

WRITINGS ON  
AUSTRALIA

VII.

COLONIZATION COMPANY PROPOSAL

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. 1 (Athlone Press), which was the first volume of the *Collected Works* to be published.

# CONTENTS

EDITORIAL INTRODUCTION	iv
A NOTE ON THE PRESENTATION OF THE TEXT	viii
SYMBOLS AND ABBREVIATIONS	ix
COLONIZATION COMPANY PROPOSAL	1
APPENDIX: 'E. Gibbon Wakefield on the Colonization Society's Plan, 23 Aug. 1831'	38

## EDITORIAL INTRODUCTION

The National Colonization Society had been established in 1830, its members having been inspired by Edward Gibbon Wakefield's<sup>1</sup> plan of 'systematic colonization', that is, the emigration of carefully selected free people, funded by the sale of colonial lands, to a colony which would be granted powers of self-government as soon as possible.<sup>2</sup> The Society's members had initially sought to implement the plan at the Swan River colony, though they failed to secure the necessary government support. Following the discovery of the River Murray in late 1830, they turned their attention to Gulf St Vincent on the south Australian coast, and in May 1831 submitted a proposal to the Colonial Office in which the colony would be one of concentrated settlement and the scheme overseen by a joint-stock company. The Society was required by the Colonial Office to develop further and resubmit its proposal, and did so in August 1831, proposing that, in return for the company being granted a Royal Charter, its directors would bear the entire cost of establishing the colony.

On 3 August 1831 the Committee of the National Colonization Society approved the printing of its revised proposal, which was published as *Proposal to His Majesty's Government for Founding a Colony on the Southern Coast of Australia*.<sup>3</sup> Over the following ten days from 4 August 1831 Bentham drafted around fifty sheets of manuscript relating to 'Colonization Company Proposal', and which effectively constitutes his commentary upon the National Colonization Society's *Proposal*. What prompted Bentham to write 'Colonization Company Proposal' is unclear, though he knew or had had dealings with a number of individuals involved in the National Colonization Society, including its then chair Robert Torrens,<sup>4</sup> as well as with Edward Gibbon Wakefield himself. It is not known when Bentham and Wakefield first met, and no direct correspondence between

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<sup>1</sup> Edward Gibbon Wakefield (1796–1862), promoter of colonization.

<sup>2</sup> See E.G. Wakefield, *A Letter from Sydney: The Principal Town of Australasia*, ed. R. Gouger, London, 1829 (reproduced in *The Collected Works of Edward Gibbon Wakefield*, ed. M.F. Lloyd Pritchard, Glasgow and London, 1968, pp. 93–186), and [Wakefield], *Sketch of a Proposal for Colonizing Australasia, &c. &c. &c.*, [London, c. 1830].

<sup>3</sup> *Proposal to His Majesty's Government for Founding a Colony on the Southern Coast of Australia*, London, 1831. Several years' of negotiations were required before Parliament passed the South Australia Act of 1834 (4 & 5 Will. IV, c. 95) which provided for the establishment of the colony.

<sup>4</sup> Robert Torrens (c. 1780–1864), political economist. For Bentham's earlier contact with Torrens, see *The Correspondence of Jeremy Bentham*, vol. x, ed. S. Conway, Oxford, 1994, and vol. xi, ed. C. Fuller, Oxford, 2000, as index.

them has been located.<sup>5</sup> In 1833 Wakefield implied that he had been responsible for persuading Bentham to regard colonization as ‘a work of the greatest utility’. Wakefield stated that Bentham had held a ‘prejudice against colonization, on the ground of the mischievous loss of capital which it might occasion to the mother-country’, and which originated in ‘a *non sequitur* which had got possession of his mind’, namely that ‘labour is employed by capital, [and] capital always finds a field in which to employ labour’.<sup>6</sup> According to Wakefield,

During the summer of 1831, Mr. Bentham’s attention was called to this subject. At first he urged the objection to colonization which has been here examined, but finally abandoned it. Then, immediately, notwithstanding his great age and bodily infirmities, he proceeded to study the whole subject of colonization, and even to write upon it at some length. His written remarks upon the subject [i.e. ‘Colonization Company Proposal’], now in my possession, show that he lived to consider colonization, not “an agreeable folly,”<sup>7</sup> but a work of the greatest utility. I am proud to add, that the form of the present treatise was suggested by one of the wisest and best of mankind.<sup>8</sup>

In a letter of 4 August 1831 Bentham told Joseph Hume<sup>9</sup> that he had recently read Wakefield’s *Facts Relating to the Punishment of Death in the Metropolis*,<sup>10</sup> and found it ‘a most valuable work: he a most valuable man. I have thrown my mantle over him and shall

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<sup>5</sup> Bentham knew Edward Gibbon Wakefield’s father, Edward Wakefield (1774–1854), philanthropist and statistician.

<sup>6</sup> E.G. Wakefield, *England and America: A Comparison of the Social and Political State of Both Nations*, 2 vols., London, 1833, ii. 103–4 and n.

<sup>7</sup> This phrase is taken from *Rationale of Reward*, London, 1825, p. 288: ‘If colonization is a folly when employed as a means of enrichment, it is at least an agreeable folly.’

<sup>8</sup> Wakefield, *England and America*, ii. 103–4 n. Wakefield seems to indicate that Bentham suggested the form of *England and America*.

<sup>9</sup> Joseph Hume (1777–1855), radical politician, MP for Weymouth and Melcombe Regis 1812, Aberdeen Burghs 1818–30, Middlesex 1830–7, Kilkenny City 1837–41, Montrose Burghs 1842–55.

<sup>10</sup> Wakefield, *Facts Relating to the Punishment of Death in the Metropolis*, London, 1831.

turn him to good account'.<sup>11</sup>

The manuscripts constituting 'Colonization Company Proposal', which is published here for the first time, are almost all in Bentham's hand, though parts are in the hand of an unknown copyist. There are a handful of marginal comments, written in pencil in an unknown hand. Following the manuscripts in UCL's Bentham Papers are six sheets in the hand of Edward Gibbon Wakefield, with a heading in Bentham's hand 'E. Gibbon Wakefield on the Colonization Society's Plan, 23 Aug. 1831', which is also published here for the first time.

\* \* \*

The Bentham Committee wishes to thank the Arts and Humanities Research Council, whose generous grant has made possible the preparation and publication of this text as part of a grant entitled *Convict Australia and Utilitarianism: Jeremy Bentham's 'Writings on Australia'*. The Bentham Committee is grateful to the British Academy and University College London for their continuing support of *The Collected Works of Jeremy Bentham*.

Thanks are due to University College London Library's Special Collections for permission to publish material from its collection of the Bentham Papers.

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. We would like to acknowledge the help received in the elucidation of certain references in the text from Dr Kristyn Harman.

Grateful acknowledgment is hereby made to the authors, editors, and translators of standard reference works, such as the *Oxford Dictionary of National Biography*, without

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<sup>11</sup> Bentham to Hume, 4 August 1831, BL Add. MS 89,039/2/1.

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 a complete edition 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 ‘Colonization Company Proposal’ 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.

## Colonization Company Proposal:

being a

Proposal for the formation of a Joint-Stock Company  
by the name of the Colonization Company on an  
entirely new principle intituled the Vicinity-  
maximizing or Dispersion-preventing principle

[008-149]

## Contents

Preface. <sup>12</sup>	4
Ch. I. Special ends in view	6
Ch. II. Means of effectuation—primary characteristic and distinction— the Vicinity-maximizing or Dispersion-preventing principle	8
Ch. III. Means of effectuation, pecuniary and quasi-pecuniary	11
§ 1. Grant of land to the Company from the Sovereign power of the Mother Country <sup>13</sup>	—
§ 2. Formation by the Company of a capital, say of £500,000, to be employed as a means with reference to the above special ends	—
§ 3. Division and dispersal proposed to be made of the land forming the subject matter of the grant	—
§ 4. Primary distribution and application proposed to be made of the Capital sum, as above. For the ulterior distribution see Ch. IV. § 1	—
Ch. IV. Means of effectuation, incitative. To the several parties whose co-operation is necessary or would be beneficial, inducements to take the several parts respectively desired at their hands:	
§ 1. Shareholders—or Members of the proposed Company and other contributors	14

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<sup>12</sup> In the text, Bentham has noted at this point: ‘[§] should not this come *before*, and be independent of—the Contents?’

<sup>13</sup> No material for the four sections of Ch. III appears to have been written.

§ 2. Settlers without capital—their inducements	18
§ 3. Settlers with Capital—their inducements	22
§ 4. Government of the Mother Country—its inducements	23
Ch. V. Company’s and Colony’s Constitution taken together	
§ 1. Difficulty suggested	26
§ 2. Remedy proposed	28
Ch. VI. Company’s Constitution	31
Ch. VII. Colonial Constitution	
§ 1. What it can <i>not</i> be	32
§ 2. What it <i>may</i> be	33
Ch. VIII. Colonial Management, what <sup>14</sup>	—

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<sup>14</sup> No material for Ch. VIII appears to have been written.

[041-459<sup>v</sup>]

## Preface

Of this institution, as of every other plan undertaken by a Joint-Stock Company, the commencement and the success depend upon persons of three different descriptions: in the *first* place, the persons whom it is proposed to induce to transfer their residence from England to the distant spot in Australasia: say, in two words, the proposed Colonists; in the *next* place, the persons associating for the purpose of causing them so to do—say the proposed Founders;<sup>15</sup> in the *last* place, the Constituted Authorities on whose support they will have to depend for whatsoever it can be their hope to accomplish.

In the formation of their plan, the persons originally associating must have had in view, over and above, and in subordination to, the universal end—namely, the

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<sup>15</sup> The National Colonization Society had been established in 1830, its members having been inspired by Edward Gibbon Wakefield's plan of 'systematic colonization', that is, the emigration of carefully selected free people, funded by the sale of colonial lands, to a colony which would be granted powers of self-government as soon as possible. The Society's members had initially sought to implement the plan at the Swan River colony, though they failed to secure the necessary government support. Following the discovery of the River Murray in late 1830, they turned their attention to Gulf St Vincent on the south Australian coast, and in May 1831 submitted a proposal to the Colonial Office in which the colony would be one of concentrated settlement and the scheme overseen by a joint-stock company. The Colonial Office requested a revised proposal, which the Committee of the Society on 3 August 1831 ordered to be printed 'with a view to obtain the sanction of influential individuals preparatory to the Plan being submitted to His Majesty's Government': see *Proposal to His Majesty's Government for Founding a Colony on the Southern Coast of Australia*, London, 1831, p. 2. The proposal was submitted to the Colonial Office in August 1831, though the concerns of Frederick John Robinson, later first earl of Ripon, styled Viscount Goderich 1827–33, Secretary of State for War and the Colonies 1830–3, and Henry George Grey (1802–94), later third Earl Grey, styled Viscount Howick 1807–45, Under-Secretary of State for War and the Colonies 1830–4, regarding the financial viability of the scheme prevented any immediate progress.

The current work appears to be Bentham's response to reading National Colonization Society's *Proposal for Founding a Colony on the Southern Coast of Australia*.

maximization of the happiness of the persons interested—some determinate specific end or ends in view.

On this occasion, as on every other, the persons at whose hands cooperation is looked for, must, ere they could bestow it, have had inducements adequate to the production of it.

For the accomplishment of those several ends respectively, if so it happens that they are accomplished, adequate *means* must have had place and been in operation.

Those same specific ends in view or objects—those same inducements—and those same means of accomplishment or effectuation, the proposers of this Establishment proceed to submit to the consideration of all who may feel disposed to take it into consideration.

[008-150]

## Chapter I.

### Special Ends in view

1. Transferring individuals, in an unlimited multitude, from a state of indigence to a state of affluence.

2. Affording to a great part of the remaining portion of the population of the Mother Country, relief, from the pressure of a state of continually increasing indigence, from which they can not at present be relieved, but by a continually increasing tax imposed upon the people of all degrees *above* the lowest in the scale of opulence.

[3]. Affording to the relatively opulent and tax-paying portion of the people of England, *immediate* relief, more or less considerable, from this pressure.

[4]. Affording to them a security against all future increase of the existing pressure: a security which will not terminate, till the Australasian Continent contains a population as dense as the European.

[5]. Giving to the immigrants into Australasia not merely the means of existence, as above, but through means of education, the means of *well-being* in all time to come, as well in respect of the [body],<sup>16</sup> as in respect of the mind.

[008-151] 6. Giving, in that Colony, in a correspondent degree, increase to the market for the produce of the Mother Country: thereby, in this same Mother Country, over and above prevention of subtraction from, making positive addition to, the existing stock of the *matter of wealth*.

7. Giving to those same beneficial states of things, not merely a temporary, but a permanent, not to say perpetual, existence; an existence having no other termination than that which will be produced by a density of population in the Colony equal to that which at

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<sup>16</sup> MS 'mind'. The emendation follows the corresponding marginal summary: 'Giving to the Settlers not merely continuance of being, but *well-being*, bodily, and through education, mental.'

the time in question has place in the Mother Country.

8. Giving to the Stockholders, a reasonable, and it is hoped a constantly increasing, rate of interest and profit on the capital advanced by them by the purchase of their respective shares.



[008-154]

## Chapter II.

### Means of effectuation, primary, characteristic and distinctive—the Vicinity-maximizing or Dispersion-preventing principle

#### § 1. *Import and use of this term*

Understand by this principle, that according to which maximization of *vicinity* will be made as between the spot granted to and occupied by each Colonist or say *Settler*; relation had to the aggregate of the spots, granted to and occupied by the Colonists which the grant finds already in existence.

Rule 1. Choose for the subject-matter of each grant after the first, a spot contiguous to some part of the land already granted or as near to the being contiguous as the nature of the case will admitt. Such may be the words of the rule to which allusion may be considered to be made by the mention of [the] Correspondent principle, *Vicinity-maximization* or *Dispersion-preventing principle*, as above.<sup>a</sup>

<sup>a</sup> ¶ Of the principle I should expect to find the propriety incontestably established. But the proof of it has been diffused and scattered through a variety of small publications;<sup>17</sup> and requires (it should seem) to be condensed, and placed—the whole of it—under this one head.

More, [as] will be immediately perceived, will be found the convenience from the having for the designation and communication of a state of things on which every

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<sup>17</sup> As well as the National Colonization Society's *Proposal for Founding a Colony on the Southern Coast of Australia*, Bentham might have cited *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, which stated that the proposed Society would 'establish a general system of Colonization, founded on the main principles of *Selection, Concentration, and the Sale of Waste Land, for the purposes of Emigration*'. This work, though anonymous, is attributed to Edward Gibbon Wakefield (1796–1862), political theorist and promoter of colonization, and Robert Gouger (1802–46), public servant.

thing depends a locution composed of no more than three words, all of them perfectly familiar to every body, by which the idea may be called up into the mind of any body and every body in its clearest state, instead of a multitude of different and more or less lengthy sentences or broken scraps of sentences in endless variety liable to present to different persons ideas more or less different. Logically speaking, it will afford to all persons interested, a commodious[?] subject of *predication*.

[008-155]

## § 2. *Dispersion—its disad[van]tageous effects*

Dispersion bears reference to the center of government, of defensive force, and of commercial intercourse.

Of its disadvantageous effects, examples are the following.

In general, of the evil from dispersion, the magnitude is as the distance between the one object and the other.

But the distance in question is susceptible of two diversifications: viz: the distance in question may be the distance: 1. of the several individuals from the seat of government, as above: 2. of two or more of the individuals in question from one another.

1. Of evils, springing from and proportionate to distance of the individual in question from the seat of government, examples are the following—

1. Insecurity against damage to person and property from the hostility of the uncivilized aborigines.<sup>18</sup>

2. Insecurity against the like from disorderly Settlers.<sup>19</sup>

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<sup>18</sup> In the margin, Bentham has noted at this point: ‘In Van Dieman’s land it has been determined absolutely to extirpate the natives.’ Bentham’s allusion is to the so-called ‘Black War’ of 1824–31, the military campaign prosecuted against the indigenous people of Van Diemen’s Land by the colonial government. The conflict ended in the near-annihilation of the indigenous population, with the survivors, from 1830, being rounded-up and removed to the Wybalenna settlement on Flinders Island, off the north-eastern coast of Van Diemen’s Land.

<sup>19</sup> In the margin, Bentham has noted at this point: ‘So of one another.’

3. Distance from the only place at which material of subsistence and materials of instruments necessary to production and communication, or say conveyance, can be obtained; obtained—whether by purchase, hire, or borrowing.

4. Distance at the only place in which means of reparation for instruments of all sorts can be obtained:—as above.

5. Distance from the only place at which value for surplus produce in any shape can be obtained.

6. Distance from the only place at which intelligence of good or evil, present, past, or future probable, from any source, can be obtained.

[008-156] 7. Distance from the only place at which social intercourse at large, and the various and endless comforts that depend upon it, can be obtained.

8. Distance from the only place in which, in so far as the co-operation of other persons, other than the members of one's own family, can, for any purpose, on any terms, be obtained.

9. Distance from the only place at which medical advice or assistance can be obtained.

10. Distance from the only place to which, for the purpose of obtaining *return* in any shape, produce, in any shape, can be conveyed.

11. Distance from the only place in which instruction or useful information in any shape can be obtained.

12. Distance from the only place in which amusement in any shape can be obtained.

13. Impossibility of obtaining loans of money on any terms: owing to the distance from the seat of judicature; from which alone can eventually be obtained the means of procuring repayment by seizure of effects.<sup>20</sup>

By vicinity of the settlers to one another, the evils of all, from distance on the part of

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‘[A]dd—foreign aggression.’

<sup>20</sup> In the margin, Bentham has noted at this point: ‘Quarrels with aborigines.’

all, from the only place from which any thing needful or desirable can be obtained, will of course receive alleviation from and in proportion to the number of those between which the vicinity has place, and the degree of the vicinity as between every two of the places of abode.

NOTE TO TYPESETTERS: New page.

[008-153]

### [Chapter III.

#### Means of effectuation, pecuniary and quasi-pecuniary]

Original Means of effectuation—Scene, *England*.

1. Formation of a Joint-Stock Company, by the name of the Colonization Society or Colonization Company. A certain number of individuals have agreed together to constitute themselves into a Joint-Stock Company; if, for that purpose, they can obtain, at the hands of Government, the necessary powers. Name of the instrument by which these powers are granted—a *Charter*.<sup>21</sup>

For the formation of it, a Charter from the Crown would be necessary

2. Name of the spot proposed, a spot discovered by Capt. Flinders and by him named *Gulph Vincent*.<sup>22</sup>

Capital proposed to be raised £500,000.

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<sup>21</sup> For the National Colonization Society's attempts to gain a Charter for the establishment of a colony in Australia in 1830–1 see p. 000 n. above.

<sup>22</sup> On 18 July 1801 Matthew Flinders (1774–1814), naval officer and hydrographer, sailed from Portsmouth in command of H.M.S. *Investigator*, having been commissioned to circumnavigate and chart the coastline of the Australian continent, a task which he completed by June 1803. On 30 June 1802 H.M.S. *Investigator* had reached a large inlet on the southern Australian coast, which Flinders named Gulf St Vincent in honour of one of the expedition's patrons John Jervis (1735–1823), first Earl and first Viscount St Vincent, naval officer and politician, First Lord of the Admiralty 1801–4. See Matthew Flinders, *A Voyage to Terra Australis; undertaken for the purpose of completing the discovery of that vast country, and prosecuted in the years 1801, 1802, and 1803 in His Majesty's Ship the Investigator*, 2 vols., London, 1814, i. 178–80.

Disposal of it, as follows—<sup>23</sup>

NOTE TO TYPESETTERS: Please begin a table of two columns. The figures in the right column align with the dots ending the text in the left column. Draw a line above the total of '£500,000'. Please remove all grid lines.

1. Paid to Government—to be employed by Government in defraying the expence of the transportation of persons consenting to be so dealt with on condition of their being provided for a certain length of time with the means of subsistence in consideration of the labour to be by them respectively employed, under the direction and for the benefit of their respective employers .^.^.^.^.^.	£125,000
2. To be employed in loans made to small capitalists on condition of their employing the money in the expence of making[?] settlement in the Colony, and advancing for that purpose each of them a sum equal to the sum advanced to them by the Company .^.^.^.^.	£125,000
3. To be employed in means of communication of all sorts: such as Roads, by land and water, Bridges, for the purpose of giving a factitious value to all lands in contiguity with them and near vicinity, to an indefinite extent .^.^.^.^.	£250,000
	500,000

NOTE TO TYPESETTERS: End of table

<sup>23</sup> Bentham's account of the disposal of the capital follows that outlined in the National Colonization Society's *Proposal for Founding a Colony on the Southern Coast of Australia*, London, 1831, pp. 8–9.



[008-165]

## Chapter IV.

Means of effectuation, incitative: to the several parties whose cooperation is necessary or would be beneficial, inducements to take the several parts respectively desirous of them

### § 1. *Inducements to Shareholders and other Contributors*

In the appellation *other Contributors* is assumed the fact, that, on the part [of] persons, in number more or less considerable, would have place a disposition to contribute to the success of a plan by which so fair a promise is made of so immense and incalculable an accession to the happiness of mankind: a disposition to contribute to it according to the measure of their respective means and inclinations; but unaccompanied with both means and inclination as to the embarking in the enterprize a quantity of capital of the magnitude of the proposed share of £50.<sup>24</sup>

For the inducements to this description of persons, reference may be made to the objects set down, as above, in Ch. 1. under the head of *Special ends in view*.<sup>25</sup>

In these same objects may likewise be seen the inducements that may [...?] and reasonably be regarded as operating on the minds of the [non-Stockholders],<sup>26</sup> every item but the concluding one—namely |^^^|.

[008-166] To the purpose of giving any tolerably correct view of the inducements belonging to this head, an indispensable operation, or say task, will be the giving what in

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<sup>24</sup> According to the National Colonization Society's *Proposal for founding a colony on the southern coast of Australia*, p. 8, the capital of the joint-stock company by which the colony was to be founded would be divided into shares of £50 each.

<sup>25</sup> See p. 000 above.

<sup>26</sup> MS 'Stockholders' appears to be a slip, since Bentham goes on to refer to the eighth point in Ch. 1, p. 000 above.

French Accountant language is called a *Compte simulé*—in English [^^^].<sup>27</sup>

To form any such document lies not within the power [of], nor in the stock of information possessed by, the author of this page. All that is in his power—for help to conception, is the presenting to view a few items by way of examples.

## I. Outlay, or say Expenditure.

NOTE TO TYPESETTERS: Please begin table of two columns. The right column is left blank, apart from the first row which contains ‘£. s. d.’. Please add dots to each of the final lines in the entreis in the left column so that they are of the same length and align. Please remove all grid lines.

	£. s. d.
1. Freight from London or some other English Port to the place of Settlement in Australasia at £20 per head, making £40 per couple—for Couples .^..^..^.	
2. Journeys for d <sup>o</sup> to the place of embarkation .^..^..^.	
3. Subsistence of d <sup>o</sup> (in the shape of food, in rations) from the day of landing to that day twelvemonth <sup>b</sup> .^..^..^.	
4. Bedding for d <sup>o</sup> at {^^^} per couple .^..^..^.	
5. Other household furniture: at {^^^} per couple .^.	
6. Cloathing, if any allowed <sup>c</sup> .^..^..^.	

<sup>27</sup> In the margin, an unidentified writer has noted: ‘Pro-forma Accountg.’ The same writer has noted (though the note appears to be misplaced) in the margin of Ch. IV, § 2, pp. 000 below: ‘Anglicé—for *Compte simulé* Simulated or Proforma accountg.’ According to Samuel Clarke and John Williams, *The Cyclopædia of Commerce; comprising a Code of Commercial Law, Practice, and Information*, London, 1820, unpaginated, a *compte simulé* was ‘a copy of the usual charges made on the sale of goods. Also, a pro forma statement of an account sales, stating the terms on which a broker or factor will undertake to sell goods’.



7. Medicines .^..^..^.	
8. Implements of husbandry .^..^..^.	
9. Implements of trade <sup>d</sup> .^..^..^.	
[008-167] 10. Expence of the several buildings to which commencement must be given at the first landing: for example—	
11. 1. Habitations for the Company's functionaries .^..^..^.	
12. 2. Warehouses for the Company's Stores .^..^..^.	
13. 3. Habitations, some permanent, some temporary, for Settlers without capital <sup>e</sup> .^..^..^.	
14. 4. Habitations—some permanent, some temporary, for Settlers with capital .^..^..^.	

NOTE TO TYPESETTERS: End of table.

<sup>b</sup> [008-166] N.B. Expenditure on the article of drink is here regarded as waste: no where will any landing be made in which there is not good water: all fermented liquor may be regarded as a needless, and dangerous, incumbrance.

<sup>c</sup> If any, it may perhaps be necessary or convenient to serve it out to them before embarkation.

<sup>d</sup> N.B. If, for their respective profit-seeking occupations, any of them have [been]<sup>28</sup> employed in building, such as those of Carpenter, Bricklayer, Smith, &c., their respective tools &c. will be to be carried with them: and what they have not of their own, they must be supplied with by the Company.

<sup>e</sup> [008-167] Quere will any and what employment be given to *Tents?* to Tents, as being portable?

N.B. of all work in rare or other metals, either the article ready-made or the materials must be imported with the Colonists. For the wood-work, the place of settlement will, of

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<sup>28</sup> MS 'those'.

course, for the greatest part, if not for the whole, be trusted to.

[008-168]

## II. Return, or say Profit from the respective sources.

I. First source of profit looked to—produce of the sale proposed to be made of lands in lots. Number of acres in a lot, 80 or thereabouts—*minimum* price per acre, 5<sup>s</sup>.<sup>29</sup> This gives for the minimum produce of each lot, £20.

Minimum of expected interest and profit together, say 5 per Cent. Upon the capital of £500,000, a year's interest at 5 per Cent is £25,000.

Number of lots which, to produce each year's interest, must have been sold in the course of the year is 1,250.

NOTE TO TYPESETTERS: Please begin a table of two columns. Please add dots to each of the final lines in the entries in the left column so that they are of the same length and align. The figures in the right column align with the dots ending the text in the left column. Please remove all grid lines.

But if, of the £500,000, one fourth part, namely £125,000, is, as proposed, lent to Settlers with capital, in that case, on the supposition that the interest at which it is lent is 5 per Cent, and that interest paid without deduction, one quarter of the £25,000, the above amount of interest, namely [£6,250], <sup>30</sup> will be obtained otherwise than by sale of land .^.^.^.^.	£ 18,750
Lots of land to be sold in a year .^.^.^.^.	975

<sup>29</sup> According to the National Colonization Society's *Proposal for founding a colony on the southern coast of Australia*, p. 6, land in the colony was to be 'divided into lots of not less than 80 acres each', while according to *ibid.*, p. 8, the minimum price of land per acre was to be five shillings during the first year of the colony's existence, after which it 'shall be raised to 7s. 6d. per acre, and subsequently by such steps as may be found convenient, until the price demanded for land shall be that which will ensure the cultivation of all land granted'.

<sup>30</sup> MS '£6,500'.

Acres of land to be sold in a year .^..^..^.	[78,000] <sup>31</sup>
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NOTE TO TYPESETTERS: End of table.

But the £250,000 which is proposed to be laid out in the purchase of labour and materials, employed on ground[?] improvements such as the necessary buildings, and the means of communication—such as roads, bridges if necessary, and *Canals*, and in so far as more economical than roads; and, if necessary and economical, improvement of the *harbour*—will not be laid out—the whole of it—in the course of one year.

[008-169] II. Second source of profit looked to—produce of the land proposed to be kept in the hands of the Company, and put into and kept in cultivation by the labour of the Settlers without Capital.

III. As to the Settlers with capital, to each of whom it is proposed somewhere to make advances equal to the half or the whole of his capital if not more than £500<sup>32</sup>— in this instance, might it not be of use, in addition to or in lieu of loan of capital, instead of requiring of him money for the purchase of land, to let it to him on a rent, with power to purchase it at any time, on such or such conditions?

[008-161]

## § 2. *Settlers without capital—their inducements*

1. During the Voyage—(average length of it about 4 months) board good in quality, and ample in quantity, with lodging for the several couples, in a manner as decent and comfortable, in respect of bedding during the night, and means of exercise and recreation in the day-time, as the nature of the situation will admitt.

2. At landing, during the first year, in return for such labour as shall be required at

<sup>31</sup> MS ‘750,000’ is a miscalculation. If 975 lots of land of 80 acres each are sold, the total number of acres sold is 78,000.

<sup>32</sup> According to the National Colonization Society’s *Proposal for founding a colony on the southern coast of Australia*, a quarter of the proposed joint-stock company’s capital of £500,000 was to ‘be reserved for advances to small capitalists who may be disposed to settle in the colony, either on the Company’s land or on land purchased of the Government’.

their hands, by the Company's Managers in the Colony, provisions, in the shape of *rations*—as the phrase is in the case of soldiers. In food and drink, what will the rations consist of?<sup>f</sup>

<sup>f</sup> In the way of drink, can there be any need or use of any thing better than sweet water? For bread, they will have Sea-biscuit of course.

3. In addition to these rations, payment in money at the rate of <sup>^^^</sup> per day.

4. As to Cloathing. What, if any, will be allowed to them by the Company, and on what terms?

5. So as to Houshold furniture. What storage room will be allowed to each couple for such as they have? What will be allowed in respect of each necessary article, to such as have it not?—and on what terms?

[008-162] 6. To each couple, in return for labour, as above, assurance of subsistence to the same value as at first, for so long as it chooses to serve. In the case of each such couple, as soon as it can obtain any better price for its labour, it is not only the expectation, but the desire, of the Company, that it should so do.<sup>33</sup>

7. Assurance of being taken care of in case of illness, and being provided for during life, in case of and in proportion to the loss of capacity for labour, by loss of limb, or the use of it.

8. To each married man, assurance of being able to purchase land, upon the terms here mentioned, as soon as, out of his savings, with the addition of what, if any thing, he has carried with him, he has made up the price set upon it.

9. Minimum (but that the ordinary) price, 5<sup>s</sup> per acre. Minimum quantity of land (but that the ordinary quality), 80 acres.<sup>34</sup> Thence, price of the whole lot about £20.

10. Assurance of finding in the stores of the Company, at the first built town in the Colony, all requisite instruments of husbandry at fixt prices.

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<sup>33</sup> In the margin, an unidentified writer has noted: '[...?] Day—ruinous to all concerned, notwithstanding Government patronage.'

<sup>34</sup> See p. 000 n. above.

## *Observations.*

The Company (it is supposed) will feel no difficulty as to the engaging to find perpetual employment for all such immigrants as choose to accept it. Not to speak of Buildings, for which skilled labour will, on the part of some of the workmen, be necessary, the roads and other means of communication will at all times afford an ample demand for ordinary labour.

[008-163] II. *Labourers' Ulterior inducement.* Assurance of becoming proprietors of land: namely by purchase made of it, by the savings which it will be in their power to make; out of the surplus of the wages of their labour over and above what is necessary for the purchase of the means of their subsistence.

III. Third inducement, faculty[?] of marriage. True it is that in England they can not be prevented from giving to themselves this enjoyment. But then it is on condition of their living in a sort of imprisonment in the Workhouse. In Cottages, the Parish authorities refuse to place them. 'Starve' (they say) 'or come and live in the Workhouse.'<sup>35</sup>

*Preparatory Period.* By the Preparatory period understand the time during which the expected Labourers are subsistent upon rations: say one year.

IV. Ulterior inducement, a certain sum of money which it is prop[osed] to give to each over and above his or her rations: this under the expectation that it will be saved up, to be employed[?] in the purchase of land.

No: it may be said, instead of saving up this money to purchase land, they will, in a large proportion—no one can say in how large a proportion—lay it out in the means of intoxication.

Answer. In a certain proportion, yes. But by experience, this proportion is found to be extremely small: for the purchase of land, on the part of the great majority, the appetite, instead of being deficient, is found to be rather excessive. The case is—that for the most part emigrants are not stupid only, but young men of a [.^.^?] and enterprising turn of

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<sup>35</sup> [ANNOTATION TO BE FINALIZED.]

mind.<sup>36</sup>

[008-157] Settlers who, in the first instance, are not to have possession any one of them of any portion of land (with the exception perhaps of his own domicile)—but are to live[?] on the wages of their labour: wages to be paid to them by employers of a certain description (of whom presently), their sole means of subsistence.

But, except in so far as a number[?] is at hand, in which those who have the money will be sure of obtaining in it, whatsoever things there are, the possession and use of which is necessary for the continuation of their existence, money is of no value.

In the first instance, therefore, and for and during a certain length of time, in exchange for a man's labour, instead of any sum of money the amount of which may be engaged to be given to them when the time is ripe for it, these labouring settlers, or say settling labourers, must have the *money's worth*: in a word, day by day, a certain allotment each of them of the several *things* regarded as necessary to subsistence: in one word—and this word the customary one—rations.

To each individual, or rather to each couple of individuals (for an essential part of the proposal is that they shall go out no otherwise than in couples, and this without children (Children being dead, or not having had time enough to be *born*). Say, then, to each couple, on each day, on condition that of each day[?], a certain proportion of the formal[?] daily hours' labour, under the direction of their respective employer and paymaster, will have been performed by them respectively, a certain set of rations in lieu of money will be delivered: the quantities of the several sorts of things to be receipted in lieu of the correspondent sum of money being settled by previous agreement.

[008-164]

### *Observations.*

It seems settled, as follows:

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<sup>36</sup> In the text, Bentham has noted at this point: 'N.B. £16 a head the price at which Shipmen offer to export Colonists from England: £20 will be given to them. Per Wakefield, 9 Aug. 1831.' Bentham presumably alludes to a communication of some sort from Wakefield of this date.

In the margin, an unidentified writer has noted: 'Much too little.'

1. No Settler in a single state is to be accepted.<sup>37</sup>

2. Nor any person in a state of Childhood.

3. All Settlers shall go in married couples.

4. No couple shall be allowed to take with it any Child.

5. Consequently all the couples that are sent out should be either couples who have lost their children or couples who have not been married long enough to have any.

6. All this to be understood to have place so long as couples, in sufficient number, clear of such incumbrance, can be obtained.

[7]. In regard to each couple that has not been married long enough to have had a child, it will be to be considered whether it will be to be accepted, if it has been married for such a length of time, that the delivery of the wife during the voyage is to be expected. In such a situation, an occurrence of this sort can not but be productive of considerable embarrassment.

[8]. It will also be to be considered whether any couple that has been married for such or such a length of time without ever having had a child is to be accepted?

[9]. The sort and quality of labour which will be required at the hands of the females, will it not require to be particularized?

[008-158]

### § 3. *Settlers with capital in hand—their inducements*

1. To each such Settler, advances, limited to £500, to be made to an amount not exceeding that of which he himself has proved himself to be in possession and has actually in the shape[?] of Stock [...?] in the Colony.

2. Assurance of the existence of a quantity of stock in the Warehouses of the Colony

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<sup>37</sup> Contrary to Bentham's stipulation, the National Colonization Society's *Proposal for founding a colony on the southern coast of Australia*, p. 6, stated that settlers sent to the colony were to 'consist entirely of young married or marriageable persons of both sexes in equal proportions'.

in the Metropole, composed of the instruments of husbandry.

3. So of all other articles regarded as necessary.

4. Of all these several articles, lists should be printed with a specification of the several quantities of each.

4. Of the out-goings and in-comings of each sort of article, a regular account, open to all inspectors, should be kept at an Office for this purpose in the Colony.

5. Against engrossing, adequate precautions should be carefully taken. In the Mother Country, enactments for this purpose are generally speaking needless and pernicious. Not so in a Colony, at the distance of a four months' Voyage. Buying up the whole stock of this or that article, an astute capitalist might be able to screw up the price to a most oppressive amount.

6. Moreover, by false reports, if not obviated, the requisite supply might be kept back from being sent by traders at large from the Mother Country: and by this means, in the Colony, the scarcity might be kept up and increased.

[008-159] 7. Assurance of the existence of a Newspaper to be set up immediately on the landing: with such assurance as can be provided for the *liberty of the press*:—and *that*—not merely against the Governor; but also as against the Editor, supposing him to edit the paper on his own account, and without being in a state of known dependence, under the Governor. Provision against this abuse would be matter of no small difficulty, and to be rendered effectual would probably be found to require arrangements running into considerable detail.

[008-170]

#### § 4. *Government—its inducements*

Under the head of *Special ends &c.* (as per Ch. [I])<sup>38</sup> have been brought to view those objects which, it may be reasonably presumed, will form no inconsiderable part of the inducements by which the accession of a portion more or less considerable of the Members

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<sup>38</sup> MS 'II'. See p. 000 above.



of the Company will have been produced: those objects are neither more nor less than addition made to the sum of human happiness in so many distinguishable shapes. The accustomed forms of curtesy require that these same beneficial results should be considered as the objects the consideration of which will constitute so many inducements by which the several members will be led to give their concurrence to the institution: and to an extent more or less considerable, no doubt can be entertained but that this supposition will be conformable to the truth.

So far as this is the case, the inducements on the part of Government will be identical with those which have place on the part of such contributors to the expence as are not Stockholders, as also with the inducements on the part of those who are Stockholders, with the single exception of the article of profit, by which the inducements of Stockholders stand distinguished from the inducements of such contributors as are not Stockholders.

[008-171] So much as to the question—what may and should be expected to be the inducements which ought to be looked to as [those] by which, if at all, the co-operation of Government [might be secured]. Now as to those which ought not. What has been said under the former of these two heads may by many be regarded as not worth the mention: not so what now comes to be said under the latter of these two heads.

That, then, which will not be among the inducements on the part of Government will be—in one word—*patronage*: which being (in the mathematical sense of the word) *given*, given as a fundamental article belonging to Ch. VI., intituled Proposed Management and Government in the Colony.<sup>39</sup>

On this occasion, a single word *Liberia* speaks Volumes. In the foundation of Liberia, no expence has there been to the Mother Country: no patronage for the profit of any of its rulers.<sup>40</sup>

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<sup>39</sup> See p. 000 below.

<sup>40</sup> In the margin, an unidentified writer has noted at this point: '*Felicitania. Felicia.*'

The American Colonization Society had been established in 1816 by evangelicals who supported the abolition of slavery and by slaveholders fearful of the presence of freed slaves. The Society promoted the separation of the races, the manumission of the enslaved, and the settlement of free African-Americans in West Africa, whose passage it would fund. The Society established a private colony in 1821, which in 1824 was named Liberia.

Here, then, will be a test—an *experimentum crucis*—as to the ends in view by which the conduct of his Britannic Majesty’s advisers in relation to the here proposed plan of colonization will have been determined: if they be those which are herein above supposed, their cooperation will not be afforded but on condition of their taking the government of the Colony, whatever it be, into their own hands: for in that way only will it be possible for them to extract from it the sweets of *patronage*: if they be those which in the case of *Liberia* had place, Government will not intermeddle with the business of Government, but leave the matter to be settled between Founders and Settlers as they can agree: as to which last mentioned state of things, see Ch. VI. Proposed Management and Government in the Colony.<sup>41</sup>

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<sup>41</sup> See p. 000 below.

[008-177]

## Chapter V. Constitution of the Company and the Colony considered in connection

### § 1. *Difficulty suggested*

Of *Government*, the all-comprehensive end in view ought to be—and is here supposed to be—the greatest happiness of all the inhabitants. Of *Management*, the end in view on the part of the Company, will of course be the greatest profit—or say benefit in a pecuniary shape—to the Company.

But (asks the philanthroper), between such objects, ought there to be any competition? and, on the supposition of a contrariety in any particular, is it endurable that matters should be so ordered, as that to the happiness—the interest—of a handful of comparatively rich individuals on one part of the globe, the happiness of countless and ever-encreasing multitudes on the opposite part of the globe should be sacrificed?

To this question, the answer is as follows. But for the few in question, the many, with whatsoever happiness they will have, or are susceptible of, would not be in existence: of whatsoever portion of their happiness the sacrifice is necessary to the existence of the remainder, provided there be but a remainder, at the sacrifice of this portion they need not repine: they should not, any more than does the tradesman at the price paid by him for the article of which he makes his profit.

But, the more closely the subject is looked into, the less will be seen to be the sacrifice which on this occasion it will be necessary for the inhabitants of the Colony to submit to, or the Company to exact.

[008-178] So much as to what it is to be *wished* should have place. So much as to what *ought* to have place. But now, as to what *will* have place.

Whatsoever be the capital proposed by the Shareholders to be advanced by these

same Shareholders has (suppose) been advanced. But the repayment of the sum advanced, with interest for the time during which it has been advanced—this repayment, or the continuance of the interest upon it until the repayment, as above, shall have been compleated—whence is it to come?

Aye, there's the rub:<sup>42</sup> and this same rub—it concerns all intended Shareholders to be prepared *for*—not to say *against*.

Sources of profit, as above,<sup>43</sup> two: 1. Sale of the lands—in each year, sale of as large a quantity of the as yet unsold land as, at a price not below the minimum pitched upon, can, within the compass of that same year, be sold. 2. Net profit on the produce of the quantity of land kept in the hands of the Company: under the management of the functionaries of the several descriptions maintained and paid by the Company in the Colony: the Company being, in this way, one great Absentee.

[008-179] For and during a certain length of time, this state of things will continue itself without difficulty. But meantime like the people of Liberia, the people of New Colonia (Settlers avaunt! Say not, instead of New Colonia, Utopia!) the people of New Colonia keep governing themselves *à merveilles*. But sooner [or later]—in the Legislative Assembly of New Colonia—up springs an Honorable Member and says, 'Here are we, sitting upon our sitting parts, while the Agents of those Absentees, whom we never saw or ever shall see—whom we know nothing of, nor have any need to care about—keep transmitting to them the purchase money of those lands which are so close to ours; while we are loaded all this while with the expence of that Government but for which those same lands would be uninhabited, unoccupied and nothing worth. True it is that our government is as cheap an one as it is possible for a government to be. Still, however, something it does cost us—that is to say {£ |^^^| }. Yes, and something it must continue to cost us, and that something, so long as our population continues to encrease, must, along with it, continue to encrease. This same annual produce of sale—why, then, should we continue to make a gift of it to those same Absentees by whom no service in return for it is rendered—instead of making payment of it to those functionaries of ours by whom it is that whatsoever public service has place is rendered.'

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<sup>42</sup> *Hamlet*, III. i. 73.

<sup>43</sup> See pp. 000 above.

[008-180] A Motion to this effect being made, what should hinder Honorable Assembly from adopting it and passing it into a law? and *mutatis mutandis*, the same supposition may serve for the other source of profit above alluded to—and, in a word, for all sources of profit, be there any, payable at the expence of the Colony in Australasia to the Universal Absentee in London.

From all embarassment from this source, the Colony of Liberia stands exempt: for to no Joint-Stock Company does Liberia stand indebted for her existence.

So, though, from owing to a different cause, does the United Company of Merchants trading to the East Indies:<sup>44</sup> for those same Merchants, with their 60 millions of subjects and 40 millions of dependents, have hitherto always been, and howsoever it may be, those same subjects and dependents will always continue to be, subjects to the British Empire.

When, to this effect, news arrives at the Colonization Society's House in London, what is that will be done? Fit out a fleet and army, to send to the Rebels in Australasia and bring them to reason? and, to that end, conquer them? Yes: would quite as soon conquered be the Moon.

[008-186]

## § 2. *Remedy proposed*

Thus stands the difficulty. But never does the author of these pages start a difficulty, without using his {best} [...?] towards the removal of it.

For the keeping of society together—in a word, for carrying on all the operations of government necessary to the production of that effect, a Dictatorship, to continue provisionally for a certain length of time—to terminate, say, at the end of {4} years or earlier if, of the male inhabitants, a certain number, by their signatures, join in a Petition to the Dictator to that effect—has been proposed.<sup>45</sup> Suppose this proposition adopted—as to

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<sup>44</sup> The United Company of Merchants trading to the East Indies (i.e. the East India Company) had been formed in 1708 following the merger of the original East India Company, founded in 1600, with its rival, the English Company Trading to the East Indies, founded in 1698.

<sup>45</sup> See the National Colonization Society's *Proposal for founding a colony on the southern coast of Australia*, p. 17: 'To prevent those evils which have been so severely felt in many colonies from the establishment of a

this, see above Ch. V.<sup>46</sup> When the Dictator resigns his Office, up stands the provisional Constitution which the Company in London has ordained to be in that event, and on that occasion, in force. As to this, see above Ch.V.<sup>47</sup>

The Dictator (suppose) has been named by the Company. For his reward, receivable at the expiration of his Office, he looks to a pension for life to be granted to him by the Company. The Colonial Legislature, for its existence, depends on an Act, to the validity of which the assent of the Dictator, and thereupon his abdication, is necessary. By this Act, the Legislature acknowledges a debt as owing by the whole population of the Colony, and by the Members of the Legislature, to the Company in London: for which debt, naming the amount of it, they hold themselves responsible, with interest upon it at so much per Cent, with power of redeeming it, part by part, or at any time the whole, on the reimbursement of the principal sum, with such addition as shall have been thought reasonable, and accordingly pre-appointed.

[008-187] Such being the conditions, on the contemplation of which, the inhabitants of the Colony, without any exception, and of their own free choice, will have become such, it seems not too much to expect at the hands of human nature in its present state of civilization, that, from a combination of good faith and gratitude, they should voluntarily receive their accomplishment.

But, upon any comparatively extensive sacrifice of personal and particular to public and general interest—weak is that mind, deficient in information and judgment, that places an exclusive alliance. A guarantee, therefore, were it not only for the sake of public discussion, to bring to bear upon the subject the force of public opinion should be provided: and for a service thus beneficial and dignified, the Government of the Mother Country, whatsoever were the form of that same Government, might surely, without impropriety, be looked to.

Nor would such a guarantee be an empty name. Undertake the conquest of the Colony no more would this same Government—if either the members of it, or the subjects

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colonial council, it is further proposed that during the same period the whole responsibility of Government shall be concentrated in the Governor, whose power will therefore be undivided’.

<sup>46</sup> See p. 000 above.

<sup>47</sup> See p. 000 above.

of it, were in their senses—any more than the Members of the Company. But that which it could do, and might reasonably be expected to do, is—in case of bad faith by infraction of the agreement, annoyance of the infractor’s trade. Trade, in this state of things, the Colony must have—trade with Europe at least—with or without any of the other quarters of the globe one or more of them, or, of all the comforts which depend upon such trade, the population of the Colony would have to remain self-deprived.

[008-188] From losses from this source, the supposed perfidious Colonies, were it not for an obvious and unexceptionable precaution and correspondent provision, [would] make their escape. Against the ships of the Mother Country, they would close their ports: to those of other nations, they would leave open those same ports. This provision is—the declaring the ports of the refractory Colony in a state of blockade: or (to speak with the unaccustomed plainness, instead of the accustomed figurativeness—the convenient and usual resort of injustice) the government of the Mother Country would send vessels of war to make prize of all such foreign vessels.

Between the Government of the Mother Country—the functionaries by whose exertions the prize was made, and the injured Company, for compensation to whom this remedy was applied, the proceeds of the capture might be divided.

Against injury from all foreign governments and their respective subjects, the Government of every Country, by the acknowledgment of all, stands bound to apply remedy, as far as lies in its power. Against the application of the remedy here in question, no reasonable objection could accordingly be made either by the subjects of the Mother Country or by the Government or Subjects of any other State.

NOTE TO TYPESETTERS: New page.

[008-189]

## Chapter VI. Company's Constitution, what

☞ See how far Constitutional Code Ch. VI. Legislature is applicable here: in particular, Legislation Committee.<sup>48</sup>

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<sup>48</sup> See *Constitutional Code*, Vol. I, ed. F. Rosen and J.H. Burns, Oxford, 1983 (CW), Ch. VI, pp. 41–133, and in particular the ‘Continuation Committee’ described at § 24, pp. 67–72.



[008-181]

## Chapter VII. Colonial Constitution

### § 1. *What it can not be.*

The [.^.^?] period passing—the Dictatorship at an end—comes now the question, what shall our Colonists have for a Government?

Shall they have a King?—Alas, no. Why not? Even because it would be impossible. What is a King without a Crown? what is a Crown, without its dignity? What is such dignity made of, but the matter of wealth—say in one word, *money*? And the money—where is it to be had? where is it to be found? Alas!—no where.

Not that public happiness—not that the happiness of the whole population of the Country—compared with the happiness of a Monarch, the splendour of his Crown and its dignity, is worth a straw. But of this same dignity, the sole and indispensable matter is not to be had. Of the rejection thus put upon the Monarchical form of government, what, then, is the cause? Not choice: but impossibility: impossibility invincible. For an unlimited number of years, were the produce of the whole surplus labour of the Colony, over and above what would be absolutely necessary to keep them in a state capable of existing[?], sanctified to this one purpose, still would it remain most glaringly and deplorably insufficient.

[008-182] King or no King—shall it be—shall there be a House of Lords? Alas! nor that neither. Reasons still the same. Impossibility—utter impossibility. Cause of the impossibility—not absolutely identical: still closely analogous.

House of Lords without King.—Into the head [of] no man /mortal[?]/ who has been in admiration of matchless Constitution would any such unprecedented conceit gain entrance. No: not even the *omnium Whiggum*[?] *Whiggissimum*.

House of Lords without King would be moon without sun, wherewith should she be

illuminated.

What can not be done must be left undone. A truism this: a maxim congenial to the wisdom of either House fit to be drawn out of a bag with the wisdom of our ancestors or the first principle of justice.<sup>49</sup>—Nay: or even with every principle of justice. Hear him—hear him! the well deserved reward of it.

[008-183]

## § 2. *What it may be*

Making virtue of necessity? No: not making virtue of necessity—for out of such necessity, how can any such thing as virtue be made? but making wry faces—when faces of sufficient wriness and in sufficient number have been made—as a dog to his vomit<sup>50</sup>—we near[?] to the *Chimæra* of chimæras /the [.^.^.?] Chimæra/ —a Commonwealth. This or nothing being the option, let us try whether we can not get the better of our disgust, and, if we succeed, sit down quietly and look the Chimæra in the face.

Louis Philippe<sup>51</sup>—after recognizing them in such their quality—has treated with three of these monsters at once—Anglo-American United States, Hayte and Colombia:<sup>52</sup> one of them composed of a parcel of blacks, one other half and half—half of Devil’s color, half of Christian’s color—a mongrel beast in the composition of which ugliness is enhanced by impurity of mixture.

Supported by the applause of the Deputies of his people—worthy offspring of his

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<sup>49</sup> For ‘The Ancestor-Worshipper’s Argument—or Chinese Argument—or Argument in the Chinese Taste’ see *The Book of Fallacies*, ed. P. Schofield, Oxford, 2015 (CW), pp. 166–78.

<sup>50</sup> Proverbs 26: 11.

<sup>51</sup> After the revolution of July 1830 and the overthrow of Charles X (1757–1836), King of France 1824–30, Louis Philippe I (1773–1850), Duke of Orléans, reigned as King of the French until he abdicated following the revolution of February 1848.

<sup>52</sup> The Franco-American Treaty of 1831 settled claims for reparations for damage done to American shipping during the course of the Napoleonic Wars; a Franco-Haitian convention was concluded on 2 April 1831 by the Haitian mission to Paris (though the Haitian government subsequently refused to ratify it); and a Provisional Convention of Friendship, Commerce, and Navigation between France and the Republic of New Granada was later concluded in Bogotá on 14 November 1832, though negotiations were already underway at the time Bentham was writing.

Charter<sup>53</sup>—Louis Philippe has just been seen treating *with* no fewer than three of them all at once. What should hinder us from treating *of* two of them—one after another.

[008-184] Remedy then in the [.^.^.?] of exhaustion—we are arrived at the [.^.^.?] [.^.^.?] ruler—the demonstration of the necessity of a Democracy.<sup>54</sup>

Enter first the Constitution of the United States. In so far as a chimæra can be said to possess existence—in so far as a self-contradictory proposition can with truth be said to be a truism—this chimæra is actually in existence: and the proof is—that Louis Philippe acknowledges himself to have been yet[?] and to be in treaty with it.

True intent—that as to *happiness*—if that were a thing worth talking about, or worth so much as thinking about, no such happiness for our Colony could we hope for from that Constitution as is enjoyed by the Russians, by the Portugueze.<sup>55</sup> No, nor one as that which for so many centuries was enjoyed by the subjects of that Commonwealth under which universal silence as to topics most interesting to mankind was clung to as the best and purest instrument of universal security.<sup>56</sup>

No: such plebeian—such vulgar—happiness as is possessed by the people of the land of Yankees (a sort of bad imitation of [.^.^.?]) is the sort of happiness which the population of our Colony (for so has it now been demonstrated) will be reduced to take up with. Here then is one option.

[008-190] The other is—not simply a chimæra—but the very chimæra of chimæras—a shadow of a shadow.

It may be seen—the fundamental principles and substance of it may be seen—in Mr Bentham's Parliamentary Reform Bill, the matter of which is referred to and engrafted in

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<sup>53</sup> At his coronation on 9 August 1830, Louis Philippe swore to uphold the Constitutional Charter which had been imposed upon him as a condition of his becoming King of the French.

<sup>54</sup> It is unclear whether this paragraph is a rudiment or part of the text.

<sup>55</sup> Bentham's allusion may be to restrictions on press freedom under the absolute monarchies of Russia and Portugal.

<sup>56</sup> Bentham perhaps has in mind attempts by Roman Emperors to silence criticism. Augustus (63 BC–AD 14), first Emperor at Rome, for instance, attempted to stem a flood of anonymous and pseudonymous defamatory pamphlets by outlawing them: see Suetonius, *De vita Caesarum*, II. iv.

Vol. I. of his Constitutional Code.<sup>57</sup> Of the matter in that work brought to view, to render it applicable to the circumstances of our Colony, modifications of detail will, of course, be necessary: but of these modifications, the principles will not be to seek: they will be found already there.

[008-185] Look now to the two chimæras—the *actual* and the *potential*—the *actually existing* and the *potentially existing*. See what is to be said on behalf of each.

In the first place, look to the Second Chamber—in that may be seen the great bone of contention. The actual Chimæra has a Second Chamber—the Senate: the potential has none. But the United States Federal Government works well: and the Senate is part and parcel of that government.<sup>58</sup> {ergo the Senate works well.} For those who are not used to thinking, this is good Parliamentary logic: for them, the conclusion is a legitimate one.

Not having time for invention, the founders of the United States Constitution went to work by copying what they saw. In the English cons[ti]tution they beheld liberty (for by this name was Good Government christened) in her cradle.

In this cradle, instead of a *doll* was a toy called a Second Chamber—the House of Lords. Lords they would not have: for the sound was offensive to their eyes and to their ears. But a Second Chamber presented no such cause of disgust: in their minds, with the idea of a Senate stood associated, by etymology and actual Roman history, the idea of wisdom.

Thus, then, it is as between the actual chimæra and the potential chimæra, precedent is what the actual chimæra has on its side. *Precedent* is a substitute, and to the great mass of mankind a most commodious substitute, to thought. It is like the quondam placarded *washing-machines*. It saves time: saves labour: saves every thing that a man, in particular a

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<sup>57</sup> i.e. *Bentham's Radical Reform Bill, with Extracts from the Reasons*, London, 1819 (Bowring, iii. 558–97), a detailed parliamentary bill instituting universal manhood suffrage, annual parliaments, and the secret ballot, which he intended to incorporate into his Constitutional Code as the Election Code: see *Constitutional Code*, I (CW), Ch. VI, §§ 4–17, p. 48.

<sup>58</sup> For Bentham's criticism of second legislative chambers, including the adoption of the Senate in the United States Constitution, see, for instance, 'Economy as applied to Office', Ch. 14, in *First Principles preparatory to Constitutional Code*, ed. P. Schofield, Oxford, 1989 (CW), pp. 101

man without honesty, knowledge or judgment—would be glad to save.<sup>59</sup>

[008-191] Under the guidance of precedent, led by instinct and authority, with his hands and his thoughts in his pocket, man follows man, as dog follows fox, sheep sheep, and goose goose.

Of a Second Chamber, howsoever constituted, bad effects, several and great; good effects, none: demonstrated stands this, in Bentham's Letter on this subject to his fellow-citizens of France.<sup>60</sup>

In the Senate—Second Chamber of the United States Federal Legislature, the Congress, to a share in Legislative power is added functions belonging to the two other departments of Government—the administrative and the judiciary. Pure would be the evil—pure of all good—the effects of the share of the legislative power, if it had none in any other: by the share in the administrative, the evil is doubled; by the share in the judicial, trebled.

True it is—that to set against these evil effects in the peculiar circumstances of that federal United States, there is one good effect: namely, lessening the disadvantageous condition under which the constituencies of the smaller States are placed by the comparative smallness of the number of their representatives and consequently Votes as compared with the number of those possessed by the larger states.<sup>61</sup> But, to the case of our Australasian Colony that one good effect has no application. No federal Union: no such complication. Simplicity, that almost universally so desirable a property, is in the number of its attributes.

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<sup>59</sup> Bentham perhaps has in mind, for instance, the illustrated advertisement for Edward Beetham's 'Royal Patent Washing Mill', which claimed that the machine was '*so saving that for Five Shillings they will wash as much as One Guinea in the common Mode*': see the anonymous *Observations on the Utility of Patents, and on the Sentiments of Lord Kenyon Respecting that Subject. Including Free Remarks on Mr. Beetham's Patent Washing Mills; and Hints to Those Who Solicit for Patents*, London, 1791, plate between pp. 36–7.

<sup>60</sup> *Jeremy Bentham to his fellow-citizens of France, on Houses of Peers and Senates*, London, 1830 (Bowring, iv. 419–50).

<sup>61</sup> According to Article 1, § 3 of the Constitution of the United States, each state was to elect two senators.

[APPENDIX: 'E. Gibbon Wakefield on the  
Colonization Society's Plan, 23 Aug. 1831']

## E. Gibbon Wakefield on the Colonization Society's Plan, 23 Aug. 1831

[008–192] The way to consider the question of *Profits* seems to be by ascertaining the two following points:

1<sup>st</sup>. The circumstances which give a value to land.

2<sup>nd</sup>. The degree in which it is probable those circumstances will apply to the land of this Company.

First. The value of land is created altogether by *Competition*. The degree of value depends wholly on the degree of competition. Now, on what depends the degree of competition? Plainly the degree of competition is governed by *the proportion of people to land*. This is so plain that I am unwilling to dwell on it.

Secondly. Is it probable that the [008–193] degree of competition which gives considerable value will take place in this instance? The degree of Competition will depend on the proportion of people to land. Now the proportion of people to land in this Colony will be wholly governed by the *Price* which may be required by the State for all new land. Upon this point the whole Question turns. If the price of new land be such as to make the proportion of people to land as 1 to 100 acres, land generally will be of little value—if, on the contrary, a 5 times higher price render the proportion of people to land as 1 to 20 acres, land generally will bear a considerable value. It is on this account that I assert—what to those who have not reflected on the subject must look like a paradox—viz. that the profits of [008–194] the Company will be high if they pay a high price for their land and low if they pay a low price. In order that Colonization, or in other words the acquisition of waste land and the conduct of Emigration for peopleing such land— should be a profitable employment of capital, it is necessary to preserve a due proportion between people and land. This can be done only by the price required for all waste land. If the price be not high enough for the due proportion of people to land, the speculation will fail—if it be high enough, the speculation must succeed.

In the above remarks nothing has been said of certain peculiar advantages which the Company will enjoy. What [008–195] goes before relates to *all* purchasers of waste land—this Company will acquire its land under circumstances peculiarly favorable to profit.

1<sup>st</sup>. It will have the first choice of situation, and will of course select those spots on which *Competition*—which determines value—is likely first to arise.

2<sup>nd</sup>. On its grant will be placed the seat of government, the principal sea-port and the centre of Commerce, circumstances tending beyond all others to create *competition* for land.

3<sup>rd</sup>. It is proposed that the Company, as well as other settlers during the first year, should pay less than the due price for land. As, for example, suppose the proper price for [008–196] creating a due proportion between people and land to be 1£ per acre, the Company will pay only 10<sup>s</sup> per acre. If so, for every 1,000 acres obtained by the Company, £500 would be spent on the immigration of young couples; whereas for all grants after the first year, twice as much per acre would be spent in immigration for every acre granted. After the first year, no land would be obtainable for less than £1 per acre—*all* land therefore would be worth that sum *at least*. If the Company's land were 200,000 acres, and they had paid but £100,000 for the grant, they might sell for at least £200,000, giving a profit *at the least* of £100,000.

On all these grounds it [008–197] appears to me that the profits of the Company would be assured. But every thing depends on the State price for waste land, which will determine the number of emigrants for every square mile granted, which will regulate the proportion of people to land, which will determine the degree of competition for land, on which depends value, on which will rest the profits of the Company.