

WRITINGS ON  
AUSTRALIA

I.

NEW WALES

JEREMY BENTHAM

edited by

TIM CAUSER AND PHILIP SCHOFIELD

The Bentham Project 2018

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### *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. Eight volumes of the new *Collected Works*, five of correspondence, and three of writings on jurisprudence, appeared between 1968 and 1981, published by Athlone Press. Further volumes in the series since then are published by Oxford University Press. In spite of Bentham's 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 this edition are set out in the General Preface to *The Correspondence of Jeremy Bentham*, vol. I (Athlone Press), which was the first volume of the *Collected Works* to be published.

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## EDITORIAL INTRODUCTION

The ‘New Wales’ material written in 1791, which is published here for the first time, constitutes Bentham’s first detailed engagement with Britain’s infant penal colony in New South Wales, which had been established in January 1788. It is also intimately connected to Bentham’s campaign to persuade the British government build his panopticon penitentiary, which he had offered to the Pitt administration in January 1791.<sup>1</sup>

Bentham appears, however, to have first addressed the subject of convict transportation, albeit to the North American colonies, in ‘A View of the Hard-Labour Bill’, which was printed in 1778. In his description of transportation across the Atlantic, which had recently been halted by the outbreak of the Revolutionary War, Bentham found that the practice was unequal and disproportionate in the intensity of punishment experienced by transportees, was anachronistic, expensive, corruptive rather than reformatory, and that its only advantages were derived from convicts being put to hard labour in the colony while working for a private master. Bentham concluded that these advantages could be better and more consistently achieved by instituting at home a system of penitentiary imprisonment, incorporating regimes of hard labour and close surveillance<sup>2</sup>—ideas which would several years later be at the heart of his panopticon scheme. He held consistently to these objections to transportation when he subsequently turned his attention to New South Wales.

Bentham was in Russia, visiting his younger brother Samuel, when he was first made aware in 1786 of the British government’s intention to found a penal colony at Botany Bay.<sup>3</sup> In the ‘Panopticon Letters’ (written in 1787 and printed in 1791 as the first

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<sup>1</sup> Bentham to Pitt, 23 January 1791, *The Correspondence of Jeremy Bentham*, vol. iv, ed. A.T. Milne, London, 1981 (CW), pp. 223–4. William Pitt the Younger (1759–1806), was First Lord of the Treasury and Chancellor of the Exchequer 1783–1801.

<sup>2</sup> Jeremy Bentham, ‘A View of the Hard-Labour Bill; Being an Abstract of a Pamphlet, Intituled, “Draught of a Bill, to punish by Imprisonment and Hard-Labour, certain Offenders; and to establish proper Places for their Reception”’, London, 1778, pp. 2–4, 108–9 (Bowring, iv. 6–7, 31–2).

<sup>3</sup> See Richard Clark to Bentham, 31 August 1786, and George Wilson to Bentham, 24 September 1786, *Correspondence*, vol. iii, ed. I.R. Christie, London, 1971, pp. 488 and 491 respectively.

volume in the three-volume ‘Panopticon; or, The Inspection-House’),<sup>4</sup> Bentham expressed surprise at this development, noting that no one had contradicted the criticisms of transportation he had made in ‘View of the Hard-Labour Bill’, while the only arguments advanced by proponents of transportation were those of its ‘antiquity and comparative frugality’. Bentham also anticipated that, if the panopticon could accommodate prisoners ‘at no *greater* expense’ than transporting them, given the other failings of transportation, even ‘this moderate success would be sufficient to put an end to so undesirable a branch of navigation’.<sup>5</sup>

During February 1791 the lobbying of Charles Bunbury<sup>6</sup> and his allies in the House of Commons, who had been alarmed by press reports describing near-starvation conditions in the colony,<sup>7</sup> had prompted the government to issue the latest official accounts of New South Wales, and these were duly ordered to be printed on 8 April 1791.<sup>8</sup> Bunbury, who had been impressed with Bentham’s ‘ingenious Plan of a Penitentiary House’ when he had first read of it in February 1791,<sup>9</sup> had subsequently provided Bentham with a copy of the government accounts, leaving it at the Bedford Row home of William Browne,<sup>10</sup> Bentham’s solicitor friend and legal agent, with whom Bentham was residing. Bentham collected the accounts on 29 April 1791 and after reading them was left with the impression that New South Wales was a ‘truly curious scene of absurdity, improvidence, and extravagance’, and felt ‘strongly tempted to give before the public a sketch of it as soon as I have a little leisure’.<sup>11</sup> The ‘New Wales’ material appears to represent his attempt

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<sup>4</sup> ‘Panopticon; or, The Inspection-House: Containing the Idea of a New Principle of Construction Applicable to Any Sort of Establishment, in Which Persons of Any Description Are to be Kept Under Inspection; and in Particular to Penitentiary-Houses’, London, 1791, 3 vols. (Bowring, iv. 36–172).

<sup>5</sup> ‘Panopticon; or, the Inspection-House’, i. 96 (Bowring, iv. 58).

<sup>6</sup> Sir Thomas Charles Bunbury (1740–1821), MP for Suffolk 1761–84, 1790–1812, would prove to be one of the panopticon’s most steadfast supporters during the next decade and more.

<sup>7</sup> See, for example, the *Gazetteer and New Daily Advertiser*, 27 December 1790, p. 2, and the *General Evening Post*, 4–6 January 1791, p. 2. News of the arrival of the Second Fleet at Port Jackson, and the appalling mortality during its voyage, had not reached London by this time.

<sup>8</sup> ‘Extracts of Letters, &c—and Accounts, Relative to the Settlements in New South Wales’, *Commons Sessional Papers*, lxxxiii (1791–2), pp. 241–58.

<sup>9</sup> Bunbury to Bentham, 19 February 1791, *Correspondence (CW)*, iv. 238.

<sup>10</sup> Browne was the legal agent and friend of Jeremy and Samuel Bentham.

<sup>11</sup> Bentham to Bunbury, 6 May 1791, *Correspondence (CW)*, iv. 277–8.

at doing so.

Though the manuscripts for the ‘New Wales’ material are undated, they were probably composed during May and June 1791—they draw upon the accounts which Bentham had recently acquired from Bunbury, and Bentham made similar points about New South Wales in ‘Panopticon Postscript–II’,<sup>12</sup> which was itself composed during May and June 1791.

‘New Wales’ consists of three fragments. The first is a series of text sheets containing several passages under various headings, where Bentham noted that New South Wales could be ‘considered in two points of view’, namely either ‘as a scheme of colonisation at large’ or as a ‘mode of disposing of convicted criminals’. Though he noted that the latter was the major reason for the foundation of New South Wales, he explained that since ‘the other object appears also not to have been without its weight, it is this other which must be spoken of in the first place’. Bentham discussed the shortcomings of colonization more generally, and sought to undermine New South Wales on that basis, but failed to proceed to a discussion of the shortcomings of penal colonies as a mode of punishment—or, if he did so, not trace of his discussion appears to have survived.

In the first fragment, Bentham discussed whether any colony administered and financed by government could be expected to return a profit to the mother country, and whether there were any reasonable grounds on which to expect that New South Wales would ever do so. He addressed the colony’s future and how, if it was determined that New South Wales should be retained how it might be best turned to the mother country’s advantage or, if it was determined to abandon it, how this could best be done without damage to either the mother country or the colony’s inhabitants. The first ‘New Wales’ fragment anticipates a number of the arguments made in ‘Jeremy Bentham to the National Convention of France’, which was composed in December 1792 and January 1793, but was not published until 1830 as *Emancipate Your Colonies!*<sup>13</sup>

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<sup>12</sup> See ‘Panopticon; or, The Inspection-House’, iii. 224–7 (Bowring, iv. 169–70), where Bentham refers to the accounts given to him by Bunbury.

<sup>13</sup> *Emancipate Your Colonies! Addressed to the National Convention of France A° 1793, Shewing the Uselessness and Mischievousness of Distant Dependencies to an European State*, London, 1830 (reproduced

The second fragment consists of rudiments and figures, as Bentham made an attempt to calculate, using data from the parliamentary accounts provided by Bunbury, expenditure on New South Wales as of 18 March 1791, and to project the colony's future cost. The third fragment consists of two short resolutions against New South Wales, which summarise the major themes of the 'New Wales' material, namely that no colony would ever return a profit to the mother country on the capital invested in founding, maintaining, and defending it, and that no colony where men greatly outnumbered women could ever 'be of any use in respect of population'. Bentham may have considered approaching Bunbury to introduce these resolutions in the House of Commons, but there is no evidence that he actually did so.

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No volume of Bentham's *Collected Works* is produced in isolation. We are grateful to Professor Margot Finn, the co-investigator on *Convict Australia and Utilitarianism*, for her support and advice. Our Bentham Project colleagues Dr Oliver Harris, Dr Michael Quinn, Dr Chris Riley, Dr Katy Roscoe, and Dr Louise Seaward have been a never-failing source of support, expertise, and encouragement, and we are grateful for the support of our colleagues in UCL's Faculty of Laws. Dr Roscoe has provided invaluable assistance in checking the text and in researching the annotation.

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in *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. 289–315.

Grateful acknowledgment is hereby made to the authors, editors, and translators of standard reference works, such as *Oxford Dictionary of National Biography*, *Australian Dictionary of Biography*, and *Loeb Classical Library*, without whose scholarship the annotation of a volume such as this would hardly be feasible.

The text presented below is a preliminary version, in that the authoritative version will appear as part of Bentham's *Writings on Australia* for *The Collected Works of Jeremy Bentham*, with a full Editorial Introduction, name and subject indexes, finalized annotation, and working cross-references. The volume is due to be published in 2020 by the Clarendon Press.

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September 2018



## A NOTE ON THE PRESENTATION OF THE TEXT

The text of ‘New Wales’ has been reconstructed entirely from Bentham’s manuscripts. It has been editorial policy to reflect as far as possible the manuscript sources on which the text is based, but without sacrifice thereby of clarity and sense. Bentham’s spelling and capitalization have been retained in most instances, although editorial discretion has been more liberally exercised with regard to his punctuation, which is often inconsistent and sparse. Punctuation marks have been adjusted and supplied where clearly indicated by the sense, or required for the sake of clarity, but not in cases where this might involve a dubious interpretation of the meaning. The words and phrases underlined by Bentham for emphasis have been rendered in italics, as have all non-English words and phrases.

The manuscripts contain many additions (either interlinear or marginal), deletions, and emendations which represent Bentham’s later corrections to the text. The latest variant has usually been preferred, while original readings have not usually been indicated. Square brackets in the text are reserved for editorially inserted words, while Bentham’s original is, where appropriate, given in an editorial footnote. Bentham’s square brackets are replaced by braces. Round brackets are those supplied by Bentham. Bentham’s own notes are indicated by superscript letters. Editorial footnotes are indicated by superscript numerals.

The archival references for the original manuscripts on which the text is based appear on the left-hand side of the text, except where a folio begins mid-sentence, when they appear in the body of the text. The numerals [119-087], for instance, refer to box cxix, folio 87, in the Bentham Papers, University College London Library Special Collections.

## SYMBOLS AND ABBREVIATIONS

### Symbols

- |^^|      Space left in manuscript.  
[to]      Word(s) editorially supplied.  
[?]      Reading doubtful.  
[.^.^.]      Word(s) proved illegible.

### Abbreviations

- Bowring    *The Works of Jeremy Bentham*, published under the superintendence of .^.^.  
            John Bowring, 11 vols., Edinburgh, 1843.
- CW        This edition of *The Collected Works of Jeremy Bentham*.
- UC        Bentham Papers in University College London Library's Special Collections.  
            Roman numerals refer to boxes in which the papers are placed, Arabic to the  
            folios within each box.

NOTE TO TYPESETTERS: Please begin new recto.

## NEW WALES<sup>14</sup>

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<sup>14</sup> This material, consisting of several fragments, was written in 1791. For further details see the Editorial Introduction, pp. 000 above.

Please begin a new recto

[119–087<sup>r</sup>]

### *Plan*

An enterprise of colonisation hold[s] up to a sanguine imagination a groupe of very pleasing images—extension of empire—encrease of national wealth—augmentation of public force—propagation of the true religion—extension of and diversification of trade—discovery and introduction of new articles in the animal, vegetable and mineral kingdoms—addition made to the stock of innocent enjoyments by the multiplication and diversification of the means.

The making use of convicts as the instruments under God of accomplishing so many important objects gives an additional lustre to the scene: sloth transformed into industry: vice of all kinds into virtue: dross converted into sterling:—value given in the scale of public estimation to objects whose value had been less than nothing: and if considerations of so undignified a nature can be mentioned in the same breath with the above, the expence of making provision for those outcasts of society reduced from the permanent charge of maintenance and confinement to the momentary cost of transportation. What if, as the [119–087<sup>v</sup>] value of labour and the art of turning it to account comes to be better understood, even the small expence of transportation should be covered by the value which the article would find immediately upon its arrival at the place of its destination?

[119–087<sup>r1</sup>] Unfortunately, this, like so many other pictures of human prosperity, does not, upon a near approach, bear examination. Perhaps the reader, if his patience will carry him through to the end of this, will see reason to think that the establishment in New South Wales is among the instances that may be adduced in support of the general observation:

1. Whether it be in the nature of things that a plan of colonisation any where carried on by government, and at the expence of government, should be productive of advantages adequate to the expence.

2. Whether there be any reasonable ground for expecting that the establishment in New South Wales will.

3. What are the courses that might be or might have been taken for turning it to most advantage on the supposition of its being kept up.

4. Should the keeping it up be deemed [119–087<sup>v1</sup>] ineligible, what is the properest course to be taken in regard to the discontinuance of it, and in regard to the provision to be made for the individuals of which at that time it will be composed.

The establishment in New S. Wales may be considered in two points of view: 1. as a scheme of colonisation at large: 2. as a mode of disposing of convicted criminals. Its use in the latter way is probably that which composed the principal share in the mass of inducement: but as the other object appears also not to have been without its weight, it is this other which must be spoken of in the first place, as being the only one of the two that will admitt of a separate consideration.

### *Disposal of Convicts—Management—Separation—Sexes*

This interferes not with the Colonisation scheme.

[119–088<sup>r1</sup>] I propose not on the present occasion to undertake a comparative view of all the various modes that have been practised or proposed for the disposal of Convicts. Materials and leisure are both wanting. In particular I lay willingly aside any examination into the comparative eligibility of the Colonization system. The truth is that, if, by colonization, propagation were intended, and the one were meant to be pursued no further than the other can go along with it, between this and the Penitentiary system, there could be little interference. In the Penitentiary system, it is the female prisoners that are too many:<sup>15</sup> in the Colonization system, it is precisely of them that there never can be enough. As a Colony for the propagation of the species, the utility of it, the very possible use, must be limited by the number of females, and of females in a state for child-bearing. Out of these must be deducted, in the first place, all such as by their age are past child-bearing: 2. all such as, by prostitution or disease, have rendered themselves unfit: no inconsiderable proportion probably of such a company: [119–088<sup>v1</sup>] 3. all such as are already provided with husbands who choose not, or are not permitted, to bear them company: unless adultery be meant also to be propagated, or the sentence of banishment is to involve in it a sentence of divorce. If you want children, you must be content to obtain them in the

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<sup>15</sup> For the separation of the sexes within the panopticon prison see ‘Panopticon; or, the Inspection-House’, 3 vols., London, 1791, iii. 59–71 (Bowring, iv. 134–7).

ordinary way. The age of miracles is past: heaven will not empty its stores to repair the oversights of office. The social nativity of Orion,<sup>16</sup> the inoculation that gave the God of jollity<sup>17</sup> to the world,<sup>18</sup> the dance of Deucalion and Pyrrha<sup>19</sup>—all these receipts have lost their virtue. The temporary enabling and compelling Act that gave Xanthippe a sharer in the embrace of Socrates<sup>20</sup> would not avail us here:<sup>21</sup> even the commodious ingenuity of Thelyphron, far from relieving, would but aggravate the dearth:<sup>22</sup> though Religion were to

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<sup>16</sup> According to myth, Orion fathered fifty sons with as many nymphs.

<sup>17</sup> MS orig. 'Bacchus'.

<sup>18</sup> According to myth, when Hera learned that Zeus had impregnated the mortal Semele, she disguised herself as a nurse and persuaded Semele to insist that Zeus appear before her in his true form. Semele was killed when Zeus did so, but he rescued the child Dionysus, the god of winemaking and fertility, from his mother's womb by sewing the child into his thigh and carrying him until he was 'born' for a second time.

<sup>19</sup> According to myth, as recounted in Ovid, *Metamorphoses*, I. 313–415, Deucalion, son of Prometheus, and Pyrrha, daughter of Epithemeus, were, after having taken refuge for nine days and nights in chest, the sole surviving humans after Zeus flooded the earth. When they consulted an oracle of the Titaness Themis on how they might repopulate the earth, they were instructed to veil their heads, loosen their robes, and throw stones over their shoulders. The stones thrown by Pyrrha transformed into women, while those thrown by Deucalion became men.

<sup>20</sup> Socrates (469–399 BC), the celebrated Athenian philosopher.

<sup>21</sup> See Diogenes Laertius, *Lives of the Ancient Philosophers*, ii. 26: 'Aristotle says that he [i.e. Socrates] married two wives: his first wife was Xanthippe, by whom he had a son, Lamprocles; his second wife was Myrto .^.^ By her he had Sophroniscus and Menexenus. Others make Myrto his first wife; while some writers, including Satyrus and Hieronymus of Rhodes, affirm that they were both his wives at the same time. For they say that the Athenians were short of men and, wishing to increase the population, passed a decree permitting a citizen to marry one Athenian woman and have children by another; and that Socrates accordingly did so.'

<sup>22</sup> Bentham alludes to Apuleius (b. c. 125), *Metamorphoses (The Golden Ass)*, II, which tells the story of Thelyphron, who was employed by a widow to guard the corpse of her husband during the night to prevent witches from stealing parts of the body. In the morning, when the widow was about to pay Thelyphron for his services, she was accused before a crowd by her husband's relative of poisoning him so that she and her lover could take possession of his estate. The corpse was brought back to life and confirmed that he had been murdered by his wife, giving as proof a story that no-one else could have known, namely that Thelyphron—with whom the dead man shared a name—had watched over him during the night. He recounted that when the witches called out for Thelyphron, the young man, though asleep, went to the door where the witches, without him realizing, cut off his nose and ears and replaced them with wax ones. To his horror, and the crowd's amusement, the younger Thelyphron discovered the claim was true when he touched his ears and nose and they came away.

be mended for the purpose, we should be in this respect but where we were. Were the redundance on the female side, the unseemliness of polygamy, as that of incest in the beginning,<sup>23</sup> might, to the eye of an indulgent divine, be covered by the broad mantle of necessity. Each colonist might be a Jacob:<sup>24</sup> and in a state so near to the patriarchal, patriarchal privileges might [119–088<sup>r2</sup>] revive.<sup>25</sup> But to a redundance on the opposite<sup>26</sup> side, neither law nor licence can afford any possible corrective. So many supernumeraries, so many forlorn wretches, who, for any thing they could contribute to the execution of the first law,<sup>27</sup> might as well receive millstones about their necks, and be thrown into the Sea.<sup>28</sup> To the propagation of the Gospel, these new-missionaries might contribute, according to the measure of their zeal: and the pious self-gratulations of a Right Reverend Divine might for a time receive a warrant from the event: but unless, along with the Gospel, the species be also propagated, the plant with all its beauty would be but of sickly growth: it would be the fancied gourd of Venice.<sup>29</sup> Say that the Rape of the Sabines might be re-acted upon the

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<sup>23</sup> Bentham presumably has in mind the fact that the children of Adam and Eve must have committed incest in order to propagate the human species.

<sup>24</sup> i.e. the patriarch of the Israelites, whose twelve sons were the progenitors of the tribes of Israel.

<sup>25</sup> Bentham may have derived his account of the custom of *jus primae noctis*, also known as *droit de seigneur* and *droit de cuissage*, from the article by François Marie Arouet, known as Voltaire (1694–1778), entitled ‘Cuissage ou culage, droit de prélibation, de marquette, &c.’, in *Questions sur l’encyclopédie, distribuées en forme de dictionnaire. Par des amateurs*, 9 vols., Geneva, 1770–2, iv. 195–8, which suggested that the right had its origin in Scotland. According to Blackstone, *Commentaries on the Laws of England*, ii. 83, while the practice never existed in England, it did so in Scotland, under the name of ‘mercheta’ or ‘marcheta’, until abolished by Malcolm III (d. 1093), King of Scots from 1058.

<sup>26</sup> MS orig. ‘male’.

<sup>27</sup> Bentham presumably had in mind God’s injunction to Adam and Eve to ‘Be fruitful, and multiply, and replenish the earth’ recorded at Genesis 1: 28.

<sup>28</sup> Matthew 18: 6.

<sup>29</sup> The *Marina di Chioggia*, i.e. the Chioggia sea pumpkin, which is squat in appearance and has a dense, hard and lumpy green skin, was known in Venice as the *zucca santa*, i.e. the holy pumpkin. See James Aug Galiffe, *Italy and Its Inhabitants*, 2 vols., London, 1820, i. 126–7: ‘The poorest class [in Venice] lives almost exclusively on pumpkins, of which there are two sorts. The first and cheapest is that round and insipid kind, which is known all over Europe: it is called *Zucca barucca*. ^^ the other sort is called *Zucca Santa*: it is more substantial, less insipid, and proportionally dearer; and is the favourite and usual food of that portion of the lower classes who are just above begging. Its form is that of a very long pear, its taste is not unlike that of a carrot, and the rind, when fried, forms a sort of resinous substance which is esteemed a great delicacy by

theatre of New Wales.<sup>30</sup> The exhibition would transfer indeed, but would not mitigate, the dearth. It would be peopling the country by unpeopling it after the manner of Mexico and Peru.<sup>31</sup>

The Colonisation system, then, in as far as it is really a Colonisation plan, and [119–088<sup>v2</sup>] not a plan of mere barren transportation, can interfere in but a small degree, and that rather in the character of an aid than of an obstacle, with the Penitentiary System. Those to whom it is impossible to contribute to the purpose of a Colony can not, upon any plan of colonisation, be sent to colonize.

Was it, then, intended as a plan of colonisation? If not, what is [it] intended for? To the noble Lord,<sup>32</sup> to whose generous ambition of this heroic title of founder of nations,<sup>a</sup> it can be no secret how the species is propagated in this our clime: his science stands demonstrated by his practice.<sup>33</sup> With regard to the 5<sup>th</sup> Continent,<sup>34</sup> what was his theory? was it that in distant space, as in distant time, Nature might obey other laws? Or was it peradventure that the same eye which looks at home, and looks to good effect, might not be altogether equally well adapted to a wider range?

<sup>a</sup>The foundation of nations is indeed, to use the language of Lord Bacon, *opus heroicam*, an heroic work: better suited to the heroic times, perhaps, than to the present: more suited to the sentiments of heroism than to those of vulgar prudence.<sup>35</sup>

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the pumpkin eaters. These pumpkins or gourds are sold, ready fried, in three or four different moveable stalls in every street: you cannot go ten paces, without meeting with some’.

<sup>30</sup> According to Livy, *Ab urbe condita*, I. ix, shortly after Rome’s foundation, and to ensure the overwhelmingly male city’s continuation, Romulus sent envoys to neighbouring cities to request alliances and to allow intermarriage between their respective peoples. The envoys were rebuffed, but at a subsequent harvest festival to honour Neptune Equester, which was attended by many of their neighbours, the Romans abducted the Sabine women and compelled them to marry Roman men.

<sup>31</sup> Bentham alludes to the Spanish conquests of the Aztec and Inca empires during the sixteenth century. [ANNOTATION TO BE FINALIZED.]

<sup>32</sup> i.e. Thomas Townshend, first Baron and Viscount Sydney: see p. 000 n. below.

<sup>33</sup> Sydney and his wife Elizabeth, née Powys (1736–1826), had six sons and six daughters.

<sup>34</sup> i.e. the Australian continent.

<sup>35</sup> Bentham perhaps had in mind the following passage from Bacon’s *Novum Organum, sive Indicia de interpretatione naturae* (first published in 1620), Bk. I, Aphorism CXXIX, reproduced in *The Instauration magna Part II: Novum Organum and Associated Texts*, ed. G. Rees, Oxford, 2004 (*Oxford Francis Bacon*,



## *Convict Proposal—New South Wales*<sup>36</sup>

[119–089<sup>r1</sup>] Hitherto the great difficulty has been supposed to lie in the ensuring employment to such as would be willing to accept it: but some of them may make no such option.

### Note.

The security thus afforded for their good behaviour, it must be confessed, is not so entire as that afforded by the present colonisation plan which, under the name of transportation for various terms, is in effect transportation for life. Neither can it be made so, without a fresh law to compel each prisoner, on pain of continuing in the Penitentiary establishment, to make his option between the army service, the navy service or an engagement from year to year in the subsidiary establishment, unless he can find a responsible person to stand security in a moderate sum from year to year for his maintenance and good behaviour.<sup>37</sup> Such obligation, if inflicted by law, may seem a hard and unjust extension of the original sentence: but the utmost of such hardship and injustice is trifling in comparison of that which they undergo at present by a perversion of the law. It is upon this very perversion that all the advantage in this point of view reaped from the colonisation plan actually depends: if, in consequence of being legally sentenced for 7 Years, a man is physically

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Vol. XI), p. 192–3: *Primò itaque, videtur Inuentorum nobilium introductio, inter Actiones humanas longè primas partes tenere: id quod antiqua saecula idicauerunt. En enim, Rerum Inuentoribus diuinos honores tribuerunt; ijs autem, qui in Rebus Ciuilibus merebantur (quales errant vrbium & imperiorum Conditores, Legislatores, Patriarum à diuturnis malis Liberatores, Tyrannidum Debellatores, & his similes) Heroum tantùm honores decreuerunt*, i.e. ‘In the first place, then, the introduction of noble discoveries seems to rank highest among human activities by a long way, and that was the judgement of ancient times. For they awarded divine honours to the discoverers of things whereas to those of high desert in civil affairs (such as the founders of cities and empires, lawgivers, liberators who freed their countries from ancient evils, extirpators of tyrants, and the like) they appointed only to honours proper to heroes’.

<sup>36</sup> It is possible that Bentham wrote this passage for ‘Panopticon; or, the Inspection House’ or some related text, and that he subsequently placed it with the ‘New Wales’ manuscripts. The following paragraph has been crossed through by Bentham.

<sup>37</sup> For the provisions for prisoners released from the panopticon see ‘Panopticon; or, the Inspection House’, iii. 208–32 (Bowring, iv. 165–71).

detained for life, then the perversion takes place: [119–089<sup>v1</sup>] if no such perversion takes place, and he returns to his country after the expiration of his sentence, the security is gone.<sup>38</sup> With these three options, the condition of a convict, even of one who could find no friend to answer for him, would be three times as good as that in which many numerous descriptions of persons to whom no crime is imputed are placed by a variety of laws now in force: witness the Vagrant Act, 17 G. 2. c. 5, under which a man, merely for begging or for want of employment, may be consigned in the first instance to the House of Correction for above 8 months: for the second offence, to the same place with unlimited whippings for above two years: and for the 3<sup>d</sup>, to transportation for seven years.<sup>39</sup> Witness the Act of 2 Ann. c. 6, by which innocent children may be consigned without any option to the sea service for 11 years:<sup>40</sup> witness the 43 Eliz. c. 2, by which children of any age may be bound till the age of 24, and adults from year to year, without any option as to the person or the employment.<sup>41</sup>

### *Public Wealth*

[119–090<sup>r1</sup>] All Colonies that have not diamond or gold or silver mines of the richest

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<sup>38</sup> In the margin, Bentham has noted at this point: ‘Take away the injustice & you take away the security.’

<sup>39</sup> Bentham has slightly misrepresented the Vagrancy Act of 1744 (17 Geo. II, c. 5, § 9), which provided that, for a first offence, a ‘Rogue or Vagabond’ might be sentenced by Justices at a general or Quarter Session to hard labour in a house of correction for up to six months, while an ‘Incorrigible Rogue’ might be confined for between six months and two years. In either instance, such persons might be ‘corrected by Whipping, in such Manner, and at such Times and Places within their Jurisdictions, as according to the nature of such Person’s Offence, they [the Justices] in their Discretion shall think fit’, while a male prisoner of more than twelve years of age might, if the Justices deemed it proper, be sent ‘to be employed in his Majesty’s service, either by Sea or Land’. If any ‘Incorrigible Rogue’ broke out of the house of correction in which they were confined, or reoffended ‘in like Manner’ after being released, then they were to be considered as having committed a felony, and if convicted ‘may be transported for any Time not exceeding Seven Years, in the same Manner as the by Laws now in being other Felons may be transported’.

<sup>40</sup> The Navigation Act of 1703 (2 & 3 Ann., c. 6, § 1) provided that any boy in England and Wales aged ten years and upwards who was, or whose parents were, chargeable to the poor rates, or who begged for alms, might be bound as an apprentice to the Royal Navy until the age of twenty-one.

<sup>41</sup> The Poor Relief Act of 1601 (43 Eliz., c. 2, § 5) provided that the churchwardens and overseers of a parish, might, with the agreement of two Justices of the Peace, bind a child whose parents could not support them as an apprentice to ‘where they shall see convenient’, until the child reached the age of 24 if male or 21 if female.

quality are, and in the nature of things ever must be, drains to the mother country: until the mutually happy and every where too long protracted æra of independence. But of these drains, some may be more, some less, voracious. The colony in New South Wales is in its nature among the most voracious that could have been chosen or imagined.

The advantages that men reap in compensation for the heavy and many disadvantages they sustain by quitting a cultivated country for a wild one at a distance are the getting rid of land-rent, the exaction of land monopolists, taxes and bad laws: these universally, to which may be added better climate and land richer and better situated, if they are happy in their choice.

When, to these general advantages, they add the fortuitous one of a mine of the pretious gems or metals, the advantage may be so great, that, though the sovereign step in and exact a rent [119–090<sup>v1</sup>] for that part of the land, the superiority of advantage may not yet be exhausted. Such is the case in some parts of the Colonies of Spain and Portugal.

Putting in its claims in time, it is, therefore, possible for the Mother Country to come in for a share, though it can be but a small share, of the landlord's monopoly. And in the very particular situations just described, it is possible (for it actually has place) that this profit may exceed the charge of government.

Bating this accidental case, if the mother country derives a benefit adequate to the burthen, or any benefit at all, it must be by taxes. Will the Colonies, do they, pay the value of the paring of a nail in the way of taxes?—They deserve to be stripped to the bone for their folly.

The East Indies yield taxes: but the East Indies are not a colony, but a conquest. Even under the pressure of those taxes, the quiet and secure and steady government of European masters, with all its exactions, may be a less evil than the least bad of their own bloody and fluctuating and unsecure and barbarous ones. Their lot [119–090<sup>r2</sup>] would be too happy if, like the antient Peruvians under the Incas, they could remain under the government of a more civilised race, with eyes and attachments fixed to the spot and backs turned to the ignorant and unfeeling government of a distant clime.

If the productions of a Colony could be confined to that spot and the rate of taxation be made to rise *ad libitum* with the avarice of the exactor, an advantage more or less

considerable might be derived from the preeminence over that colony by a taxation of imports into the mother country from that colony, and, were the Colonists weak enough to submit to it, by a taxation of the imports into that Colony from the Mother Country or elsewhere. But few are the instances in which the productions of any Colony can be confined to that Colony: the rate of taxation of imports into the Mother Country from the Colony, as from every other place, is limited by the faculty of smuggling: [119–090<sup>v2</sup>] and the power of laying taxes on the imports into the Colony extends no further than the weakness and the folly of the Colonists.

If the nature of trade with Colonies were that the Colonists gave the produce of their Country gratis and the merchant of the mother country got the goods for nothing, dominion over Colonies might still be of advantage in the way of trade. Unfortunately for this system, the Colonist is as little disposed to give his goods for nothing as the Merchant in the Mother Country is to give his. Each gets as much as he can and each gets as much as the other, so that in [...?] more is not got by<sup>42</sup> belonging to the governing than [by]<sup>43</sup> belonging to the governed nation, nor any thing by either.

If the dealers in the Colony were restricted in their dealings to a single customer in the mother country, that customer might gain by them more than they gained by him: for having no competitor, he might raise his rate of profit as high as he pleased to the extent of the limits set to it by the faculty of smuggling: and the case would be nearly the same had the monster monopoly assumed the shape of a Company. But except the old [119–091<sup>r1</sup>] Goliath of the East Indies,<sup>44</sup> which ere long may meet with a David<sup>45</sup> (and God grant that it may be soon!), to endure such monsters is not the policy of Britain. The Colonists from Great Britain would no otherwise be confined in their dealings than to the 12 or 14 millions that compose those who have the faculty of dealing in the Mother Country.<sup>46</sup> 12 or 14 millions afford a number of competitors as capable of pushing the price demanded to its highest terms, and the price offered to be taken to its lowest terms, as 12 or 14,000 millions: so that all that Britain and France gain by the monopolies, which are the so much

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<sup>42</sup> MS del. 'for'.

<sup>43</sup> MS 'for'.

<sup>44</sup> i.e. the British East India Company.

<sup>45</sup> For the slaying of Goliath by David see I Samuel 17.

<sup>46</sup> MS orig. 'Great Britain'.

boasted sources of their wealth, is that the dealers of the British Mother Country are restricted to the British Colonies, and those of the French Mother Country to the French Colonies, without [there]<sup>47</sup> being a single dealer fewer in both countries taken together than if the monopoly did not exist: upon the whole, French and English Colonies taken together, the number of the traders is not lessened, only the direction of the trade prescribed and regulated. Nothing, therefore, is gained to either by the [119–091<sup>v1</sup>] monopoly: nor any thing lost except what is lost by the perversion of the current from the natural and straight channel into an unnatural and tortuous one.<sup>b</sup>

<sup>b</sup> Expence of freight encreased; goods manufactured or shipped at a place where it costs more to manufacture or ship them than it would had trade been left free to the rival country.

O nations! when will your eyes be open to these inestimable truths, sole bands and pledges of charity, philanthropy and peace!—Then and not before, when the generous flame of philanthropy has given expansion to your hearts. For such is the decree [of] the author of human nature—that they shall ever keep pace with each other—the expansion of the heart and the strength of the intellectual eye. As ye grow wise, ye will grow generous: and as ye grow generous, ye will grow wise.<sup>48</sup>

Of the two hundred Merchants that the quantity of capital that can be afforded by France and England to Jamaica and S<sup>t</sup> Domingo,<sup>49</sup> one hundred go to the former, the other hundred to the latter. If, instead of the one hundred to the one and the other hundred to the other, both hundreds went to either without distinction, where in point of competition would be the difference? The more an Englishman bought at S<sup>t</sup> Domingo, the less he could afford to buy at Jamaica. The more a Frenchman bought at Jamaica, the less he could afford to buy at S<sup>t</sup> Domingo.

[119–091<sup>r2</sup>] I forget in what address of the proprietors of one of the Colonies to the National Assembly of France, the addressors reckon up their wealth and pointing to it say—See, this is all your’s.<sup>50</sup> Is the wealth of S<sup>t</sup> Domingo, then, the wealth of France?—

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<sup>47</sup> MS ‘their’.

<sup>48</sup> [ANNOTATION TO BE FINALIZED.]

<sup>49</sup> Jamaica and Saint-Domingue were British and French colonies respectively.

<sup>50</sup> [ANNOTATION TO BE FINALIZED.]

Yes, that it is: as much as the wealth of Britain is the wealth of France, as much as the wealth of France is the wealth of Britain, and no more. If S<sup>t</sup> Domingo, giving three millions worth of goods, receives three millions worth of France, and Britain, with goods to the same value, receives of France goods to the same value, the wealth of Britain is as much the wealth of France as is the wealth of S<sup>t</sup> Domingo: France as much interested in the prosperity of Britain as in the prosperity of S<sup>t</sup> Domingo. O nations, nations who fight with colonies and for colonies, what can your wickedness be equalled by but your folly!<sup>c</sup>

<sup>c</sup> What is the real interest that inspires some of the Colonists with such fears of a separation?—the danger lest, in the headlong spirit of French reform, a man who has one estate in one country and another in the other, should not be permitted [119–091<sup>v2</sup>] to retain both. Such apprehensions could have no place but in a nation where the interests of men are so ill understood or so little regarded as they are in a nation where the rulers were as discerning and as regardful of the interests of men as others have been forward to declare and to violate their rights.

### *New Wales Influence*

[119–092<sup>r1</sup>] I have no fanatic terrors of the influence of the Crown.<sup>51</sup> Though tolerably fixed, my notions are very easy on that head. I could see it doubled without being in much pain except on account of the expence: but on that same account, I could see it reduced to nothing, in as far as power remained untouched, with much more pleasure. I could behold with pleasure the crown of Hindostan fished out of the filth of Leadenhall Street<sup>52</sup> and added to the regalia in the tower: but it is with transport I should see the precedent of Spain

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<sup>51</sup> The question of the influence of the Crown had been a contentious issue in British politics and had given rise to the famous motion ‘that the influence of the Crown has increased, is increasing, and ought to be diminished’, proposed by John Dunning (1731–83), first Baron Ashburton, barrister and politician, and passed by the House of Commons on 6 April 1780: see *Parliamentary History* (1780–1) xxi. 347.

<sup>52</sup> i.e. the headquarters of the East India Company.

and Naples,<sup>53</sup> the precedent of France and Spain,<sup>54</sup> the precedent of Austria and Tuscany,<sup>55</sup> pursued in the British empire, and behold the diadem of Hindostan bound upon the brow of one of his Majesty's sons, emancipated, forisfamiliated, and sent to live among his people. He would not want for followers, nor the golden harvests of India want for English reapers.

[119–092<sup>v1</sup>] Perish this hand, e'er I stoop to take an unfair advantage, e'er I think one thing and say another, e'er I lay hold of a prejudice and inflame it because I find it on my side.

The safety of the people lies not in the virtue of their pretended representatives—not in the exertions of the pampered sons of opulence and its inseparable attendants, indolence and ignorance—but in the vigilance of the people. The less they are cared for, the more they will care for themselves: the more regularly and pertinaciously and palpably they are betrayed by the aristocratical representation, the more seriously they will think of insisting on a real Deputation. The liberties of a country like this can never be in danger till the liberty of the press is destroy'd, which, spite of the endeavours of lawyers,<sup>56</sup> it will never be, for the patience of the people of this country has its bounds.

[119–092<sup>r2</sup>] I regard, therefore, the encrease of influence as a very subordinate consideration: a consideration which I should never think of placing in the front of any enquiry, much less represent as capable of outweighing the advantage to be derived from any establishment advantageous in its own nature. But however [subordinate],<sup>57</sup> it makes still a consideration. As such, it ought never to remain unnoticed where it has place. It will

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<sup>53</sup> Following the conquest of Naples and Sicily by a Spanish army in 1734 during the War of the Polish Succession, Charles (1716–88), Duke of Parma and Piacenza 1731–5, the younger son of Philip V (1683–1746), King of Spain 1700–24, had been installed as King of Naples and Sicily. He subsequently succeeded as King of Spain as Charles III in 1759.

<sup>54</sup> In 1700 Philip, Duke of Anjou (1683–1746), grandson of Louis XIV (1638–1715), King of France from 1643, had been named as heir to the vacant Spanish throne, to which he succeeded as Philip V 1700–24 and, after briefly abdicating, again from 1724.

<sup>55</sup> In 1736 Francis Stephen (1708–65), Duke of Lorraine 1729–37, had been installed as heir to the Grand Duchy of Tuscany in compensation for the loss of Lorraine under the terms of the preliminary peace which ended the War of the Polish Succession. He subsequently succeeded as Holy Roman Emperor as Francis I in 1745.

<sup>56</sup> [ANNOTATION TO BE FINALIZED.]

<sup>57</sup> MS 'subordination'.

go to swell the account of disadvantage in the instance of an establishment useless or pernicious in itself: and those who give it, in their own minds, a weight which it possesses not in mine will be disposed and intitled to attribute to it that degree of weight which it possesses in their estimate.

[119–093] Here the illustrious Herschel<sup>58</sup> stands again unrivalled. The pure atmosphere of the *Georgium sidus*<sup>59</sup> knows not the contamination of influence. On this errand, the English place-hunter may be not less eager to go to the heaven of free-quarters than was the esurient Greekling of old Rome,<sup>60</sup> but the heaven that encircles that purest of all acquisitions will not receive him. Even the winged steeds that bore the adventurous Spaniard<sup>61</sup> from these sublunary to the lunar regions would tire in the chase.<sup>62</sup>—Lords of the Georgian star and of other stars without number, may the dynasty of the Georges never add to their present territories any other dominions than these!

### *Right wanting<sup>d</sup>*

<sup>d</sup> In this place, let it be observed, I am considering the business merely as a business of colonization at large: considered as a mode of disposing of convicts, it will be considered afterwards.<sup>63</sup>

[119–094<sup>r1</sup>] One question there is which at once goes to the root of all projects of discovery and improvement, of all works of not absolute [necessity],<sup>64</sup> in as far as they are

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<sup>58</sup> i.e. William Herschel (1738–1822), musician and astronomer, who in 1781 was the first to identify the planet Uranus.

<sup>59</sup> i.e. the ‘Georgian Star’, the name originally given to Uranus by Herschel in honour of George III. The name was not readily accepted outside Britain, and the German astronomer Johann Elert Bode (1747–1826) successfully proposed naming the planet Uranus.

<sup>60</sup> See Juvenal, *Satires*, I. iii. 78–9: *omnia novit Graeculus esuriens: in caelum iusseris ibit*, i.e. ‘your hungry Greekling has every talent. Tell him to go to heaven and he will’.

<sup>61</sup> MS orig. ‘Diego’.

<sup>62</sup> Don Quixote and Sancho Panza are blindfolded and tricked by a Duke and his wife into believing that they are flying into the region of fire between the moon and heaven on the back of an enchanted wooden horse named Clavileño: see *Don Quixote*, Part II, Bk. II, Chs. 40–1.

<sup>63</sup> The insertion of Bentham’s footnote at this point is speculative. The passage appears at the foot of the first page of this section.

<sup>64</sup> MS ‘necessary’.



carried on with public money, and that is [whether]<sup>65</sup> the trustees of the people have any right to make any such use of the money of the people?—My notion lies, I must confess, on the negative side.<sup>66</sup>

In using in this way the word *right*, I mean nothing less than to open a metaphysical battery under favour of the clouds in which that word stands involved to many an apprehension.—In speaking of the government of this country, I am speaking of those who, as far as legal right goes, have a right to do with us and our money as they please. But morally speaking, have they a right, or to keep clear of all objection, is it right on their parts, to convert our money to this use? The affirmative side [119–094<sup>v1</sup>] of this question is what I must take the liberty to dispute.

For money which is to be collected by taxes, that is which is to be taken from the contributors by force, and without and even against their consent, for it is that which distinguishes a tax from a voluntary contribution, I know no legitimate destination but the application of it to the purposes of common Defence: defence against foreign enemies, defence against domestic disturbers, and defence against calamities, which are the hostilities of nature. I am not going to plead the original contract.<sup>67</sup> I can build, I hope, without taking fiction and nonsense for my foundation: but if government be a trust, and there be such a thing on the part of government as a breach of trust, the disbursement in question seems to be of the number of those which come within the idea. I do not say it is what the people have not consented to: just the same thing might one say of any the most necessary expenditure.—They have [never]<sup>68</sup> given their consent to any thing—how should they? when they are never asked? when they know of nothing till it is done. But would [119–094<sup>r2</sup>] they, were they to be asked, and had they a judgment capable of perceiving the relation to their interest, is it to be believed that the poor, of whom the bulk of this nation, as of every nation, is composed, would willingly sacrifice a part of their

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<sup>65</sup> MS ‘with’.

<sup>66</sup> In the margin, Bentham has noted at this point: ‘Is not this laying out upon ruffles money given to buy shirts?’

<sup>67</sup> For Bentham’s condemnation of view that government was founded on an ‘original contract’, and generally associated with John Locke, *Two Treatises of Government* (first published in 1689), as a fiction see ‘A Fragment on Government’, Ch. I, paras. 36–48, in *A Comment on the Commentaries and A Fragment on Government*, ed. J.H. Burns and H.L.A. Hart, London, 1977, pp. 439–48.

<sup>68</sup> The addition is required by the evident sense of the passage.

poor pittance to lay out in projects for the amusement of the rich? Is there a man that can lay his hand to his heart, and make answer in the affirmative?

What Goth, what Vandal, have we got here! an enemy, a professed one, to every thing that is elegant and ornamental in human life! to invention—to discovery—to philosophy—to the sciences and to the arts!—Not I, truly: these are delightful things, and few, I may say, there are who take more delight in them than I do. But my notion is this, and I hope it is not so singular as to be confined to me—that whatever amusement is mine and mine only, I and I alone ought to pay for: and that my happening to have it in my power to take money from my poor neighbour against their wills and apply it [119–094<sup>v2</sup>] to my own use is no reason to justify my applying my power to any such use: and that, supposing out of 10 millions, 100,000 more having the same taste with myself and the same powers, their rights to gratify the one in this way and exercise the other would not stand upon any better ground than mine. No—matters of delight and entertainment to the privileged few are subjects for voluntary contribution: not for forced levies wrung from the grasp of the reluctant poor by the claw of the Exciseman.

This is no romantic theory—I speak from what I see. Take two instances—the establishment for the encouragement of the British fisheries,<sup>69</sup> and that for the prosecution of discoveries in the interior parts of Africa.<sup>70</sup> In both instances, those only who are to share in the benefit bear any share of the burthen. In the one we see amusement joined with hope of solid profit: in the other, with science. In one or other way, both bear a near relation to the establishment in question: the first a plan of colonisation; the other of geographical discovery.

[119–095<sup>v</sup>] One thing ought never to be forgotten: and this is not the only instance in which it ought to be had in remembrance.—Who pays for this? the very poorest of the

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<sup>69</sup> The British Society for Extending the Fisheries and Improving the Sea Coasts of this Kingdom was a joint-stock company established by the British Fisheries Society Act of 1786 (26 Geo. III, c. 106). The subscriptions raised by the Society were to be used to improve or build fishing towns, villages, and stations throughout the Highlands and Islands of Scotland.

<sup>70</sup> The Association for Promoting the Discovery of the Interior Parts of Africa was founded at the St Alban's Tavern on 9 June 1788 by nine members of the Saturday's Club, who resolved that every member of the Association was to subscribe five guineas per year, initially for three years: see *Proceedings of the Association for Promoting the Discovery of the Interior Parts of Africa*, London, 1791, pp. 3–16.

poor.—You mean their share?—No: I mean the whole. By what tax is the money raised? By the most oppressive, the most impoverishing, the most unconstitutional, the most ineligible in every point of view which the dictionary of our finance affords.—How so?—because by abstaining from this expenditure, that most ineligible of all taxes, whatever it be, (for I care not what it is) might be and ought to be—to the extent of the sum in question—saved.<sup>e</sup>

<sup>e</sup> This is one of the bases on which I found my theory of national expenditure: I think it will not be found an unsubstantial one.<sup>71</sup>

[119–095<sup>v</sup>] If this be just, down falls the whole of the colonization system at once: I mean always unless matter of sufficient solidity can be found in so much as regards the disposal of convicts for the support of it: of which in due time and place.

But the demonstration of its impropriety rests not exclusively by any means on any such novel and, on that account alone to many an eye, unsubstantial ground. Let us come close to it, and examine it upon its own bottom.

### *Extended Empire*

[119–096<sup>1</sup>] Approach the picture—take it part by part—Image after image—phantom after phantom!

The first is extension of empire.—If this circumstance can be carried to the side of advantage in any public view, it can not be abstractedly on its own account: of my 100 acres, the value does not *ipso facto* receive any encrease, because, to the 50 millions of acres that were before under the same government, an addition is made of 50 millions more: if at all, it must be from some addition made or likely to be made either to the national wealth or to the national security, that is to the national defensive force. Does the establishment promise any addition in either of these two ways? That we shall see under those respective heads.

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<sup>71</sup> See *A Protest Against Law Taxes, Shewing the Peculiar Mischievousness of all Such Impositions as Add to the Expense of Appeal to Justice*, London, 1795, reproduced in *Writings on Political Economy: Volume I*, ed. M. Quinn, Oxford, 2016 (CW), pp. 269–93.

[119–096<sup>v1</sup>] Meantime other additions are made, consequences that are indisputable, and that unfortunately on the other side—addition to the expence of government—addition to the influence of the crown—addition to the fund of matter liable to breed war— addition to the standing army—addition to the dangers that environ the constitution—addition to the sphere of vulnerability and consequently to the charge of the provision for defence.<sup>72</sup>

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[119–096<sup>r2</sup>] Were the extended empire indeed a blessing, this of New South Wales, alias New Holland, would be in truth no despicable one: to our own two little European islands, another of itself equal to all Europe. True it is that the Dutch were there before us, that the Dutch have the prior right to it, if the taking up here and there a straw gives a right to the contents of the whole manger—that the Dutch might be disposed to fight for their right as well as we for our no-right, and then we should have to beat them out of it. True: but t’other day we forced the Dutch to be our friends:<sup>73</sup> therefore they will be our friends freely tomorrow and for ever.

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[119–097<sup>r</sup>] Great indeed and wonderful are the accessions of dominion which the dominion of our present most generous Sovereign [has]<sup>74</sup> received since his accession to the throne. Many and vast and brilliant are the gems which, since that auspicious period, have been added to the royal diadem! May they remain to the end of time in their state of primæval lustre, never to be tarnished by the impure touch of any official lapidary.

The glories of the immortal Capt. Cook, from whose dutious hand our gracious King has received richer presents than sovereign ever received from subject before or ever can again,<sup>75</sup> stand upon ground distinct from any use that has been made or ever may be made of them. Peace and honour be to his manes! though to my humble and muddy eye, the *civic*

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<sup>72</sup> In the text, the following abandoned sentence appears at this point: ‘So much for the blessings of extended’.

<sup>73</sup> The Triple Alliance of 1788–91 was a military alliance between Britain, Prussia, and the Dutch Republic.

<sup>74</sup> MS ‘have’.

<sup>75</sup> On 22 August 1770 while at Possession Island, Captain James Cook claimed the eastern seaboard of the Australian continent in the name of George III.

crowns he has earnt in the preservation of so many lives, past, present and to come, shew far brighter than all his *naval* ones.

[119–097<sup>v</sup>] Yet setting aside these less resplendent merits, the man to whom I, as a subject in whom loyalty is governed and directed by civic views, could pay a tribute more unreserved and unqualified is Herschel! The gifts of Cook are here and there a spot in one of the planets, and that a small one: the tribute paid by Herschel is a whole one. The presents of the navigator have cost the nation £400,000 in four years:<sup>76</sup> and this but a beginning of those sorrows that are the fruits of prodigality: the offerings of Herschel have cost the gratitude of a munificent master £200 a year, but the nation not a farthing.<sup>77</sup> New Holland, with its insatiable maw, robs our little island of its sustenance: the *Georgium sidus* (heaven be for ever praised for it!) is out of the reach of colonization.

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<sup>76</sup> For Bentham's calculation as to the total cost of New South Wales to Britain as of 18 March 1791 see pp. 000 and 000 below.

<sup>77</sup> In July 1782 Herschel applied to the Crown for, and received, a pension of £200 per annum, on the condition that he reside near Windsor Castle and show the planets to the Royal Family upon request.

NOTE TO TYPESETTERS: Please begin a new recto.

[119-085]

## New South Wales Expenditure

NOTE TO TYPESETTERS: Please arrange the following table in two columns.

Convicts shipped <sup>78</sup>	2,029 <sup>79</sup>
Convicts intended to be sent in the Ships now (Mar. 18 1791) under orders	1,830 <sup>80</sup>

NOTE TO TYPESETTERS: End of table

NOTE TO TYPESETTERS: Please arrange the following table in two columns. Please ensure that the figures on the right align correctly underneath the headings for pounds, shillings and pence, and that a line is drawn above the total in the final row.

Expenditure.	[£            s            d]
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<sup>78</sup> For the figures presented in the tables below see 'Extracts of Letters, &c.—and Accounts, relative to the Settlements in New South Wales', *Commons Sessional Papers* (1791–2), lxxxiii. 241–58 at 252–5. The papers were ordered to be printed on 8 April 1791 and Bentham had acquired a copy from Charles Bunbury on 29 April 1791: see Bentham to Bunbury, 6 May 1791, *Correspondence*, iv. (CW), 278. For further details see the Editorial Introduction, pp. 000 above.

<sup>79</sup> i.e. the convicts embarked on the ships comprising the First Fleet, namely the *Alexander*, *Charlotte*, *Friendship*, *Lady Penrhyn*, *Prince of Wales*, and *Scarborough*, which sailed from England on 13 May 1787, the *Lady Juliana*, which sailed on 29 July 1789, and the *Guardian*, which sailed on 12 September 1789; the ships comprising the Second Fleet, namely the *Surprize*, *Neptune*, and *Scarborough*, which sailed from England on 19 January 1790, and the *Mary Ann*, which sailed on 16 February 1791, and the *Gorgon*, which sailed on 15 March 1791.

<sup>80</sup> i.e. the convicts embarked on the ships comprising the Third Fleet, namely the *Matilda*, *Atlantic*, *Salamander*, *William and Ann*, *Active*, *Albermarle*, *Britannia*, and *Admiral Barrington*, which sailed from England on 27 March 1791, and the *Queen*, which sailed from Ireland in April 1791.

Charged to the head of transporting	161,075	17	2
King's Ships	95,601	0	0
Stores for Settlement	84,553	4	8¾
Establishment Civil & Military 4 years or less	42,860	13	10
	—————		
	384,090	15	8¾ <sup>81</sup>

NOTE TO TYPESETTERS: End of table

All this is on account of the 2,029. The 450 Tons of provisions shipped in Feb. 1791 (9,514–10–2) appear to have been not for those who are to go out, but for those who are there already.<sup>82</sup>

NOTE TO TYPESETTERS: Please arrange the following table in two columns. Please ensure that the figures on the right align correctly underneath the headings for pounds, shillings and pence, and that a line is drawn above the total in the final row. Please see p. 000 of the hard copy for guidance.

	£	s	d
Freight of Transports	42,271	–	4
Charge of first expedition—Numbers not mentioned	81,899	11	6
Deducenda			
For a Store at S Wales	16,205	3	–

<sup>81</sup> Bentham has supplied this total.

<sup>82</sup> See *Commons Sessional Papers* (1791–2), lxxxiii. 255. The provisions were sent to the colony by H.M.S. *Gorgon*, which was converted into a storeship and sailed from England on 15 March 1791, contrary to the statement in *ibid.* 15 and repeated by Bentham.

Tools, Implements of Husbandry &c.	3,056	8	7
Marquees & Camp Equipage for Marine Officers	389	4	1
Portable House for Governor	130	–	–
Medicines, Drugs, Surgeon's instruments & Necessaries	1,429	15	5
Seed Grain	286	17	4
Old Canvas for Tools &c.	69	–	9
Heaths & Coppers &c.	118	10	3
	21,684	19	5
Add Cloathing, Slops & Bedding—though part of this expence goes to that of the passage	4,939	16	8
	26,624	16	1 <sup>83</sup>

NOTE TO TYPESETTERS: End of table.

### *Provision*

1. In case of their being brought back, enormous expence.

2. And no provision.

Are they, when their terms are respectively expired, to be brought back from thence or not? In the one case, there is an enormous addition to the expence. In the other, it is a very tyrannical and dishonourable, if not illegal, conversion of transportation for a limited term into transportation for life. In the case of American transportation, the means of return were easy. Now they are physically impossible.

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<sup>83</sup> Bentham has supplied this total.



The great object is to get Ministers to speak out.

The total expence is |^^|. <sup>84</sup> This, were it full 4 years ago that the first embarcation was made, <sup>85</sup> and were the whole 2,000 all embarked at that time, would make £48 per man per year.

But I believe it is not full 4 years ago: and it is certain that the whole 2,000 did not embark at once. <sup>86</sup> I believe it will be found that upon an average at least half of them have not been embarked above half the time: if so, half the expence of half the number is to be added to the expence per man per annum, that is the expence amounts to £60 per man per annum.

### *Separanda*<sup>87</sup>

1. Expence of conveyance.
2. Expence of Cloathing &c. that must at all events be received.
3. Expence of Food and other articles which the Settlement may supply.
4. Capital advanced at first in implements of husbandry & other articles of a nature more or less durable.
5. Annual expence to pay for wear & tear & keep up the stock.
6. Expences that will encrease in proportion to the numbers of the Convicts.
7. Expences that will not at all be encreased with the number of the convicts—or not in equal proportion.

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<sup>84</sup> Given the following calculation, Bentham presumably intended to insert the figure of £384,000, corresponding to the total expense of New South Wales that he had calculated at p. 000 above.

<sup>85</sup> The first embarkation of convicts for New South Wales took place on 6 January 1787, when 184 convicts from the Woolwich hulks *Ceres*, *Justitia*, and *Censor* boarded the *Alexander*, which sailed from England with the First Fleet on 13 May 1787.

<sup>86</sup> For the various dates of the embarkation of convicts see p. 000 n. above.

<sup>87</sup> i.e. things to be separated.

NOTE TO TYPESETTERS: Please begin a new recto.

[119-086]

## Botany Bay—Resolutions against<sup>88</sup>

Resolved—that it can never be an object of National benefit to establish a Colony with a view to trade, unless there be good ground for being assured, that the profit upon the capital likely to be employ'd in trading with such Colony will, within the probable lifetime of men now living, exceed the greatest profit that could otherwise be made of the same quantity of capital employ'd in any other trade, by a sum greater than the whole amount of the expence of founding, maintaining, governing and providing for the defence [of] such colony.

Resolved. That in any Colony, a number of males superior in any considerable degree to the number of females can not be of any use in respect of population.

That even among [an equal] number of both sexes, no considerable progress in population can reasonably be expected to be made where the greatest part of the inhabitants live in a state of promiscuous copulation.

That a state of promiscuous intercourse between the sexes is not conformable to the commonly [held] notions of good morals, nor to those of Xtianity as professed by the Church of England.

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<sup>88</sup> These resolutions were presumably intended for debate in the House of Commons.