



# WRITINGS ON THE POOR LAWS

VOLUME II

edited by  
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## PREFACE

The Bentham Committee wishes to thank the Wellcome Trust whose grant allowing for the appointment of an editor has made possible the preparation of this second volume of Bentham's poor law writings, just as their previous grant made possible the first volume. The Bentham Committee is grateful to the Arts and Humanities Research Council, the Economic and Social Research Council, the British Academy, and University College London for their continuing support. The editing of Bentham's poor law writings was begun by Dr Janet Semple, before her untimely death, and under the General Editorship of Professor Frederick Rosen. This volume completes the project that Dr Semple inspired, and I sincerely hope that she would have approved of the results.

I would like to thank University College London Library and the British Library for permission to quote from manuscripts in their possession, and University of London Library for permission to reproduce a digital image from a volume in their possession, namely 'Building and Furniture for an Industry-House Establishment'. I would like to thank University College London Library, University of London Library, Wellcome Institute Library, the British Library, Cambridge University Library, the National Archives, Parliamentary Archives, Royal Navy Museum Library, The Royal Society Library and Information Services, and the Bibliothèque de Genève for assistance in tracing rare books and other documents. Special thanks are extended to the staff of University College London Library, and in particular to Ms Gillian Furlong and Ms Susan Stead, and to Mme Paule Hochuli Dubuis, Assistante Conservatrice des manuscrits at the Bibliothèque de Genève.

I wish to record my sincere thanks for the enormous contribution made to this volume by the General Editor, Professor Philip Schofield, who has brought all his knowledge and experience of Bentham's work, and of his working practices, to bear in bringing the volume to completion. He has closely overseen the editorial process at every stage, and provided an unfailing supply of constructive suggestions for improvement. His input has been crucial to the resolution of many of the myriad difficulties which confront the Bentham editor, and it is a simple statement of the truth to assert that without his investment of time, energy, and skill, the volume would not have appeared. The fact that Professor Schofield made this

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gigantic contribution without losing his sense of humour made the completion of the task possible.

I am deeply grateful to my colleagues at the Bentham Project for their enormous assistance in more particulars than can be properly detailed here, and for providing a supportive, flexible, and friendly environment in which to work. The vast majority of the manuscripts used here were transcribed by Catherine Fuller during work on the first volume of Bentham's poor law writings, and in the preparation of this second volume she has once again proved a tower of strength, resolving innumerable difficulties in the text, in annotation, and in presentation. Catherine Pease-Watkin, Irena Nicoll, and Dr Oliver Harris all gave generously of their time and expertise in researching and checking annotation. Dr Deborah Colville also assisted in researching annotation, whilst engaged in creating the new searchable database of the Bentham Papers at UCL. The database has provided Bentham scholars in general, and Bentham editors in particular, with an invaluable research tool which has been gratefully exploited in the preparation of this volume. In future years it will be a matter of wonder that anyone managed without it. Kate Barber typed the texts of 'Situation and Relief of the Poor' and 'Outline of a work entitled Pauper Management Improved', and provided invaluable general administrative and secretarial support. Michelle Andrews and Anna Schüle typed and corrected the subject index. Abigail Bright and Paul Shirley assisted in checking references. I would like to thank all my colleagues, and to bear witness that without the help at various stages of the whole team, the volume would never have been completed.

I gratefully acknowledge the help received in the elucidation of references in the text and other assistance from the following scholars: Dr Anne Brunon-Ernst, Professor Stephen Conway, Alan Griffiths, Professor Simon Hornblower, Professor A.D.E. Lewis, Professor Michael Lobban, Dr Igor Moullier, Dr Marianna Saad, Nicholas Smith, and Dr Vanessa Toulmin and her colleagues at the National Fairground Archive, University of Sheffield.

M.Q.

## EDITORIAL INTRODUCTION

In his Civil Code writings of the 1780s, Bentham set down an agenda for a discussion of public provision for the relief of indigence: 'It would be necessary to commence with the theory of poverty; that is to say, by the classification of the indigent, and the causes which produce indigence, and to proceed to the adoption of precautions and remedies.'<sup>1</sup> When in early 1796, at the instigation of William Wilberforce,<sup>2</sup> Bentham began writing on the poor laws, he adopted precisely this approach to the subject. He commenced with his general 'theory of poverty', as contained in 'Table of Cases Calling for Relief'<sup>3</sup> and the first two of his three 'Essays on the Poor Laws', namely 'Definitions and Distinctions'<sup>4</sup> and 'Fundamental Positions in regard to the making provision for the Indigent Poor'.<sup>5</sup> In the third Essay, 'Collateral Uses derivable from a system of Industry Houses',<sup>6</sup> he began to address the 'precautions', that is the measures which would help the independent poor to remain independent, which would be facilitated by the large-scale Industry-House system. Then, in 'Pauper Systems Compared',<sup>7</sup> he undertook a comparative survey of systems of relief and, finally, in 'Observations on the Poor Bill',<sup>8</sup> a critique of the alternative remedy put forward by William Pitt.<sup>9</sup>

In February 1797 Bentham began work on the exposition of his own remedy for indigence, and over the next eighteen months composed the detailed proposals for the reform of the poor laws which appear in the two major works contained in this volume. The first, 'Pauper Management Improved', was intended to provide a comprehensive description and justification of Bentham's plan. In July 1797, by which point Bentham had made significant progress in its drafting, an invitation from Sir John Sinclair, President of the Board of Agriculture,<sup>10</sup> led Bentham to attempt a précis of the work,

<sup>1</sup> 'Principles of the Civil Code', Bowring, i. 316.

<sup>2</sup> For the role of William Wilberforce (1759–1833), philanthropist and politician, in directing Bentham towards investigation of the poor laws see *Writings on the Poor Laws: I*, ed. M. Quinn, Oxford, 2001 (CW), Editorial Introduction, pp. xiv–xv.

<sup>3</sup> See *ibid.*, p. lvii.

<sup>4</sup> See *ibid.*, pp. 3–7.

<sup>5</sup> See *ibid.*, pp. 8–65.

<sup>6</sup> See *ibid.*, pp. 66–140.

<sup>7</sup> See *ibid.*, pp. 141–216.

<sup>8</sup> See *ibid.*, pp. 217–54.

<sup>9</sup> William Pitt the Younger (1759–1806), leader of the administration as First Lord of the Treasury and Chancellor of the Exchequer 1783–1801, 1804–6, introduced his 'Bill for the better support and maintenance of the Poor' into the House of Commons on 22 December 1796, but abandoned it in February 1797: see *ibid.*, Editorial Introduction, pp. xlii, xlvii.

<sup>10</sup> Sir John Sinclair (1754–1835), President of the Board of Agriculture 1793–8, 1806–14. For further details of Sinclair's invitation see p. xliii below.

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under the title 'Outline of a work entitled Pauper Management Improved'. Thereafter, Bentham worked in parallel on both the main work and the précis, but, in the event, completed neither. 'Pauper Management Improved' was not published by Bentham himself, and is published here for the first time. Since Bentham never finalized his revisions to 'Pauper Management Improved', and failed to draft material for some of the proposed Chapters, the arrangement of the text is to some extent conjectural. Nevertheless, the Bentham Papers have yielded a coherent and relatively intact work, together with the related texts of five Appendices which have been deemed sufficiently coherent and interesting to be presented here. Although 'Outline' remained similarly incomplete, containing only four of the intended six Books, it was published, in serial form, in *Annals of Agriculture, and other useful Arts* in 1798.<sup>1</sup> One further work, 'Situation and Relief of the Poor', written in September 1797, and published in *Annals of Agriculture* in preface to 'Outline',<sup>2</sup> is also presented here. The Bentham Papers have yielded five previously unpublished Appendices to 'Outline', four of which consist of material composed for that work but not published therein, while the fifth contains a letter to an unidentified periodical, probably written early in 1798, in which Bentham sought to advertise his plan, and to generate a flow of information concerning those receiving relief.

## HISTORY OF THE WORKS

The two major works contained in this volume are very closely related, in that 'Outline' was conceived in July 1797 as a précis of 'Pauper Management Improved'. The relationship between the two works was, however, more complex than this suggests, since the decision to write 'Outline' clearly influenced the continuing process of drafting the larger work from which it was to be distilled. For instance, in relation to certain Chapters which remained unwritten when he took the decision to produce 'Outline', Bentham drafted text for 'Outline', but did not draft corresponding text for 'Pauper Management Improved'.<sup>3</sup> In relation to other such Chapters, Bentham did

<sup>1</sup> *Annals of Agriculture, and other useful Arts*, vol. xxx (1798), 89–176, 241–96, 393–424, 457–504, and vol. xxxi (1798), 33–64, 169–200, 273–88. For the subsequent publication of 'Outline' see pp. xcvi–cvi below.

<sup>2</sup> See *Annals of Agriculture*, vol. xxix (1797), 393–426. For the subsequent publication of 'Situation and Relief of the Poor' see pp. xcvi–cvi below.

<sup>3</sup> This was particularly the case in relation to a substantial proportion of Bk. III, where Bentham drew heavily on the third of his 'Essays on the Poor Laws', composed in the first half of 1796. For the relationship between this 'Essay' and Bk. III see *Writings on the Poor Laws: I (CW)*, Editorial Introduction, pp. xxxi–xxxii, and pp. xliii–xlvii below.

produce a complete draft for 'Pauper Management Improved', which he subsequently précised for 'Outline'.<sup>1</sup>

### *Pauper Management Improved*

Bentham made his first attempt to plan 'Pauper Management Improved' in February 1797,<sup>2</sup> and began a second attempt to organize its contents on 17 May 1797 on a folio which he revisited and amended repeatedly over a period of several months.<sup>3</sup> These plans are important sources for reconstructing the development of the work. Bentham did not settle the final organization of the text until the autumn of 1797, when he sent to Arthur Young<sup>4</sup> a 'Table of Contents' for the work, which appeared in *Annals of Agriculture* in 1798.<sup>5</sup> The following account of the drafting of 'Pauper Management Improved' is organized around Bentham's final arrangement of the text, with a separate section devoted to each of the six Books. Within each section, an account is given of the chronological sequence in which the material was drafted.

The ongoing campaign to build the panopticon penitentiary casts a long shadow over the entire period of Bentham's writing on the poor laws.<sup>6</sup> In July 1794 the Penitentiary for Convicts Act<sup>7</sup> had empowered the Treasury to contract with any person or persons for the management of a national penitentiary, and to purchase a site in Battersea Rise, or 'any other as convenient and proper Spot of Ground'. The opposition of Earl Spencer,<sup>8</sup> the owner of the intended site, was implacable and, as Bentham finally recognized in July 1796, insurmountable.<sup>9</sup> After failing to acquire an alternative site at Hanging Wood near Woolwich,<sup>10</sup> Bentham turned his attention to Tothill

<sup>1</sup> This was the case, for instance, in relation to Bk. III, Chs. I–III, and Bk. VI, Chs. I–II.

<sup>2</sup> See UC cliv. 68, 69, headed 'Poor Plan Contents'. Both sheets contain detailed marginal contents for particular parts of the plan, in addition to sketches of its contents. The former is dated 15 February [1797].

<sup>3</sup> See UC xcix. 184, headed 'Poor Plan *Ordo*'.

<sup>4</sup> Arthur Young (1741–1820), agriculturist, editor of *Annals of Agriculture, and other useful Arts* 1784–1809, Secretary to the Board of Agriculture 1793–1811.

<sup>5</sup> For the Table of Contents see pp. 487–8 below.

<sup>6</sup> For a detailed discussion of Bentham's negotiations with government and landowners over the acquisition of a site for panopticon see J.E. Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary*, Oxford, 1993, pp. 166–217.

<sup>7</sup> 34 Geo. III, c. 84.

<sup>8</sup> George John Spencer (1758–1834), second Earl Spencer, First Lord of the Admiralty 1794–1801, Home Secretary 1806–7. Spencer joined Pitt's government in the same month that the Penitentiary for Convicts Act received the Royal Assent.

<sup>9</sup> See Bentham to Samuel Bentham, 2 July 1796, *The Correspondence of Jeremy Bentham*, vol. v, ed. A.T. Milne, London, 1981 (CW), pp. 221–3. Samuel Bentham (1757–1831), naval architect and engineer, Bentham's younger brother, was deeply involved in the panopticon scheme.

<sup>10</sup> Bentham's hopes were dashed by the opposition of Charles George Perceval (1756–1840), second Baron Arden, Lord of the Admiralty 1783–1801, Registrar of the Court of Admiralty



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Fields in Westminster. It became apparent, however, that Tothill Fields, being in part common land, could not be acquired under the Penitentiary for Convicts Act,<sup>1</sup> and at the end of 1796 Bentham submitted to the Treasury a draft Bill providing for the compulsory purchase of waste or common land in or around London.<sup>2</sup> For the next five months Bentham by turns urged, goaded, and entreated the government law officers to give their consideration to the Bill, only for them to reject it in May 1797.<sup>3</sup> In the second half of 1797 Bentham drafted a new Bill, this time specifically providing for the acquisition of the Tothill Fields site, which he submitted to the Treasury on 24 November 1797.<sup>4</sup> In February 1798 the Bill was adjudged an enclosure bill, requiring notices to be posted in the September preceding the session in which it was to be introduced into Parliament. This meant that a Bill could not be introduced until November 1798.<sup>5</sup> Bentham's response was to suggest that either the management of the hulks—the prison ships moored in the Thames—be given over to him in the interim, or that a temporary wooden panopticon be erected on a sandbank in the river.<sup>6</sup> He pursued both suggestions until August 1798, when he received a definitive negative to both.<sup>7</sup> The government, at the suggestion of George Rose, referred the panopticon scheme to the House of Commons Finance Committee for investigation.<sup>8</sup> Bentham occupied himself in the spring and early summer of 1798 in preparing for his examination by the Committee, which eventually took place on 23 June 1798. By that date, or shortly thereafter, Bentham had given up the attempt to complete his writings on the poor laws.<sup>9</sup>

1790–1840, Master of the Mint 1801–2, Commissioner of the Board of Control 1801–3, and son-in-law of the proprietor of Hanging Wood, Sir Thomas Spencer Wilson (1726–98). See *Correspondence* (CW), v. 230–2, 241, 243–4.

<sup>1</sup> See Bentham to George Rose, 16 November 1796, *Correspondence* (CW), v. 304. George Rose (1744–1818), Secretary to the Treasury 1782–3, 1783–1801, Vice-President of the Board of Trade 1804–6, 1807–12, Treasurer of the Navy 1807–18.

<sup>2</sup> See Bentham to Rose, 29 December 1796, *Correspondence* (CW), v. 347–8.

<sup>3</sup> See Samuel Romilly to Bentham, 19 May 1797, *Correspondence* (CW), v. 367–8. Sir Samuel Romilly (1757–1818), barrister and law reformer, Solicitor-General 1806–7.

<sup>4</sup> See Bentham to Rose, *Correspondence* (CW), v. 386–7.

<sup>5</sup> See Romilly to Bentham, 23 February 1798, *The Correspondence of Jeremy Bentham*, vol. vi, ed. J.R. Dinwiddy, Oxford, 1984 (CW), pp. 5–6.

<sup>6</sup> See Bentham to Rose, 23 February and 2–3 April 1798, *Correspondence* (CW), vi. 6–9, 19–22.

<sup>7</sup> See Bentham to Charles Abbot, c. 10 August 1798, *Correspondence* (CW), vi. 61. Charles Abbot (1757–1829), first Baron Colchester, Speaker of the House of Commons 1802–17, was Bentham's step-brother.

<sup>8</sup> See Rose to Bentham, 24 February 1798, *Correspondence* (CW), vi. 9–10.

<sup>9</sup> See pp. xciv–c below.

## Book I. Plan of a Company, for the management of the concerns of the Poor all over England

As soon as Bentham had completed his critique of Pitt's Poor Bill in early February 1797<sup>1</sup> he began planning, and drafting material for, the work which was to contain his own scheme for the reform of the poor laws. Bentham's initial title may have been 'Pauper Economy Improved',<sup>2</sup> while the final title, 'Pauper Management Improved', probably derives directly from Sinclair's invitation of July 1797.<sup>3</sup> Bentham's short, working title for the work, used in the headings of the manuscript sheets and marginal contents sheets,<sup>4</sup> was 'Poor Plan', or simply 'Plan'.

Bentham's initial intention was to produce a work in two Parts, the first of which corresponded to the eventual Book I of 'Pauper Management Improved'. The function of Part I, or Book I, was to describe the structure, funding, and powers of the proposed National Charity Company. By 15 February 1797 Bentham had drafted a considerable amount of material for Part I, and had twice sketched plans for the contents of Part II.<sup>5</sup> He listed the following eight Sections in Part I: '1. Authority, local extent and unity. 2. Constitution. 3. Funds. 4. Coercive Powers. 5. Obligations. 6. Collateral Powers pecuniary. 7. Restraints. 8. Director's Oath.'<sup>6</sup> This is the order in which the corresponding Sections appear in the present volume. In his list of Sections for Part II, Bentham included 'Sources of Profit', 'Capital—requisite',<sup>7</sup> 'Terms with the Public', and 'Provision for particular interests',<sup>8</sup> but appears to have decided soon afterwards that these subjects were best treated in Part I, and they appear here as §§IX to XII of Book I. Towards the end of 1797, when drafting 'Outline', Bentham made some revisions to the content and ordering of Book I. Nevertheless, seven of the twelve Sections in the draft of

<sup>1</sup> See *Writings on the Poor Laws: I (CW)*, Editorial Introduction, pp. xlv–xlvii.

<sup>2</sup> See UC cxxxiii. 2 (undated, but probably composed in early 1797), headed 'Poor View—Proposal—Pauper Economy improved—Pauper Systems Compared—Title and Contents', where Bentham gave not only the full title and a brief plan of 'Pauper Systems Compared', or 'Poor View' as he sometimes called that work, but also the following title for the work which became 'Pauper Management Improved': 'Pauper Economy improved: or, A new Scheme of Provision for the Poor: calculated to satisfy all just claims—repel all unfounded ones—wind up Industry to its highest pitch—preserve the perishing part of the Population—and immediately to reduce, and at length annihilate, the burthen of the Poor-Rates, without either risk or expenditure at the public charge: To which is added, Proposal for the formation of a Subscription Fund by authority of Parliament for the carrying of the above purposes into effect.'

<sup>3</sup> See p. xliii below.

<sup>4</sup> For Bentham's normal working practice, and the relationship between text, marginal contents, marginal summary, and rudiments sheets, see pp. cix–cx below.

<sup>5</sup> See UC cliv. 68, 69.

<sup>7</sup> MS alt. 'Capital—demand'.

<sup>6</sup> See UC cliv. 68.

<sup>8</sup> See UC cliv. 68.

February 1797 were retained, and the substance of two more appeared in 'Outline', albeit under different titles.<sup>1</sup>

The text of Book I is assembled from Bentham's draft of February 1797, for which three detailed marginal contents sheets survive.<sup>2</sup> The titles of Book I, and of its Sections, are taken from an undated manuscript sheet containing 'Heads' for 'Plan of a Company, for the management of the concerns of the Poor all over England',<sup>3</sup> which lists fourteen Sections, corresponding to the eight listed in Bentham's original plan for Part I, together with the four Sections which he had originally intended to include in Part II, plus two Sections (namely 'Administration—why National rather than Provincial or Parochial' and '[Administration]—why in a Company rather than in Government') addressing subjects which Bentham later decided to discuss in the first two Chapters of Book VI, but for which he did draft material at this time. A sequence of three folios for the former Section is indicated in the corresponding marginal contents sheet,<sup>4</sup> the second and third of which were later incorporated in Bk. VI, Ch. I. Company *One*.<sup>5</sup> For the latter Section, a sequence of twelve sheets, divided into two parts, is indicated in the corresponding marginal contents sheet.<sup>6</sup> Bentham later considered the first four sheets for incorporation in Bk. VI, Ch. II. Company, *not* Government, although in the event he decided to exclude them.<sup>7</sup> Of the remaining eight sheets, all but the first were at some point re-numbered by Bentham and headed 'Joint Stock—Why'.<sup>8</sup> Bentham later considered including this sequence in Bk. V, Ch. V. Prospect of Success, but ultimately decided to exclude it. This sequence appears in the present volume as Appendix D.<sup>9</sup> Bentham also drafted, but excluded from the text, additional material for §IX. Sources of Profit, listing retrenchments available to the National Charity Company,<sup>10</sup>

<sup>1</sup> The substance of §III. Funds appears in 'Outline' as §III. Ways and Means, while a significant portion of §XI. Terms with the Public appears in 'Outline' in §IX. Order of the Dividends. Sections included in 'Pauper Management Improved' which have no equivalent in 'Outline' are §VI. Collateral Powers, §IX. Sources of Profit, and §X. Capital Requisite. Conversely, Sections included in 'Outline' which have no equivalent in 'Pauper Management Improved' are §III. General Scheme of Provision and §VI. Land Purchasing Powers, although parts of the former are contained in §V. Obligations.

<sup>2</sup> UC cliv. 68, 69, 83. The only Section of the text without a surviving marginal contents sheet is §XI. Terms with the Public.

<sup>3</sup> UC cliv. 13.

<sup>5</sup> UC cliii. 329, 317.

<sup>7</sup> UC cliii. 286–7, 290, 288. UC cliii. 290 has been clipped by Bentham, leaving only text corresponding to the second marginal content of three.

<sup>8</sup> This sequence is at UC cli. 321, cliv. 581, cli. 322–6. The folio which originally preceded UC cli. 321, that is the fifth of the original sequence, has not been identified.

<sup>9</sup> For further details see p. lxxxiv below.

<sup>10</sup> See UC cli. 286–7, headed 'Profit Sources—Retrenchments', where expected savings are detailed under the heads of diet, clothing, fuel, officers' salaries, attendance on the insane,

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and may have considered incorporating a further fragment drafted in the spring of 1796.<sup>1</sup> In February 1797 Bentham also composed Pt. II, §IV, which he later relocated as Bk. II, Ch. VIII. Of Employment.<sup>2</sup>

Having set out in Book I the structure and powers of the National Charity Company, Bentham addressed the need to attract subscribers to it. A fragment drafted for §X. Capital Requisite, in which he argues that Friendly Societies might be persuaded to invest in the Company, and that their doing so would contribute to political stability by separating their members' interests explicitly from those of the dependent poor, is included in an editorial footnote.<sup>3</sup> Bentham's anxieties over the political loyalty of the Friendly-Society men are also evident in a brouillon, or rudiments sheet, of 16 March 1797, in which he drew together material under the head 'Poor—Friendly Societies', and which begins with an address to Friendly Societies seeking their support in an application to Parliament for the national collection of demographic statistics. Bentham got no further than the first clause of his address: 'Friends and fellow-subjects—for subjects we were born and bred, and dutiful, loyal and quiet subjects we shall, I hope, ever continue.' He then added: 'N.B. Perhaps better to omit this touch on politics—for fear of giving offence to the Democratic part.'<sup>4</sup>

While 'Outline' owed its conception to Sinclair's invitation of July 1797, there is evidence that early in 1797 Bentham intended to publish either a 'Proposal' containing extracts from, or a 'Plan' consisting in an abridgement of parts of, 'Pauper Management Improved', to prepare the ground for the launch of the National

putting London children to nurse in the country, and premiums paid to masters for taking parish apprentices. Bentham made two discrete attempts to compile marginal contents for §IX. Sources of Profit, the first at UC cliv. 69, and the second and more complete at cliv. 83. The surviving text does not match exactly with either attempt.

<sup>1</sup> See UC cli. 288, headed 'Independent—Expences abolishable', which lists overseers' journeys, overseers' entertainments, law expenses, and premiums on putting out apprentices. For Bentham's drafting of material on the independent poor in the spring of 1796 see *Writings on the Poor Laws: I (CW)*, Editorial Introduction, p. xxvii & n.

<sup>2</sup> See UC cliv. 69, the corresponding marginal contents sheet. For further details see pp. xxxvi–xxxviii below.

<sup>3</sup> UC cli. 276–7, reproduced at p. 18 n. below.

<sup>4</sup> See UC cliv. 137. Bentham, contrasting investment in government securities unfavourably with investment in the National Charity Company, notes: 'The faculty of investing the money in the Funds an inadequate security for their good behaviour. . . . Not sure that those who do thus employ their money will take for granted that the security of the money depends upon the continuance of the form of government unchanged. It is not certain that it does *really* so depend: much less that they will be persuaded of the dependence.' The remainder of the brouillon contains a comparative sketch of the objects of Friendly Societies which is very similar to that incorporated in Bk. III, Ch. V of 'Outline', drafted over a year later: see pp. 595–6 n. below.

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Charity Company.<sup>1</sup> In the first marginal contents sheet for 'Pauper Systems Compared', probably drafted towards the end of 1796, Bentham indicated his intention to subjoin 'A Proposal for a New System calculated to effect a gradual reduction of the Poor Rates without diminution of necessary relief or advance of national expence.'<sup>2</sup> In an undated fragment probably drafted in January or February 1797, Bentham refers to 'Pauper Systems Compared' as already published, and continues, 'to which is annexed, A Plan &c., being the present Plan, with the addition of Sections containing arguments in vindication of sundry of the principles contained in it'.<sup>3</sup> Finally, in the marginal contents sheet of 15 February 1797, Bentham noted that the Sections which did not 'go to shew the profitableness' should be omitted in 'the Short Plan'.<sup>4</sup> Given that Part I (later Book I) of 'Pauper Management Improved' contained precisely the plan of the National Charity Company, and given the fact that the establishment of the Company was the central feature of Bentham's plan, it seems likely that much of the material contained therein would have been included either in the 'Proposal' for the formation of the Company or in the 'Short Plan'. In the event, since Bentham did not publish 'Pauper Systems Compared', and did not, therefore, subjoin any such proposal or plan, the intended contents of that proposal and plan must remain entirely conjectural. In July 1797 Bentham committed himself to a different conception of the 'Short Plan', namely that drafted and published as 'Outline', and it is entirely possible that thereafter the 'Proposal', had it appeared, would have consisted of extracts from 'Outline', rather than from the unabridged original.

### Book II. Plan of Management

In the marginal contents sheet of 15 February 1797,<sup>5</sup> Bentham listed some fifteen Sections in Part II of 'Poor Plan', of which four, as noted above, were soon afterwards transferred to Part I. Of the remainder, six are recognizable as Chapter titles in Book II of 'Pauper Management Improved',<sup>6</sup> and one as the title of Book IV.<sup>7</sup> Two further

<sup>1</sup> It appears that the 'Proposal' and the 'Short Plan' were conceived as two separate texts, since at UC cliv. 68 the first two Sections of Bk. I are marked for possible omission in the 'Short Plan', while the omission of the description of the Company's authority and constitution from a 'Proposal' for its formation would make no sense. However, there would presumably have been very considerable overlap between the contents of the two texts. <sup>2</sup> UC cliv. 75.

<sup>3</sup> UC cli. 106. For further details concerning the advertisements which appear on the folios preceding this fragment, and which seem to be later in date, see pp. lxxvi-lxxvii below.

<sup>4</sup> UC cliv. 68.

<sup>5</sup> Ibid. <sup>6</sup> In the following list, the figure in square brackets is the Chapter number as published in the present volume: '1. [I.] Strength Mustered or Pauper Population classed. 2. [IV.] Principles of Management. 3. [III.] Buildings Plan. 4. [V.] Official Establishment. 5. [VI.] Diet. 6. [X.] Book-keeping.' In Bentham's original enumeration, 'Strength Mustered' appeared as § 7, but was later

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Sections, 'Neighbour's fare principle Defended' and 'Farming Defended', had almost certainly been drafted by this time, but in the event were excluded from 'Pauper Management Improved'.<sup>1</sup> Bentham appears to have begun to draft material for one of the remaining two Sections, 'Parliamentary Sanction',<sup>2</sup> although in the event the Section was excluded from the text. No material bearing the heading of the remaining Section, 'Company's Advantages', has been located.<sup>3</sup>

In the second marginal contents sheet containing summaries for what became Book I,<sup>4</sup> Bentham listed in pencil thirteen Sections in Part II,<sup>5</sup> ten of which also appear in the list of Sections drafted on 15 February 1797.<sup>6</sup> No material drafted for any of the remaining three Sections has been located, although that may be because Bentham decided to incorporate the substance of these Sections elsewhere. The title of one of them, 'Advantages from 1. Local Extent', corresponds to a topic which Bentham addresses in Bk. II, Ch. III, §II;<sup>7</sup> while the titles of the other two, '[Advantages from] 2. Company Management' and '[Advantages from 3.] Principles [of Management] above laid down', correspond to topics discussed extensively in Bk. V, Ch. V and Bk. VI, Ch. II, where Company Management is compared with private partnership and with government management.<sup>8</sup>

On 17 May 1797 Bentham made a further attempt to sketch the contents of 'Pauper Management Improved' in an *Ordo*, that is a prospectus listing the Chapters or Sections of his intended work.<sup>9</sup> In

moved to § 1. A note in red ink at the head of the list states: 'Book keeping to come first.' This is the only indication that Bentham intended to begin with book-keeping.

<sup>7</sup> i.e. 'Pauper Comforts'.

<sup>1</sup> For Bentham's drafting of these two 'defences' see *Writings on the Poor Laws: I (CW)*, Editorial Introduction, pp. I–II, and for the texts see *ibid.*, Appendices A and B, pp. 267–75, 276–89 respectively.

<sup>2</sup> See UC cli. 107, headed 'XVI. Parliamentary Sanction', and alternatively 'XVI. Principles to be sanctioned by Parliam<sup>t</sup>', in which Bentham calls on the House of Commons to pass resolutions endorsing his 'Fundamental Positions in regard to the making provision for the Indigent Poor' (*Writings on the Poor Laws: I (CW)*, pp. 8–65) as the basis of poor relief. 'Parliamentary Sanction' appears as § 12 on the marginal contents sheet of 15 February 1797 (UC cli. 68).

<sup>3</sup> For details of possibly related fragments, headed 'Advantages Public' and 'Advantages Public—Determinanda', see p. lxi below.

<sup>4</sup> UC cli. 69.

<sup>5</sup> Five of these Sections became Chapters in Book II, namely, in the order in which they appear at UC cli. 69, 'Management Rules and Principles', 'Official Establishment', 'Building', 'Employ', and 'Manual strength mustered'. Four of these Sections were those incorporated into Part I, or Book I, of the plan, i.e. 'Sources of Profit', 'Capital requisite', 'Terms with the Public', and 'Existing Interests'. The final Section which appears in both lists is 'Farming defended'.

<sup>6</sup> UC cli. 68.

<sup>7</sup> See pp. 84–95 below.

<sup>8</sup> See pp. 325–33, 396–405 below.

<sup>9</sup> UC xcix. 184.

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the first part of the *Ordo*, Bentham made two attempts to plan the order of what at that time still seems to have been intended as Part II.<sup>1</sup> In both plans, the opening Chapter was to address the subject of population.<sup>2</sup> As early as 13 February 1797 Bentham had written to Sir Frederick Morton Eden, expressing 'homage for the instruction and entertainment I am reaping from your most valuable work'.<sup>3</sup> Eden's work, *The State of the Poor*,<sup>4</sup> provided Bentham with a mine of data on poor relief, and especially on population. He set his amanuenses the task of extracting and digesting the information contained in Eden's volumes,<sup>5</sup> one of the fruits of which was a 'census' of the pauper population of thirty-one districts.<sup>6</sup> Bentham adopted the proportions

<sup>1</sup> Bentham's first list was as follows: '1. Total Numbers estimated. 2. Classes mustered. 3. Principles of assortment. 4. Principles of Management. 5. Ground and Buildings.' Bentham made many revisions to the second list, both in relation to content and order, and the following enumeration of the titles is editorially supplied based on what appear to be Bentham's latest intentions: '1. Numbers to be provided for. 2. Members of the Pauper-Community classed. 3. Building: i. Quantity total. ii. Sites—Distribution. iii. Land. iv. Plan. 4. Management Principles. 5. Diet. 6. Cloathing and Washing. 7. Bedding. 8. Child-Nursing. 9. Employment. 10. Furniture. 11. Official Establishment. 12. Book-keeping. 13. Sources of Profit. 14.[Advantages]—to the Pauper Community. 15. To Government. 16. To the Community at large. 17. Provision for existing Interests. 18. Habitual Depredation extirpated. 19. Mendicity extirpated. 20. Free-Employment facilitated—or Employment secured. 21. Capital—quantum requisite. 22. Capital—expected sources. 23. Company's terms with the public—in respect of sharing of the profits. 24. Remote effects of the institution. 25. Prospect of Success. 26. Company one. 27. Company not Government.' This list contains titles that would eventually appear in Bks. II, III, V, and VI, indicating that the division of Part II into five separate Books had not yet been made.

<sup>2</sup> i.e. 'Total Numbers estimated' and 'Numbers to be provided for' respectively. In his second list Bentham initially decided to divide the discussion of population into two parts, namely '1. Estimate of numbers with a view to provision of maintenance', and '2. Estimate of Numbers with a view to Ways and Means of defraying the charge of provision', before cancelling both titles.

<sup>3</sup> See Bentham to Eden, 13 February 1797, *Correspondence (CW)*, v. 358. Sir Frederick Morton Eden (1766–1809), insurance company manager and writer on the poor laws.

<sup>4</sup> Sir Frederic Morton Eden, *The State of the Poor; or, an History of the Labouring Classes in England, from the Conquest to the Present Period; In which are particularly considered, their Domestic Economy, with respect to Diet, Dress, Fuel, and Habitation; And the various Plans which, from time to time, have been proposed, and adopted, for the Relief of the Poor: together with Parochial Reports Relative to the Administration of Work-houses, and Houses of Industry; the State of Friendly Societies; and other Public Institutions; in several Agricultural, Commercial, and Manufacturing, Districts*, 3 vols., London, 1797.

<sup>5</sup> By 7 March 1797 a list of 'Poor-House Acts from Eden' had been compiled at UC cxxxiii. 52. Bentham's poor law writings contain many further examples of information garnered from Eden: see, for instance, UC cli. 26–7, 29, 30b–31, containing passages copied from Eden arranged under several heads; cli. 71–7, containing notes in a copyist's hand on rates of earnings in husbandry, two attempts to collate such notes, and the first half of a 'Table of Husbandry Earnings'; cli. 78, in the hand of an amanuensis with additions by Bentham, containing information on districts mentioned by Eden where the poor were, or had been, farmed; cli. 80–2, containing notes in Bentham's hand; cli. 83–101, containing a fair copy of notes from all 181 districts discussed by Eden; and cli. 268, containing the beginning of a list in Bentham's hand of poor rates.

<sup>6</sup> Only a single fragment at UC cli. 79 has been identified which provides evidence for the identity of the thirty-one districts from which Bentham compiled his census. This fragment contains a list of the numbers of bastards and insane in twenty of the thirty-one districts, with the addition of a further district, namely the parish of St. Werburgh in Derby, which Bentham

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between ages found in Eden's parishes in making his own estimates of the pauper population at the opening of the proposed Industry Houses, and of the increase in that population which would result from the indenture of pauper children until the age of twenty-one by the National Charity Company. Bentham hoped that the calculations derived from Eden's figures would form the basis of detailed estimates of the costs of maintenance of, and the returns expected from the labour of, the pauper population, which he intended to include in 'Pauper Management Improved'. Bentham did (probably in the spring of 1797) draft considerable material on the subject of population, before deciding that its basis in 'Eden's Census' was flawed. In September 1797, in 'Situation and Relief of the Poor', he expressed his misgivings:

Among the highly valuable collections of Sir Frederick Eden, are *Censuses* of the Pauper-Population of thirty-one Parishes. Unfortunately there are few, if any, of them applicable to this purpose. After a string of individuals distinctly characterized comes a 'family,' number of members not mentioned. Age, likewise, though in most instances given, is in several instances omitted. *Proportions* taken from such *data* would evidently be false; the uncertainty that envelopes particular articles communicating itself to the whole.<sup>1</sup>

Hoping to receive information detailing pauper population from returns of his own blank 'Pauper Population Table', published with 'Situation and Relief of the Poor',<sup>2</sup> Bentham decided to postpone the discussion of population to a much later position in the work. It seems clear that, had Bentham received a sufficient number of completed returns of 'Pauper Population Table', those returns would have formed the basis of a new version of the Chapter on population. In the absence of such returns, Bentham never revised the Chapter. The original version is, therefore, reproduced in the present edition as Bk. V, Ch. I.<sup>3</sup>

cannot have used in compiling the census, since no information on the ages of the poor appears in the account of the parish in *State of the Poor*, ii. 126–8. However, since only a limited number of the accounts of the districts surveyed by Eden contain lists of dependent poor differentiated by age, it appears reasonably certain that the thirty-one districts selected by Bentham were Humbershoe in Bedfordshire, Wallingford (parish of St Leonard) in Berkshire, Winslow in Buckinghamshire, High Walton in Cheshire, Ainstable, Caldbeck, Carlisle (Cumersdale Quarter), Carlisle (Rickergate Quarter), Castle Carrock, Cumrew, Cumwhitton, Gilcrux, Harrington, Heskett, Kirkoswald (Kirkoswald Division), Kirkoswald (Stafford Division), Sebergham, Warwick, and Wetheral in Cumberland, Chesterfield, Derby St Alkmund, Derby St Peter's, and Wirksworth in Derbyshire, Colchester in Essex, Kibworth-Beauchamp in Leicestershire, Cockerington (parish of St Mary) and Swineshead in Lincolnshire, Rode in Northamptonshire, Wolverhampton in Staffordshire, Epsom in Surrey, and Settle in Yorkshire. See *ibid.*, ii. 7, 19, 31, 40, 46, 51–2, 62–4, 66, 69–70, 72–3, 76–7, 79–80, 82–3, 85–6, 90–5, 110–12, 116–17, 125–6, 133–5, 178–9, 380, 393–4, 404–5, 545, 672–7, iii. 694–6, 866.

<sup>1</sup> See p. 477 n. below.

<sup>2</sup> Between pp. 470 and 471.

<sup>3</sup> For further details see pp. lvii–lxv below.



Chapter I. Classes Mustered<sup>1</sup>

From his earliest attempt in February 1797 to plan the contents of 'Pauper Management Improved', Bentham had intended to include a Chapter describing the various categories of persons who would come under the care of the National Charity Company.<sup>2</sup> On 18 May 1797, one day after beginning the 'Poor *Ordo*', Bentham started to compile marginal contents sheets<sup>3</sup> from the draft of Classes Mustered, which, with the postponement of the discussion of population, would become Bk. II, Ch. I. This draft forms the basis of the Chapter in the present volume, which has been reconstructed with the aid of the five corresponding marginal contents sheets.<sup>4</sup> Using 'Table of Cases Calling for Relief' as a template for his text,<sup>5</sup> Bentham discussed in the order listed there the twenty-two classes of 'hands' which were at risk of indigence, with the following variations: Out of Place Hands appeared as Class XI rather than as Class IX; Casual Stagnation Hands appeared as Class IX rather than as Class X; and Periodical Stagnation Hands appeared as Class X rather than as Class XI.<sup>6</sup> The ordering of the text in the present volume, however, follows that of 'Table of Cases calling for Relief', as published by Bentham in *Annals of Agriculture*.<sup>7</sup>

After compiling the draft and marginal contents sheets, Bentham went over the material and made a series of marginal notes which indicate that he was considering the possibility of inserting passages from Classes Mustered in subsequent Chapters. On several occasions, folios containing fragments do appear to have been relocated in this way.<sup>8</sup> However, when compiling marginal contents sheets for

<sup>1</sup> In the present volume, where Bentham supplied Chapter titles on text sheets, or corresponding marginal contents sheets, those titles have been retained. Where no such titles appear on the text or marginal contents sheets, the titles have been supplied from the Table of Contents originally published in *Annals of Agriculture* (see pp. 487–8 below).

<sup>2</sup> See p. xxiv n. above.

<sup>3</sup> See UC clii. 264, headed 'Classes Mustered Contents I', and dated 18 May 1797.

<sup>4</sup> UC clii. 264–8. Two passages of text, at UC cliv. 129 and 136–7 respectively, have been inserted on the basis of their fit with the sense of the preceding material, despite the fact that the corresponding summaries do not appear in the marginal contents sheets at UC clii. 264, 265.

<sup>5</sup> 'Table of Cases calling for Relief' had been substantially completed early in 1796: see *Writings on the Poor Laws: I (CW)*, Editorial Introduction, pp. xvi–xvii.

<sup>6</sup> See UC clii. 265. In the marginal contents sheets at UC clii. 264–5, but not in the text, Bentham also reversed the order of Classes VI. Unripe Hands and VII. Sick Hands, and of Classes XII. Disbanded Hands and XIII. Superseded Hands.

<sup>7</sup> Between pp. 476 and 477.  
<sup>8</sup> This is the case, for instance, in relation to UC cliv. 100, which has been placed with manuscripts containing material for Bk. II, Ch. III. Buildings and Land; cliv. 393–5, which have been placed with manuscripts containing the draft of Bk. III, Ch. I. Employment Secured; and UC cliv. 257–63, which have been placed with manuscripts containing the draft of Bk. III, Ch. III. Habitual Depredation Extirpated. Finally, UC cliv. 223 has been placed with manuscripts containing the draft of Bk. III, Ch. II. Mendicity Extirpated, although it would have been more properly placed with Bk. III, Ch. III.