may a small number of the lovers of justice do; and thus doing, they will thus pave the way for the establishment of that all-comprehensive plan of Law Reform, to the organization of which, nearer three-quarters than half a century of my life has been devoted. And here, Sir, you have before you *my* ground for self-felicitation.

The course which I am thus using my endeavours to recommend to jurymen is no other than that which I myself would take, were I in their place. In former days it happened to me to be summoned to serve upon juries of both kinds—grand and special. Having received from nature the experienced faculty of remaining without food for several days, without considerable inconvenience, it would have been in my power in the situation of jurymen to command the verdict;³ and if so disposed, in the situation of member of a petty jury, special or common, to give or sell impunity for any crime at pleasure, not to speak of the giving to one man the property, to any amount, of any other. With what feelings and what views I figured to myself this power in some hands, I leave you to imagine. On the particular occasions then in question, I saw no prospect of rendering to my country in a jury box service to so great an amount as it seemed to me I could render, and was actually rendering in my closet, and thence it was that the invitation never experienced my acceptance.

‘Of a bad bargain make the best,’ says one of our old *saws*, nor that the least instructive one. Under the rotten and anti-popular constitution, for the change of which into a sound and popular one all eyes are looking with such intense anxiety, the main use of juries, as *at present* constituted, is, in my view of the matter, the *veto* which the institution gives to the people, upon laws; upon bad laws in general, and in particular upon all those in which the oligarchy by whom we are plundered and oppressed have a special sinister interest.

On a cursory glance, it does not seem to me that you had reason to complain either of the learned gentleman who led as counsel against you, or of the other learned gentleman who, on this occasion,

³ Cf. Blackstone, *Commentaries on the Laws of England*, iii. 375: ‘THE jury, after the proofs are summed up, unless the case be very clear, withdraw from the bar to consider of their verdict: and, in order to avoid intemperance and causeless delay, are to be kept without meat, drink, fire, or candle, unless by permission of the judge, till they are all unanimously agreed.’

21 JULY 1831

TO ARCHIBALD PRENTICE

officiated as judge.⁴ Thus the law *is*, says the judge; and in saying it, says what is but too true. Thus the law *is*,—that is the spurious, the *judge-made* law, substituted to *legislature-made* law, and to *parliament-made* law, and in this consists the grievance.

As to the learned counsel,—Mischief is capable of being done, says he, by taunting men with offences which they have really committed.⁵ In this (though it would not come up to his purpose, by warranting the jury in telling the lies in question), there is unquestionable truth, and it presents a real demand for regulation. Such regulation my penal code would accordingly give; but of judge-made law (if [to] the tissue of irregularities which have no words belonging to them, the name of *law* must be misapplied,) one of the evil properties is that by it no *regulation* of any thing can be made.

It is with no small satisfaction and admiration that I have observed the ability with which you turned to account the materials with which I had the pleasure of furnishing you,⁶ and the important additions which you made to them.

Dear Sir, your's, sincerely,

JEREMY BENTHAM.

Archibald Prentice, Esq., Manchester.

P.S.—My advice to jurymen is plain and unmisunderstandable, and nothing can be easier than to follow it. Examine the indictment, and if in any part there be any assertion that is either notoriously false or not proved to be true, do not join in declaring it to be true, but say Not Guilty.

⁴ Prentice's trial at the Salford Quarter Sessions was presided over by James Norris (c. 1774–1838), a Manchester barrister who in 1813 had been appointed stipendiary magistrate to the Salford Hundred and who from 1824 until his death was Chairman of the Quarter Sessions. Counsel for the prosecution were Robert Brandt (c. 1797–1862) of Pendleton, barrister, and later judge of the Manchester County Court, and a 'Mr. Trafford', who may have been Trafford Leigh (1770–1859), known as Trafford Trafford from 1791, magistrate in Cheshire.

⁵ Brandt had defended the point of law that truth was not a defence against libel by asking the jury to 'suppose the case of an individual convicted of felony—that that individual suffered punishment, and that he afterwards laboured in a reputable condition in life, regained his character and earned his own livelihood respected by all who knew him, until some malicious, wicked man chose to publish week after week . . . that A. B. was convicted of felony in 1815 or any other year. Was that individual to have no protection from the law—was he to be held out as an unfortunate object of attack—should he have missiles poured upon him—should malicious individuals from behind their dark screen hurl darts at him, and then, if he brought an action, say, "What have you to do with me—all is true." See *Report of the Trial for an Alleged Libel on Captain Grimshaw*, p. 10.

⁶ See Letter 3845.

3848

TO FRANCIS PLACE
21 July 1831 (Aet 83)¹

21 July 1831.

J.B. to F.P.

Copy—to save F.P. from the plague of poring over J.B.'s scrawl.

Pressing business, not dissatisfaction, has been the cause of my not writing to you immediately on the receipt of your *award*.² It seems to me that both parties have much reason to think of you on this occasion with gratitude. As we both of us acquiesce, it seems to me that, from any comments on the business on either side, no good could ensue.

It seems but too probable that those who come after me will have to *rebuild* the house.

The lease has a trifle more or less to run uninsured; according to the Particulars of Sale which I have.³

As to fixtures: the Book shelves D^r Bowring has told me he will be content to pay for.⁴ As to all other fixtures, all those which are mentioned in the Schedule to the Lease my representatives will have to pay for, at the expiration of the lease: with or without allowance for wear and tear I don't know which.

From this it should seem, that such as there are should be left by the present occupant without his being paid for them: at any rate, all such, (if any such there be) for which *I* (the lessee) paid, not *he*. If there be any that were purchased by him, he can perhaps produce the Bills. Of such of them, if any, which were paid for by him, he has all this while had the use of them.

This (it seems to me) requires your decision.

But, perhaps, as your award says nothing about fixtures, nor therefore of any eventual payment by me on account of them, it is already understood that they are to be left without being paid for.

I return herewith two of the three papers, according to order. They are

3848. ¹ Place Papers, BL Add. MS 37,949, fos. 254–5. Autograph salutation and first, fourth, and final six paragraphs, with the remainder in the hand of Moore. Docketed: '21. July. 1831. M^r Bentham to F. Place.'

² Missing. Place had been settling matters arising from the termination of James Mill's tenancy agreement with Bentham: see Letter 3826.

³ Bentham's lease ran until Michaelmas 1845: see p. 551 n. above.

⁴ Bowring occupied 1 Queen Square after the Mills had left.

3 AUGUST 1831

FROM JOSÉ DEL VALLE

1. A letter to F.P. dated Gray's Inn Road June 11 1831 signed William Cubitt.⁵

2. A paper, intituled by you—July 11th 1831—M^r Cubitt's Estimate for painting &c.

The other is intituled by you June the 11th 1831. M^r Cubitt's Estimate for the whole Repairs £600. This, as you say nothing about it, I keep.⁶

3849

FROM JOSÉ DEL VALLE

3 August 1831¹

Guatemala 3 ag^{to} 1831.

My ever dear Father

La proxima salida del Consul britanico² no me da todo el t^mpo q^e desio p^a escribir à V. con extension. Pero me concede el necesario p^a manifestarle, q^e antier recibi la q^e V. se sirvio dirigirme fechada à 18 de maio ultimo:³ q^e yo le escribi el mes anterior de julio,⁴ y no cesare de hacerlo s[iem]pre q^e haia conductor.

Son constantes mis afectos, y mui viva mi gratitud p^r los q^e se ha servido manifestar a mi Patria, a mi, y a Herrera, mi primo querido. ¡Con q^e gozo cambiaría mi suerte p^r la de Este Solo p^r tener el honor de vivir en la misma casa q^e habita el primer Jurisconsulto del mundo!⁵

He recibido 2 exemplares dela parte traducida e impresa hasta ahora de su Codigo constitucional.⁶ Yo procurare q^e sean util^s a estos estados, y q^e circulen las luzes q^e desde Westminster esta derramando V.

La instruccion universal q^e es el objeto de su alma, lo es tambien de la mía. Remito à V. 1^o la exposicion q^e hize a nombre de esta Sociedad

⁵ William, later Sir William, Cubitt (1785–1861), civil engineer and millwright.

⁶ The letter and the estimates are missing.

3849. ¹ *Cartas Autografas de y para Jose Cecilio del Valle*, Mexico, 1978, pp. 508–9. Facsimile, presumably of an autograph draft. A translated extract is printed in Bowring, xi. 71.

² Charles Dashwood (1787–1832), army officer..

³ Missing.

⁴ Missing.

⁵ Bowring, xi. 71 n., states that Herrera 'was for some time a visiter to Bentham'. According to a note at BL Add. MS 33,546, fo. 509, Bentham wrote to Valle on 6 September 1831 respecting 'the intrigues against' Herrera, who feared that he would be imprisoned for debt.

⁶ No copy of Valle's translation of 'Constitutional Code' has been located.

Económica sosteniendo la libertad de Comercio:⁷ 2º El discurso q^e dixe a la apertura de la Clase de Matematicas q^e he logrado establecer: la Memoria q^e he escrito en beneficio de nuestra agricultura, industria, y comercio.⁸

He hecho mencion de V. en los dos primeros opusculos.⁹ Hai Sabios a quienes es preciso citar s[iem]pre q^e se habla de alg^a Ciencias, y V. es delos primeros. Sus principios circulan p^r todas ellas, y sus plantas se ven estampadas en todos los terrenos.

Ojala hubiera subscriptores bastantes p^a la impresion q^e en este pais es mui costosa. Yo haria en tal caso la traduccion de todas sus Obras, y ofrecería a la América este gran presente.

Prospero¹⁰ me ha escrito q^e V. piensa en n[ues]tra Constitución. Yo enviare alg^s Apuntamientos necesarios p^a dar[?] idea de esta Rep; y entonces escribire largam^{te} y aireditare mis afectos.

El gob^{no} nombro a Prospero Enviado Extraord^o y Ministro plenipotenciario cerca de el de Francia. Ygnoro si ya se marchó a Paris a servir su destino, y p^r no saberlo incluiu enl a de V. la q^e le dirijo. Sirvase darle consejos y ocupar a su s[iem]pre afreso y respetoso serv^r.

M. J^y Bentham

TRANSLATION

Guatemala 3rd August 1831.

My Ever Dear Father

The imminent departure of the British Consul does not give me sufficient time to write to you at length. However, I have time enough to inform you that the day before yesterday I received a letter from you dated 18th of May 1831: that I wrote to you a month ago (in July) and that I will never cease writing to you as long as there is someone to carry my letters.

⁷ 'Introduccion a las Memorias de la Sociedad Económica de Amantes de Guatemala', in *Obras de José Cecilio del Valle Compiladas*, ed. José del Valle and Jorge del Valle Matheu, 2 vols., Guatemala, 1929–30, i. 211–14.

⁸ 'Las Matemáticas en sus relaciones con la prosperidad de los Estados', in *ibid.*, i. 215–23. According to the editors at *ibid.*, i. 215 n., Valle gave this speech in Santo Domingo on 16 May 1831.

⁹ See *ibid.* 222 n., where Valle refers to 'El señor Bentham, honor de la Inglaterra', and Bentham's works from *A Fragment on Government* of 1776 to *Jeremy Bentham to his Fellow-Citizens of France, on Houses of Peers and Senates* of 1830, and remarks '¡Con qué placer las traduciria todas del inglés al castellano, si hubiera suscriptores bastantes para el costo de su impresion!', i.e. 'With what pleasure I would translate all of [Bentham's works] from English to Spanish, if only there were enough subscribers for the cost of the printing!' Bentham is not, however, mentioned in 'Introduccion a las Memorias de la Sociedad Económica de Amantes de Guatemala'.

¹⁰ Próspero de Herrera.

3 AUGUST 1831

FROM JOSÉ DEL VALLE

As always my thoughts and thanks are forever with you, for what you have revealed about my country, both to my beloved cousin, Herrera and myself. It would give me so much pleasure if I could change my lot with his, just for the honour of living under the same roof as the foremost Jurisconsult in the world!

I have received two specimens of the part of your Constitutional Code so far translated and printed. I will attempt to make good use of them for the benefit of these States and hope that the great ideas emanating from Westminster will become widespread.

Universal instruction is the object of your soul and mine. I send to you No. 1: The piece that I wrote for the Economical Society defending the freedom of commerce. No. 2: The speech that I addressed to the opening of the mathematics class that I have established: a memoir I have written for the benefit of our agriculture, industry and commerce.

I have mentioned you in both treatises. There are a very few wise men, to whom one must always refer when talking about the sciences and you are one of the foremost. Your principles permeate all of them and one can see the ripening of the seeds you have planted in every nation. It is to be hoped that there will be subscribers for the printing, which is very expensive in this country. Should this be the case, I would translate all of your works and offer these great gifts to all the Americas.

Prospero has written telling me that you have been contemplating writing our constitution. I will send some of the information necessary to enlighten you about this republic; and then I will write at length and air my feelings.

The government has appointed Prospero as an Extraordinary Envoy and Plenipotentiary Ministerial representative in France. I am not aware whether he has left for Paris to fulfil his destiny and therefore, I include herein, the letter that I am sending to him.

Please advise him and keep me always as your kind and respectful servant.

M. Jeremy Bentham.

FROM NIKOLAI TOURGENEF

4 AUGUST 1831

3850

TO NIKOLAI TOURGENEF

4 August 1831 (Aet 83)¹

Queen's Place Westminster

4 August 1831

M^r Edward Gibbon Wakefield² having given his certificate that the Greatest-happiness principle requires that M^r Tourgenef and the old Hermit Jeremy Bentham become personally acquainted,—the said old Hermit hereby summons the said M^r Tourguenef to partake of a Hermit's dinner the 5th instant: dinner on table, ½ after 7; company requested, ¼ before that time. Answer desired.

P.S. He is duly sensible of the impropriety of so short a notice. But, unfortunately, to such a degree is he hampered with engagements made, and such as ought to be made, that unless M^r Tourguenef should fortunately be unengaged for tomorrow, much too long a time may elapse, before it is in his power to enjoy the honor he is so ambitious of.

3851

FROM NIKOLAI TOURGENEF

4 August 1831¹

Sir

It is with the highest gratification that I hasten to answer, that I shall have the honour to attend to your kind invitation. My feelings upon that occasion may be easily guessed when I state, in all sincerity, that of all men living, none commands my respect and admiration

3850. ¹ MS in the quondam possession of Bernard Quaritch Ltd., London. Autograph. Addressed: 'To Tourguenef Esq^{re} 9 Warwick Street Pall Mall East.' Endorsed: 'Jeremy Bentham.'

Nikolai Tourgenef (1789–1871), Russian author and politician, was associated with the Decembrists but had emigrated before their revolt of 1825 and spent most of the rest of his life in Paris and London.

² Bentham was at this time, at Wakefield's instigation, writing 'Colonization Company Proposal': see *Panopticon versus New South Wales* (CW), Editorial Introduction, pp. xciv–cii.

3851. ¹ MS in the quondam possession of Bernard Quaritch Ltd., London. Autograph draft, written on the verso of the address leaf of Letter 3850, to which it is a response and presumably written on the same day.

4 AUGUST 1831

TO ADOLPHUS HAUMAN

in a higher degree, than the Propounder of the Greatest happiness principle.

I have the honour to be
Sir
your most h. S^t

N.T.

3852

TO ADOLPHUS HAUMAN

4 August 1831 (Aet 83)¹

Queens Square Place
Westminster Thursday
Evng 4 Aug. 1831

My dear Howman

This is written at the suggestion of M^r Vandeweyer,² who has just left me. He undertakes for the translation of the pamphlet on *Death* punishment,³ and that on Qualification for seats in Government assemblies &c. by *majority* of Age.⁴

Of the Letters to the Belgians on Kingship and its equipment You have already the *first*: and will receive the others through a channel different from this:⁵ for he has not read them, nor do I think it by any means fit for me to propose to him to have any thing to do with them.

As to my *squib* let fly at the Historical School,⁶ do as is most agreeable to you about translating and publishing it. But I could wish to hear immediately what Your intention is in relation to it: and if I hear nothing from you on the subject before the 4th of the next Month

3852. ¹ Yale University, Beinecke Rare Book and Manuscript Library, James Marshall and Marie-Louise Osborn Collection, File 1128. Autograph.

² Jean-Sylvain van de Weyer.

³ *Jeremy Bentham to his Fellow Citizens of France, on Death Punishment.*

⁴ i.e. 'Jeremy Bentham to his Fellow Citizens of France. Letter III. On the time of full age. More particularly in the case of a Deputy of the People', of which a draft is at UC xxiii. 86-97 (11, 17 September, 6 November, and 1, 21-2 December 1830) and a fair copy at xxiii. 102-4, 104a, 103a, 102a (21 December 1830).

⁵ A draft of 'Jeremy Bentham to the Belgic Nation and its Congress on Kingship and its Equipments', Letter I is at UC xxiii. 105-11 (28-30 November 1830). A draft of Letter II is at UC xxiii. 112-18, 121-31 (27 November-3 December 1830), with a fair copy in the hand of Doane at xxiii. 131-6 (30 November 1830); of Letter III at xxiii. 137-47, 152-4 (27-8 November 1830, 3-7 December 1830), with a fair copy in the hand of Moore at xxiii. 148-50 (4 December 1830); and of Letter IV at xxiii. 151 (4 December 1830), with a fair copy in the hand of Moore at xxiii. 155-6 (4 December 1830).

⁶ i.e. 'On the Anti-Codification, alias the Historical School of Jurisprudence': see p. 596 n. below.

TO JOSEPH HUME

4 AUGUST 1831

(September) I propose to put it then immediately into some other hand.

Your's most truly

Jeremy Bentham

M^r Adolphe Howman
Brussels

3853

TO JOSEPH HUME
4 August 1831 (Aet 83)¹

Q.S.P. 4 Aug. 1831

Dear Hume

Thanks for your instructive pair of Tables:² they shall be made the most of.

I have been taking advantage of favorable opportunities for waging my implacable war against Judge and Co. Splendid, useful, and diffusive success in the case of the [...] acquittal of Prentice of the Manchester Times.³ In the Courier two recent Letters—signed a Sincere Law Reformist in the Courier of July 22^d & 30th: one I expect in the Courier of this evening (4 Aug.) signed Patrician to frighten the Squirarchy: a 4th ere long about I forget what.⁴

For a long time I have not been troublesome to you about getting papers sent from the *Table* to the Press.

But one I can not omitt. It is Carlile's Petition against the Recorder. Votes of 3^d Aug. N^o 14.⁵

3853. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² The 'Tables' have not been identified.

³ See Letters 3845 and 3847.

⁴ See the letters headed 'To the Editor of The Courier' and signed 'A Sincere Law-Reformist', in *The Courier*, 22 July 1831, p. 4, and 30 July 1831, p. 2. The letter of 'Patrician' did not appear in *The Courier*, 4 August 1831, while no fourth letter has been traced.

⁵ '14. Richard Carlile,—Petition of Richard Carlile, praying the House to institute an inquiry into the conduct of the Recorder of the City of London on two trials in which the Petitioner has been concerned, and for an Act for the better regulation of Juries and their verdicts; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 32 (3 August 1831), 294. According to *Commons Journals* (1831), lxxxvi. 785, Carlile's petition was ordered to be printed on 3 August 1831.

After having been convicted at the Old Bailey of seditious libel, Carlile was on 12 January 1831 sentenced by Newman Knowlys (1758–1836), Common Serjeant of London 1803–22, Recorder of London 1822–33, to two years' imprisonment, a fine of £200, and to find sureties for his good behaviour for ten years, and to remain in prison until the fine was paid and the sureties found. Carlile refused to pay the fine, which led to his term of imprisonment being extended by six months. According to John Wood (1789–1856), MP for Preston 1826–32, Chairman of the Board of Stamps and Taxes 1833–8, Chairman of the Board of Revenue 1838–49, and Chairman of the Board of Inland Revenue 1849–56, who had presented Carlile's

c. 14 AUGUST 1831

TO JOSEPH HUME

For I see M^r John Wood supporting the Petition in Honble House, and yet (though ½ a word would have sufficed) not getting it printed.

Your's ever

J.B.

Joseph Hume M.P.

☞ This Petition of Carlile I may very likely have need to turn to use. Wakefield's 'Facts relative to the punishment Of Death'.⁶ It is a most valuable work: he a most valuable man. I have thrown my mantle over him and shall turn him to good account.

You must absolutely buy it, though you should go into the Parish Workhouse, an hour afterwards.

Dear M^{rs} Hume, make your husband do this.

3854

TO JOSEPH HUME

c. 14 August 1831 (Aet 83)¹

To Joseph Hume Esq^{re} M.P.

J.B. Q.S.P.

Votes of the 12–13th Aug. N^o 46 page 360.

46. *Hayti*—Return presented &c. Address 19th July.²

This should be printed: being a *continuation* of the History of *Hayti* already printed.³

petition in the House of Commons, it prayed that the Commons institute an inquiry into the circumstances under which the verdict had been obtained, that they present an address to the King asking for a pardon, and that there be an alteration in the law so that juries were not 'starved and exhausted into a verdict'. See *Parliamentary Debates* (1831), v. 648–50. The second trial referred to in the petition may have been the three related trials, all presided over by Knowlys, of William Vamplue, John Barclay, and William Holmes respectively, who on 20 February 1822 had been convicted of having sold libellous works from Carlile's shop at Fleet Street. The author of an undated letter, signed 'J.B.' (not Bentham), printed in the *Morning Chronicle*, 6 March 1822, p. 3, stated that the writer had been 'an attentive listener to the proceedings on the trials of Richard Carlile's shopmen' and complained that 'no Judge in any civil or criminal Court (within the last two reigns) ever ventured on so barefaced a system of *frightening* a Jury into a verdict of conviction, as was practised on these occasions'.

⁶ Edward Gibbon Wakefield, *Facts relating to The Punishment of Death in the Metropolis*, London, 1831, reproduced in *The Collected Works of Edward Gibbon Wakefield*, ed. M.F. Lloyd Pritchard, Glasgow and London, 1968, pp. 187–267.

3854. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '46. *Hayti*,—Return *presented*,—Copies of Communications from the British Consuls of Hayti, relative to the civil and social state of that Island {Address 19th July}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 40 (12 August 1831), 360.

³ Possibly 'Communications received at the Foreign Office relative to Hayti', *Commons*

3855

TO DAVID URQUHART
19 August 1831 (Aet 83)¹

Q.S.P.

19 Aug. 1831

My dear David

By your Messenger with the fruit, for which my gratitude waits upon your kind mother.

This visit of Hassuna's² is to me an afflicting one: to him, it cannot be better than an unprofitable one.

Two letters, one after another have arrived to inform³ from his Brother at Tripoli,⁴ the last he *tells me* of, but did not leave, at the end of a call which he has just made here.

His effects (the effects of the Brother as well as Hassuna's) have been put in sequestration by their Sovereign—the Bachaw.⁵ Justly or unjustly, what can any thing[?] be done by any body *here* for their relief. It seems to me—that the best thing he can do is to make his way back as fast as possible.

It has cost me no small quantity of time and trouble to give him Instructions in writing of the papers in question, and the still more serious charge of an anterior date.⁶ Having read the charge in the Quarterly Review,⁷ which I take for granted you have read likewise, I really do not see what possibility there is of his exhibiting evidence

Sessional Papers (1829), xxiv. 5–162, consisting of correspondence from the Consul in Haiti from June 1826 to March 1828.

3855. ¹ Balliol College, Oxford, Papers of David Urquhart, DU IA/6/21. Autograph.

² Hassuna D'Ghies.

³ Bentham appears to have lost his train of thought as he turned the page at this point.

⁴ Probably Mohamed D'Ghies, younger brother of Hassuna.

⁵ Yusuf ibn Ali Karamanli, Pasha of Tripoli.

⁶ See 'Course recommended by me, Jeremy Bentham, to be taken by the Sheriff Hassuna d'Ghies for the vindication from the aspersions alleged to have been cast upon his reputation by Mr. Warrington, English consul at Tripoli', dated 8 August 1831, in the hand of Doane, at BL Add. MS 33,551, fos. 231–5, 237–8. A sheet giving further advice to D'Ghies, also in the hand of Doane, dated 9 August 1831, is at BL Add. MS 33,551, fo. 236.

⁷ See the review of René Caillié, *Journal d'un Voyage Temboctou et a Jenné, dans l'Afrique Centrale, précédé d'observations faites chez les Maures Braknas, les Nalous et d'autres peuples; pendant les années 1824, 1825, 1826, 1827, 1828*, 3 vols., Paris, 1830, in the *Quarterly Review*, vol. xlii, no. 84 (March 1830), 450–75 at 465–8, alleging that D'Ghies was implicated in the murder of Laing through his receipt, from persons unknown, of papers belonging to Laing and his selling them to the French consul Jean Baptiste Louis Jacques Joseph Rousseau (1780–1831). According the *Wellesley Index to Victorian Periodicals, 1824–1900*, the anonymous author of the review was John, later Sir John, Barrow (1764–1848), promoter of exploration.

26 AUGUST 1831

TO JOHN TYRRELL

that can, in the eye of an *impartial* public, be preponderant over a public to whom he is unknown by evidence other than that which has been produced against him, with the addition of what, in this country, it can be in his power to produce. It would on my part be an injury to millions, were I to bestow upon this one case that time which would be necessary to enable me to act the part of a Judge or that of an Advocate. You have more leisure—and are his earlier friend.⁸ Let me beg of You to act accordingly, and exonerate me.

Yours ever most truly

Jeremy Bentham.

P.S. Come if you can conveniently, and circumgirate with me to morrow, between 1 and 2 o'clock.

Bring this with you.

3856

TO JOHN TYRRELL

26 August 1831 (Aet 83)¹

Q.S.P. 26 Aug. 1831

Friday.

My dear Tyrrell

I have not seen you this age. Though my memory is already crackt to pieces, and is growing weaker and weaker every day,—imagine not that I have forgot you. When we meet again—if we are to meet again, I will tell you how it has happened that you have been so long without hearing from me.

As to the next Sunday,² I despair of your being sufficiently disengaged: but for Sunday sennight³ I have better hopes. Oh! what a world of things we should have to say to one another!

Answer me, and believe me, now as ever

Yours

Jeremy Bentham

John Tyrrell Esq^{re}
Lincoln's Inn.

⁸ According to 'Biographic Sketch of Mr. Urquhart', *The Portfolio. New Series. Vol. II*, London, 1844, p. 216, Urquhart had met D'Ghies at Marseilles, apparently in 1822, and D'Ghies had thereafter introduced Urquhart to Bentham.

3856. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 26. Autograph.

² 28 August 1831.

³ 4 September 1831.

TO JOHN TYRRELL

3 SEPTEMBER 1831

3857

FROM HASSUNA D'GHIES

30 August 1831¹

32 Craven Street le 30 août 1831

Mon très Cher Père,

la Conséquence du Séquestre que le Consul anglais à Tripoly² à voulu mettre Capricieusement Sur mes propriétés dans le mois de Juin dernier Com[m]e j'ai eu l'honneur de vous le [Communiquer],³ exige ma présence absolue à Paris pour une Semaine afin de me procurer d'autres moyens pour mon entretien et existence puisque je ne pourai plus [disposer]⁴ de mes biens ni de mes propriétés territoriale[s], jusqu'a ce que le gouvernement anglais daigne de prendre quelque mesure d'équité à mon égard.

Si vous avais quelque lettres ou paquets que je pourez les mettre dans mon Sac-de nuit, Je m'en chargerai avec le plus grand plaisir. mon départ je Crois Sera Vendredi Soir,⁵ ma[is] je passerai moi-même Chez vous le matine de Vendredi pour prendre vos ordres.

agréez je vous prie, mon très Cher père, l'assurance de tous sentimens d'un[e] tendre affection, qui ne finira qu'avec mon dernier Soupir.

adieu

H. D'Ghies

3858

TO JOHN TYRRELL

3 September 1831 (Aet 83)¹

Q.S.P. 3 Sept^r 1831

My dear Tyrrell

You would oblige me by doing what depends on you towards expediting the impression of my paper on Registration.² On the occasion of the

3857. ¹ BL Add. MS 33,546, fo. 508. Autograph. Docketed: '1831 Aug 30. Hassuna D'Ghies 32 Craven Street to J.B. Q.S.P. Iturus to Paris Friday Sept^r 2.'

² Hanmer George Warrington.

³ MS 'Communiquée'. See p. 573 n. above.

⁴ MS 'desposir'.

⁵ 2 September 1831.

3858. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fos. 27–8. Autograph.

² i.e. Bentham's comments on registration which were eventually printed in the Appendix to the Third Report of the Real Property Commissioners: see p. 174 n. above.

3 SEPTEMBER 1831

TO JOHN TYRRELL

Public-Account-keeping business,³ it seems highly probable, not to say certain, that [my] name will, in some way or other be held up to view, and what so ever little authority may be supposed to belong to it, you will judge whether the regard, which their worships ‘the Commissioners of Inquiry into &c.’ have been pleased to testify towards it, I should have said ‘to honour it with’, can fail to strengthen it.

What seems but too probable is—that on this ground I may have to contend with that naughty boy, my rebellious Grand child Harry:⁴ and the urchin is grown so strong, that to cope with him, with any chance of success, I shall have need of whatever strength I can muster.

My dear good boy—
my semper bonus puer
Your’s ever

Jeremy Bentham

John Tyrrell Esq^{re}

Whenever it has happened to you to have seen Bickersteth and spoken to him on the subject You will oblige me by informing me of the result.

P.S. On turning to the Draught of a Bill in folio which you left with me, I find it commencing with ‘Whereas it is expedient.’⁵

I had understood from you that you had succeeded in your endeavours to eject from the field of legislation that Goathamish scrap of drivelling sur[p]plusage:⁶ finding this not to be the case, the Devil of Disappointment has possessed me.

So likewise ‘And be it further enacted that.’ Here will not hold good the decus repetitu placebit:⁷ on the contrary the quantity of the displeasure is *in* the number of the repetitions.⁸

P.S. again. I beg your pardon. On further inspection I perceive that it is only from your own Draught, that the Whereas &c. has been weeded: the other surplusage however sticks close, and weed-like still creeps over the field.

³ Bentham presumably had in mind the Commission of Public Accounts, which had been appointed on 8 July 1831, whose First Report would appear in October 1831: see ‘First Report of the Commissioners of Public Accounts. Report on the Exchequer’, 10 October 1831, *Commons Sessional Papers* (1831), x. 1–183.

⁵ See the copy of ‘Draft of a Bill For establishing a General Register for Deeds and Instruments affecting Real Property in England and Wales’, dated August 1831, at UC lxxvi. 385.

⁶ The village of Gotham in Nottinghamshire was proverbial for the folly of its inhabitants.

⁷ i.e. ‘it will please though ten-times repeated’, an adaptation of Horace, *Ars Poetica*, 365: ‘*haec placuit semel, haec deciens repetita placebit*’, i.e. ‘this pleased but once; that, though ten-times repeated, will always please’.

⁸ The phrase ‘And be it further Enacted, That’ appears over an hundred times in the draft Bill.

3859

FROM NIKOLAI MORDVINOV

14 September 1831¹

Mon cher Monsieur J. Bentham

J'ai pris la liberté de vous envoyer, en manuscrit, mon apologie de l'homéopathie. Comme depuis ce tems j'y ai ajouté quelques nouvelles idées, & dus la rendre publique, je vous l'envoie imprimée.² Le choléra fait ses ravages; la maladie menace de s'étendre sur toute l'Europe, & l'ancienne faculté médicale ne nous offre aucun remède efficace. Il est très probable que l'Homéopathie qui lit mieux la nature, en trouve un. Les remèdes qu'elle a proposées jusqu'à présent, & qui ont été essayés dans quelques districts de la Russie, ont eu les succès les plus heureux & les plus décisifs. Je fis imprimer mon aperçu pour servir d'antidote au ridicule de ses petites doses de la matière médicale, qu'elle emploie, & dont on se sert pour affaiblir la confiance publique, qu'elle pourrait mériter, et qui est nécessaire à ses progrès.

J'ai l'honneur d'être avec l'estime & la considération la plus parfaite

Vôtre très humble & très obeissant Serviteur

N: Mordvinoff.

St Petersburg.

2/14 Septembre 1831.

3860

TO LEICESTER STANHOPE

26 September 1831 (Aet 83)¹

Q.S.P.

26 Sept. 1831

My ever dear Leicester

Having mentioned to Bowering my having lent to you the Minutes of those conversations of his with Louis Philippe, he desired me to

3859. ¹ BL Add. MS 33,546, fo. 510. Autograph. Docketed: '1831 Sept' 2/14. Reced Oct. 26. Mordvinoff Petersburg to J.B. Q.S.P. With *L'Homéopathie* pamphlet. Reced. through Ambassador Prince Lieven.'

² A German edition of the work later appeared as *Ein Wort über Homöopathie*, Dresden, 1832, but no other printed edition has been traced.

3860. ¹ UCL Library, Stanhope Letter Collection, no. 15. Autograph.

28 SEPTEMBER 1831

TO MARGARET URQUHART

caution you against its being in such sort known, as to come to the ears of that King that he had made communication of them: for the King had expressed to Bowring his apprehension lest any of the particulars should find their way into the Newspapers, and cautioned him accordingly.

I hope they have not any of them (these letters) been² trusted out of your hands: and if they have been, this is to beg of You, not to deal by them any longer.

Your's ever
most affectionately
Jeremy Bentham.

Honble Leicester Stanhope

A machine you were mentioning to me for the manufactory of Ices: do me the favour to let me know where a machine of this sort is to be had.³ I forgot to ask you.

3861

TO MARGARET URQUHART

28 September 1831 (Aet 83)¹

Q.S.P. 28 Sept. 1831

M^r Bentham's respects wait on M^{rs} Urquhart, with thanks for the papers she has been kind enough to communicate to him with relation to Greece, and returns them through the medium of D^r Bowring.

² MS 'have been'.

³ See, for instance, the advertisement in the *Morning Post*, 29 August 1831, p. 1: 'ICE CREAMS made in five minutes, by the PATENT ICEING MACHINE, and with which the most inexperienced person can produce from one to six quarts of either Cream or Water Ice of the smoothest texture in the short space of time above mentioned, and with one-fourth the consumption of ice used in the ordinary method.—Manufactured and sold by J.L. Benham, 19, Wigmore-street, Cavendish-square.'

3861. ¹ Balliol College, Oxford, Papers of David Urquhart, DU I/A6/23. Autograph.

TO FRANCIS PLACE

28 SEPTEMBER 1831

3862

TO FRANCIS PLACE

28 September 1831 (Aet 83)¹

Q.S.P. 28 Sept. 1831

J.B. to F.P.

There has been a misconception about the steps from the window to Lady Mary's house.²

No matter whence the misconception arose: the thing to be done is to repair it: and that can be done with little trouble.

This is accordingly to beg of you to send one of the Carpenters, to unstrip the said steps, and lay them for the present inside the room.

No doubt is entertained by any body, that upon my petitioning her Ladyship for leave to put a flight of steps, she will grant it: She is expected here every day: therefore if the job can be done tomorrow, so much the better.

I find myself obliged to trouble [you] with this: having learnt at the house, that the Carpenters, having done their work, are not expected to come any more.

Your's ever

J.B.

Were she to see the Steps where they are, she would have just reason to complain of me: and all the fat would be in the fire.

3862. ¹ University of California, Los Angeles, Charles E. Young Research Library, Library Special Collections, Collection 100 (Miscellaneous Manuscripts Collection), Box 84 (Place Family. Letters to Francis Place, Annie Place, etc.) Autograph. Docketed: '28 Sep. 1831. M^r Bentham to F. Place.'

² i.e. 2 Lower Connaught Place. On 19 December 1831 Mary Sophia, George, and Sarah Bentham left this house and, after a short spell in temporary accommodation, moved on 7 February 1832 into 1 Gloucester Street, Portman Square: see George Bentham Diaries (19 December 1831 and 7 February 1832), GEB/2/2, pp. 56, 64, and George Bentham, *Autobiography*, pp. 365, 382.

12 OCTOBER 1831

FROM JEAN-BAPTISTE SAY

3863

FROM JEAN-BAPTISTE SAY

12 October 1831¹

Paris 12 Octobre 1831

Mon illustre Maître

Permettez que je vous adresse M^r Alex. Ventress² Américain des États-Unis, zélé défenseur de nos Doctrines. Après avoir étudié la législation de la France et de l'Allemagne, il va voir à quel point elle est retardée en Angleterre, et de là ira dans son pays natal, en propager de meilleures. Il étoit bien naturel qu'avant d'entreprendre cet honorable Apostolat, il allât prendre vos ordres et recût vos dernières instructions. Tous vos ouvrages lui sont connus, et il est bien digne de la parole du maître.

Ici nous n'en sommes guère dignes.—Après de glorieuses révolutions, le troupeau des gens timides est effrayé d'en avoir trop fait. Tel est le sens de cet imbécille *juste-Milieu* qui convient à la fois à ceux qui craignent d'avancer, et à ceux qui désirent retourner en arrière.—Quant à moi et à ma famille nous sommes de ceux qui n'ambitionnons que de vous suivre. C'est dans ces sentimens que vous prie de recevoir mes respectueux hommages.

J.B. Say

Rue Richer N° 3 bis

Jeremy Bentham Esqr.

3863. ¹ Mississippi Department of Archives and History, Papers of James Alexander Ventress and Family, Z1596. Autograph.

² James Alexander Ventress (1805–67), lawyer, plantation owner, and politician, Member of the Mississippi House of Representatives 1836–42 and Senate 1842–6. According to *Biographical and Historical Memoirs of Mississippi, embracing an authentic and comprehensive account of the chief events in the history of the state, and a record of the lives of many of the most worthy and illustrious families and individuals*, 2 vols., Chicago, 1891, ii. 952–3, after attending the University of Edinburgh, Ventress 'spent several years in Paris, a student at the *Académie* and a pupil of Jean Baptiste Say, the political economist, through whose kindness and influence he made the acquaintance of and was enabled to receive instructions in his studies from Jeremy Bentham, for whose philosophy he ever afterward entertained a high regard. While in Paris he was a frequent visitor at La Grange, the home of La Fayette, whose friendship he gained, and to whom he was indebted for many courtesies.' It is not known whether Ventress presented this letter of introduction to Bentham.

3864

TO JOSEPH HUME

13 October 1831 (Aet 83)¹

Q.S.P. 13 Oct. 1831

7 P.M.

Dear Hume

I hear a Report, that instead of to morrow, the prorogation is to be deferred a week longer: and this for the single purpose of passing the Bankruptcy Court Bill.² Is this possible? that the Ministry should consent to keep the whole country—Great Britain and Ireland—in a ferment, for no other purpose than the giving effect to this job of Lord Brougham's: and that accordingly this Bill is to be brought in again on Monday.³ If so, I shall be ready for it, with an addition to my Observations in print.⁴ M^r Warburton (I hear) fought a capital good fight. Att^y General silent, Solicitor General the only lawyer standing up in its defence, and he seeming ashamed of it. M^r John Smith the only *Layman* who stood up for it. His reason—that be it ever so bad, it is still less bad than the existing system.⁵ In this I agree with him; and should accordingly be not only content but desirous that it should pass, were it agreed, and sufficiently understood that in the next Parliament no claim for compensation should be allowed, whether by suppression of the Offices, or dislocation of the Incumbents, the emoluments were made to cease.

By Monday⁶ I hope to get preached some proposed Amendments by which Lord Brougham's promise of 'enforcing the right' in question

3864. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² The Bankruptcy Court (England) Act received the Royal Assent on 20 October 1831, the final day of the session of Parliament.

³ 17 October 1831.

⁴ 'Observations on the Bankruptcy Court Bill', later published in *Lord Brougham Displayed: including I. Boa Constrictor, alias Helluo Curiarum; II. Observations on the Bankruptcy Court Bill, now ripened into an Act; III. Extracts from proposed Constitutional Code*, London, 1832 (Bowring, v. 549–612 at 565–612).

George Bentham records on 2 October 1831 that he 'went to see my Uncle whom I found in excellent health & spirits & very eager in an attack on Brougham's bankruptcy bill', on 7 October 1831 that he went 'to [Queen Square Place] for dinner—JB very busy about his attack on Brougham's Bankrupt Bill', and on 28 October 1831 that he went 'to [Queen Square Place] for dinner . . . After Dinner with JB reading his observations on the Bankruptcy Court Bill': see George Bentham Diaries, GEB/2/2, pp. 43, 44, 48.

⁵ In the debate on the Bankruptcy Court Bill in the House of Commons on 12 October 1831, Henry Warburton opposed the Bill, as did James William Freshfield (1775–1864), MP for Penryn 1830–2, 1835–41, 1852–7 and Boston 1851–2, Henry Hunt, George Banks (1787–1856), MP for Corfe Castle 1816–23, 1826–32 and Dorset 1841–56, and Sir Charles Wetherell. The Bill was supported by John Smith and Sir William Horne. See *Parliamentary Debates* (1831), viii. 654–78.

⁶ 17 October 1831.

18 OCTOBER 1831

TO JOHN TYRRELL

‘with as little Expense Delay and Uncertainty as possible’, will be as sincerely fulfilled, as by him they have been flagrantly violated.⁷

Yours ever

Jeremy Bentham

Joseph Hume Esq^{re} M.P.

The sooner you favour me with a line in an answer to this, the more you will oblige me.

By the amendments, learned most Honble Gentlemen will be thrown into convulsions.

3865

TO JOHN TYRRELL

18 October 1831 (Aet 83)¹

Q.S.P. 18 Oct. 1831

My dear Tyrrell

In the course of my conversation with the bearer of this,—M^r Cameron a newly-made, and highly-esteemed friend of mine,² upon mention made to me of the *manifold* mode of writing and of the Real Property Inquiry Commissioners as having a specimen of it,³ he expressed a desire to see it. I accordingly write this, for the purpose of requesting of you the favour which you would do me by shewing it to him.

M^r Cameron—a gentleman at the Bar returned not long ago from a Commission on which in conjunction with another person then and now stationed at Ceylon, he had been sent by Government to make Report on the state of things in that interesting Island.⁴

⁷ See the preamble to ‘A Bill, intituled, An Act to establish a Court in Bankruptcy’, 28 September 1831, *Commons Sessional Papers* (1831), i. 71–83 at 71: ‘And whereas it is expedient to provide means of administering and distributing the Estate and Effects of Bankrupts, and of determining the Questions which from time to time arise touching the same . . . to the end that the Rights, as well of the Bankrupts themselves as of their Creditors, may be enforced with as little Expense, Delay and Uncertainty as possible . . .’

3865. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 29. Autograph.

² Charles Hay Cameron (1795–1880), jurist.

³ See Letter 3839.

⁴ Cameron had conducted an enquiry into the judicial system of Ceylon under William, later Sir William, Macbean George Colebrooke (1787–1870), who had been appointed as a Commissioner of Enquiry into the Eastern Colonies: see ‘Report of Charles Hay Cameron, Esq., one of His Majesty’s Commissioners of Inquiry, upon the Judicial Establishments and Procedure in Ceylon; dated 31 January 1832’, 13 March 1832, *Commons Sessional Papers* (1831–2), xxxii. 119–52.

TO GEORGE BENTHAM

20 OCTOBER 1831

A propos of Real Property Inquiry Commission, I have been—I know not how long—in expectation of that ulterior Report in which my presumptuous suggestions were to be included.⁵

Herewith, and by Mr Cameron's hand, you will receive a just now exploded Squib of mine, at the tail of which is a *riddle* which you will not be much at a loss to solve.⁶

It is a long time since I had last the pleasure of taking you here by the hand. What time shall be the next.

Yours ever

Jeremy Bentham

John Tyrrell Esq^{re}

3866

TO GEORGE BENTHAM

20 October 1831 (Aet 83)¹

Q.S.P. 20 Oct. 1831

J.B. to G.B.

I write this in a hurry, to desire you not to come to morrow as a Mr Professor *Jahn*² from Berlin is to dine with me, and J. presently after dinner.³ But on Saturday I hope I shall have the pleasure of seeing you: and that you will let me know.⁴

⁵ The Third Report of the Real Property Commission eventually appeared in May 1832.

⁶ See 'Observations on the Bankruptcy Court Bill', pp. 15–16, in *Lord Brougham Displayed* (Bowring, v. 575), in which the 'riddle' concerns the membership of the proposed Court of Bankruptcy.

3866. ¹ BL Add. MS 33,546, fos. 511–12. Autograph. Addressed: 'George Bentham Esq. 2 Lower Connaught Place.' Endorsed: 'Jeremy Bentham.' Stamped: 'T · P / B^d Way We(st)'. Postmarked: '8 · MORN · 8 / 21 · OC / 1831'.

² Eduard Gans (1798–1839), German jurist. For Gans's account of his meeting with Bentham see Eduard Gans, 'Ein Besuch bei Jeremias Bentham', in *Rückblicke auf Personen und Zustände*, Berlin, 1836, pp. 198–214

³ Possibly John Stuart Mill, though, according to Gans's account, he was accompanied to the dinner by the editor of *The Examiner*, presumably Chadwick rather than Fonblanque, and were joined by an amanuensis, presumably Moore.

⁴ 22 October 1831. George Bentham did dine with his Uncle and records (George Bentham Diaries, GEB/2/2, p. 47) that he 'sat with JB till near one'.

28 OCTOBER 1831

FROM JOSÉ DEL VALLE

3867

TO EDUARD GANS

22 October 1831 (Aet 83)¹

M^r Bentham presents his respects to M^r Professor Gans, and begs his acceptance of a copy of the as yet unedited tract intituled — On the Anti-Codification, alias the Historical, School of Jurisprudence.

Queens Square Place Westminster
London 22 Oct. 1831²

3868

FROM JOSÉ DEL VALLE

28 October 1831¹

Guat. 28 oct.^{bre} 1831.

My ever dear father

Vuelvo à escribir à V. p^a reiterarle mis constantes afectos. Si son muchos los testimonios q^e me ha dado de los suos, serán eternas las expresiones de los mios.

Vivo en mi gabinete en medio de mi pequeña Biblioteca, y los libros escritos p^r V. tienen lugar eminente en ella. No es posible olvidar al Autor inmortal de obras tan importantes.

He publicado en uno de mis Opusculos q^e si hubiera subscriptores, yo traduciría todas las Obras de V.² si La América ha empezado a ser legisladora de si misma, los libros q^e mas le interezan, son los del Institutur Respetable de los legisladores.

Deseo q^e los principios luminosos de V. circulen p^r el nuevo mundo asi como están circulando p^r el antiguo. Ya empieza à publicarse q^e es necesario reformar la Constitucion de esta Republica. Esta opinion va haciendo progresos, y cuando llegue à discutirse la reforma, no

3867. ¹ *Facsimile von Handschriften berühmter Männer und Fauen aus der sammlung des herausgebers*, Berlin, 1837, N^o 14. Autograph facsimile.

² There follows the date '17 April 1830', the title 'On the Anti-Codification, alias the Historical School of Jurisprudence', and the first three paragraphs of the essay in the hand of George Bentham. A mainly autograph draft of the complete essay is at UC lxxxiii. 156–60 (17 April 1830).

3868. ¹ *Cartas Autografas de y para Jose Cecilio del Valle*, pp. 510–11. Facsimile, presumably of an autograph draft.

² i.e. in 'Las Matemáticas en sus relaciones con la prosperidad de los Estados': see p. 579 n. above.

dudo q^e se tendran presentes las teorías de V. El mundo político está en movimiento: todos los Estados desean mejorar sus leies; y V. ha señalado la linea p^r donde deben marchar p^a no ser devorados p^r la anarquía, ni destruidos p^r el despotismo.

Oficial aptitude maxized; Expense minimized, sera en todos los siglos la luz q^e dé à conocer si es bueno ó malo un Gob^{no}. El mas ilustrado y será s[iem]pre el mejor.

Estoi traduciendo el Opusculo en q^e V. desarrollo este principio.³ Es el q^e debe tener mas presente esta Republica, y uno delos q^e hacen mas honor à V.

Prospero,⁴ q^e me lo remitió, me ha comunicado los favores distinguidos q^e ha debido à V. en su mas critica posición, Ya he dado aviso à su casa p^a q^e sepa reconocerlos; y yo sabré tambien corresponder los q^e me ha hecho à mí.

Sírvase aceptar mis respetosas consideraciones, y manifestar al Sr Bowring q^e le escribí y remití el Título de Socio-correspond^{te} de n[ues]tra Sociedad Económica.

J. del Valle

TRANSLATION

Guatemala 28th October 1831.

My Ever Dear Father

I once again write to convey to you my constant devotion. Many testimonials to you have been presented to me, but my testimonials to you will be everlasting.

I live at my desk in the centre of a small library, and your books take pride of place in it. It is impossible to overlook the immortal author of such important works.

I have announced in one of my works that if there were sponsors I would translate all of your writings; should America begin to legislate for herself, the books that would be of most value to her, would be those by the esteemed mentor of legislators.

I sincerely hope that your enlightening principles spread throughout the New World as they have in the Old. It has become common knowledge, that it is necessary to reform the constitution of this republic. This opinion is gathering momentum, and when the time comes to debate the reforms, I have no doubt that your theories will have to be uppermost in the minds of all participants. The political

³ Valle was translating 'Constitutional Code': see p. 578 & n. above.

⁴ Próspero de Herrera.

2 NOVEMBER 1831

TO FRANCIS PLACE

world is evolving; every state wants to improve their laws, and you have shown the road that should be taken, so as to avoid being devoured by anarchism or destroyed by despotism.

‘Official aptitude maximized; Expense minimized,’ in centuries to come this will be the standard that will show us whether a government is good or bad. The most illuminating of your works and always the best.

I am translating the treatise in which you develop this principle. It is the one that should be uppermost in the mind of this republic, and the one that honours you the most.

Prospero, who sent it to me, has told me of the distinguished favours that he has been given due to your most acclaimed position. I have already warned your admirers so that they are aware of this; I also know I am indebted to you for the favours you have done for me.

Please accept my respects and would you tell Mr Bowring that I wrote and conferred on him the title of Corresponding Member of our Economical Society.

J. del Valle

3869

TO FRANCIS PLACE

2 November 1831 (Aet 83)¹

Q.S.P. 2 Nov^r 1831

J.B. To F.P.

Let not the confusion and absurdities of the Bankruptcy Court Act deter you from accepting the Office of Official Assignee.²

You will be of the greatest use. When you have read these ‘Observations’ of mine, you and I must talk over the whole matter.

3869. ¹ Place Papers, BL Add. MS 35,144, fo. 157. Autograph. In relation to the present Letter, Place has commented: ‘N.B. The above note came from M^r Bentham with a revised proof of “Observations on the Bankruptcy Court Bill.” For the eventual publication of this work see p. 593 n. above.

² On 22 October 1831 Place had received, through James Mill, a note in which Brougham had urged Mill to speak to Place about ‘whether he would not like to be one of the Official Ass[ign]ees’ of the new Bankruptcy Court, of whom thirty were to be appointed under the Bankruptcy Court (England) Act of 1831, an offer to which Place ‘consented conditionally’: see *The Autobiography of Francis Place: 1771–1854*, ed. M. Thale, Cambridge, 1972, p. 288.

TO JOHN TYRRELL

13 NOVEMBER 1831

3870

TO JOHN TYRRELL

13 November 1831 (Aet 83)¹

Q.S.P. 13 Nov^r 1831

My dear Tyrrell

Brougham, after vapouring abundantly about the patronage given up by him, which he makes £35,000 a year I think it is, not less he says, mentions either[?] £12,000 or £14,000 as the value of one Sinecure the Patent one,² but lays little stress upon it though it bears so great a ratio to the *omnium gatherum*³ as above. How comes the comparative silence? Is it that the Patent Sinecure was determined to be bought up before the Seals were offered to him?⁴ Have the goodness to enquire about this, and inform me of the result the sooner the better.

Herewith inclosed is a copy of the *Boa Constrictor*, the first I have sent to any body. It will not be published till the Observations on the Bankruptcy business are, which I am hard at work about, and which it will precede.⁵

Yours ever

Jeremy Bentham

John Tyrrell Esq.

3870. ¹ Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 30. Autograph.

² In a speech on the Bankruptcy Court Bill in the House of Lords on 14 October 1831, which Bentham had seen reported in the *Mirror of Parliament* (1831), iii. 3053, Brougham had stated that, ‘I have only substituted for a patronage of 35,000*l.* a-year, one of 18,000*l.*; and in addition to this, I have surrendered the patronage of two sinecure places of 12,000*l.* or 14,000*l.* per annum; so that by the operation of this Bill, there is a great diminution of the patronage and advantages now belonging to the Keeper of the Great Seal.’ Brougham did not, however, identify the sinecure places in question or mention the Patentee of Bankrupts, though the Bill, as amended by the House of Commons, in effect suppressed the office by abolishing the fees payable to it and providing compensation for the holder: see ‘A Bill, {as amended by the Committee} intituled, An Act to establish a Court in Bankruptcy’, 7 October 1831, *Commons Sessional Papers* (1831), i. 85–107 at 97–8, 101. Bentham commented on Brougham’s speech, and on this passage in particular, in ‘Observations on the Bankruptcy Court Bill’, pp. 51–8, in *Lord Brougham Displayed* (Bowring, v. 598–603).

³ i.e. ‘miscellaneous collection’.

⁴ Brougham had been appointed Lord Chancellor on 22 November 1830.

⁵ ‘Boa Constrictor, Alias Helluo Curiarum: Observations on the “Resolved-On” Absorption of the Vice-Chancellor’s Court, and the Master of the Rolls’ Court, into the Lord High Chancellor’s Court’, London, 1831 (Bowring, v. 550–65). The essay was eventually published, together with ‘Observations on the Bankruptcy Court Bill’ and two extracts from ‘Constitutional Code’, namely Ch. XII. Judiciary Collectively, § 5. Number in a Judicatory and § 32. Judges’, &c. Securities for Appropriate Aptitude, in *Lord Brougham Displayed*.

ON OR ANTE-23 NOVEMBER

FROM JOHN TYRRELL

3871

TO EDWIN CHADWICK

16 November 1831 (Aet 83)¹

16 Nov^r 1831

Wednesday

To M^r Chadwick

Upon trial, eyes I found would not admitt the insertion of one part of what you proposed. You will observe what I have put instead of it. Insert or omitt it as you think best.²

For disguise a *Scotticism*—if, without too much expence of time you can rummage up any, would do it pretty effectually. For example *will* instead of *shall*—he *believes* to do so instead of he *will naturally* do so.

3872

FROM JOHN TYRRELL

On or ante-23 November 1831¹

In the *Boa Constrictor*, you overlook the importance to those who do not understand their business, of obtaining the assistance of others to do it for them.²

I am as strong an advocate as you are for preventing any delay in the administration of justice, but it is a mockery to pretend to do justice, and decide in such a manner that the parties would have done as well if they had decided their dispute by Lot.³ Great as is the inconvenience

3871. ¹ UC clxxi. 4a. Autograph.

² Bentham may be referring to some material intended for insertion in *The Examiner*.

3872. ¹ UC iv. 398. Copy, and possibly only an extract or extracts, in the hand of Moore, on a composition sheet headed by Bentham, '1831 Nov. 23. Bankruptcy &c', and sub-headed by him 'Disinterestedness 2^o. Tyrrel to JB'. The present Letter appears to contain Tyrrell's comments on 'Boa Constrictor, Alias Helluo Curiarum', which Bentham had sent to him with Letter 3870. Bentham was perhaps considering incorporating the present Letter into *Lord Brougham Displayed*. The date on the manuscript may be that on which it was copied rather than that on which it was written.

² Tyrrell perhaps had in mind 'Boa Constrictor, Alias Helluo Curiarum', pp. 3, 13 (Bowring, v. 554, 560), where, in reference to Brougham's statement, in his speech in the Court of Chancery to the Bar of 1 September 1831 reported in the *Morning Chronicle*, 2 September 1831, p. 4, that having difficult and important points of law settled by more judges than one would be 'much more satisfactory to *suitors* and the *profession* which cultivates the sciences', Bentham notes that this 'is much as to say, that to the sheep and the wolf one and the same arrangement of the field or the sheep-fold will be satisfactory'.

³ See 'Boa Constrictor, Alias Helluo Curiarum', p. 17 (Bowring, v. 561), where Bentham,

TO JOHN BOWRING

5 DECEMBER 1831

suffered by the suitor to whom justice is delayed, much greater disappointment is suffered by 20 other persons, who have purchased property under the sanction of a rule considered to be well established, and are prevented from selling it or are liable to lose it, because the rule has been overturned by a hasty decision: and a slighter but not unimportant evil is felt by those whose title to property is subject to some slight doubt, and who are told that no one can be advised to enter into any dealing respecting it, for altho' many are able to say that a decision ought to be made in favour of the title, no one can say what the decision would be. There can be no security for property without codification, unless Judge-made law is understood and followed.

Believe me to remain

Dear Sir

Ever your greatly obliged⁴

Jeremy Bentham Esq.

3873

TO JOHN BOWRING

5 December 1831 (Aet 83)¹

Commercial Treaty.²

The worst that can happen is (I take it) that the terms shall be agreed upon; but for the present at least if not for ever, nothing done in pursuance of it: nor am I without my fears that this may also be the best that can happen. Be this as it may, it will I suppose be found advisable to keep it a profound secret: otherwise those whose

in discussing a distinction that Brougham had made in his speech of 1 September 1831 reported in the *Morning Chronicle*, 2 September 1831, p. 4, between difficult and important suits, asks how such suits were to be distinguished from those that were not so: 'by *Bill in Equity*?—by *Petition*, as in a Bankruptcy case?—by a *Grand Jury*, as in Common Law penal cases?—or by action, real or feigned, as in a civil cause?—or would not trial by *cross and pile* be preferable to them all?'

⁴ The transcript omits the signature.

3873. ¹ UC x. 221. Copy, in the hand of Moore, on a composition sheet, and headed by him '1831. 6. Dec. J.B. to Bowring—5 Dec. Commercial Treaty'. Under the heading, Bentham has noted: 'See Bowring to J.B. || Dec^r 1831 saying that these measures had occurred to the French Ministry.'

² In 1831 Bowring and George Villiers (1800–70), later fourth Earl of Clarendon, Lord Privy Seal 1840–1, President of the Board of Trade 1846–7, Lord Lieutenant of Ireland 1847–52, Foreign Secretary 1853–8, 1865–6, 1868–70, had been appointed commissioners to examine commercial relations between Britain and France. In the event, no commercial treaty between Britain and France was entered into.

wish it is to overthrow the Ministry—viz. *Côté gauche*, republicans, buonapartists, and carlists—would be apt *unâ voce*, tout ensemble, all in cooperation, whether or no with concert, to break out against it: joining in the declaration that nobody could tell how soon this industry-beggar operation might take place.

Meantime, to prevent the extinction of it the following are the alternatives which at the end and as the fruit of a dozen vibrations more or less present themselves to me as likely to have presented themselves to you and those with whom you are.

1. Endeavour to persuade our Government here to lower or take off the duty on this or that article with which the French do or could supply us; and this without calling for any corresponding exoneration in return. This you know is what has been done already in the instance of wines. French Wines lowered if I mistake not from 7^s/6^d pr Gallon to 5^s/6^d p. Gallon:³ No correspondent exoneration being called for or made by the French Government; no one in France was by this operation turned out of employment. Whatever loss may be the result of it, it is by the Portuguese that it will be borne, not by the French. The Portuguese are—say four millions; the French—say thirty millions.

2. What are the articles we might take from France either with no loss or at any rate without acutely sensible loss to operatives here; say for example fruit: other articles I leave to you to hunt out. In this case being by the supposition not to be paid for in goods, the things must be paid for in money. In that case will there be any loss to anybody; and if yes to whom, and what loss; that I leave to you.

3. At the time when the exoneration takes place or before, provide some public works such as the operatives thrown out of employment will be capable of turning their hands to, and, make known to them that for and during the time mentioned and thereafter, not improbably for an indefinitely longer time, or to the day of judgment, the same work will be tendered to them at a not lower price. In this case I see not how you can avoid paying them something more than they get in and by their existing occupation: for if it be not, here will be a quantity more or less considerable of irksomeness uncompensated.

4. If you feel bold enough to take off any part of the import tax upon any goods by the importation of which any operatives in France would be thrown out of employment, you will I suppose begin *cæteris paribus* with those by which the smallest number will be thrown out

³ Bentham's first figure is incorrect. The duty on French wines had been set at 6s. per gallon if imported in a British ship, and at 6s. 6d. if not in a British ship, by the Wine, etc., Duties Act of 1825 (6 Geo. IV, c. 13), § 7, but the duty on all wines (with the exception of wine imported from the Cape of Good Hope, which enjoyed a preferential rate) had been reduced to 5s. 6d. per gallon by the Duties on Wine Act of 1831 (1 & 2 Will. IV, c. 30), § 2.

FROM JOHN BOWRING

8 JANUARY 1832

of employment. If so, then will come the consideration—shall these articles, the population being a given quantity, be those in regard to which the population is most dense, or those in regard to which it is most scattered. In the first case the opposing force will be greatest and most formidable in the first instance: in the second the murmur will be most widely spread, and thence peradventure at the upshot the opposing force the greatest and most formidable; the murmur having the effect of calling forth the aid of the four opposition parties as above.

3874

FROM JOHN BOWRING

8 January 1832¹

Private & confidential except for M^r B.

Paris 8 January 1832

Jo Bo to Je Be

Dined to day with the King² at the Thuilleries. The guests between 30 & 40—among the Englishmen Sir Fred^k Adam,³ Sir Tho^s Stourbridge,⁴ Lord Keith.⁵ Of French whom I knew Admiral Rigny, the Minister of Marine,⁶ Count Laborde.⁷ I had a very long conversation with the King after dinner. He took me aside & said—‘You have something to say to me’—I told him that I desired to speak to him of the proceedings of the Commission,⁸—on which he assured me that he would do every thing that depended on him to give it effect. He asked me if I were satisfied with the proceedings of the

3874. ¹ UC clxxiv. 119. Autograph. Docketed: ‘1832 Jan. 8. Recd 11. Bowring Paris to J.B. Q.S.P. King & Queen.’ ² Louis Philippe I.

³ Sir Frederick William Adam (1784–1853), army officer, Lord High Commissioner of the Ionian Islands 1824–32.

⁴ Presumably a slip for Sir Edward Thomas Troubridge (c. 1784/5–1852), naval officer, MP for Sandwich 1831–47, Lord of the Admiralty 1835–41, naval aide-de-camp to William IV and Victoria.

⁵ Possibly Auguste Charles Joseph, Comte de Flahault de la Billardrie (1785–1870), aide-de-camp to Napoleon Bonaparte 1813–14, French Ambassador to Vienna 1841–8 and Britain 1860–2, the husband of Margaret Mercer Elphinstone (1788–1867), society hostess, *suo jure* Baroness Keith [I and GB], and later *suo jure* Lady Nairne, who was the only child of George Keith Elphinstone (1746–1823), first Baron Keith 1797 [I and GB], first Viscount Keith [GB] from 1814, naval officer and politician, MP for Dunbartonshire 1781–90 and Stirlingshire 1796–1801.

⁶ Marie Henri Daniel Gauthier, Comte de Rigny (1782–1835), naval officer, French Minister of the Marine 1829, 1830, Minister of War 1835.

⁷ Louis Joseph Alexandre, Comte de Laborde (1773–1842), politician and writer.

⁸ i.e. Bowring’s commission to examine the commercial relationship between Britain and France.

Ministry—and spoke very much about the Belgian fortresses which are the subject of discussion.⁹ I had after a still longer colloquy with the Duke of Orleans¹⁰ whose language was liberal in the extreme & who said that Poland never should have been sacrificed had England done her part.¹¹ He wished, he said, that not a Custom House existed between England & France and again & again repeated we must do what we can to unite the two countries. The Queen¹² was very gracious. I think I told you she had given me £200 for an illegitimate Son of the old Duke of Cumberland¹³—& this was a topic to speak about. After dinner we went to the drawing room which was the room in which Buonaparte slept & in which Louis the 18 died. Buonaparte's Carpet recording[?] the names of the different Cohorts is still there—with its Eagles & its trophies.¹⁴ His Cabinet is the next room—& two rooms farther off is the Chamber of Counsel—which De Rigny pointed out to me & said—'Here we seal the fate of nations.' The Queen gives a grand Ball on the 11th to which I am invited. The series of invitations is oppressive and I begin to be weary of the weight of *this* part of official honors,—tho' something may be borne for the sake of those whom one may hereafter turn to account. I sat on Friday at a dinner at O'Reilly's (the principal proprietor of the *Temps*)¹⁵ next Count Réal who was denied an entrance into England when exiled by the Bourbons, & who was such a favorite of Napoleon's.¹⁶ He told me many curious anecdotes of him & one that was very characteristic. He had once to ask a favor of the Emperor & he concluded by saying 'Sire, j'en appelle à votre cœur—' on which Buonaparte retorted quite impatiently—'Cœur—Cœur—qu'est [ce] que ça veut dire—Cœur? C'est ça—c'est ça' striking his forehead again & again. How expressive. All intellect—no affections.

⁹ At the conclusion of the Napoleonic Wars in 1815 a number of fortresses had been constructed in Belgium, at the expense of Austria, Britain, Holland, Prussia, and Russia, as a defence against France. Agreement concerning the demolition of several of the fortresses was eventually reached in December 1832.

¹⁰ Ferdinand Philippe, Duc d'Orleans (1810–42).

¹¹ In 1831 the Polish Diet had declared Poland independent, but after military defeats by Russia at Grochów and Ostrołęka, Poland was forced to accept the status of a Russian province.

¹² Maria Amalia Teresa (1782–1866), Queen Consort of the French 1830–48, had married Louis Philippe I in 1809.

¹³ Ernest Augustus (1771–1851), Duke of Cumberland and Teviotdale, King of Hanover from 1837.

¹⁴ The Cohort Carpet, by the Piat Lefebvre manufactory, Tournai, featured the Cross of the Legion of Honour at its centre, surrounded by the sixteen cohorts or divisions of the order, each represented by a Jupiter eagle atop a banner.

¹⁵ Not identified.

¹⁶ Pierre-François, Comte de Réal (1757–1834), politician and administrator, Prefect of Police of Paris 1815, had, after the defeat of Bonaparte in 1815, gone into exile in the United States, but had returned to France in 1827.

TO JOHN, JAMES, OR ROBERT MARTIN 12 JANUARY 1832

Soult¹⁷ paid me a very pretty compliment on Thursday ‘Vous remplirez toute mission de manière à faire honneur à ceux qui vous y nommeront’—and Talleyrand’s great friend Count Montrou¹⁸ asked Villiers yesterday to introduce me to him saying that ‘il entendait parler des talens de M.B. de tout côté.’ So that were I not as poor as a pauper I should grow as proud as a popinjay.

9th Yours of 6 arrived.¹⁹ OPQ confounds *Administration* with *Accounts*.²⁰ The cost of collection of revenues will necessarily be higher in France than in England inasmuch as the *sources* of taxation are infinitely more spread. He says one month of the Gross Revenue is absorbed. He says too little. In England it is one tenth—in France about one eig[h]th

All your Educational hints I put in my treasure box for future use.

I have sent to Bossange to stop the Catalogues p^r Post & offering to send them p^r J.Bo.

I have received two letters from Hume to day. He wishes me to ask the King for £50 or £100 for the Seamen’s Hospital.²¹ I am afraid I cannot do so with propriety.

3875

TO JOHN, JAMES, OR ROBERT MARTIN

12 January 1832 (Aet 83)¹

Within a trifle, more or less, forty years have elapsed since I had the pleasure of being one at a convivial party with your good family

¹⁷ Jean-de-Dieu Soult, Duc de Dalmatia (1769–1851), French military commander and politician, known as Marshal Soult after being appointed a Marshal of the French Empire in 1804, Minister of War 1814–15, 1830–4, 1840–5, Prime Minister of France 1832–4, 1839–40, 1840–7.

¹⁸ Casimir, Comte de Montrou (1768–1843), diplomat.

¹⁹ Missing.

²⁰ See the letter dated Paris, 3 January 1832, printed in the *Morning Chronicle*, 6 January 1832, and signed O.P.Q., the pseudonym of Caleb Charles Colton (bap. 1777, d. 1832), writer and Church of England clergyman, and the newspaper’s Paris correspondent.

²¹ Hume was a Vice-President of the Kinloch Bequest, a trust which had been established in 1818 under the auspices of the Scottish Hospital to support Scottish soldiers and seamen who had been maimed or wounded in service.

3875. ¹ Bowring, xi. 74, where it is introduced as follows: ‘The following reminiscences occur in a postscript of a business letter by Bentham to his bankers, of date 12th January, 1832:—’

Bentham had been using the bankers Martin, Stone and Foote, 68 Lombard Street, since at least 1794. At that time the head of the firm was James Martin (1738–1810), MP for Tewkesbury 1776–1809, whose son John Martin (1774–1832), MP for Tewkesbury 1812–32, became senior partner in the firm in 1807. The present Letter appears to be addressed to one of John Martin’s sons, namely John Martin (1805–80), MP for Tewkesbury 1832–5, 1837–59, James Martin (1807–78), MP for Tewkesbury 1859–65, and Robert Martin (1808–97), each of whom became partners in the Martin family’s Grasshopper private bank.

12 JANUARY 1832 TO JOHN, JAMES, OR ROBERT MARTIN

on the Martin side, I believe the whole of it, in company with Dr Price, Kippis, and, I think, Priestley,² at your father's, then residing in Downing Street. I condole with you on your announced loss of that gentleman, who was, I believe, the eldest member of it.³ One of the members, Stone,⁴ was a school-fellow and familiar friend of mine at Westminster. I remember passing some time in his company when he was with his mother at Tunbridge Wells, about seventy-three years ago. Being some years older than myself, he can hardly be at this side of the grave at this time. Afterwards, I remember him coming in one day after dinner at our school-fellow's, Sir W. Fitzherbert, elder brother of Lord St Helens,⁵ on his, Mr Stone's, return from Paris, where he had been secretary to the Duke of Dorset, then our ambassador at that court.⁶ What is curious, we did not at that time recognise one another. He sat down to the piano-table, and played *Malbrook s'en va a la guerre*, the beautiful little song tune which was just then come out at Paris.⁷

In the topsy-turvy state of the second page of this letter, you will see an effect of the weakness of my eyes; but though several of my senses and faculties are nearly gone, and several of them altogether so, my friends still keep amusing themselves with the assurance they are pleased to flatter me with, that the old philosopher will continue to cumber the ground as long as Newton did with his ninety years,⁸ or even, say some of them, Fontenelle with his 100 years.⁹

² Dr Richard Price (1723–91), philosopher, demographer, and political radical; Andrew Kippis (1725–95), Presbyterian minister and biographer; and Joseph Priestley.

³ John Martin had died on 4 January 1832.

⁴ Stone was the son or nephew of the mathematician Edmund Stone (d. 1768).

⁵ Sir William Fitzherbert (1748–91), lawyer and legal writer, was the elder brother of Alleyne Fitzherbert (1753–1839), first Baron St Helens [I], diplomatist.

⁶ Stone was Secretary to John Frederick Sackville (1745–99), third Duke of Dorset, Ambassador to Paris 1783–9.

⁷ 'Malbrook s'en va-t-en guerre', also known as 'Marlbrough s'en va-t-en guerre', was a French folksong on the rumoured death of John Churchill (1650–1722), first Duke of Marlborough, at the Battle of Malplaquet on 11 September 1709 during the War of the Spanish Succession 1701–14.

⁸ Sir Isaac Newton (1642–1727), natural philosopher and mathematician, in fact lived to the age of 84.

⁹ Bernard le Bovier de Fontenelle (1657–1757), philosopher and mathematician, Secretary to the French Academy of Sciences 1697–1739, who died one month short of his 100th birthday.

FROM JOSEPH HUME

18 JANUARY 1832

3876

TO JOSEPH HUME

18 January 1832 (Aet 83)¹

Q.S.P. 18 Jan^y 1832.

My dear Hume

Indisposition has prevented my proposing a day for the visit I have the pleasure of expecting from [you].² Thursday and Friday³ will not either of them be days for an M.P. Saturday and Sunday,⁴ at the usual convivial hour 7½ I am at your service. Answer is requested by

Yours most truly

Jeremy Bentham

Joseph Hume Esq^{re} M.P.

3877

FROM JOSEPH HUME

18 January 1832¹

Bryanston Square

18 Jan^y 1832

My Dear Sir

I thank you for your Note² regretting the Cause of its delay.

I am obliged to be at Hampstead on Sunday,³ but shall be pleased to join you on Saturday,⁴ at ½ after 7 O'clock.

I have written a Note to [...] D^r. Bowring, requesting him to come

3876. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph. Endorsed: 'Ans^d & accepted for Saturday. J.H.'

² George Bentham records on 18 January 1832 (George Bentham Diaries, GEB/2/2, p. 61) that he went 'to [Queen Square Place] where by JB's desire Doane Chadwick & I dined with him in our wigs & gowns'.

³ 19 and 20 January 1832.

⁴ 21 and 22 January 1832.

3877. ¹ Caroline Archer Clive Autograph Collection, in the quondam possession of the late Mr George Clive, Whitfield, Allensmore, Herefordshire. Autograph. Docketed: '1832 Jan^y 19. Hume Bryanston Square to J.B. Q.S.P. Pransurus Sat^y 21st.'

² Letter 3876.

³ 22 January 1832.

⁴ 21 January 1832

FEBRUARY 1832

TO JAMES LAMBERT

& dine with me on Saturday, but if he comes You can advise him of the alteration.

Believe
Your's Sincerely

Joseph Hume

Jeremy Bentham Esq.

3878

TO JAMES LAMBERT
February 1832 (Aet 83 or 84)¹

Queens Square Place
Westminster Feb^y 1832

Sir

You will remember the being Solicitor for the purchaser on the occasion of a sale I made of a small estate part Freehold part Copyhold in Essex, not far from Chelmsford,² in Dec^r 1797: you will remember my impounding with my Bankers Martin and C^o £500 in the joint names of Yourself and me to stand as a Security for my buying out certain Heriots with which one or more of the Copyholds stood at that time charged. At that time the Lord of the Manor or Lords of the Manors³ declined to join in freeing them from that incumbrance: they are now in the possession of *Lord Petre*:⁴ they being at that time encreasable in number toties quoties upon the death of every Copyholder; this was the cause of the refusal; his Lordship now joins in the surrender upon receiving a single heriot whatsoever may be the number of them for each Copyhold. M^r Gepp Solicitor, of Chelmsford, and Receiver of the Stamp Duties for that County,⁵ has just been with me and informed me of that change. Several letters passed between his father,⁶ yourself and me on the subject of that transaction: he was at my house with his father at that time: I should be loth to be at the trouble of rummaging into holes and corners to look for them amidst

3878. ¹ UC clv. 62. Autograph.

The recipient is presumably James Lambert, attorney, of 39 Hatton Garden, who had corresponded with Bentham over the purchase of Lillies Farm, which Bentham had inherited from his father. See Letters 1479, 1634, 1637, *Correspondence*, vi.

² i.e. Lillies Farm.

³ Not identified.

⁴ William Henry Francis Petre (1793–1850), eleventh Baron Petre.

⁵ Thomas Frost Gepp (1767–1832), Deputy Treasurer of the Western Division, Distributor of Stamps, Clerk to the Commissions of Taxes, and Under-Sheriff of Essex 1827, 1830, and 1832.

⁶ Edward Gepp (1723–97), attorney.

TO ANTONIO ALCALÁ GALIANO

3 FEBRUARY 1832

dust and cobwebs: nor would there be any use in it. M^r Alexander in partnership with M^r Browne of Bedford Row,⁷ his Uncle who at that time⁸ and on that occasion was my Solicitor was [privy]⁹ to every thing which at that time and thereafter took place between yourself and me: I know not just now whether he is alive or no: nor would there be any use in the inquiry. You will, of course, have no objection to the joining with me in setting free that money: your name may stand first in a draft to be drawn upon Martin's for that purpose: my friend, M^r Edwin Chadwick of the Inner Temple, Barrister at Law does me the favour to call with this, to settle matters. After a disobedience of so many years, I am now,

with all respect,

Sir,

Your now obedient Servant

Jeremy Bentham

— Lambert Esq^{re}

3879

TO ANTONIO ALCALÁ GALIANO

3 February 1832 (Aet 83)¹

Queen Square Place

Westminster, Feb^r 2^{cond} 1832

My worthy old friend

I wish I could see any encouraging ground for the expectation that to the persons on whom it depends any thing which a man circumstanced as I am could say on your behalf would operate as a recommendation, in such sort as to contribute to the seating you in the situation for which you are a candidate.²

What I can say, and do say, with the strictest truth, is—that, during the continuance of that intercourse, the interruption of which has had

⁷ John Alexander Jr, attorney, and William Browne, attorney, who practised at Bedford Row, Holborn.

⁸ MS 'time time'

⁹ MS 'privily'.

3879. ¹ UC clxxiii. 31. Draft. The valediction and first paragraph are in Bentham's hand, and the remainder in the hand of a copyist, who seems to have had some difficulty either in transcribing an earlier draft or taking down Bentham's dictation. Docketed by Bentham: '1832 Feb. 3. J.B. Q.S.P. to Alcalá 27 Charlotte Street Portland Place.'

Antonio Alcalá Galiano y Fernández de Villavicencio (1789–1865), politician, jurist, author, and political exile, first Professor of Spanish Language and Literature at the London University 1828–30.

² The 'situation' in question has not been identified.

4 FEBRUARY 1832

FROM SIR FRANCIS BURDETT

for its sole cause those [pursuits]³ to which my time has so long been exclusively devoted, I saw reason on every point of view, intellectual as well as moral, to felicitate myself on the acquaintance I had made with you; and as to the function belonging to the particula(r) situation in question I never heard nor do I expect to hear, of any person who so far as I am capable of judging is qualified and disposed to enter into competition with you.

Upon mentioning the matter to D^r Bowring, whose mastery over the field of Language is for its extent, perhaps without an example and whose acquaintance with the spanish in particular is little lower than that of a native,⁴ I had the satisfaction of finding that th(is) opinion of mine had [his]⁵ for its confirm(ation.)

With my hearty wishes for your succ(ess)

I remain,

Yours most sincerely

Jeremy Bentham

M^r D^r Alcalá.

3880

FROM SIR FRANCIS BURDETT

4 February 1832¹

4th Feb. 1832.

Hassan, the camel-driver, was not more delighted when, travelling o'er the desert, he received on his parched lips a drop of water from heaven,² than I am at receiving your kind, and, allow me to call it, affectionate invitation;³ for I value your good opinion and esteem beyond that of the million far. I know nothing of the honours you suppose are awaiting me, and I assure you, in perfect sincerity of heart, I care nothing; but of this and other more interesting matters when we meet, which, God willing, shall be Sunday,⁴ for I put aside every consideration to have that pleasure.

³ MS 'puritanto'[?]

⁴ The copyist has inserted a paragraph break at this point.

⁵ MS 'hers'.

3880. ¹ Bowring, xi. 74.

² Presumably an allusion to [William Collins], 'Eclogue the Second. Hassan; or, the Camel-driver', in *Persian Eclogues. Written originally for the Entertainment of the Ladies of Tauris*, London, 1742, pp. 10–14 (reproduced in *The Works of William Collins*, ed. R. Wendorf and C. Ryskamp, Oxford, 1979, pp. 6–9), which states that Hassan 'call'd on Heav'n to bless the Day'.
³ Missing.
⁴ 5 February 1832.

TO PRINCE TALLEYRAND

7 FEBRUARY 1832

I hardly know the thing you could, at least, *would* ask of me, that I should not feel the greatest gratification in complying with. Of course there is no need to say anything about Mr Colls.⁵ Believe me, Dear Bentham, most sincerely yours, &c.

3881

TO PRINCE TALLEYRAND

7 February 1832 (Aet 83)¹

Queen Square Place

Westminster 7 Fev^r 1832

Mon Prince

Manquez vous d'appétit? Le moyen d'en avoir Vendredi,² c'est de venir dans cette retraite prendre un dîner d'Hermitte Jeudi.³ Je dis Jeudi, parce que, au moyen de celà, Bowring, dont la maison donne sur mon jardin, pourra jouir pour quelques momens de votre société: c'est à dire après diner, pendant lequel nous serons tête-à-tête—seul moyen de s'entreconnoître. Quant aux matinées, je n'en donne jamais à personne; j'ai tant de besoigne à faire, et si peu de momens à vivre, que je ne saurois tirer sur le tems de travail pour rien autre chose. Quant aux visites, je n'en ai fait depuis longues années, ni à dîner ni à quelque autre tems que ce soit mais, sou[s] peine de la mort, le bon Dieu nous a commandé à vivre.

Si Jeudi ne vous convient pas, tout autre jour qui vous sera agréable. Bowring, je crois, doit partir Samedi.⁴

Pour le vin, je n'en ai pas de meilleur que du St George passable: mais, si vous êtes curieux de cette drogue que je ne prens jamais que

⁵ Presumably John Flowerdew Colls.

3881. ¹ University of Rochester, River Campus Libraries, Rare Books, Special Collections and Preservation, Individual Manuscripts Collection, D.472. Autograph. An autograph draft, docketed '1832. Feb. 7. J.B. Q.S.(P.) to Prince Ta(lley)rand Hanover Squ(are.) Dinner Invit(atio)n for 9th', is at UCL Library, Denis Roy Bentham Collection, MS. ADD. 413, A.1.51.

Printed in English translation in Bowring, xi. 74–5, where it is introduced as follows: 'I had the happiness of bringing Talleyrand and Bentham together a short time before Bentham's death. They had not met, I think, for forty years: years passed by the one in all the turbulence of political excitement; by the other, in the calm of an almost inaccessible solitude. But Bentham's name and Bentham's genius happened to be the subject of conversation at Talleyrand's table: and I was struck with the warm, the unwonted admiration with which the diplomatist spoke of the philosopher. Was he accessible? Could entrance be obtained to his presence? I engaged to be the negotiator: and Bentham, after listening to me, wrote to Talleyrand what follows:—'

² 10 February 1832.

³ 9 February 1832.

⁴ 11 February 1832.

9 FEBRUARY 1832

TO ALBANY FONBLANQUE

pour médecine (car je suis du secte des Rechabites)⁵ vous ferez bien de faire comme disoit un mauvais plaisant que Pitt 2^d avoit coutume de faire, c'est à dire venir diner chez ami bouteille d'Oporto dans chaque poche.⁶

Tout à vous

Jeremy Bentham

Prince Talleyrand

3882

FROM PRINCE TALLEYRAND

8 February 1832¹

Diner chez Monsieur bentham, diner seul avec lui me fait trop de plaisir pour que je ne rompe pas un engagement que j'avois pris depuis plusieurs jours. demain jeudi² je me rendrai chez lui: je le prie de vouloir bien me faire dire à quelle heure il dine; je serai exact.

talleyrand

8 février

3883

TO ALBANY FONBLANQUE

9 February 1832 (Aet 83)¹

Q.S.P. 9 Feb^y 1832

Dear Albany

What the Devil is the matter with you? rather than not quarrel, you would quarrel with Your own shadow. Chadwick has been reading

⁵ For the abstinence from wine of the Rechabites see Jeremiah 35: 1–10.

⁶ Bentham was perhaps confusing Pitt with the eleventh Duke of Norfolk: see p. 265 above.

3882. ¹ UCL Library, Denis Roy Bentham Collection, MS ADD 413, A.1.52. Autograph. Printed in English translation in Bowring, xi. 75.

² 9 February 1832. George Bentham records on 10 February 1830 (George Bentham Diaries, GEB/2/2, p. 64) that he went 'to [Queen Square Place] to dinner—JB much plagued by a cough but in high spirits about Talleyrand who dined with him yesterday—having accepted JB's invitation in a very flattering note'.

¹ **3883.** London School of Economics and Political Science, British Library of Political and Economic Science, Letter Collection, Vol. IV, fos. 57–8. Autograph.

to me Your letter. Crows and Jays are creatures of Your imagination. On one account or another—I already forget what—I thought there might be some use in Chadwick’s not being turned out of doors when Burdett dined here.² I told him Chadwick was a Coadjutor in the Examiner:³ but that he was not the author of the article in question—nor had any thing to do with it.⁴ No matter if he had, said Burdett, and spoke of it I do not remember in what terms: but what I am sure of is—that it was in the most perfect good humour: so much so as to fill me with astonishment, considering the severity of it. Chadwick—poor little lamb—don’t *courre sur* at him—*Me! me! inquam qui feci—in me convertite tela!*⁵ Give my love to your wife⁶—down on your marrow-bones to her, in my name beg of her to smooth your brow for you.

Your’s

as soon as you are come to Your right mind
Jeremy Bentham

Albany ‘Kestrel’ Esq^{re}
&c. &c. &c. &c. &c. &c.

3884

MEMORANDUM OF EDWIN CHADWICK
10–12 February 1832¹

On the tenth instant when I walked with M^r Bentham his steps faltered more than I had been accustomed to. His expectoration was

² Burdett had dined with Bentham on 5 February 1832: see Letter 3880.

³ Chadwick was Sub-Editor of the *Examiner* 1831–3.

⁴ An article entitled ‘The Best of the Set’, in *The Examiner*, no. 1,253 (5 February 1832), 83, had, amongst other things, characterized Burdett as ‘consistently inconsistent’ and stated that he had an ‘indolent disposition’ and had ‘turned foxhunter and sybarite, instead of a philosophic statesman’.

⁵ See [Alexander Pope], *The Odyssey of Homer. Translated from the Greek*, 5 vols., London, 1725–6, ‘Observations on the Tenth Book’, iii. 64: ‘Many such sudden transitions are to be found in *Virgil*, of equal beauty with this of Homer: *Me, me, inquam qui feci, in me convertite tela*’, i.e. ‘Me, I say that I did it, mine is all the blame’.

⁶ Caroline, née Keane (d. 1844), daughter of Captain Keane of County Meath, had married Fonblanque in 1820.

3884. ¹ UC cxlix. 256. Autograph. The present Memorandum appears to have been written close to the end of Bentham’s life. The only Saturday that fell on the 11th of the month shortly before Bentham’s death was that of 11 February 1832. The Memorandum is interspersed with shorthand that it has not proved possible to decipher. Such passages, some of which are interspersed with longhand, are each marked by three asterisks.

George Bentham records on 13 February 1832 (George Bentham Diaries, GEB/2/2, p. 65) that, ‘JB who has been very unwell with his cold is better now’, and on 17 February 1832 (*ibid.*) that, ‘JB quite recovered’.

considerable and his breathing was thick and short. The exertion in breathing was more considerable than I had ever before observed. After having gone his circumgyration he called me up for him and stated to me that he wished me to see D^r Southwood Smith and tell him that his breathing was short and request him to prescribe something for him. I did as I was requested and D^r Smith sent him a prescription.

On the 11th (Saturday), I returned although it is unusual for me to do so on this day, and walked with him at about two o'clock. His breathing was more difficult than before; his expectoration more considerable, his steps more feeble. * * * Before dinner he called upon me to give him my arm, a thing which he had never done before. His breathing was good, he had scarcely any cough and his steps were better than during the middle of the day. After dinner time he mentioned that in the morning when he first went to the water closet, he could get no stool. Soon after he had come from the water closet he had occasion to return there when he had a much more copious stool than he had ever before remembered. Shortly afterwards he had a second stool. This he considered very extraordinary. Nothing of the kind he said had ever occurred to him before. I read for him during the dinner and for the first time his sense of hearing appeared to me more acute than usual and he complained that I read too loud when I only read in the ordinary tone. * * * agitates you, and breaks up your power of attention, and confuses you, and produces effects on the mind such as the same sort of illness produces in everybody young or old. * * *

In the course of the evening when taking his vibrations he complained that he felt weak. His steps were slower but they afterwards became good but they were very quick. He asked me if I intended to write to D^r Bowring. I replied that I did not.

* * *

12th Sunday. * * * [Bentham said] I am yet living—a living dog is better than a dead lion.² * * * a sorry joke to crack I am sorry for it * * * if you will find me a better that is crackable I'll crack it. He * * * had been subject to new and strange sensations, such as that he had fancied he had heard singing coming from different parts of his body. He begged of me to take breakfast in the next room and to remain with him and to send Arthur³ away. * * * I wished him to see D^r Arnott⁴ but he refused declaring that no good could be done for him by medicine. I told him that as I was myself unwell I must go

² Ecclesiastes 9: 4.

⁴ Neil Arnott (1788-1844), physician and public health reformer.

³ Arthur Moore.

and see D^r Arnott. He said I might send for him and see him here. * * * When the Doctor came I described M^r Bentham's symptoms for him. I then persuaded M^r Bentham to allow the Doctor to see him as a friend. After a short time he consented and D^r Arnott went in to see him. So Doctor, said he, I see that you are come to take care that I die secundum artem. He then described the symptoms. D^r Arnott told me afterwards, that there was a very slight degree of fever and that the system was somewhat deranged but he apprehended no danger.

In the course of the afternoon * * * [Bentham] appeared little disposed to attend to any reading. * * * he (. . .), I give you a dictum, which mark. The last day of my life will be the first of my reign. [Chadwick:] In that I am well inclined to agree, for without reference to your departure, the approach of the practical recognition and adoption of the greatest happiness principle is already perceptible. [Bentham:] I have seen myself, said he, stiled in spirit the Bacon and the Locke⁵ of Legislation. You said you knew of no man who had done more for mankind? [Chadwick:] As far as I can now judge no philosopher has done more for them than you have. Bacon has been more praised than read and understood and I think it would be difficult to prove that the influence of his writings and philosophy has been so great as is supposed. I think we cannot ascribe much effect to them when we see even in the present day how little inductions and the portions of philosophy which he established are seen in practice. The merits of Locke were certainly of a very high order. I have always thought that his great service has been in the overthrow of the doctrine of innate ideas; but his direct contribution to the improvement of morals and legislation I do not think of very considerable importance. Bentham 'Locke pulled down much and built a little.' C. The effect of service that Newton performed upon human happiness could only perhaps be estimated or considered in [reference]⁶ to the progress of the arts.

⁵ Francis Bacon (1561-1626), first Baron of Verulam and first Viscount St Alban, Lord Chancellor 1618-21, and John Locke (1632-1704), philosopher.

⁶ MS 'reference'.

2 MARCH 1832

TO JOSEPH HUME

3885

TO AN UNKNOWN CORRESPONDENT

25 February 1832 (Aet 84)¹

Queen's Square Place

Westminster 25 Feb^y 1832

Dear Sir

The intelligence you have favoured me with is of course highly cheering to me: but unfortunately it is not in my power to pay obedience to either of your commands: my engagements are too urgent to admitt of my applying my pen to any other purpose.²

Dear Sir

Your's truly

Jeremy Bentham

3886

TO JOSEPH HUME

2 March 1832 (Aet 84)¹

Q.S.P. 2 March 1832

Dear Hume

In the 29th of last month's [Votes] there are four N^{os} that call for somebody to deliver them to the press: they are 18. 24. 25. 26.²

I hope you will do them that kind Office.

Your's truly

Jeremy Bentham

Joseph Hume Esq^{re} M.P.

3885. ¹ National Library of Scotland, Watson Collection, MS 5308, fo. 11, no. 434. Autograph.

² One of these engagements was dinner with Jean Charles Léonard Simonde de Sismondi (1773–1842), Genevan historian and economist, which took place on 27 February 1832, when George Bentham records (George Bentham Diaries, GEB/2/2, p. 66) that he went 'to [Queen Square Place] to dinner to meet M^r Sismondi. He appeared very much pleased at the dining with JB but JB was very weak from the effects of his cold and not having slept last night was low & half asleep all the time & did not show to advantage'.

3886. ¹ University of California and Los Angeles, Berkeley, The Bancroft Library, BANC MSS 73/160 z:27. Autograph.

² '18. Executors Preferable Claim,—Petition of William Redyard, of Liverpool, Corn Factor and Broker, stating, that by the law, as it now stands, an Executor who may have

3887

TO JUNIUS REDIVIVUS [WILLIAM BRIDGES ADAMS]

12 March 1832 (Aet 84)¹

Queen's Square Place Westminster

12 March 1832.

Sir

In the N^{os} of which I am the subject, I have been reading, with a mixture of surprize and gratitude, what you have been pleased

a claim upon the Estate of a Testator, is enabled to pay himself in full out of the proceeds of the Estate, to the prejudice of every other Creditor, and praying for the repeal of the Law; to lie on the Table', '24. Army,—Accounts *ordered*, "of the increased charge of Full Pay, as estimated for the year 1831, occasioned by the operation of the Warrants of 1830, granting additional pay for length of service to certain ranks of Officers in the Army:" "Of the expense of the Offices of the General commanding in Chief, the Adjutant General, including the Recruiting Department, and the Quartermaster General; showing the particulars of the same for the year 1831:" "In detail of all increase in the rates of Full Pay, Half Pay, Retired Full Pay, Unattached Pay, and Retired Allowances; and of all increase in the rates of Pension to Officers and their Widows, and of all increase in Staff and other Allowances to the Line, since 1st January 1806:" "Of the Officers on the establishment of Chelsea Hospital; showing the several Emoluments derived annually by those Officers from salaries, residences, allowances, gardens, or from other sources:" "Similar Accounts for Kilmainham Hospital."—(*Sir Henry Parnell*), '25. Army Pay Office,—Account *ordered*, "showing the Receipts and Expenditure in the Office of the Paymaster General in the year 1831; with an Abstract, distinguishing the amount received and paid in 1831, on account of the Parliamentary Grants for Army Services for that year, and showing the balance remaining at the end of the year on such Grants; likewise the amount paid and received in 1831 on account of previous years."—(*Lord John Russell*), and '26. Distribution of Rewards,—Detailed Account *ordered*, "of the manner in which the sum of £32,000 charged in the vote for Civil Contingencies for payment of Rewards offered by His Majesty's Proclamation for the discovery of Offenders in the disturbed districts, in November 1830, was expended; stating to whom paid and for what services."—(*Marquis of Chandos*), *Votes and Proceedings of the House of Commons*, no. 40 (29 February 1832), 300–1.

3887. ¹ MS in the quondam possession of Professor G.N. Ray, New York. Autograph.

Junius Redivivus was the pseudonym of William Bridges Adams (1797–1872), pamphleteer and railway engineer. According to Bowring, xi. 75, 'The writer who adopted the name of Junius Redivivus having written to Bentham, giving to him the credit of having first taught that author "to think beneath the surface of human transactions", Bentham requested him to throw off the mask, and to visit him. The anonymous writer thought, however, that he should best forward his objects by keeping himself sheltered from personal observation.'

George Bentham records on 14 March 1832 (George Bentham Diaries, GEB/2/2, p. 69) that he went 'to [Queen Square Place] to dinner JB quite recovering his strength & appetite & in very good spirits about an article in the Tatler about him & Brougham very well done signed Junius Redivivus & not known by whom'. George Bentham had earlier recorded on 3 March 1832 (*ibid.*, p. 67) that, 'JB had been very unwell he was part of yesterday in a state of half stupor but having taken by D^r Arnott's order a good dose of opening medicine was much better today & though without appetite & weak was

12 MARCH 1832

TO JUNIUS REDIVIVUS

to say of me.² I have been making fruitless enquiries in relation to you: the present will I hope be more successful. I can not but flatter myself that you will not deprive me of the pleasure of making acquaintance with a Gentleman, to whom I am so materially obliged, and in whose power it may be, to give support, in more ways than I can imagine, to my pursuits—to any such of them as he does not disapprove of.

My dinner, such as it is, is served up, every day at 7½ P.M. If you will, at that convivial time favour the Hermit any day you will name at his Hermitage, the Garden to which occupies the space you will see contiguous to the Birdcage Walk, St James's Park, the gate which, close by the Barracks, opens into the Walk shall be left open to you;³ you will by that means be saved the trouble of making your way to the House through a dirty ill-paved Lane, which leads to it from the Broadway in which Tothill Street terminates, and you will add to the kindness with which you have already favoured

Your admiring, and so much obliged

Jeremy Bentham

To Junius Redivivus.

cheerful & well in appearance read to him after dinner', on 4 March 1832 (*ibid.*) that, 'JB not quite so well again', and on 5–6 March 1832 (*ibid.*, p. 68) that, 'calling at [Queen Square Place] found that J.B. was seized last night with a return of fever and torpor of the stomach and had been in delirium ever since which continued till this afternoon when after having had a warm bath & a large blister on the nape of the neck by D^r Arnott's order he gradually became more tranquil & at length sank into a quiet sleep which lasted till 5 in the morning of [6 March 1832] when we gave him another dose of opening medicine & when I returned home at ½ past 6 (after having sat with him) he appeared much better & to have got over all danger ... then to [Queen Square Place] where found J.B. quite revived and cheerful though very weak he took another bath at 6 & was able to sit up & even to eat a little at dinner—dined with him & left him to return home at ½ past 11'. George Bentham then called on his Uncle every day until 14 March 1832 (*ibid.*, pp. 68–9), recording a gradual improvement in his health.

² In a letter to the Editor of *The Tatler*, headed 'Lord Brougham and Mr Bentham' and dated 7 March 1832, which appeared in nos. 474 (9 March 1832), 233–4, and 475 (10 March 1832), 237–8, Junius Redivivus praised Bentham as 'the profoundest philosopher of the age' and in particular 'Boa Constrictor, alias Helluo Curiarum', his critique of Brougham's speech to the Chancery Bar of 1 September 1831.

³ This part of the sentence appears to be garbled.

3888

TO JOSEPH HUME

15 March 1832 (Aet 84)¹To M^r Hume M.P.

1832 March 15

A Honble House Paper, that cries aloud 'Come print me', is the following.

Numb. 50 Votes &c. 13^o Die Martis.

65. Bankruptcy (Dublin) Returns presented. Fees received &c.²

Highly material for the Question Shall Fees be, in any instance, the shape in which Emolument shall be attached to Office.

3889

TO GEORGE BENTHAM

22 March 1832 (Aet 84)¹

Q.S.P. 22 March 1832

My dear George

By the inclosed² you see that the cargo of wine written for by you is at length arrived. To your kindness I trust, for the telling me what to do on the occasion, or doing it yourself, whichever course may be most eligible: for my part I know nothing about the matter.

The Bill for the money has, I believe, been presented to me: for payment or acceptance, I know not which (for all this both as to law and fact has escaped my memory) but I suppose that, considering it might happen that the wine might never arrive, payment was declined.

Be a light to my blind eyes, and believe me to be

Your affectionate Uncle

J.B.

3888. ¹ Hume Correspondence, BL Add. MS 89,039/1/1. Autograph.

² '65. Bankruptcy (Dublin).—Return *presented*.—Fees received by the Commissioners of Bankrupt in Dublin, for the years 1829, 1830, and 1831 {ordered 1st February}; to lie on the Table', *Votes and Proceedings of the House of Commons*, no. 50 (13 March 1832), 372.

3889. ¹ Royal Botanic Gardens, Kew, Library and Archives, GEB/1/13, fo. 58. Autograph.

George Bentham records on 21 March 1832 (George Bentham Diaries, GEB/2/2, p. 70) that, 'J.B. very well except a sort of fit he had at dinner affecting his speech occasioned by his not having taken his medicine as usual but on taking it that went off & his appetite & strength appear to be compleatly restored'. ² Missing.

24 MARCH 1832

TO JOHN MILLER

3890

TO JOHN MILLER

24 March 1832 (Aet 84)¹

Herewith you will find inclosed the letters of your brother the General.² My gratitude is due for the delight which the receipt of them gave me, but on perusal a little cloud was cast over it by the disappointment produced by the observation that the narration takes him up in that new discovered part of the globe,³ leaving a vast length of time between this information and the last former one; nor, on my part, can so much as conjecture reach the cause of what, to me, presents itself as so extraordinary, as well as unexpected, an excursion. If some reports with which the newspapers have afflicted me are correct, it is in the character of a fugitive that my heroic and amiable friend found his way to the island from whence these letters are dated.⁴ Guatemala, otherwise called Central America, having for some years been in the habit of taking advice from me—some time within this twelvemonth it is, if my old crazy memory does not deceive me—that, to a new-formed political state few services could be so valuable as the acquisition of such a visitor, I wrote and sent two letters at the same time—one to my friend *Del Valle* there, whom I expected the letter would find in the situation of President, recommending in the strongest terms that an invitation should be sent to General Miller to pay a visit to that country to help the people to put their affairs in order; the other, pressing him to accept any such invitation should it arrive.⁵ Within these few days I have received a packet from Del Valle with a letter in it,⁶ but of General Miller not a word more than I have seen in these letters of his, with the perusal of which you have been favouring me. I am quite at a loss to account for the double silence by which I am thus afflicted.

Knowing, as you do, my admiration of this brother of yours, and my affectionate regard for him, you will not, I hope, refuse me the favour

3890. ¹ 'Collection of Autograph Letters and Historical Documents formed by Alfred Morrison', 2nd ser., i. 225–6, where it is described as 'A.L.S. to Mr. John Miller. Dated Queen's Square Place, Westminster, March 24th, 1832. 3 pages 8vo.'

² William Miller.

³ i.e. the Sandwich (now known as the Hawaiian) Islands. Miller had returned to Peru in June 1830, but following the overthrow of Antonio Gutiérrez de la Fuente (1796–1878), President of Peru 1829, Vice President of Peru 1829–31, he had obtained leave of absence and in May 1831 had travelled to the Sandwich Islands, which he left in November 1831 and arrived at Valparaíso, Chile in January 1832.

⁴ For reports that Miller had left Peru see, for instance, the *Morning Post*, 21 November 1831, p. 3, and *The Times*, 25 November 1831, p. 2.

⁵ Bentham's letters to Valle and Miller are missing.

⁶ Possibly Letter 3868.

FROM JOSEPH HUME

7 APRIL 1832

of some information by which the solution of continuity, as surgeons say, by which this account of him is separated from the last former one that has reached me, may in some degree be filled up, and the more amply it is so the more you will oblige me, who am, &c.

3891

FROM JOSEPH HUME

7 April 1832¹

Bry Sq^{re} 7 April

My Dear Sir

M^r Wallace from Renfrew shire, who has written on law Reform² and who has come up to present a Mem^l from the County to the Lord Chancellor on the Subject,³ is desirous of paying his respects to You,

3891. ¹ Duke University, Rubinstein Library, Great Britain Papers (Literary), 1809–1936. Autograph. Addressed: 'Jeremy Bentham Esq. Q.S.P.' Endorsed: 'Joseph Hume.' Docketed: '1832 April 9. Sunday. Hume M.P. Bryanston Square to J.B. Q.S.P. Delivered by a Servant. Answered through this Messenger. Appointment for tomorrow between 1 and 2 at antejantacular circumgiration time. Confessing want of intellectuality[?] by reason of fever, thus[?] not coming, sent by answer the 2^d invitation—by the hand of Ann with a [...] of [...]?' Bentham's answer, the letter explaining that Wallace would not be coming, and the second invitation are missing.

Ann Lay had been Bentham's servant since at least early 1816: see Letter 2337, *Correspondence*, viii. She was presumably the 'Ann' referred to by George Wheatley in 'A Visit . . . to Jeremy Bentham', pp. 6–7, where he notes that Bentham's household was 'attended by three female servants, though I only see one—Ann who waits at dinner and generally upon us. The cook had been with that great banker, Rowland Stephenson [i.e. Rowland Stephenson (1782–1856), art collector and bankrupt, MP for Leominster 1827–30]; if she did him no more justice than she does our table, he was more easily pleased than I am, which is much to be doubted . . . J.B. said he had long ago discarded men servants; he found he was growing too old to manage them; and besides they were perpetually found out in committing petty depredations,—a species of robbery I never could submit to, said J.B., therefore I have ever since employed none but females, whom one can keep under control. That might be as it happened I thought; for though Ann was a good servant, notwithstanding her seeming submission to the whims, and oddities, and ratings, of her somewhat provoking master, to me it was evident J.B. rejoiced in little more than nominal authority in minor household affairs, like the rest of us.' A second servant was Mary Watson, who had been Bentham's housekeeper from at least March 1828 (see Letter 3262, *Correspondence*, xii), and may have replaced Bentham's former housekeeper, Elizabeth Stoker, when she left his service in mid-1822 (see Letters 2893 and 2894, *Correspondence*, xi).

² Robert Wallace (1773–1855), MP for Greenock 1832–45, was author of *Letter to Sir Edward Burtenshaw Sugden, Solicitor-General of England, on causes of appeal to House of Lords, Acts of Sederunt, system of written and printed pleadings and fees in Court of Session, and restoring the benefits of jury trial in civil causes to the provincial courts of Scotland*, Edinburgh, 1830. A printed report of a meeting of the Freeholders of Renfrewshire of 11 October 1831, which included resolutions on law reform moved by Wallace, and addressed 'Jeremy Bentham Esq^{re} London', postmarked 'PAISLEY / 14 OC / 1831' and '+ / 17 OC 17 / 1831', and on which Bentham has noted '17 Oct 1831. Mem^m. To send to M^r Wallace Observations on Bankruptcy Court Bill', is at UC iv. 402.

10 APRIL 1832

TO JOHN BOWRING

and as he is a *real reformer* in *Church, Law & Government*, I shall be pleased to introduce him to you for only 5 Minutes any time tomorrow or any other day You can appoint, and oblige

Yours Sincerely

Joseph Hume.

Jer. Bentham

3892

TO JOHN BOWRING

10 April 1832 (Aet 84)¹

J. BE. TO J. BO.

*Q.S.P., 10th April, 1832.
6 o'Clock.*

Sent off this moment to the Foreign-office, by the hands of Mathew,² a letter of this same date. Should the matter, of which this packet is the receptacle, ever reach your hands, it will not do so till after my recovery,³ in which case the disorder so manifest in it will not occasion any affliction to you; or after my death, in which case it will not add to that affliction, though, as you see already, I cannot write a line in addition to those written already without addition to the confusion, the existence of which is so fully proved by the lines which it has for its predecessors. But abundant is your charity.

³ Wallace perhaps also had some involvement in the presentation of petitions to the House of Lords on 10 April 1832 in favour of the Reform Bill from 'the Inhabitants of the Parish of *Neilston*, County of *Renfrew*' and from 'the Inhabitants of *Lochwinnoch*, in the County of *Renfrew*': see *Lords Journals* (1832), lxiv. 160.

3892. ¹ Bowring, xi. 75–6, where it is introduced as follows: 'For some months before his death, Bentham had been anticipating the event. The loss of many of his faculties, particularly of his memory, was very obvious to him, and he frequently expressed his conviction, that mind and body were giving way together. I was absent from England a month or two before he died. So anxious was he to save me from the distress which knowledge of his situation would have caused, that he directed certain letters of his to be sent to me, only in case of his recovery or death, lest their contents, by evidencing the state of his health, might be the cause of suffering to me. One such is as follows:—'

² Possibly George Felton Mathew (1795–1854), best known for his close friendship with the poet John Keats (1795–1821), and employed as a clerk by the Poor Law Commission from 1834 until around 1844. For Mathew's role in the proving of Bentham's will see pp. 650–1 below.

³ George Bentham records on 11 April 1832 (George Bentham Diaries, GEB/2/2, p. 73) that, 'JB has a bad cold but otherwise well & cheerfull', on 18 April 1832 (*ibid.*, p. 74) that, 'JB much worse again but apparently affected by the medicine given to him to allay the cough', and on 19 April 1832 (*ibid.*) that, 'JB better again'.

FROM JOSEPH HUME

18 APRIL 1832

Multitudinous, indeed, must be your sins,⁴ if so many proofs I have received of it have not covered them.

What I perceive but too plainly is, that you are in no want of adversaries, not to say enemies, who will, of course, be on the alert to take hold of everything that can afford them a prospect of their being able to turn to your disadvantage, to which purpose will be endeavoured to be employed every communication by word of mouth. This considered, let the motto of the worshipful company of Scriveners in the city of London—the company of which my father was clerk—be on each occasion present to your mind:⁵ you will find in it, if duly observed, a rather better remedy against sufferance from calumny, than a caterpillar enclosed in a bag tied round the neck against sufferance from an ague.

3893

FROM JOSEPH HUME

18 April 1832¹

H of C^s. 18 April 1832

My Dear Sir

I am tied to the leg in a Committee on *Silk*;² and therefore must allow M^r Wallace to pay his respects to you alone. As I Consider him one of the steadiest law Reformers and an excellent Radical as any in Scotland, I am satisfied you will excuse my accompanying him.

Believe Yours Sincerely

Joseph Hume.

Jeremy Bentham Esq^{uire}

⁴ An echo of I Peter 4: 8.

⁵ The motto of the Worshipful Company of Scriveners, of which Jeremiah Bentham served as Clerk 1741–72, was *scribite scientes*, i.e. write, learned ones.

3893. ¹ UC clxxiii. 32b. Autograph. Docketed: '1832 Apr. 18. Hume Honble House to J.B. Q.S.P. Desires J.B. to admitt Wallace from Scotland. Wallace, a Law-Reformer and Radical Parl^y d^b.'

² On 1 March 1832 Hume had been appointed to the Committee on the Silk Trade, which had been established to 'examine into the present State of the Silk Trade, and to inquire what effects have been produced by the changes in the Laws relating to it, since the Year 1824': see *Commons Sessional Papers* (1831–2), xix. 678–945 at 679.

17 MAY 1832

FROM MARIA GISBORNE

3894

FROM MARIA GISBORNE

17 May 1832¹

Plymouth
17th May 1832

Dear Sir!

The result of the interview which you did me the favour to grant me on the Morning of Friday 14th April ² has been, that I have resolved

3894. ¹ New York Public Library, Pforz MS, S'ANA 545a, pp 1–17. Headed: 'Copy of a letter from Maria to Jeremy Bentham Esq^{re} dated Plymouth 17th May 1832.' In the hand of John Gisborne (1773–1835/6), businessman, and part of a letterbook containing correspondence relating to Maria Gisborne, née James (1770–1836), friend of William Godwin (1785–1836), philosopher and novelist, and Mary Wollestonecraft Shelley, née Godwin (1797–1851), writer, and Percy Bysshe Shelley (1792–1822), poet. Maria had met Bentham in Constantinople in 1785, where her father, a merchant, was residing, during Bentham's journey to see his brother Samuel near Krichév, Russia. In 1788 she had married Willey Reveley (1760–99), architect, who had prepared a series of plans and drawings for Bentham's panopticon penitentiary (see, for example, UC cxix. 119–21), and in May 1800 had married John Gisborne.

² Maria Gisborne gives an account of her interview with Bentham in a letter to Mary Shelley of 1 August 1832 in the letterbook copied by John Gisborne at New York Public Library, Pforz MS, S'ANA 545c, pp. 21–5: 'You know when I was last in London, I had an interview with the famed "Jeremy Bentham", with whom I renewed my acquaintance after a lapse of no less than forty two years. It might appear, under this and other circumstances, that little good could possibly be derived to either party from this solitary interview. It might seem that I could only have sought him for the purpose of heightening the bitter regrets that I was about to feel at his imminent death—and yet had he ceased to exist before I had seen him once more, I should most certainly for ever have reproached myself with having so strangely neglected, and for ever lost sight of one of the human beings whom I most revere and admire. It would never hereafter have been in my power to shake off a certain degree of remorse of conscience. How blindly do we poor mortals proceed—urged by destiny—or a necessity about which we know—and can know—nothing!

'My interview with him was to me highly gratifying and consoling. I entered his study unaccompanied, and found him alone. He was seated before a long, narrow table, and begged me to take a seat on the other side, opposite to him. He was preparing his Coffee with a spirit lamp, which he took frequently for the sake, and indeed from the necessity of stimulus. He complained that, since his recent illness, his sense of taste had remained totally paralysed. I regarded him with intense interest—and, in spite of the ravages of indisposition, and the emaciation of age, I still distinguished the countenance—the features—the expression of the Bentham, whom I had known and admired in my early youth—indeed, he had gained in expression, I mean more particularly in that of benignity—so that I saw realized before me all that I could imagine of the perfection of angelic nature. His countenance was manifestly the reflection of a mind of superior order. Can I ever forget the heavenly smile, with which, on recognizing me, he offered me his cheek to Kiss? At my departure, again presenting his cheek, he repeated his request of 'one Kiss'!

'Poor old man! You see he maintained a kind and vivid recollection of me, through a period of nearly half a century! What a pity that I should have deferred my visit so long! He was attended by female servants only—he had been robbed, he told me, by his male servants. I thought that his beautiful, long, silvery locks should have protected him even

again to intrude upon you with the following lines. The kind interest which you entrusted concerning me on that occasion, and the various enquiries you made respecting my course of life, during the long interval which had elapsed since our previous meeting—a span of no

against such low-minded rascality—not to speak of the moral beauty of a mind continually intent upon the means of paralysing evil, and diminishing the mass of human suffering.

‘Much was said in the short space of time—it did not exceed the third part of an hour—which marked the extent of my visit. He remembered well all the circumstances which I mentioned to him, both as regarded our first acquaintance, and the renewal of it at the period when he brought forward his ‘Panopticon’, the business of which, and its till then incomplete details, were chiefly carried on and matured at my house. On that occasion, I had the charge and management of all his papers—left to himself—in this respect—all was confusion and disorder.

‘He asked me numerous questions, and expressed a desire to have a condensed history of all that had befallen me since our last meeting. I did the best I could to satisfy him: but when I was taking my leave, he begged me to put down in writing a few of the leading circumstances. I strove to comply with his request but, as you may suppose, succeeded very badly. I can do nothing with a pen put into my hands for four or five minutes.

‘In my way home, pondering on my very kind reception,—his extraordinary gentleness and affability, and that peculiar and fascinating suavity of his manners, I resolved, on my return to Plymouth, for once in my life, at least, to make a mighty effort and, if possible, to address a letter to him, which should contain the brief account, which he desired, of my proceedings since the year 1790. Would you believe it?—Three sheets of Quarto paper, of the largest size, were nearly filled.

‘It was a rude composition but, with such a motive, my vanity might well yield to my better feelings. I never laboured so intensely in my life. The transcribing—*mettere in pulito* [i.e. ‘to make clean’]—this undigested mass, was a long affair, especially as, just at that time, my time was almost wholly taken up by my necessary attentions to Sig^{ra} Giovanni [i.e. John Gisborne], who was attacked by illness, immediately on our return home and, scarcely was he recovered, when I suffered another similar interruption from the indisposition of Elizabeth [the Gisbornes’ servant].

‘I calculate that my voluminous letter could not have reached its destination till about the 20th May and, as you know, he expired on the 6th June.

‘I am, and perhaps ever shall be ignorant of the fate of my letter.

‘And now, dearest Mary, comes my most earnest, though tardy request. I am desirous, in the first place, to ascertain, if my letter ever came to his hands—in the next place—whether it was read to him while he was still in a state of mind to attend to it—and lastly—if it *was* read to him, whether he made any remark or observation on the subject of its Contents.

‘If you could obtain this information for me, it would probably be by means of an interview with a young man, who was his secretary or amanuensis at the period of my visit: but I am unacquainted with his name [probably Arthur Moore]. It was this gentleman who, by Bentham’s desire, conducted me round the garden, and was to have taken me to see his portrait, in the house of Doctor Bowring, painted, I think, by Lonsdale. I could not see the Portrait, as Doctor Bowring happened unfortunately to be out of town, which I much regretted, and the more so, as Bentham seemed very desirous that I should be introduced to his friend, whose Sister I made acquaintance with, when I was at Dunkirk, in the year 1826.’

There is no known portrait of Bentham by James Lonsdale (1777–1839), but Gisborne may have been referring to a missing portrait or drawing executed in 1821 by either Thomas Landseer (1793/4–1880), printmaker, Charles Landseer (1799/1800), painter, or Edwin, later Sir Edwin, Landseer (1802–73), painter and sculptor, the sons of John George Landseer (1762/3–1852), engraver and antiquary. The arrangements for Bentham’s sitting for the picture are recorded in the Journal of John Flowerdew Colls, BL Add. MS 33,563, fos. 81, 83, 85, and 108. Bowring’s sister would have been either Anne (d. 1856) or Lucy Jane (d. 1856).

17 MAY 1832

FROM MARIA GISBORNE

less than forty one years—seemed to render it incumbent upon me to offer you this—somewhat amplified perhaps—recapitulation of the particulars which were the objects of your enquiries.

Since the year 1790, when you were engaged in bringing forward your Panopticon, I have passed altogether twenty four years in Italy. During a partial interval however—from the year 1821 to the year 1827—I was chiefly resident in London, when I certainly ought to have presented myself to you—but it was my weakness to defer from time to time fulfilling this act of duty. I believe that I was chiefly deterred by the fear of intruding upon your valuable time—of breaking in upon your studies which, I know, were directed to the highest purposes—the extirpation of inveterate error—the promulgation of truth—the promotion of justice. I have latterly given up all idea of residing in London: but at the period of my visit to you, some casual and very unforeseen circumstances having again drawn me, for a few days, to our metropolis, I did at length call up sufficient courage to enquire my way to your habitation. I quieted my apprehensions of a disappointment—in not seeing you—by the persuasion that I can now bear mortifications far better than I could in my younger years.

A combination of circumstances which I had not the courage—perhaps not the power—to controul, led me, long since, to give up my painting—an art, to the practise of which I was enthusiastically devoted, and in which I was told that I had made more than usual progress. Barry, who was Professor of Painting at the Royal Academy,³ at the time when Sir Joshua Reynolds was President,⁴ on being shewn some specimens of my labours, was so well satisfied with the progress I had then made, that, with all his characteristic vehemence, he never ceased to urge me to pursue the career which, he said, I had so successfully commenced.—My own desires—my own strong feelings—should have given irresistible weight to the admonitions of that eminent man—but I was ever timid—ever doubting—ever governed—strangely governed—by the lesser motive. Had I been differently constituted, I might have been—something—as it is, I am, and shall ever remain—nothing. Music however I have never ceased to cultivate—and, now that my eyes begin to grow dim, I find, in the practise of it, an invaluable resource against the ‘tedium vitæ’

³ James Barry (1741–1806), history painter, printmaker, and author, had been elected Professor of Painting at the Royal Academy on 4 March 1782, but had been expelled on 15 April 1799 for critical remarks made about the Academy in his lectures and in *A Letter to the Dilettanti Society, respecting The Obtention of certain Matters essentially necessary for the Improvement of Public Taste, and for accomplishing the original Views of the Royal Academy of Great Britain*, London, 1798.

⁴ Sir Joshua Reynolds (1723–92), portrait and history painter and art theorist, founder and first President of the Royal Academy 1768–92.

which, with the inception of the transcendental fear, is apt, I believe, to attack most people, after the brilliant period of youth is past. I have still fresh in my recollection, though I have not seen them for forty years, those Sonatas of Eichnar, with a Violin accompaniment,⁵ which you were pleased to play with me, in the year 1785. Taste in music has undergone so great a change since that time, that even the third Sonata, in three flats,⁶ which was then so great a favourite with you, would now be held in very trifling estimation. I have ever, Dear Sir, cherished in my memory the words you uttered in my praise the first time that we played together—‘that I was the first lady you had met with who could strictly keep her time’. On another occasion, I cannot forget it, for commendation from such a man made a deep and lasting impression on my female vanity—you said to me, ‘tant soit peu’ contemptuously, that ‘you took for granted I never read any thing but Poetry’—in these days you would have said—Novels. I assured you that I never looked into a book of Poems—but, on the contrary, that my great delight was in reading Prose works. You testified a very lively satisfaction at my unexpected declaration, and left me, greatly elated by the remarks which were added. It may appear strange that, at fifteen years of age, without either knowledge or experience to guide the criterion, I should have had a strong perception of your high endowments. Nor was my opinion of you in any degree influenced by the absurd attacks made upon your character by the Empress Catharine’s two dairy maids and their ‘soi-disant’ uncle.⁷ Among other accusations against you, they asserted that you were a ‘Woman-hater’—a charge, of which could the plausibility have been even partially admitted, would certainly have excited no small repugnance against you in the mind of a young female, then in the bloom

⁵ Ernst Dietrich Adolph Eichner (1740–77), composer. The pieces in question appear to have been taken from Ernesto Eichner, *Six Trios for the Harpsicord or Piano Forte with an accompaniment for a Violin and a Violoncello ad libitum*, London, [n.d.]

⁶ See *ibid.*, pp. 10–15.

⁷ Gisborne refers to Bentham’s travelling companions on his journey in 1785 from Paris to Krichëv, namely Logan Henderson, Scottish explorer and botanist, formerly an engineer for Boulton and Watt, who was accompanied by two young sisters named Kirtland, who Bentham was given to understand were Henderson’s nieces, though he later discovered that the elder woman was Henderson’s mistress and the younger a servant.

Gisborne, at the request of Bowring, wrote an account of her recollections of Bentham, both when in Constantinople in 1785 and later when helping Bentham and her husband Reveley in relation to the panopticon penitentiary drawings in London in 1790. See ‘Recollections of Jeremy Bentham, put together by Maria, at the request of Doctor Bowring, and presented to him in person on Tuesday 11th Sept. 1832’, New York Public Library, Pforz MS, S’ANA 545a, pp. 33–41: copy in the hand of John Gisborne. An autograph draft is in the Bodleian Library, Mary Shelley Papers, Ms Abinger, c.44, fos. 49–50. A version of Gisborne’s account of Bentham’s stay in Constantinople and of his dealings with Reveley are printed in Bowring, x. 154–6 and 250–2 respectively.

17 MAY 1832

FROM MARIA GISBORNE

of Youth. I do not pretend to account for the sentiment, for it could be nought else, but I certainly felt that I was holding intercourse with a superior—an extraordinary—being—hence I was so highly gratified by any little mark of approbation which you condescended to bestow upon me.

And now I must trouble you with a few details respecting myself and my family, emboldened by your very particular enquiries on these points, to which, at the moment, my replies were not so precise and circumstantial as I wished them to be.

M^r Gisborne, to whom I was married in the year 1800, devoted the first ten years subsequent to our union, to the education of my Son and only child Henry Willey Reveley.⁸—We were however well aware that by pursuing another course we might have employed our powers to the more direct advantage of increasing our slender income: but this consideration did not influence us. We were, at that time, fully persuaded that the plan which we adopted would be the most effectual in securing the present happiness and well-being of my Son, and in leading to his future—we hoped—brilliant success in life. As he shewed far more decided talent than either of us, we conceived that we were justified in the sacrifice which we made to him.

My Son's propensities were evidently in the direction of Science; and he chose the Profession of 'Civil Engineer'. Notwithstanding our very narrow means, so cheap is instruction in Italy that, during the eight years we remained in that Country as Prisoners of war, my Son enjoyed the benefit of studying under some of the most able and eminent Professors of Mathematics and Natural Philosophy both at Rome and Pisa. He had also almost gratuitous instructions both in the learned languages and in general literature—but these branches of Knowledge not being suited to his capacity, he made in them but a very limited progress. In the sublime Mathematics—Natural Philosophy—and Mechanics especially—he was always at the head of his class—and so bright were his inventive powers, so ready his intelligence in all these matters, that he acquired, to an extraordinary degree, the good opinion of the various Professors. It was then, with more or less success, that he went through the three years course of the University of Pisa under Professors Paoli—Gerbi—Piazzini—Ciampi⁹—and other very eminent men. But he was still under our

⁸ Henry Willey Reveley (c. 1789–1875), civil engineer, who in 1821 had saved Percy Shelley from drowning in the River Arno.

⁹ Pietro Paoli (1759–1839), Professor of Mathematics at the University of Pisa 1784–1814; Ranieri Gerbi (1763–1839), Professor of Physics at the University of Pisa 1797–1839; Giuseppe Piazzini (1779–1833), Professor of Astronomy at the University of Pisa; and Sebastiano Ciampi (1769–1847), Professor of Ancient Literature at the University of Pisa 1801–17.

more immediate control, and M^r Gisborne was ever most assiduously performing the part of his private tutor. I should have said that while we were in Italy my son acquired a perfect knowledge of the French language—that the Italian had of course become as familiar to him as his native tongue, and that he was sufficiently initiated in the usual accomplishments of dancing—fencing &c. &c.

At an early period of our detention in Italy as Prisoners of war, we made application to the Emperor Napoleon, by means of a memorial presented to him, to be allowed to transfer ourselves to Paris—urging, as what we deemed a strong plea, my Son's desire to complete his education in the 'Polytechnic School'¹⁰—but this favour was peremptorily refused by the Emperor himself. During the latter years of our residence in that Country my Son made several vain attempts to obtain employment in his profession—he projected some very considerable improvements in the Grand Duke's¹¹ Iron works—he presented a plan for grinding Corn at Leghorn¹² by means of a Steam Engine, which he offered to construct on the spot. The Corn which supplies that Commercial City is, I believe, up to the present day, sent to be ground, chiefly at Pisa—a distance of fourteen miles. These plans however, and several others equally plausible, were little attended to; and we were convinced at length, that it was a hopeless attempt, on the part of an unprotected foreigner, to win patronage from the Tuscan Government. I must here stop to observe, that our failure, at that period of our life, and our subsequent disappointments, are perhaps to be attributed, in some degree, to our own personal character. With great energies, and the best intentions, we are all probably deficient in that peculiar talent—that tact—which secures to so many persons almost certain success in their worldly projects.

At length, in the year 1821, we were induced, both by our own inclination, and the advice of our friends, to return to our native Country. You will allow that our auspices were not the most favourable—for my Son had to present himself as a person unknown in the Profession, and among a host of competitors, almost all of whom, both in interest and responsibility, were his superiors. He entered however courageously upon his career, and, in the first instance, under favour of his uncle,¹³ having become a perpetual Member of the Society for the encouragement of Arts &c., he read several papers at their

¹⁰ The *École Polytechnique* had been established in Paris in 1794 by Gaspard Monge, Comte de Péluse (1746–1818), mathematician and politician, and Lazare Nicolas Marguerite, Comte de Carnot (1753–1823), mathematician and politician.

¹¹ Ferdinand III (1769–1824), Grand Duke of Tuscany 1790–1801, 1814–24, Prince-Elector and Grand Duke of Salzburg 1803–5, Grand Duke of Würzburg 1805–14.

¹² i.e. Livorno.

¹³ Not identified.

meetings, which were well received, and afterwards printed in the annual Journals of their Transactions—among them was an improved method of Paving, as adapted to the Streets of London, of which my Son's model was placed in the Society's Museum;¹⁴ and another, for an improved method of Cutting Millstones, which was published in the Transactions for that year, with prints for his drawings, and full explanatory details.¹⁵ While we were still in Italy, my Son had hit upon several new inventions, which appeared, both to us, and to our friends, to be of importance. These he reserved, under the persuasion that he should bring them forward more advantageously on our return to England, which we were at that time meditating. He had however the mortification to find, when that period arrived, that his ideas, in several instances, had been anticipated; although their application was, in some cases, far less intensive than he would have proposed. This occurred, rather strikingly, in a new Windmill for grinding Corn in elevated and tempestuous situations.

At this time, we occupied the upper part of a genteel house in King Street West, Bryanstone Square, but as the expences of such an establishment were beyond our resources, both M^r Gisborne and myself resolved to supply the deficiency by giving instructions—he in languages and mathematics—and I in the French, Italian and Spanish languages—Music and Singing. With these united exertions, we procured what was needful to meet our increased expences: but still these additional occupations in no wise prevented M^r Gisborne from continuing his assistance to my Son in all affairs of business and literary arrangement, in which the former is very competent.

I was omitting to mention that, for his plan for an improved method of cutting Millstones, my Son received the Society's large Silver Medal¹⁶—but I am sorry to add that, although the advantage of such a method was very manifest, it has not been practically adopted. Our nation is proverbially slow in renouncing their old habits—we tremble at innovation and are perhaps too proud readily to allow of improvement.

¹⁴ Reveley's 'A Model of Street Pavement used in the principal Cities in Tuscany' was among the presents received by the Society between December 1822 and December 1823: see *Transactions of the Society, Instituted at London, for the encouragement of Arts, Manufactures, and Commerce; with the premiums offered in the year 1822*, vol. xli, London, 1823, p. 302.

¹⁵ See 'Tuscan Mill-Stones', *Transactions of the Society, Instituted at London, for the encouragement of Arts, Manufactures, and Commerce*, vol. xl, London, 1822, pp. 47–53.

¹⁶ Reveley's article on 'Tuscan Mill-Stones' was introduced as follows: 'The Large Silver Medal was this Session given to Henry Willey Reveley, Esq. for his Communication, respecting the nature and preparation of the Stones used in Tuscany, for Grinding fine Flour. Specimens of the Stones have been placed in the Repository of the Society.'

But the best and most important effort which my Son made in this Country was, when he entered the lists with the Candidates for the rebuilding of London Bridge.¹⁷ The designs and plans which he brought forward on that occasion were very much applauded, and it was a pretty general Opinion of the Members of the House of Commons, before whom the business was discussed, that they were superior to the others. Even friends and patrons of Rennie allowed that they were the second in the order of merit. It was not till after the affair was settled that it was ascertained that the proceedings of the Committee were a mere cloak to disguise a most barefaced job, and that two years before this pretended competition took place, it had been predetermined that the present Rennie should build the bridge from a design of his late father.—Thus a number of talented young men, both architects and Engineers, were called upon, on a false pretence, to devote their time and labour in a manner which could not be either profitable or useful to them. They received not the slightest compensation although, added to their loss of time, they were required, during several weeks, to be attending on the Committee, before whom each individual underwent a long and, to themselves at least, an useless examination.¹⁸ Such was their justice!—What a word!—How strange the Sound, as applied to the Committee of the Honourable House!

In the course of my Son's attendance on the Committee, a circumstance happened which appeared to me so remarkable that I cannot forbear relating it. The description and explanation which accompanied the drawings, in which were included many details and ideas of his own, relative to construction, centering &c.—which had been frequently referred to and quoted during his examination, and which had constantly remained in the Custody of the Clerk of the Committee, suddenly disappeared, and, notwithstanding every exertion on the part of my Son to recover it, and his repeated appeals to the members of

¹⁷ A competition had been opened in 1799 to design a replacement for the Old London Bridge, which had stood since around 1209. The winning design had been submitted by John Rennie (1761–1821), civil engineer, though the construction work, which had begun in 1824 and had been completed in 1831, had been supervised by Rennie's son John Rennie (1794–1874), civil engineer. Old London Bridge was demolished in 1832.

¹⁸ A Committee of the House of Commons had been established in 1821 and produced 'Report from the Committee on the state of London Bridge', 25 May 1821, *Commons Sessional Papers* (1821), v. 281–413, but no mention is made of either Reveley or his design. Nor was Reveley mentioned in 'Minutes taken before the Select Committee, appointed in session 1820, to inquire into the state of London Bridge; And to consider if any, and what, alterations or improvements are necessary or proper to be made therein, under existing circumstances', 6 June 1821, *Commons Sessional Papers* (1821), v. 415–47.

Reveley was one of several individuals who had presented petitions to the House of Commons on 20 June 1823 and House of Lords on 2 July 1823 against the Bill for rebuilding London Bridge: see *Commons Journals* (1823), lxxviii. 411, and *Lords Journals* (1823), lv. 830–1.

17 MAY 1832

FROM MARIA GISBORNE

the Committee, both collectively and individually, was never restored to him. Having mentioned the name of the deceased Rennie, I could communicate to you some very curious particulars relative to the design for Waterloo Bridge, of which assuredly Rennie was not the author:¹⁹ but I have not the courage so far to trespass upon your valuable time.

In the year 1824, my Son was married to Miss Amelia Fielding,²⁰ sister to Copley Fielding, President of the Society of Painters in Water Colours.²¹ The Young lady was handsome, and has shewn considerable abilities in painting—sufficient, I think, to have enabled her to make a first rate figure among our female artists. One picture in particular, I remember,—a Copy from a portrait by Haydon, the historical Painter²²—in which she attempted to soften down some of the asperities from which, at that time, few of the works of that eminent artist were altogether free. By chance, just at that time, Haydon happened to call upon us and, on the Copy being shewn to him, he exclaimed—‘This is well!—she has succeeded in that which I vainly attempted.’ But, from that time to the present, she has had little opportunity of cultivating her talent. In her present exile, she is doomed to spend her time in menial drudgery. She had no fortune. It is therefore the less to be regretted perhaps that they have no children. After my Son’s marriage, we still continued to reside in King Street, and by dint of our united exertions we just continued to maintain our establishment without any infringement on our Capital. At length my Son engaged himself in the Service of one of those ‘Joint Stock’ Companies which, just at that time, were so much the order of the day. I forget the appellation of this Society: but they were establishing considerable Iron works in South Wales—I think. It was on this occasion that I endured the first separation from my only child. My fate was, in fact, sealed, on the day of his marriage: but a short and delusive respite had been granted me.

The employment at the Iron works turned out an ungracious one: but that circumstance by no means changed my Position; for it was precisely at that period, and after a very severe struggle, I may say, of nearly fifteen years, that my Son, at length, through the recommendation of Peter Barlow²³—Doctor Gregory²⁴—Doctor Birkbeck,²⁵—and his

¹⁹ Construction of Rennie’s Waterloo Bridge had begun in 1811 and it had opened in 1817.

²⁰ Cleobulina Amelia, née Fielding (d. 1870).

²¹ (Anthony Vandyke) Copley Fielding (1787–1855), watercolour painter, had been elected Deputy President of the Society of Painters of Water Colours in 1823 and President in 1831.

²² Benjamin Robert Haydon (1786–1846), history painter and diarist.

²³ Peter William Barlow (1809–85), civil engineer.

²⁴ Perhaps Olinthus Gilbert Gregory (1774–1841), one of the projectors of the London University.

²⁵ George Birkbeck (1776–1841), physician and educationist.

old competitor John Rennie—obtained the appointment of ‘Architect and Civil Engineer’ at our Colony at the Cape of Good Hope, with a Salary from Government of £500- p^r Annum—and an additional £100- p^r annum for an Assistant. He remained in the Colony between two and three years,²⁶ during which time, he built a Church, and executed various other works. But my Son’s career at the Cape was short; for having drawn upon himself, I know not by what means, the enmity of the ‘Lieutenant Governor’, I believe,—General Bourke²⁷—the General had sufficient interest at home to procure my Son’s dismissal from the Colonial Service. I have the satisfaction however to know that it was the general Opinion at the Cape that my Son was treated with gross injustice, and that he obtained the strongest testimonials in his favour from the principal merchants and British residents at the Settlement, among whom I should particularly mention the highly respectable house of Mess^{rs} Borradaile & C^o.²⁸ These favourable documents were affixed to my Son’s memorial, in reply to the General’s charges (of the nature of which, strange to say, both M^r Gisborne and myself have remained, to this day, entirely ignorant). But although General Bourke had little Credit at the Cape where, I am assured, he was universally disliked for his arbitrary and vexatious conduct, his interest prevailed. He himself however was almost immediately recalled. He has since, but very recently, I believe, been appointed to the government of Sydney.

It was about this time that Sir Lowry Cole, who succeeded Lord Charles Somerset in the Governm^t of the Cape, arrived at the Settlement from the Mauritius.²⁹ Sir Lowry was well disposed towards my Son, but it was out of his power to reinstate him.

And now my Son was at the moment of reembarking, on his return to England, when, by one of those hair’s breadth chances which so frequently rule our destiny, Governor Stirling happened to land at the Cape, on his way to the new Settlement of ‘Swan River’, in Western Australia.³⁰ Before the Governor’s departure, he proposed to my Son

²⁶ Reveley, who had left England in 1827, had, in fact, held his post as civil engineer at the Cape for little over a year.

²⁷ Richard, later Sir Richard, Bourke (1777–1855), army officer and colonial governor, Acting Governor of the Cape Colony 1826–8, Governor of New South Wales 1831–7.

²⁸ Borradaile, Son & Ravenhill, merchants based at Fenchurch Street, London.

²⁹ Sir (Galbraith) Lowry Cole (1772–1842), army officer and colonial governor, Governor of Mauritius 1823–8, Governor of the Cape Colony 1828–33, replaced Lord Charles Henry Somerset (1767–1831), colonial governor, Joint Paymaster of the Forces 1804–6, 1807–13, Governor of the Cape Colony 1814–26, who had returned to England in 1826 to answer charges concerning his arbitrary use of power in the colony.

³⁰ James Stirling (1791–1865), naval officer and colonial governor, Lieutenant Governor of the Swan River Colony 1828–32, Governor of Western Australia 1832, 1834–9, Commander-in-Chief in China and the East Indies 1854–6.

17 MAY 1832

FROM MARIA GISBORNE

to accompany him, and made such offers as the latter did not think proper to decline. He has since been appointed by our Government to the same situation in the new Settlement as he had previously held at the Cape, but with a Salary, I understand, considerably diminished.³¹ He is however very fully employed and, with the assistance of a little private business, he now contrives to get on pretty well. He has, practically at least, been the founder of the City of 'Perth';³² but his greatest work, he tells us, has been the erection of a 'Jail'³³—an inauspicious beginning—you will say—but hitherto these melancholy fabrics are the only antidote which our boasted Civilization has designed to apply to the evils and crimes which it generates.

The first months of the residence of the Settlers in this hitherto untenanted wilderness were passed most drearily—their habitations were of Canvas—they were barely provisioned—and they endured a multitude of privations, which very few of them, I guess, would have sufficiently calculated upon. But the aspect of affairs is gradually become more smiling. My Son is better lodged. His dwelling at Perth is well situated, on the banks of the river. He has built himself a boat, and has the means of supplying himself with fish—prawns—&c. He has purchased a Cow, and he has raised plenty of poultry.

His garden too is large, and, it appears, fertile. As he has applied to the cultivation of it, the Tuscan mode of irrigation, he is abundantly supplied with vegetables, when none of his neighbours enjoy the same advantage. He has the grant of the land on which his house and premises stand,—a very choice situation, he says,—another portion of land, at a convenient distance, for a Country house, should he ever be able to command such a luxury—and, besides these two portions of land, the grant of an extensive territory—4,400 Acres, he says, at a considerable distance.

I must confess to you, my Dear Sir, that I feel most frequently my long and indefinite separation from my Son, and the more so, from a persuasion that our cooperation would have rendered his success in life more certain. We should most assuredly, had we remained together, have offered a far more effectual opposition to some very serious obstacles which, you will have perceived, have greatly retarded his advancement. I had, too, fondly hoped that our destinies would be linked together through life, and that death alone

³¹ Reveley's salary as civil engineer at Swan River was £200 per annum.

³² Building works at Perth designed and overseen by Reveley included Government House, a military barracks, and a courthouse.

³³ Reveley designed and oversaw the construction of the gaol at Fremantle known as the 'Round House', which was ostensibly inspired by Bentham's panopticon penitentiary scheme.

would have separated us. But this was not to be—and I must add, that to M^r Gisborne, equally with myself, the painful transition from the fairest hopes to this most bitter disappointment, has been almost insupportable. I also cannot cease to regret that my Son's life and person should be wasted and consumed in that savage and distant region; where he is labouring more for the unknown who are to succeed him, than for any substantial advantage to himself, or even perhaps to the present generation.

And, after all, the Settlement, as many have predicted, may ultimately turn out a complete failure; and he might, at an advanced age, have again to recommence his often baffled career.

And yet, in the midst of my regrets at my perhaps eternal separation from my Son, and his exile from civilized life, I cannot but feel and acknowledge, that if ever there was a being more than any other adapted to struggle through the difficulties incident to the first rude establishment of a remote Colony,—he is that person. He is, by nature, a 'Robinson Crusoe',³⁴ and while his native propensities have been developed and strengthened by the fortuitous concurrence of a variety of circumstances, his long and enthusiastic devotion to the arts and Sciences have given him some very decided and brilliant advantages which—do not smile—his prototype certainly did not possess.³⁵

I have now, I believe, replied very fully to the various points on which you had the kind condescension to question me. I cannot however entirely dismiss the apprehension that I have inflicted too tedious a task on your patience, and far too great an intrusion on your valuable time. Pardon me, Dear Sir, I beseech you; and if I am not too presumptuous, allow me to beg the very great favour of you, to acquaint me, by a few lines, of the present state of your health, and particularly whether the organs of taste have, as your physician seemed to anticipate, been restored to their usual functions.

It was my intention to trouble you with this communication immediately on my return to Plymouth—the delay has been occasioned by the indisposition of M^r Gisborne, and my Servant which, till now, has occupied every moment of my leisure time. I am, besides, little used to writing as I have never cultivated epistolary Correspondence—the exertion therefore, on my part, to pen the foregoing statements has been, I assure you, by no means trifling.

Among so many other particulars, I omitted to mention that M^r Gisborne, in his youth, was initiated in the business of a merchant,

³⁴ An allusion to the hero of Daniel Defoe's *The Life and Strange Surprising Adventures of Robinson Crusoe, of York, Mariner*, London, 1719.

³⁵ The Reveleys eventually left the Swan River colony, which had been renamed Western Australia in February 1832, in November 1838 and returned to England.

and that in the year 1815 he made an attempt to resume the Career by uniting himself to an established English house at Leghorn but, owing to a concurrence of very peculiar circumstances, he was baffled in his purpose. He was very desirous of getting into employment; but all his attempts have failed. He might, I am persuaded, have procured either the Vice Consulate of Leghorn, or the more profitable one of Naples, had it not been for a certain timidity in putting himself forward, and a singular backwardness in pressing upon his friends or even asking for favours.

But we are now living, and shall probably continue to live entirely upon our very slender resources, and consequently in a very retired manner. I am however, deriving great benefit to my health by an almost uninterrupted course of Sea-bathing to which my residence in this town affords peculiar facilities.

The ancient Mansion of 'Cothele', on the river Tamar, still continues precisely in the same state, as when you viewed it some years since³⁶—indeed, I believe, no alteration has taken place either in the interior or the exterior during several centuries. It is said to have been built in the reign of Henry the seventh.³⁷ In one of my pedestrian incursions last summer, in company with M^r Gisborne, I visited those curious remains of English antiquity. We were much gratified by the sight of that old Baronial Hall, with its antique armoury—its heraldic accoutrements—its trophies of the chace—which together with that ancient and undisturbed locality—and so many other minute records, present a lively picture of the peculiarities of the feudal times.

I believe that I mentioned to you, that in the year 1817 at Leghorn, I met with a friend of your brother's, General Bentham, and one of your greatest admirers, in the person of the Russian Admiral Mordwinoff. He was quite overjoyed that I had known you in former times. What, he said, did you indeed see Jeremy Bentham, so long ago, at Constantinople? He spoke of you in terms of the greatest veneration. The Admiral is not, I believe, in such flourishing circumstances as heretofore, as I know that he has deemed it necessary to return the Pension which, during many years, he had most liberally allowed to the two Miss Havilands, nieces to his lady, one of whom is now deceased—of £40- p^r Ann. to each of them, to £25- p^r Ann to the survivor.³⁸

³⁶ There is no record of Bentham's visit to Cotehele House, though it may have been when he was living at Ford Abbey in 1814–18.

³⁷ The manor house which became Cotehele House was granted to Sir Richard Edgcumbe (c. 1443–89), administrator, as a reward for having fought at the Battle of Bosworth Field of 1485 on the side of Henry Tudor (1457–1509), later Henry VII, King of England and Lord of Ireland from 1485. Edgcumbe began building and renovation work which was completed by his son Sir Peter Edgcumbe (1477–1539).

³⁸ Mordvinov had in 1784 married Henrietta Copley (1764–1843), one of eight siblings

Still before I conclude, I cannot refrain from mentioning to you, that a very clever young Architect—a Mr Wightwick³⁹—on hearing that I had lately had the pleasure of seeing you, requested me to call upon him, that I might give my opinion as to the likeness of an engraving which he possesses of a portrait of you—I know not by what painter—perhaps by Jackson.⁴⁰ I found the resemblance very striking, both in feature and expression; but the face and the figure are represented with rather more ‘embonpoint’ than I remember to have observed, either during the time of my first acquaintance with you, or as I found you when I last saw you.

Once more repeating my apologies for this long and, I fear, inexcusable intrusion—allow me to subscribe myself,

My Dear Sir,
Your sincere admirer, and
Devoted Servant
M.G.

Union Street,
Plymouth.

3895

ARTHUR MOORE TO EDWIN CHADWICK

3 June 1832¹

I think Mr B. is a little better today than yesterday—he is not so melancholy: I read to him in the morning for several hours: but his

(including Mary, the mother of Benjamin Robert Haydon), who he had met in Livorno where she was being looked after by a Mr Partridge, a merchant, who had married the eldest Copley sister and took on Henrietta and two of her brothers. The two nieces were presumably the children of Henrietta’s sister Anne, who had on 12 April 1781 married James Haviland (1755–1802), whose son John Haviland (1792–1852) emigrated to the United States in 1816 and designed, amongst other buildings, Philadelphia’s Eastern State Penitentiary.

³⁹ George Wightwick (1802–72), architect and writer on architecture, who had in late 1827 moved from London to Plymouth and went on to design many public and private buildings in and around Plymouth as well as across Cornwall.

⁴⁰ No portrait of Bentham by John Jackson (1778–1831), portrait painter and copyist, has been traced.

3895. ¹ UC clxxi. 5. Autograph. Addressed: ‘Edwin Chadwick Esq.’ Docketed: ‘A.M. Last Days of Bentham.’ The relevant Sunday was 3 June 1832.

George Bentham records on 19 May 1832 (George Bentham Diaries, GEB/2/2, p. 79) that, ‘JB not going on well’, on 24 May 1832 (ibid., p. 80) that, ‘JB very poorly & could not dine with us—Dr Arnott came to see him & we got him to bed much exhausted in the evening’, on 25 May 1832 (ibid.) that, ‘JB a little better’, on 28 May 1832 (ibid.) that, ‘JB very low & poorly’, and on 3 June 1832 (ibid., p. 81) that, ‘JB a good deal worse but still up

4? JUNE 1832

ARTHUR MOORE TO EDWIN CHADWICK

head is not clear—he does not understand what is read to him; he has been talking very well—but his memory is in a very bad state—his thoughts are very confused; I gave him the opening medicine, & he has since had an evacuation; at breakfast he ate as usual, during it I read to him, after which he told me I need not stay any longer with him, as he had to look for a letter or letters of D^r Bowring's in which he speaks of the wine; he has [been] hunting amongst his letters ever since, & he spent an hour or thereabouts before breakfast, in the search; this is a thing which perplexes & annoys him very much, & it w^d be well if he w^d trouble himself less in these matters. He said in the morning when I asked him how he was—that he c^d not yet tell, until he had exercised his mind, by writing—but he has not done so, having as I have said, occupied himself in looking over D^r B's letters.

Last night after you were gone to bed and whilst he was undressing, I went in to him, and found him talking with Billy,² about his clothes & operations, rationally & clearly enough; & he said—Well I talk rationally enough now—don't I—and was quite cheerful.

He is now & has been since breakfast in such a state as not to require my staying with him—indeed he seems to wish to be alone, as usual; I have left him since breakfast, occasionally going up to make observation, but I saw nothing remarkable: and as I can do nothing for him now, and you will be back shortly, I take my departure, leaving Billy here.

Yours truly

A.M.

Q.S.P. Sunday, 7 o'clock.

3896

ARTHUR MOORE TO EDWIN CHADWICK

4? June 1832¹

Mr B. took a turn or two in the garden before breakfast. I got him to eat a little toasted bread—& to take two cups of tea—but he was sadly

& to a certain degree sensible'. George Bentham visited his Uncle every day from 24 May 1832 through to his death on 6 June 1832. ² William Stockwell.

3896. ¹ UC clxxi. 6. Autograph. Addressed: 'E. Chadwick Esq.' Docketed: 'A.M. Moore.' George Bentham records on 4 June 1832 (George Bentham Diaries, GEB/2/2, p. 81) that, 'JB scarcely conscious—yet he was up for a short time but sank very much in the evening feeling however no pain', on 5 June 1832 (ibid.) that, 'JB had now become quite speechless & powerless he did however appear to understand when told that the Reform

absent—he has been employed all the morning in putting his papers in order—and after I read to him he returned to the employment—I sh^d mention that he went to the throne early this morning but hardly knew whether he did anything—therefore as that matter ought to be put beyond doubt I gave the two tablespoonfuls of the draught as prescribed: he has forgotten the regular order of things—but that may be mere forgetfulness—he is continually asking what's to be done next—& every now & then saying (quite irrelevantly)—Oh this is neither one thing nor t'other.

But seeing nothing very bad in his present condition—nothing so bad as to require Dr A.² immediately—and seeing that he (has) resumed his regular employment—without my presence—I do not know that my stay is necessary:—I think it right however you sh^d know what I have stated. I leave Billy³ here till you return—he will go up occasionally to observe how he goes on.

I shall be back at about 11.

A.M.

4 o'clock.

bill is carried & to feel pleasure at it but did not recognise any one', and on 6 June 1832 (ibid.) that, 'having left JB in the morning in just the same state', and then 'returning there in the afternoon found him just expiring & at ½ past 5 he breathed his last very tranquilly in the presence of Bowring Doane Chadwick &c.'

Cf. George Bentham, *Autobiography*, p. 385, where he states that on 5 June 1832 Bentham 'had become quite speechless and powerless; he did, however, appear to understand when told that the Reform Bill is carried, and to feel pleasure at it, but did not recognise any one', and that on 6 June 1832 he had 'left him in the morning in the same state, but on returning in the afternoon, found him just expiring, and at half-past 5 he breathed his last, in the presence of Bowring, Doane, Chadwick and myself.' According to Bowring's account, at Bowring, xi. 76, 'Bentham died on the 6th of June 1832. His head reposed on my bosom. It was an imperceptible dying. He became gradually colder, and his muscular powers were deprived of action. After he had ceased to speak, he smiled, and grasped my hand. He looked at me affectionately, and closed his eyes. There was no struggle,—no suffering,—life faded into death—as the twilight blends the day with darkness.'

The 'Reform Bill', that is the Representation of the People Act, also known as the Great Reform Act, of 1832 (2 & 3 Will. IV, c. 45) had been passed by the House of Commons on 5 June 1832 and received the Royal Assent on 7 June 1832.

² Neil Arnott.

³ William Stockwell.

3897

THE LAST WILL AND TESTAMENT OF JEREMY BENTHAM

30 May 1832 (Aet 84)¹*Queen's Square Place Westminster
Wednesday 30th of May 1832***A**

I Jeremy Bentham revoke all former wills and declare this to be my last will & testament / I appoint John Bowring Doctor of Laws who for these twelve years or thereabouts has been my most intimate and confidential friend my Executor and in the event of and during his incapacity by reason of absence infirmity or any other cause from taking possession of my effects or my body I appoint my dear friend Edwin Chadwick Barrister at Law to officiate in his stead / my body I give to my dear friend Doctor Southwood Smith to be disposed of in manner hereinafter mentioned and I direct that as soon as it appears to any one that my life is at an end my executor or any other person by whom on the opening of this paper the contents thereof shall have been observed shall send an express with information of my decease to Doctor Southwood Smith requesting [him] to repair to the place where my body is lying and after ascertaining by appropriate experiment that no life remains it is my request that he will take my body under his charge and take the requisite and appropriate measures for the disposal & preservation of the several parts of my bodily frame in the manner expressed in the paper annexed to this my will and at the top of which I have written 'Auto Icon'²—the Skeleton he will cause to be put together in such manner as that the whole figure may be

3897. ¹ TNA, Records of the Prerogative Court of Canterbury, PROB 11/1801/468. A typescript transcript, dated 18 April 1928 and certified by C.P. Hawkes, Registrar in the Principal Probate Registry, is at UC clv. 36–8. A draft of the will, in the hand of John Herbert Koe, with emendations in the hand of Bentham and an unidentified person, is at UC clv. 23–34.

John Herbert Koe (1783–1860), Bentham's amanuensis *c.* 1800–20, was called to the bar in 1810, became a Queen's Counsellor in 1842, and served as a County Court Judge from 1847.

For the sake of clarity, solidi have been editorially supplied where there is an obvious break in the sense.

George Bentham records on 6 June 1832 (George Bentham Diaries, GEB/2/2, p. 81) that, Bentham having died at 5.30 p.m., 'His will was subsequently opened & read to us & I then went to [Lincoln's Inn] to consult with Koe on the measures to be taken in consequence.'

² See pp. 648–50 below.

seated in a chair usually occupied by me when living in the attitude in which I am sitting when engaged in thought in the course of the time employed in writing / I direct that the body thus prepared shall be transferred to my executor / he will cause the Skeleton to be clad in one of the Suits of Black occasionally worn by me / the body so clothed together with the Chair and the Staff in my later years borne by me³ he will take charge of and for containing the whole apparatus he will cause to be prepared an appropriate box or case and will cause to be engraved in Conspicuous Characters on a plate to be affixed thereon and also on the labels on the Glass cases in which the preparations of the soft parts of my body shall be contained as for example as in the manner used in the case of wine decanters⁴ my name at length with the letters ob: followed by the day of my decease / if it should so happen that my personal friends and other disciples should be disposed to meet together on some day or days of the year for the purpose of Commemorating the founder of the Greatest happiness System of Morals and legislation my exōr will from time to time cause to be conveyed to the room in which they meet the said box or case with the contents there to be stationed in some part of the room as to the assembled company shall seem meet / I give to the said John Bowring all my interest in the Westminster review⁵ and I also give to him the sum of two thousand pounds sterling to be laid out as far as it will go in the publication of a Complete Collection of all my works and the completion of such of them as are not yet

³ There is a discrepancy in the accounts of the name given by Bentham to his walking stick. According to Bowring, x. 600, 'Bentham had a favourite stick: he called it Dobbin; and often, in his playfulness, he raised it over the shoulder of his visitors', while according to *ibid.*, xi. 80, Bentham 'never went out without his stick "dapple" for a companion'. Southwood Smith later recalled that, when he had created Bentham's auto-icon, he put into its hand 'the walking stick which was his constant companion when he was out, called by him Dapple': see Southwood Smith to William Munk, 14 June 1857, in William Munk, *The Roll of the Royal College of Physicians of London; comprising biographical sketches of all the eminent physicians, whose names are recorded in the annals, from the foundation of the College in 1518 to its removal in 1825, from Warwick Lane to Pall Mall East*, 2nd edn., 3 vols., London, 1878, iii. 237. 'Dobbin' was a common name for a farm horse, while 'Dapple' is the name of Sancho Panza's donkey in *The Life and Exploits of the Ingenious Gentleman Don Quixote de la Mancha. Translated from the Original Spanish of Miguel de Cervantes de Saavedra. By Charles Jarvis, Esq.*, 2 vols., London, 1742 (first published in Spain as *El Ingenioso Hidalgo Don Quixote de la Mancha* in two volumes in 1605 and 1615).

⁴ There is no record of the preservation of Bentham's organs.

⁵ Having established the *Westminster Review* in 1824, Bentham had in 1828 agreed to sell part of his interest to Thomas Perronet Thompson, who had also taken on the co-editorship with Bowring (see p. 94 n. above). Thompson and Bowring retained ownership of the *Review* until 1836, whereupon it was sold to Sir William Molesworth (1810–55), MP for East Cornwall 1832–7, Leeds 1837–41, and Southwark 1845–55, Secretary of State for the Colonies 1855, who merged it with his own *London Review*, which he had founded in 1834, to become the *London and Westminster Review*, the first issue of which appeared in April 1836.

published⁶ and moreover so much as in his judgement shall be a sufficient remuneration for the person or persons by whom the service of Editorship shall be performed⁷ / should any profit be produced thereby I give to the said John [Bowring] one quarter of such profit and the other three quarters thereof to my nephew George Bentham⁸ / I give to my executor all my Manuscripts for the better enabling him to publish a complete edition of my works and I also give to him absolutely all my manuscripts relating to Finance Political Oeconomy⁹ parliamentary reform¹⁰ the Emancipation of the late Spanish Portugueze and other Colonies¹¹ the panopticon including pauper management and the several printed copies thereof¹² and all the manuscripts which I have designated by the word 'Oedipus'¹³ and all my manuscripts relating to religion except those which I have designated by the words 'Jug util'¹⁴ and all the manuscript Copies from the newspaper impressions of the letters signed Anti 'Machiavel' and that signed 'a partisan'¹⁵ & all my books relating to Political Oeconomy or Finance / I direct that my executor shall continue in the possession of the house which I inhabit with the Gardens buildings and other appendages therein included for a half a year next after my decease or if I shall die on any other [day] than one of the usual quarter days until the end of the half a year to be computed from the quarter day next after my death¹⁶ and that during that time my house and Garden shall be kept up and the expense of the table Servants' wages and other household expenses defrayed out of my personal estate at the same rate at which the same shall have been defrayed during the half year preceding my death which can be ascertained within a trifle by the inspection of my Housekeeper's and Banker's

⁶ In the margin of the draft at UC clv. 26, Koe has noted, 'Some limit sh^d be set', followed by the response in the hand of Moore, 'Will not put any limit.'

⁷ The bulk of the editorial work for the Bowring edition, which was first issued in twenty-two parts between 1838 and 1843 and reissued in eleven volumes in 1843, was undertaken by Doane, Richard Smith, quondam Assessor of Stage and Hackney Carriage Duties in the Stamp and Tax Office, and Southwood Smith, though Chadwick and Moore were also involved for a time. In addition, an unidentified person, with the initials 'W.W.', wrote the 'General Preface', John Hill Burton (1809–81), historian and political economist, wrote 'Introduction to the Study of the Works of Jeremy Bentham', Bowring compiled the 'Memoirs of Bentham', and an unidentified person compiled the index.

⁸ For the dispute between George Bentham and Bowring concerning the expense of the edition see p. 646 n. below.

⁹ See UC i–iii, xvii, xx, cvii, cl, and clxvi.

¹⁰ See UC xxi, cix, cxi, cxxv–cxxxii.

¹¹ See UC clxii, clxvii, and clxxii.

¹² See UC cvii, cxv–cxxiv, cxxxiii, cxlix–cl, clii–clvii.

¹³ No manuscripts with this heading have been located.

¹⁴ i.e. 'Juggernaut Utility', or utility of religion.

¹⁵ For Bentham's 'Anti-Machiavel' letters see p. 309 n. above.

¹⁶ The quarter day following Bentham's death was 24 June 1832.

books and I request my executor to officiate during such time as Master of the House with the same powers as those which I myself am wont to exercise / the intent of this provision is partly for his accomodation for receiving such visitors as may be most agreeable to him partly that he may with the more convenience and less loss of time see to the arrangement and preservation of my papers and the publication of such of them as he shall see good to publish / I give to my said nephew George Bentham all my manuscripts relating to Logic or Nomography¹⁷ and all my cases containing Manuscripts Pamphlets and Collectanea relating to language and the contents of such cases and I request my said nephew to complete my work on Nomography and I direct him to allow my executor to make use of the work when completed¹⁸ and also to have access to all or any of the Manuscripts for the purpose of completing the collection of my works and I direct my executor to allow to all such friends as I am jointly engaged with in the preparation of works such access to the Manuscripts relating thereto respectively as may enable them to complete such works without impeding the publication of the complete collection of my works / I give to my said friend Edwin Chadwick unless he renounced such temporary or eventual executorship as aforesaid the sum of one hundred pounds sterling and I also give to him at all events all my books and works relating to Jurisprudence and Collectanea for legislation and also my pamphlets and works on poor houses¹⁹ / I give to my dear friend and quondam amanuensis and pupil Richard Doane Barrister at law all my books on English Law (except those in the possession of John Herbert Koe Barrister at Law) and also my organ / I give to the said John Herbert Koe the books which I have lent him and which are now in his possession / I give to M^{rs} Grote the wife of George Grote the Younger Banker all my books and Manuscripts which I have designated by the words 'Jug util' after the manuscripts have been used for the general publication of my works²⁰ and I give all the rest of my books to be added to the

¹⁷ The bulk of the material dealing with logic is at UC ci-cii, and that on nomography at BL Add. MS 33,548.

¹⁸ 'Nomography; or The Art of Inditing Laws: now first published from the mss. of Jeremy Bentham', in Bowring, iii. 231-96, was, in the event, edited by Richard Smith.

¹⁹ In the margin of the draft of the will at UC clv. 28, an unidentified writer has noted: 'pamphlets on poor laws'. The books bequeathed to Chadwick form the British Library's Chadwick Tracts at shelf-mark C.T.

²⁰ These manuscripts are now in the Grote Papers, BL Add. MSS 29,806-9. This material, like Bentham's other writings on religion, was excluded by Bowring from his edition of Bentham's *Works* on the grounds that he had 'not deemed it safe to give [them] to the world . . . so bold and adventurous were some of his speculations': see *Autobiographical Recollections of Sir John Bowring*, p. 339.

library of the London University²¹ / I give for the benefit of my dear little boy William Stockwell who came into my service under the assurance of being provided for in the room of lodging Board & Instruction down to the day of his coming of age the sum of two hundred & fifty pounds sterling which I direct my executor to invest at interest in the funds or other securities and apply the interest and also any part or parts of the principal from time to time for the benefit of the said William Stockwell in which manner as in the Judgement of my executor may be most to his advantage / I give to my good and faithful Housekeeper Mary Watson the sum of fifty pounds sterling and one of the [hereinafter]²² mentioned rings in acknowledgement of her service / I should have given her much more had not I been well assured that by her frugality she had made what for her condition in life will be an ample provision / she having determined not to go into the Service of any other person than myself I give to my good and faithful Servant Ann Lay the sum of two hundred and fifty pounds sterling / I give to my faithful and zealous friend John Elrick whom I have for thirty years employed as Gardener²³ the sum of one hundred pounds sterling / I direct that after my death a ring with my Effigie and some of my hair²⁴ may be given by my executor to every [one] of the persons whom I hereafter mention in Alphabetical order that is to say Doctor Arnott²⁵ M^r & M^{rs} Austin the wife of John Austin Professor of Jurisprudence at the London University²⁶ Henry

²¹ In the margin of the draft of the will at UC clv. 28, an unidentified writer has noted: 'To Bowring those on Political Economy Finance & the residue to the London University.' For a list of the books and periodicals constituting Bentham's bequest, which were accessioned by the University Library on 1 February 1833, see UCL College Archives, Library Accession Registers, in two volumes dated 1833 and 1833–8 respectively, and 'List of incomplete Works, received from the Library of the late Jeremy Bentham Esq' at UCLCA/CORR/3163/2. According to 'University of London. Report and Appendix, February 1834', n.p., [1834], p. 15 (at UCL Library Special Collections, Hume Tracts 226), Bentham's bequest consisted of 3,544 volumes. ²² MS 'hereinbefore'.

²³ George, not John, Elrick or Eldrick (b. c. 1761, d. 1836), of Horseferry Road, Westminster, appointed College Gardener, Westminster Abbey, on 21 June 1797, had been employed by Bentham to tend to his garden since at least the spring of 1800: see Letter 1543, *Correspondence*, vi.

²⁴ The gold mourning rings, which typically feature a miniature silhouette profile of Bentham on the front and a glass locket compartment containing strands of Bentham's hair on the reverse, appear to have been made in late 1822 by the jewellers Miers and Field, based at 11 Strand. John Field (1771–1841), who had been apprenticed to the jeweller and silhouettist John Miers (1756–1821) in the early 1790s, had painted Bentham's portrait for a silhouette around this time and, according to Colls's Journal, BL Add. MS 33,563, fo. 111, on 2 November 1822 Colls had taken cuttings of Bentham's hair to Miers and Field. The rings had been produced by the autumn of 1824, when Bentham described them in a letter to Jean-Baptiste Say: see Letter 3148, *Correspondence*, xii. ²⁵ Neil Arnott.

²⁶ The following account appears at Ross, *Three Generations of Englishwomen*, 68: 'In 1832, just when the Reform Bill had carried, Jeremy Bentham died. Mrs. Austin saw him a fortnight before, and he gave her a ring, which I now have, with his portrait and some of

Bickersteth Barrister at Law Felix Boden the said John Bowring Thomas Cartwright Dentist²⁷ the said Edwin Chadwick Madame de Quesnel my eldest niece²⁸ the said Richard Doane General de la Fayette Albany Fonblanque James Harfield John Stewart Mill²⁹ General Miller³⁰ Joseph Parkes of Birmingham Solicitor Francis Place Jean Baptist Say³¹ the said Southwood Smith the said William Stockwell³² William Tait of Edinburgh³³ Peyronnet Thompson John Tyrrell Barrister at Law Del Valle³⁴ Mynheer Van de Weyer³⁵ the said

his hair let in behind, with “Memento for Mrs. John Austin. Jeremy Bentham’s Hair and Profile,” engraved on it. He kissed her affectionately and said, “There, my dear, it is the only ring I ever gave to a woman.”

²⁷ A slip for Samuel Cartwright (1789–1864), dentist, inaugural President of the Odontological Society, Dentist-in-Ordinary to George IV.

²⁸ Mary Louisa Bentham (1797–1865), Marquise de Chesnel, eldest daughter of Samuel and Mary Sophia Bentham, had on 16 September 1819 married Louis Pierre François Adolphe, Marquis de Chesnel de la Charbonnelaye (1791–1862), French soldier, who had deserted her prior to the birth of their daughter Marie Thérèse Louise Adelaïde (1820–44). Though the couple had reunited in 1826 and resided near Montpellier, and Mary Louisa had given birth to a son Theodore George de Chesnel (1828–57), she was again deserted by her husband in November 1832: see George Bentham, *Autobiography*, p. 414.

²⁹ The ring bequeathed to Mill, with a silhouette of Bentham on the front signed ‘Field 11 Strand’, a locket compartment on the reverse containing woven strands of Bentham’s hair, inscribed around the locket ‘Jeremy Bentham Hair and Profile’ and on the inner band ‘born 4/15 Feby 1747/8 died 6 June 1832 in his 85th year’, and inscribed on the outer band ‘Memento for John Stuart Mill Esq.’, is in the possession of University College London at UCL Science and Engineering Collections, LDUJB-04.

³⁰ William Miller.

³¹ The ring bequeathed to Say, with a silhouette of Bentham on the front signed ‘Field 11 Strand’, a locket compartment on the reverse containing woven strands of Bentham’s hair, inscribed on the inner band in the same manner as that bequeathed to John Stuart Mill, and inscribed on the outer band ‘Memento for Jean Baptiste Say’, was sold at auction in 2018: see ‘Christie’s Important Jewels, London 13 June 2018’, London, 2018, pp. 48–9.

³² The ring bequeathed to Stockwell, which is in private ownership, does not bear a portrait, but rather a glass-fronted locket containing a plaited strand of hair.

³³ The ring bequeathed to Tait, with a silhouette of Bentham on the front signed ‘Field 11 Strand’, an empty locket compartment on the reverse, inscribed on the inner band in the same manner as that bequeathed to John Stuart Mill, and inscribed on the outer band ‘Memento for William Tait Esq.’, is in the possession of University College London at UCL Science and Engineering Collections, LDUJB-02.

³⁴ An anonymous portrait of Valle, the location of which is now unknown, and which is inscribed ‘Se hizo este retrato en 1822, cuando se separó del seno de su familia y fué de diputado a la Asamblea Constituyente de Mexico’, was amended some time after Bentham’s death to show Valle wearing the mourning ring bequeathed to him: see ‘The Old Radical: Representations of Jeremy Bentham’, ed. C. Fuller, London, 1998, pp. 56–7.

³⁵ The ring bequeathed to van de Weyer, with a silhouette of Bentham on the front signed ‘Field 11 Strand’, a locket compartment on the reverse containing woven strands of Bentham’s hair, inscribed on the inside in the same manner as that bequeathed to John Stuart Mill, and inscribed on the inner band ‘Memento for S. Van De Weyer’, is in the possession of University College London at UCL Science and Engineering Collections, LDUJB-05. A further mourning ring, with a silhouette of Bentham on the front signed ‘Field 11 Strand’ and a locket compartment on the reverse containing loose strands of Bentham’s hair, and inscribed on the inside in the same manner as the ring

Mary Watson and George Wheatley of Whitehaven / I declare that the omission of legacies to some persons to whom I have been known to intend leaving legacies is not caused by any diminution of my esteem or affection / I direct that my interest in the Cotton Spinning Manufactory called the New Lanark Company be sold by my executor as soon as conveniently without loss or near prospect of Ulterior price and out of the proceeds shall be paid the sum of two thousand pounds which I have given for the publication of my works and the residue shall form part of my residuary estate³⁶ / I leave my freehold estates which consist of a hollow square Edifice which with the land within it

bequeathed to John Stuart Mill but with no name inscribed on the outer band, is at UCL Science and Engineering Collections, LDUJB-07.

³⁶ In 1813 Bentham had been awarded £23,578 2s. 6d. in compensation by the British government after it had finally decided not to proceed with the panopticon penitentiary scheme. According to George Bentham, *Autobiography*, p. 184 n., Bentham, 'who was no man of business himself, and rather too easily led by those who could bring forward plausible philanthropic views', had been 'induced to invest £10,000 in a concern which failed in a very short time, and the other £10,000 in the Lanark Cotton Mills, which he hoped to see a means of regeneration through [Robert] Owen's socialistic plans—and thus he had become owner of a sixth share. The other partners were Friend [William] Allen the Quaker, the Owen family and I believe one other.' For Bentham's partners in the New Lanark Mills see p. 41 n. above. The failed investment was in the company of James Grellier of Millwall, manufacturer of Roman Cement and owner of a marble quarry at Babbacombe, Devon, which declared bankruptcy in February 1817.

According to George Bentham, *Autobiography*, p. 386, he had 'found Bowring's views as to the way in which [the complete edition of Bentham's works and his life] was to be done so extravagant—and his interpretation of the agreement upon which my Uncle had taken shares in Owen's Lanark Mills so much against my interest in it, that acting on the advice of my best legal friends, I filed a bill in Chancery for the purpose of obtaining a reference from that Court. Bowring and myself agreed at once that Mr Rolfe (afterwards Lord Cranworth) should be the referee—and in the result I obtained a decision by which we obtained from Lanark £10,000 instead of £7,000, which Bowring would have accepted; but on the other hand it was impossible to control the expenditure on the complete edition, the publication of which lasted some years, and at the final winding up resulted in a clear loss of £6,000, whilst it might have been done, if not with profit, at any rate with only a small loss.'

No formal record of the dispute between George Bentham and Bowring in relation to New Lanark has been traced, though George Bentham was expecting to receive money from the sale of the share in January 1834 (see George Bentham Diaries, GEB/2/2, p. 9). The dispute concerning the construction of Bentham's will with a view to restricting the scope and cost of the edition of Bentham's works being prepared by Bowring was referred by the Court of Chancery for arbitration to Robert Monsey Rolfe (1790–1868), later first Baron Cranworth, judge and politician, MP for Penryn and Falmouth 1832–40, Solicitor General 1834, 1835–9, Lord Chancellor 1852–8, 1865–6, who effectively gave Bowring the right to decide the scope of the edition and to fund it from Bentham's estate. George Bentham's bill of complaint, dated 15 July 1834, is at TNA, Court of Chancery: Six Clerks Office: Pleadings 1801–1842, C 13/2380/9, and a copy of Rolfe's decision, dated 9 February 1835, at BL Add. MS 33,553, fos. 72–3.

A balance sheet for the New Lanark Mills, dated 31 December 1830, and endorsed by Bentham '1831. New Lanark Balance Sheet. Received by Twopenny 14 March 1831', is at BL Add. MS 33,553, fos. 303–8.

is called Bell yard³⁷ and of part of my dwellinghouse and Garden to descend to my nephew George Bentham as my heir at law and I leave my leasehold property consisting of my estates at and near Queen Square Place held under the Dean and Chapter of Westminster part comprized in a lease in which I am sole lessee and other part in another lease in which I was a lessee jointly with my late brother unto my said nephew and his two sisters the said Madame de Quesnel and Sarah Bentham³⁸ who are my next of kin in equal shares but I direct that the one equal third part of my said niece Madame de Quesnel shall be settled for the benefit of her and her children in the names of such trustees and in such manner as my nephew George Bentham shall direct upon the following trusts that is to say upon trust with the consent of the said Madame de Quesnel to make partition of or sale or otherwise convert the same or any part thereof into money and invest the money thereby to be produced in stocks funds or securities and during the life of the said Madame de Quesnel to pay the dividends interest and annual produce thereof or the rents and profits of the said property for her separate use so that she may not charge or anticipate the payments thereof and her receipts notwithstanding her convention shall be effectual discharges for the same and after the decease of the said Madame de [Quesnel]³⁹ the said trustees and trustee shall stand possessed of the said trust monies stocks funds and securities and property in trust for the children of the said Madame de Quesnel who being a son or sons shall attain the age of twenty one years or being a daughter or daughters shall attain that age or marry to be divided between or among them if more than one in equal shares and if there shall be but one child the whole to be in trust for that one child and if there shall be no such child in trust for such person or persons and for such purposes as the said Madame de Quesnel whether single or married shall by her last will or any Codicil thereto appoint and in default of such appointment or so far as any such appointment shall not extend in trust for the person or persons who would be entitled thereto under the statutes for the distribution of the estates of intestates if she had died possessed thereof without having been married and in the settlement so to be made shall be contained such powers for the maintenance education and advancement of the children of the said Madame de Quesnel

³⁷ According to the Last Will and Testament of Jeremiah Bentham, 31 October 1791 (TNA, PROB 11/1217/47), Bentham had been bequeathed a freehold estate called Kitters Yard or Bell Yard (in Petty France, near to Queen Square Place), which encompassed a public house named *The Bell*, tenements, a coach house, and stables.

³⁸ i.e. George, Mary Louisa, and Sarah Bentham, the surviving children of Samuel and Mary Sophia Bentham.

³⁹ MS 'Questel'.

after her death and such powers for varying securities and laying out the money in the purchase of land to be considered as personal estate and for the appointment of new trustees and their indemnity and for making their receipts effectual discharges and such other powers and provisoes as my said nephew shall think proper and direct and I give all the residue and remainder of my estates and effects after payment of my debts funeral and testamentary expenses unto my said nephew George Bentham charging him to cooperate cordially with my executor and lend him all the aid in his power in the execution of his trust / In Witness thereof I have to this my will and a duplicate thereof each contained in six sheets of paper set my hand and affixed my seal the day and year above written Jeremy Bentham [LS[?]] Signed sealed and published by the said testator in the presence of us who in his presence have subscribed our names as witnesses Richard Doane, Edwin Chadwick, William Stockwell.

B

Auto-Icon

Queens Square Place Westminster
13th April 1830

What follows in a hand different from mine was drawn up some little time ago at my desire by D^r Southwood Smith M.D. Witness my hand Jeremy Bentham.

The manner in which M^r Bentham's body is to be disposed of after his death—The head is to be prepared according to the specimen which M^r Bentham has seen and approved of⁴⁰ / the body is to be used as the

⁴⁰ Bentham's preserved head did not become part of the auto-icon. In June 1857 Southwood Smith recalled that he had 'endeavoured to preserve the head untouched, merely drawing away the fluids by placing it under an air pump over sulphuric acid. By this means the head was rendered as hard as the skulls of the New Zealanders; but all expression was of course gone. Seeing this would not do for exhibition, I had a model made in wax by a distinguished French artist, taken from David's bust, Pickersgill's picture, and my own ring. The artist succeeded in producing one of the most admirable likenesses ever seen'. See Southwood Smith to William Munk, 14 June 1857, in Munk, *Roll of the Royal College of Physicians of London*, iii. 237 n.

The 'distinguished French artist' was Jacques Thadée Gabriel Talrich (b. c. 1790, d. 1851), physician and anatomical modeller. The bust was a marble sculpture of Bentham's head and shoulders by David d'Angers, for which Bentham had sat while in Paris in 1825: see Bibliothèque de Genève, Dumont MSS, Box 74M, fo. 56. David subsequently sent the bust to Bentham in mid-1828, and a bronze copy of it to Étienne Dumont in September 1828, both of which were inscribed: 'A Jeremie Bentham. P.J. David 1828. Plurimorium maxima felicitas'. The marble bust was displayed at the Royal Academy in 1829, whereupon it remained with Bentham until his death and subsequently with Bowring until April 1866, when he donated it to the University of London. 'Pickersgill's picture' was the portrait of

means of illustrating a series of lectures to which scientific & literary men are to be invited⁴¹ / these lectures are to expound the situation structure & functions of the different organs the arrangement & distribution of the vessels and whatever may illustrate the mechanism by which the actions of the animal oeconomy are performed / the object of these lectures being twofold first to communicate curious interesting & highly important knowledge & secondly to show that the prevailing terror of dissection originates in ignorance & is kept up by misconception & that the human body when dissected instead of being an object of disgust is as much more beautiful than any other piece of Mechanism as it is more curious & wonderful / after such lectures have been given those organs which are capable of being preserved for example the heart the kidneys &c. &c. to be prepared in whatever manner may be conceived to render their preservation the

Bentham by Henry William Pickersgill (1782–1875), thought to date from around 1829, of which there are two versions: a larger one is at the National Portrait Gallery, Primary Collection 413, and a smaller one at University College London, College Art Collection No. 5589. By ‘my own ring’, Smith was referring to the mourning ring bequeathed to him by Bentham.

⁴¹ Printed invitations to Smith’s lecture on 9 June 1832 were sent out the previous day. One such invitation, presumably sent to John Tyrrell, is at Letters of J. Bentham, 1829–1831, BL Add. MS 34,661, fo. 32, and another, sent to Alexander Johnston, is bound with Johnston’s copy of *Justice and Codification Petitions* (see p. 235 n. above):

‘SIR,

‘It was the earnest desire of the late JEREMY BENTHAM that his Body should be appropriated to an illustration of the Structure and Functions of the Human Frame. In compliance with this wish, Dr. Southwood Smith will deliver a Lecture, over the Body, on the Usefulness of Knowledge of this kind to the Community. The Lecture will be delivered at the Webb-street School of Anatomy and Medicine, Webb-Street, Borough, Tomorrow, at Three o’Clock; at which the honour of your presence, and that of any two friends who may wish to accompany you, is requested.

‘Friday, 8th June, 1832.’

Johnston has added the following account of the lecture to his invitation: ‘Received the invitation on the 8 & I attended at the place appointed on the 9th June 1832. I heard D^r Smith pronounce a funeral oration over the body of Bentham which lay upon a table in the School of anatomy, the body covered with a sheet, the face & hands exposed. The face not changed at all, very[?] composed & venerable.

‘No dissection took place—that was fixed for Monday the 11th June 1832. The weather & room very close—a great many persons being in the room & a thunder storm having occurred during the diction.’

Smith delivered a single lecture over Bentham’s remains on 9 June 1832 at the Webb Street School of Anatomy: see Southwood Smith, *A Lecture delivered over the remains of Jeremy Bentham, Esq., in the Webb-Street School of Anatomy & Medicine, on the 9th of June, 1832*, London, 1832. According to Southwood Smith to Munk, 14 June 1857, in Munk, *Roll of the Royal College of Physicians of London*, p. 237 n., his lecture was attended by ‘Brougham, James Mill, Grote, and many other disciples of Bentham’. According to *The Examiner*, no 1,271 (10 June 1832), 10, at the conclusion of Smith’s lecture, it was ‘announced that at the next lecture there would be a demonstration performed on that body, of the anatomy of the lungs and of the heart. Some complaints were made that notice was not publicly given of the lecture, and that it was not held in some conspicuous part of the metropolis’. On 11 June 1832 Richard Dugard Grainger carried out the dissection of Bentham’s remains at Webb Street: see ‘Anatomical Lecture on the body of Mr Bentham’, *The Times*, 12 June 1832, p. 6.

most perfect & during and finally when all the soft parts have been disposed of the bones are to be formed into a Skeleton which after the head prepared in the manner already stated has been attached to it is to be dressed in the clothes usually worn by M^r Bentham & in this manner to be perpetually preserved— April 13. 1830 read the above neither the said Doctor Smith nor any other person being present— read and approved witness my hand Jeremy Bentham.

To my executor accordingly whoever he may be it is my strict injunction that as soon as ever the fact of my death is ascertained he shall take whatever measures may be necessary for the placing my body with all practicable promptitude in the hands of D^r Smith or in the event of his absence from London in the hands of any person whom he may have appointed for that purpose and that accordingly my body shall be conveyed to his house wherever it may be / at present it is in Broad S^t City of London⁴²—to this my bequest I hope no member of my family will make any opposition / should any such opposition be made I charge my executor and conjure him by all the affection he feels for me not to pay any regard to it / J.B.

Appeared Personally George Felton Mathew of Queen Square Westminster in the County of Middlesex Dissenting Minister⁴³ and Arthur Moore of Queen Square Place Westminster in the County of Middlesex amanuensis and jointly and severally made Oath that they knew and were well acquainted with Jeremy Bentham late of Queen Square Place Westminster in the County of Middlesex Esq^e deceased and with his manner and character of handwriting and subscription having frequently seen him write and⁴⁴ subscribe his name and the deponents having now carefully viewed the paper writings hereunto annexed respectively marked A and B purporting to be and contain the last will and testament of the said deceased the said paper marked 'A' beginning thus 'Queen Square Place Westminster Wednesday 30th of May 1832 I Jeremy Bentham revoke all former wills and declare this to be my last will' ending thus 'contained in six sheets of paper set my

⁴² Southwood Smith's consulting rooms were at 36 New Broad Street until around 1841 when he relocated to 38 Finsbury Square, where he remained until his retirement in 1850: see C.L. Lewes, *Dr Southwood Smith: A Retrospect*, London, 1898, pp. 48, 70.

⁴³ See Mathew to R.M. Milnes, 3 March 1847, in *The Keats Circle: Letters and Papers 1816–1878*, 2 vols., ed. H.E. Rollins, Cambridge, Mass., 1948, ii. 203: 'Whatever may be the opinions of others with respect to the principles of Mr. Bentham, Dr. Bowring, and Mr. Chadwick on the subjects of the most vital interest to society, I can only say that they were contrary to the principles of my education, my natural feelings, and very limited experience of the world. Mr. Bentham's disposal of his body for dissection,—his having his skeleton preserved and habited in his eccentric costume, to be seated annually at table in the midst of his disciples, seemed to me worse than absurd: while doctrines, which I had never before heard of, made me anxious not [to] be identified with a Sect, entertaining, as I deemed them, such pernicious tenets.'

⁴⁴ MS 'write and write and'.

hand and affixed my seal the day and year above written' and thus subscribed 'Jeremy Bentham' and the said paper writing marked B beginning thus 'Auto Icon—Queen Square Place Westminster 13 April 1830' ending thus 'read and approved Witness my hand' and thus subscribed 'Jeremy Bentham' and having in addition thereto beginning thus 'To my executor accordingly whoever he may be' ending thus 'by all the affection he feels for me not to pay any regard to it' and thus subscribed 'J.B.' and having particularly observed the names 'Jeremy Bentham' so set and subscribed to the said paper writings marked A and B and having also carefully perused the aforesaid addition to the said paper writing marked B lastly made Oath that they verily and in their consciences believe the names 'Jeremy Bentham' so respectively set and subscribed to the said paper writings marked A & B and the whole body series and contents of the aforesaid addition to the said paper marked B together with the letters 'J.B.' set & subscribed thereto to be of the proper handwriting and subscription of the said Jeremy Bentham deceased Geo F Mathew Arthur Moore on the thirteenth day of June one thousand eight hundred and thirty two the said George Felton Mathew was duly sworn to the truth of this affidavit before me John Daubeny Snr Prest⁴⁵ W^m Slade Not. Pub.⁴⁶ on the fourteenth day of June one thousand eight hundred & thirty two the said Arthur Moore was duly sworn to the truth of this affidavit before me John Daubeny Sr Pst W^m Slade Not. Pub.

The Will as contained in two paper writings marked A & B was proved at London 21st June 1832 before the worsful John Daubeny D^r of Laws and Surrogate by the Oath of John Bowring the sole exōr to whom ad[ministrat]ion was granted having been first sworn duly to Account.

⁴⁵ John Daubney (1775/6–1847), Doctor of Laws and a surrogate in the Ecclesiastical Court, part of whose duty was to 'receive the affidavits of wills brought to be proved': see Daubney's examination as a witness in *The Trial of Thomas Williams, Esq. of Brynbras Castle, Caernarvonshire, indicted, with Ellen Evans & Ann Williams, two of his servants, for forgery; at the Central Criminal Court, Old Bailey, London, On Monday, April 9th, 1838, and four following days, before Mr. Baron Parke; which ended in their entire acquittal*, London, 1838, p. 114.

⁴⁶ i.e. Notary Public, but not further identified.

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The *Correspondence of Jeremy Bentham, Volume 13* contains authoritative and fully annotated texts of all known and publishable letters sent both to and from Bentham between 1 July 1828 and his death on 6 June 1832. In addition to 474 letters, the volume contains three memorandums concerning Bentham's health shortly before his death, his Last Will and Testament, and extracts from both the *Autobiography* and the manuscript diaries of Bentham's nephew George. Of the letters that have been previously published, most are drawn from the edition of *The Works of Jeremy Bentham*, prepared under the superintendence of Bentham's literary executor John Bowring. A small number of letters have been reproduced from newspapers and periodicals.

This volume publishes for the first time all the extant correspondence between Bentham and Daniel O'Connell, the Irish Liberator. Other new acquaintances included Charles Sinclair Cullen, barrister and law reformer, and John Tyrrell, the Real Property Commissioner. Throughout the period, Bentham maintained regular contact with old friends and connections, but he also entered into sporadic correspondence with such leading figures in government as the Duke of Wellington, Robert Peel and Henry Brougham. Further afield, Bentham corresponded, amongst others, with the Marquis de La Fayette in France, Edward Livingston in the United States of America and José del Valle in Guatemala.

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