

THE  
WORKS  
OF  
JEREMY BENTHAM,

THE  
WORKS  
OF  
JEREMY BENTHAM,

PUBLISHED UNDER THE SUPERINTENDENCE OF  
HIS EXECUTOR,

JOHN BOWRING.

*Volume Eleven*

NEW YORK  
RUSSELL & RUSSELL · INC

1962



B

1574

B3

Q.2

v. 11

THE WORKS OF JEREMY BENTHAM

*Reproduced from the Bowring Edition of 1838-1843*

*Library of Congress Catalog Number 62—13987*

**CONTENTS OF VOLUME ELEVENTH.**

---

**MEMOIRS OF BENTHAM;**

**INCLUDING AUTOBIOGRAPHICAL CONVERSATIONS AND CORRESPONDENCE.**

**Chap. XXIII.—XXVI.**

**APPENDIX TO THE MEMOIRS.**

**AN ANALYTICAL INDEX TO THE WORKS AND TO THE MEMOIRS AND  
CORRESPONDENCE.**

# CONTENTS.

---

	Page		Page
<b>CHAPTER XXIII.</b>			
1828—29. ÆT. 80—81.			
<b>La Fayette.</b> —Colonel Stanhope.—J. B. Say. —O'Connell, Hunt, and the Radical Reformers.—Rammohun Roy, Lord W. Bentinck, Colonel Young, and the State of India.—Letters to the Duke of Wellington.—Law Reform.—General Miller.—Del Valle, and Spanish Politics.—Livingston.—Death of Dumont.—Remonstrance with O'Connell.	1	1830.—Letter to the French People.—Introduction of Rammohun Roy.—La Fayette.—Brougham.—O'Connell and Libel Law.—Irish Coercion.—Parliamentary Candidates' Society.—Notices of Bentham in American Periodicals.—William Tait.—Cobbett.—Prosecution of Archibald Prentice.	48
<b>CHAPTER XXIV.</b>			
1829—30. ÆT. 81—82.			
<b>Law Reform Association.</b> —Apprehension of Blindness.—Sale of Offices.—O'Connell.—Mordvinoff.—Jabez Henry.—Livingston.—Codification.—Brougham.—Peel.—O'Connell.—J. Smith, M.P.—Letter to President Jackson.—Reform in America, and French Politics.—Humann of Geneva.—Rev. Humphrey Price.	30	<b>CHAPTER XXVI.</b> 1831. ÆT. 83. Declining Health.—Memoranda and Conversations.—Burdett.—Interview with Talleyrand.—Bentham's Death.—His Character, the Structure of his Mind, and his domestic, social, and literary Habits.—Dr Southwood Smith's Estimate of his Philosophy and Personal Character.	71
<b>CHAPTER XXV.</b>			
1830—31. ÆT. 82—83.			
Del Valle.—Jeux d'Esprit.—Burdett.—Sir James Graham.—Livingston.—Santander.—Duc de Broglie.—French Revolution of		<b>APPENDIX.—</b> SELECTIONS FROM BENTHAM'S NARRATIVE REGARDING THE PANOPTICON PENITENTIARY PROJECT, AND FROM THE CORRESPONDENCE ON THE SUBJECT.	96
		<b>GENERAL INDEX.</b>	

# MEMOIRS

AND

## CORRESPONDENCE.

---

### CHAPTER XXIII.

1828—29. Æt. 80—81.

La Fayette.—Col. Stanhope.—J. B. Say.—O'Connell, Hunt, and the Radical Reformers.—Rammohun Roy, Lord W. Bentinck, Col. Young, and the State of India.—Letters to the Duke of Wellington.—Law Reform.—General Miller.—Del Valle, and Spanish Politics.—Livingston.—Death of Dumont.—Remonstrance with O'Connell

IN sending to La Fayette that portion of the Constitutional Code, entitled Defensive Force,\* for his approval, criticism, and correction, Bentham writes:—

BENTHAM TO LA FAYETTE.

(Extract.)

“ August 15, 1828.

“ On this occasion, my principal object has been to render the condition of the subject many, among the military, and under them that of the non-military, as comfortable and desirable as the nature of the case will admit. With a view to late Spanish America, (in which country, so far as they go, such of my works as have been edited in French by Dumont, are the only subjects of reference, having all of them been translated into and published in Spanish,) the one here in question is translating into that language, and about half the quantity of the English impression is already in print, with copies of it in Mexico. At different times my friends here have heard, from the Creole diplomatists here, that a young man of the higher orders *there*, is not regarded as having received a course of instruction suitable to his condition, unless he has gone

through those same works. What the degree of sale of the Spanish edition is, may be learnt from Bossange Frères, by whom they have been successively published. These things I mention, for the purpose of clearing myself, as well as I am able, from the imputation of unwarrantable presumption, by endeavouring to waste such time as yours in an occupation not worthy of it.

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

“ The rose truniere, *alias* Rose de Syrie, about which I gave you so much trouble, turns out to have been nothing but an accidental variety of our common English holly-oak, which, and in greater perfection, I had already. But it was to the sentimental association that the flower I saw there was indebted for the principal value it possessed in my eyes. The race sprung from Lagrange is accordingly distinguished, and preserved distinct with religious care, and shown with corresponding pride

---

\* See Works, vol. ix. p. 333 *et seq.*

and vanity to all visiters capable of appreciating it. I shall not forget your picture of human felicity: scene, the United States—drawn first in English, then in French, for the edification of the Jesuit-begotten imps, to whom it was what a spout of holy water is to their best friend the devil. Whenever, for the first time, your name is mentioned here by a visiter, out that same picture comes of course. Had the thing been possible, I would give no small price for a copy of it taken in short-hand."

"August 18, 1828.

"Now that I have pen in hand,—a duty which, unpleasant as it is, I cannot shrink from,—is to inform you of what the most intelligent friends of good government in general, and in France in particular, say here of the existing accusation of the French ministry. What is said is, that it amounts to nothing, and forms not any substantial and warrantable grounds for punishment, being composed exclusively of a tissue of *vague generalities* in a declamatory style, unsupported by any *specific article of charge*; that the only part which, upon the face of it, bears anything of this last-mentioned character is, that which concerns the opening of letters at the Post-office; and that in this case the charge is deficient in respect of the precision necessary to give support to conviction upon substantial and tenable grounds.

"In this opinion it is proper that I should at the same time mention, that nothing of mine is comprised, my time not admitting of my obtaining any approach to an adequate conception of it. I have kept my mind turned from the subject altogether.

"In this respect *our* articles of charge, as contained in the accusations called *Impeachments*, in and by which the functions of *Judge* have been exercised by the House of Lords, and those of *Accuser* by the House of Commons, might, in the character of models, or, as the term is, *Precedents*, afford some instruction. I may, perhaps, before this letter is closed, be able to procure a list of the most apposite and recent of these impeachments, with references as to the

publication in which they may respectively be seen.

"With one observation more, which is my own. On hearing read, (for it is only by my ears that I can read any such small print as that in newspapers,) on hearing read a short paragraph relating to the mode of proceeding on this occasion, it appeared to me that application made from the Chamber of Deputies for documents to serve as evidence (*preuves*) to ministerial offences, had experienced refusal. This same refusal presents itself to me as being a flagrant violation of the spirit of your Constitution, if the Charter can be called a Constitution, and that Constitution has any spirit in it—as flagrant a violation of that spirit, as well as of one of the most incontestable principles of justice as can easily be conceived. Thus much as to the *spirit*: as to the *letter*, for the reason above-mentioned, I have refrained from taking cognizance of it."

In introducing Colonel Leicester Stanhope to J. B. Say, Bentham says:—

BENTHAM TO J. B. SAY.

(Extract.)

"9th September, 1828.

"Well then, now for his claims to such distinction; though *I* have not *time* (not to speak of *yours*) for more than a small part of them. The services rendered in British India to the East India Company by the late *Marquis Hastings*, (in so far as conquests costing more than they produce are services,)—services, more extensive than were ever rendered before by any one governor in that part of the world,—are matter of notoriety. Marquis Hastings was a lord, like other lords. Two private secretaries he had, one for military affairs, *Colonel Young*,—also an intimate friend of mine,—a man of most transcendent worth, in respect of morality, intellectuality, and active talent,—uniting the accomplished utilitarian statesman with the man of letters, the mathematician, &c., &c.,—and this Stanhope: in these two men, those, who were in the way to be informed, have seen the real authors of the so-brilliant successes to which the *Marquis* gave his name. Stanhope is,

moreover, a highly distinguished Philhellene: of his services in that cause, in that unhappy country,—services, like all others that have been expended there, unhappily so unavailingly,—his interesting work on Greece, among other things, contains some particulars. But here I must cut short. He is one of the ten or eleven sons of the Earl of Harrington, Captain of the King's Body Guards, Governor of Windsor Castle, &c., &c. Of his three sisters, one is married to the premier peer of Ireland—the Duke of Leinster, another to the heir-apparent of the English Duke of Bedford. Abstractedly considered, La Fayette would not like him the better for this, any more than you and I. But, considering that, notwithstanding all this, he is as thorough a Radical as the best of us, here you see is no small merit. In a letter I gave him once to Dumont, I spoke of the disadvantage he labours under, in respect of birth and parentage; adding, with equal candour and discernment, the observation that this was no fault of his,—he could not help it. Dumont received this *tout bonnement*: he took my illustrious friend for a bastard, or something of that sort; and, for aught I know, received him accordingly.

“Know you anything of Arthur O'Connor,—an Irishman,—Lieutenant-general (at any rate so he was in Buonaparte's time) in the French service? He was at the head of the Irish Rebellion, anno 1798. He has an estate, of between £3000 and £4000 a-year, in Ireland: retaining it still, because Lord Castlereagh, of blessed memory, could not come at the evidence necessary to get it from him. He is married to a daughter of the Marquis de Condorcet, with whom he has a fortune of £2000 a-year,—the Philosophic Marquis, who was a retainer of D'Alembert, and had not a *liard*, having married a rich wife, anno 1813,—O'Connor, though made a Lieutenant-general by Buonaparte, had not seen him for some years. On the commencement of Buonaparte's reverses, O'Connor called on him, and said, You are an emperor: I, as you well know, am a republican. I would not, therefore, seek to obtrude myself: but now, under

existing circumstances, I thought it might not be displeasing to you to hear, from my own mouth, that my fidelity, respect, and gratitude continue unimpaired. Buonaparte shed tears, [once in the course of his reign; so (you know) did Plato.]”

LA FAYETTE TO BENTHAM.

“*Lagrange, November 10, 1828.*

“MY EXCELLENT AND ILLUSTRIOUS FRIEND,—Since your last and much-valued communication, dated end of August, has reached me, I have received neither printed books, manuscripts, narrative, or visit from Monsieur Rey or Felix Bodin. It is true I have remained on my farm at Lagrange, and have devoted only a few, say as many, hours as were requisite to improve my mind by your enlightened and philanthropic letters, and to cheer my heart with the testimonies of your esteem and friendship. Not that I think my observations might be useful to you. Besides the weight of correspondence, and a series of diversified duties which press upon me in a manner disproportioned with the length of the day, I am too old and rusted a soldier to be so serviceable as any of your more recent military men, excepting, perhaps, in those general ideas when the republican citizen takes the lead of tactics, and at that more lofty point of view you have nobody to consult.

“The baneful emulation for standing armies had, from the reign of Louis XIV., prevailed in Europe, small powers striving, like the frog in the fable, to imitate their betters. When the Revolution of '89 roused and armed a great nation, to the institution of the National Guard of France, upon which Mr Comte has lately published an interesting book, were owing the first successes against the counter-revolutionary coalition, and after the imperial despotism, neglecting, or rather fearing, the principle of an armed organization of the people, depended upon its own genius and the powers of a numerous and admirable regular army, whose superiority was confessed by Britain, and attested by victories. You have seen the almost invincible host and omnipotent Napoleon repelled by a popu-

lar insurrection of Germans; the fate of your gallant troops, inured to the trials and dangers of the Spanish war, in their attack upon the hasty lines of New Orleans, defended by an American militia, has been a matter of European wonder. Yet, when in the Chamber of Deputies we ask, not for the dissolution of the standing army, but its reduction within proper bounds, so as to form a regimental nucleus for larger importations in time of war, when we insist upon limiting the conscription time to three years, under the colours, and a Lancastrian primary education, and three years on furlough—so that young men, when they are taught the use of arms to repel an invasion, do not lose the destination of their future life; when we consider standing troops as the vanguard of an armed nation, and call for a general system of national guards, naming their own officers,—which, in countries where the government is not, like in the United States, the people itself, appears to us a necessary condition, even for the maintenance of discipline,—we are opposed not only by the prejudices, remembrances, and counter-revolutionary hopes of the *ancien régime*, but by imperialism, militarism, and wilful forgetfulness of men, many of whom, had they not found in the National Guards a source of glory and advancement, might have remained in the inferior ranks of society and regular armies. To the federation of 1790, fourteen thousand deputies, duly elected, were sent by upwards of 3,000,000 of National Guards. The militia of the United States amounts to 1,100,000 men, equal to defend independence, liberty, equality, territory, and legal order, against a coalition of the rest of the world.

“I thank you, my dear Sir, for your observations on the impeachment of ministers. Let me be allowed, as a disciple of the American School, to adopt the principles which limit the judgment of public men to dismissal from office and future incapacity, leaving it with the courts of justice to try them, as other offenders, by common law. In Europe it is not the case. On the greater part of the continent, a minister is responsible to his own master, and often to the

master and mistress, wherever there is what is called a Constitution, (not a written Constitutional act, originating with the sovereignty of the people, framed by their special representatives, accepted by them, as it is practised in the United States, as we had introduced at the beginning of the French Revolution, but a series of precedents, chartered grants, the acknowledgment of rights made by royalty, on the presentation of privilege, as you have it in England; or a written Charter, acknowledging some rights, abridging others, denying many, among which, the first of them, the National right to make it:) under this mock Constitution, I say, the mode of impeachment of ministers includes the whole proceeding of the law. What is called popular representation accuses. Hereditary legislators become hereditary judges. The French charter has specified two offences, treason and concussion, which, indeed, extends far, if misadvising the king, or oppressing the king, is treason, and the misappropriation of public money is *concussion*: the sense of the Chamber of Deputies, after better elections, has secured their dismissal, the object being less their being brought to punishment, than of such men obtaining a farther removal of chances for the return to office. It is wished to effect the dismissal of administrative agents still supported by the court, which would be the result if a committee of inquiry were named by the house, an advantage which your Parliament has over our Chambers. This may, in some measure, explain the hesitation, *embroglio* and minorities for energetic resolutions, which you have justly remarked in the management of that affair. Your communications of English precedents cannot but be very welcome.

“Several packets have arrived since I last heard from the noble kind-hearted friend, of whom you have said she had the sweetest and strongest mind that ever was lodged in a female body: [Miss F. Wright] the singular part, suited, as you observed, to her singular character, may be misrepresented by people not well acquainted with the purity of her heart, the candour of her

mind, the enthusiasm of her philanthropy, the disinterestedness of her views, and the vivacity of her hopes; her talents, indeed, part of which evaporate in theories, of the certainty and utility of which she has not a doubt, might have been, I think, more efficaciously employed, even to promote her own humane purposes; but to know, to respect, and to love her, will ever be, in my sense, one and the same thing.

\* \* \* \* \*

“I am much obliged for the preference you are pleased to preserve in behalf of my Syrian *Rose*, although its intrinsic merit has not stood the proof of a more commercial-horticultural examination: sentimental associations are not strange flowers on the soil where she originated. There, they tell love tales: here, it has been consecrated to friendship, a friendship more cordially reciprocated.—Your affectionate friend.”

Bentham, on occasion of Henry Hunt's attack upon O'Connell, wrote to him this anonymous letter:—

“I am not personally known either to yourself or to Mr O'Connell: but I am, and have long been, a sincere and most zealous friend of Radical Reform,—that cause which you and he espouse. Proportioned to my attachment to that cause, is my regret at the thought of the damage, which it stands exposed to sustain from this personal altercation between two so preëminently powerful supporters of it. In his letter, the vituperative matter (I am persuaded) cannot have damaged you in public opinion, in any the smallest degree. In your letter, likewise, the argumentative matter, I am equally persuaded, would have produced more good effect to the cause, and raised you still higher in the esteem and admiration of the readers, if it had been entirely divested of the matter of the same sort, which, though less in quantity and coarseness, it nevertheless contains. Along with this letter, I am writing one to him with the same object. The proper subject-matter of consideration, with a view to present practice, is, not what he *has been*, but what he *is* at present: and that is—the only man

perhaps in the world, by whom, for many many years to come, Radical Reform, or any approach to it can be brought upon the carpet, with any the smallest chance of success. His *instruments* are the vast majority of the people of Ireland—his *operations*, by means of those same instruments, petitionings for Reform: for Reform in whatever shape, for a commencement, may be deemed to afford the most promising prospect of success. For the prayer of the petition, what I should prefer, is—the ballot: in the first place alone, without any other of the features. Why alone? Because, in Ireland, the forty-shilling freeholders compose the main body of his strength; and the ballot being their sole permanent security, against the option between slavery and starvation, the other features would, in comparison, be as nothing to them: and because, to my knowledge, there are several in the House of Commons, who would vote for the ballot, but would not vote for any adequate, if any, extension of the right of suffrage. If *that* can not be carried, still less would it be possible to carry Radical Reform *in toto*: on the other hand, suppose it carried, we should then push on with increase of strength. Now, then—suppose him to have got up a body of petitioners for the *ballot*? a body strong enough for the purpose of *appropriate and necessary intimidation*? think of the support it would give you, on the occasion of a speech from you, at a meeting of the Livery in *Guild-hall*: whereas, without such a support, the finest speech that ever was or could be uttered, would be so much sound, and nothing more. And so, again, in meetings of the *Common Council*, of which it is among my ardent wishes to see you a member. He, in his part of the field, you, in yours—could you but prevail upon yourselves, or be prevailed upon, to forget, on both sides, the irrelevant matter in question, you might, on his arrival in London, act in concert, and with greatly increased effect.

“‘No:’ you may say—‘he is insincere,’ or ‘*he is fickle*, and he will back out again, as he has done already.’ Well, then, for the purpose of the argument—be it so: still, the further he has



carried matters on in our track, *before* he has backed out, so much the better, for, so much the better shall we be able to do without him when he is gone.

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

“I cannot stay to give all my reasons. But some of them are these:—

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

“2. Next, as to the matter which you have so powerfully brought in charge against him: and, in particular, the giving up the forty-shilling freeholders. At that time, I was witness to great difference of opinion between a number of intelligent men, all zealous Radical well-wishers to Reform—all of them completely—either unexposed to, or superior to, sinister interest in any shape. If I misrecollect not, I myself was for the giving up the votes of the men so circumstanced. Why? because, their condition considered, I could not, at that time, see any, the smallest probability of their doing as they *have* done. Nowhere but in Ireland could any self-sacrifice, in point of *numbers*, so extensive, or a thousandth part so *extensive*, have been produced: nor even *there*, without a sort of miracle: or even by miracles, for more than a time of *precarious* duration—a time of preternatural *excitation*.

“Abominable as the other conditions are, every one of them, to my mind—considering him as an Irish Catholic, (I myself am neither Irishman nor Catholic,) I know not how to regard him (I must confess) as blameable, either on the score of honesty or judgment, for

being desirous of making these concessions, rather than lose *emancipation altogether*: emancipation in the other remaining shapes.

“Now, then, with this opinion, with what justice can I think ill of a man for taking the course which, without any personal interest in the matter, I myself took, or should have taken? Now, as to the *late* occasion:—On that occasion, he gave up the motion for Radical Reform, and submitted to the substitution of the word *Constitutional*, which, as you think, and as I think, means nothing at all. This submission he made. But why? for the same irresistible reason for which he made the former one, as above; because, either the motion of which the word *Radical* stood part, would have been carried *against* him, or, if carried *by* him, would have produced such a *schism* as might have left him in a state of comparative impotence. So much for the *motion*: but, as to *his own opinion*, he then declared, and has since repeatedly declared, that, by *Constitutional Reform*, he meant *Radical*—nothing short of it.

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

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

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

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

“But I have some reason for thinking that I have some influence with him: and if, by an answer to this, you will express a disposition to come to an accommodation, and enter into an union with him, as above,—whatsoever influence I may have with him, shall for that purpose be employed. If you lay on me your injunctions not to let him know that any such disposition on your part has been manifested, those injunctions shall most punctually be complied with: but it seems to me it would afford a better promise, if you would *not*: for, at any rate, it is not with you that the proposal for an accommodation would, in this case, have originated: and here would be so much proof of sincere affection to the cause, and of good temper, of which *you* would have set the example: to *him*, all that would remain would be, to follow it: to follow the example set by *you*.

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

“P.S.—I dread the appearance of another hasty and hot letter from O’Connell, before that which I am writing can reach him. Suppose any such letter to arrive, would it not be better to put it aside unread: at any rate, till

you have seen what, if anything, the letter I am writing to him has produced?

COLONEL YOUNG TO BENTHAM.

“*Calcutta, September 30, 1828.*

“MY DEAR AND VENERATED FRIEND,—I failed not to send off to Rammohun Roy, my excellent friend the Brahmin, *his* portion of the package’s contents and your letter to him; and he tells me, in a note, that he will endeavour, to the utmost of his ability, to write to you on the subject of your letter, and thank you for your notice of him. He is a very sincerely modest man—far too diffident indeed for the remarkable and *unique* station he fills among his benighted countrymen. His whole time almost has been occupied for the last two years in defending himself and his son against a bitter and virulent persecution which has been got up against the latter nominally—but against himself and his abhorred free opinions in reality—by a conspiracy of his own bigoted countrymen, protected and encouraged, not to say instigated, by some of ours—influential and official men who cannot endure that a presumptuous ‘Black Man’ should tread so closely upon the heels of the dominant white class, or rather should *pass* them in the march of mind. Rammohun Roy, after an arduous and prolonged battle through a gradation of tribunals, has at length, by dint of talent, perseverance, and right, got the better in the last resort; but the strife, and the magnitude of the stake, and the long despair of justice, have shattered his nerves and impaired his digestion and bodily health, and his energies of mind. It is now over, and I hope most fervently that he will recover himself again. Not only has he no *equal* here among his countrymen, but he has none that at all *approach* to equality, even among the little ‘sacred squadron’ of disciples whom he is slowly and gradually gathering around him in despite of obstacles from his own and our people, which no one can rightly appreciate who has not seen and felt the difficulties which the condition of society

here opposes to a reformer, and, above all, to a native reformer. But he perseveres, and does make a *distinct* and visible progress, slow as it is—very slow! It must increase in a geometric ratio, if he is only spared long enough to organize the elements he is gathering together of resistance to superstition and fanaticism, religious and political. His main efforts are directed, and judiciously so, to the primary step in the process of amelioration—of throwing off the yoke of priesthood and of *caste*. The diabolical genius who devised the separation of Hindoos into orders, who are cut off from all social and intimate connexion of what may be called a *domestic nature* with each other, set at work an instrument complete and effectual in its operation for the political as well as the religious prostration of mankind. Where men may not dwell with each other in domestic association—where they cannot eat or drink, intermarry, and intercommune together, because of difference of tribe and privilege—where this evil has been fixed and imprinted by many centuries of habitual acquiescence, and under horrible penalties of excommunication—where such is the frame of society, how can men combine for any useful purpose of improvement or resistance? No wonder that the Hindoos have always been enslaved and oppressed when they are thus effectually divided! Till these barriers can be weakened or broken down, *nothing* can be done *by* them, or perhaps for them. It is against this anti-social element of Hindoo society that Rammohun Roy directs his quiet—his secret—but his persevering endeavours; and by avoiding any public alarming of the Brahminical and higher orders of his countrymen—and, I may add, of our own jealous aristocracy of colour and of place, he is obtaining the slow but distinct progress to which I have adverted—he is gathering round him a secret society of Hindoos of various castes, whom he persuades by degrees to associate, and even eat together at his house: Those who go beyond this *awful* line of demarcation can never recede; that is, the *higher* orders (and he is himself of the very highest caste) of

Brahmins, and others, who are *committed* by the act of degradation implied in domestic intercourse with inferior tribes.

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

naturally looks with the extreme of jealousy on all improvements, physical and mental, of the Indigines, or even of their own mixed descendants; nor will it ever be otherwise till resort is free to all who can bring with them or obtain the means of supporting themselves, settling, colonizing, and amalgamating, and identifying themselves and their posterity with the natives.

\* \* \* \* \*

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

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

perty but a trust. Already he has delivered himself very considerably from the trammels of clique, and the bureau here, who usually possess themselves of a new comer, and never leave him till they bring him down to their own level, as opposers of all that is liberal.

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

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

BENTHAM TO THE DUKE OF WELLINGTON.

“*Queen's Square Place, Westminster,*  
“12th Dec. 1828.

“LORD DUKE,—Listen to me: your name will—ay, shall be greater than Cromwell's. Already you are, as in his day he was, the hero of war. Listen to me, and you will be what he tried to be, but could not make himself—the hero of peace,—of that peace which is the child of Justice.

“After subduing the three kingdoms, he attacked the army of lawyers. They repulsed him. They were too many for him.

“About sixty years ago I deserted from it, and have been carrying on against them a guerilla war ever since.

“I have got together a body, which is every day augmenting. I am now on the point of attacking them in force.

“The *materiel* of my army may be seen in the volume accompanying this, intituled, ‘Justice and Codification Petitions.’

“On the opening of the next campaign in Saint Stephen's, my Commander-in-chief (a truce to his name for the present) will commence the attack. His baton, the Bill (styled the *Despatch Court Bill*) which I have prepared for him.

“Under him will serve some stout fellows, whom I am occupied in enlisting and training.

“But a truce to allegory. It is time to speak in plain language.

“Our whole *Judiciary Establishment*, with the system of *procedure*, self-styled the *regular*, by which it works, is one entire mass of corruption; fruits of it, depredation and oppression,

—both upon an all-comprehensive scale, —its proceedings have, from first to last, had these for its objects and effects. Mere illusion the so indefatigably trumpeted purity of it. In comparison of the plunderage made by it, trifling is that made by the most corrupt, whichever it is, of those whose corruption is most notorious. By the plunderage which they make, *they* are always more or less exposed to punishment. Of that which our Judges make, the whole mass is entrenched in impunity; and by Parliament itself, under their influence, the fortress has recently been made impregnable. I mean—by the Statute of the 22d July, 1822. (3 Geo. IV. c. 69,) by which the Judges are authorized to impose on the afflicted suitors taxes without stint, and put the money into their own pockets.

“Open the accompanying volume. To one of the pages you will find a keep-place paper pinned. A single glance will suffice to show you fourteen *charges*. By the unreserved confession even of practising lawyers,—lawyers high in practice,—high even in Mr Peel's confidence,—these charges are incontestably, every one of them, proved.

“The eyes of the people at large are fast opening, not to say already opened: opened to the slavery in which they have been so long held by lawyers. Soon will you hear the self-emancipated slaves, chorus upon chorus, in full cry for justice! ‘Away,’ say they, ‘away with the *technical*, the unintelligible mode of procedure—the *regular*, as the so-monstrously-irregular chaos so falsely calls itself. Give us the only plain,—the only intelligible,—the only honest,—in a word, the *summary* mode. Give us the only mode employed by those who wish sincerely, seriously, and steadily, to give execution and effect to that rule of action for the effectuation of which this adjunct professes to be employed. Give us the mode employed in the *Small Debt Courts*. Give us the mode employed in the courts composed of *Justices of the Peace acting singly*, or in any numbers elsewhere than in Quarter Sessions. Give us the only mode employed where evidence is to be

elicited—where information is to be obtained, by either House of *Parliament*, —the only mode, in a word, which is employed where a real desire has place to bring out ‘the truth, the whole truth, and nothing but the truth.’ Thus say already in numbers, and will say every day in greater and greater numbers, the people at large. But, to crown all, speaking, as I do, to the *Head of the Army*, I say—Give us the mode—the only mode—employed in and by *Courts-martial!*

“Yes! give us the simplicity, the honesty, the straightforwardness, of *Courts-martial*.

“Yes: look here, Duke! Here you are at home. Had you a military offence to *try*—had you a *dispute* to settle between *two* officers—would you be satisfied to let *five years* pass before so much as the *first* question put received an answer? Would the sound of a *word*—the word *equity*, or any other—suffice to reconcile you to an absurdity so palpable, so abominable—to every mouth that can gulp it down so dishonourable? But, if not, in what respect can such a delay, with the expense and lawyer's-profit for which it was created, be more conducive and favourable to *civil* than to *military* justice?

“No! the head of the army—in so far as it depended upon him—as often as a military wrong took place one moment, would not wait another moment before he applied the remedy.

“There sits Lord Eldon! for five-and-twenty years and more, to the ruin of so many thousands of families, head of the law. What says this, or any other head of the law, to the *five years*? Would he abate so much as a single moment of it? Ask him. Not he indeed.

“Think now of the difference! and—the cause of it—what is the cause of it? What but this:—The head of the army would be a ruined man—his army a ruined army—were he mad enough to *establish* any such matchless absurdity; or, though it were but for a moment, *permit* it to have place. But the head of the law, who not only permits it to

have place, but would be ready to faint at the thought of its ceasing to have place—in what way is *he* a sufferer by it? Instead of being so, he is, and to a matchless amount, a gainer by it. His vast, his needless, his useless, his most mischievous income, so many times as great as that of the head of the army, is mainly constituted by it.

“Theory! speculation! visionary! enthusiast! *Utopian!* Of words such as these is composed the only sort of answer which the opposers of Law Reform—the defenders of established turpitude—are wont, or can find, to make to such damning truths.

“Head of the army! I repeat the question. In any Court-martial that ever sits, would you have five years elapse before so much as the first question received an answer? Would you have every innocent man, who, by some untoward occurrence, had been brought before a Court-martial, *regularly* plundered of his last shilling before he received his acquittal? Well, then, if you would not, and forasmuch as you would not, you are as undeniably a theorist, a speculatist, and so forth, as *I myself* am.

“By the last returns, a sum, within a trifle of £40,000,000 was lying *ingulphed* in Chancery. By this time that sum must have been exceeded. By my plan, this vast sum would, within a trifle, be given to the right owners, instead of being, in so vast a proportion of it, divided by the lawyers amongst the lawyers, while the remainder remained in the gulph, ready to be drawn upon by them, as occasion offered.

“Supposing now, for a moment, this money given by you to those it belongs to! Behold, what a flood of gratitude! I, for my part, shall be in my grave: my soul the flattering unction will not reach. But you! you may still be where you are. Then will you, king-like, be anointed by it!

“So much for *procedure*—judicial procedure—the system of *operations* and *written instruments*, which *should* be employed, and *professes* to be employed, for giving execution and effect to the rule of action—the guide, pro-

vided by Government, for the conduct of individuals.

“Now for the rule of action itself.

“Turn now to the *articles of war*,—the *rule of action* for military men. Instead of this, or any other body of *really existing* law, composed of a determinate set of words, emanating from a body of men, by universal consent, authorized to make laws—to this visible and tangible rule of action, would you, if it were in your power, substitute the contents of a vast library, continually increasing, composed of self-contradictory wrangling, talking backwards and forwards—pages employed by dozens, scores, not to say hundreds—in pretending to settle the meaning of this or that single word, left still more doubtful at the end of the palaver, than it was at the beginning of it? matter, replete with the most contemptible *absurdities* and pickpocket *lies* under the name—yes, avowedly under the name of *fictions*: coming, every syllable of it, from a set of men, (the Judges,) not one of whom so much as pretends to any such right as that of making law? but on the contrary, as often as called upon, abjuring it, even at the very moment when employed in spinning, spider-like, out of their own bowels, this same spurious matter to which they give the force of law?

“Instead of the *articles of war*, put into every military man's hands, suppose a porter's load of that same lawyer's trash laid upon his back, how would he know in what manner to conduct himself? how would he know in what manner to save himself from being shot? Instead of the *words of command* spoken, suppose so many dissertations, of the length of so many chapters of Blackstone's Abridgment, put, one after another, into his hands, with a lawyer placed beside him, ready, upon receipt of a few guineas, and not otherwise, to tell him the meaning of it: this supposed, after how many years of training, in this mode, would he be found (think you) in a condition to face the enemy?

“A *Law Reform Association*—a ‘*Noble Army of Reformists*, some of them ‘*Martyrs*’—an army of this sort

I am raising : a *Legion of Honour* with members for *Grand Crosses*. There, if you will head it, will be a tower of defence to you : a support from without doors. Ere long you will see it in the field. Will you refuse the command thus offered ? Instead of accepting it, will you openly throw your shield over the now so-completely-exposed turpitude of this established and still continued system of pillage and oppression, under the mask of justice ; or (what will be the same in effect) will you remain neuter and inoperative ?—Forbid it, honour ! forbid it, justice ! quoth your sincere well-wisher," &c.

BENTHAM TO DANIEL O'CONNELL.

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

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

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

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

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

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

—a quarter before the half-hour—for the sake of circumgirating the Hermitage,—come to the embrace of

"JEREMY BENTHAM,

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

Again—

"Q. S. P., 25th February, 1829.

"LIBERATOR OF LIBERATORS,—Herewith you receive, in print, the proposed Petition for Codification. Item, the proposed Petition for Justice at full length.\*

"Not yet completed is the proposed Abridged Petition for Justice. I hope and believe another week will not have passed away, before this is likewise completed—meaning the writing of it : for completed the printing of it will scarcely be, even then.

"Of the use expected from the Abridged Petition, the advertisement gives some account.

"Besides curtailments, there are additions in it : want of conciseness will, I hope, be found compensated for by amelioration.

"As we can see one another so seldom, and to both time is so precious, better we should not meet till you have the *tout ensemble* : special cause of exception excepted.

"A primary auxiliary power has presented itself to me, and its assistance engaged. But this, too, will keep till we meet.

"I conclude, *more Romano*, for the present. 'Vale et me ama.'

"P.S.—Cheering, in the highest degree, has been Bowring's information of your sacrifice of professional profit to universal benefit, in being, at any rate, in contemplation, and *on the cards*."

BENTHAM TO THE DUKE OF WELLINGTON.

"Queen's Square Place, Westminster.

"22d March, 1829.

"ILL-ADVISED MAN !—Think of the confusion into which the whole fabric of Government would have been thrown, had you been killed ; or had the trial of

\* See these in the Works, vol. v.

you, for the murder of another man, been substituted in the House of Lords to the passing of the Emancipation Bill!\*

“I told you I was your *well-wisher*. Even in the common form of a letter I never speak unadvisedly. I now prove myself so.

“The circumstance that induces me thus to put myself forward is this:—For the entire extinction of this most pestilential practice, I have a plan, of the success of which, I have little more doubt than of my own existence. It is grounded—partly on experience furnished by this country; partly on experience furnished by another country; partly on the attention I have, for between sixty and seventy past years, been paying to the springs of action in human nature; partly on the acquaintance I have made with the penal code, and the system of judicial procedure, as they are, and as they ought to be, in all their details.

“If there be that man upon the face of the earth, in whom self-sacrifice, and so much more than self-sacrifice, to no imaginable good purpose, are less excusable than in any other, it is yourself. In the first place, in your case, what symptom of deficiency in personal courage would be your utter refusal to engage with any man in any such contest?

Yes: if, for the first time, you had just been taking in hand a pair of colours. In the next place, even supposing it conclusive proof of such an infirmity, would it have rendered you incompetent, or any other man competent, to conduct the business of Government? In what shape, either to yourself, or to your country, would any evil be produced by an imputation of that sort, comparable to that which would be produced by your sudden death?

“To other day, O'Connell was with me. Amongst other things, he gave me his history in relation to duelling. About a dozen years ago, it happened to him to kill his man.† He declares

himself, in private as well as in public, and (strange as it may seem to many of us) as far as I can judge, with sincerity, to be a believer in the religion he professes in public. Not without visible signs of emotion, did he speak to me of the catastrophe. The effect produced by it on his mind was (he said) such, that he made a vow, and that vow was—to make atonement for the transgression: and that atonement consisted in the determination never to engage a second time in the like contest; but to submit to any insult or indignity, how atrocious soever, rather than seek or accept of satisfaction in that shape. Yes: and to make this determination matter of general notoriety; and to this his determination he had hitherto maintained, and ever resolved to maintain, the most inviolable adherence.

“Not so much as five minutes had the report of the occurrence reached me in this my Hermitage, when I sat down to write the scribble, which, in the original, would not have been legible to you: in the meantime, what I hear is—that instead of being the challengee, which would have been too bad, you were actually the challenger, which is still worse. Friends, forsooth!—How narrow must have been the views and minds of friends, by whom advice, with such effects in the train of it, could have been given!

“These friends—in name, profession, and appearance; to whom were they so in reality? To yourself, to the king, to Great Britain, to Ireland, to the human species at this present time? To the same species at any future time?—Put to each of them these questions: and take note of his answers.

“In the United States, I am neither unknown nor unheeded. The President, and the present Finance Secretary, were my familiar friends. Propensity to duelling is, in that country, the cardinal vice. In that country, still more than in Ireland, the *plague* in that shape rages. If I live two years, or at the utmost, three years longer, I shall be, in no small degree, disappointed, if I do not see the *plague* (as the Bible phrases it) ‘*stayed*.’

\* In allusion to the Duke's duel with Lord Winchelsea on the 21st March.

† Mr D'Esterre, of the Dublin Corporation, who challenged Mr O'Connell for calling that body a beggarly corporation.



"For my own part, in former days, I thought I saw some benefits from it to mankind, and committed the mention of them to writing; and, if I misrecollect not, to the press.\* On further consideration, I have arrived at the persuasion, that they amount to little, if anything; and that, at any rate, they are, in a prodigious degree, outweighed by the mischievous effects; of which I am prepared to give a list.

"Mere insensibility to danger of pain and death is a virtue which man possesses in joint-tenancy with the bull, the bear, and their challenger—the dog.

"Now then, if to personal and physical, you add moral courage, I will tell you what to do. Go to the House of Lords. Stand up there in your place, confess your error, declare your repentance; say you have violated your duty to your sovereign and your country; and promise, that on no future occasion whatsoever, under no provocation whatsoever, in either character—that of *giver*, or that of *accepter* of a challenge, will you repeat the offence.

"Here am I, leader of the Radicals, (in that character, at least, am I, and I alone, every now and then, spoken of,) leader of the Radicals, more solicitous for the life of the leader of the Absolutists, than he himself is! What paradoxes, what prodigies, has not the field of politics given birth to of late!"

I am sorry that I cannot find the Duke's answer to this letter: but it was immediate; for Bentham sent a rejoinder on the following day.

"Q. S. P., 23d March, 1829.

"Monday Evening.

"MY DEAR DUKE,—Opened this moment this note of yours. I must at you once more. I am an Englishman. More than that, I have my designs upon you. I want to make you do what Cromwell tried at, and found it was too much for him. I cannot afford to lose you. Your country remains plunged by you into a danger you seem not to be aware of; I am.

"This moment you present yourself to my mind's eye with a brace of bullet-holes,—not in the skirts of your coat, but in your body: dupe to some rascal, who has looked to it as a ladder to his ambition or a feast for his vengeance. If one is not enough, others may follow: this in any number.

"Think not this is mere fancy: for in aid of imagination, in comes memory. Three cases it presents at the same moment,—O'Connell once more; Colonel Burr's; and Target Martin's.

"First, as to O'Connell's. What I did not mention before is this. O'Connell was sure of his mark. He had made himself so in an odd way. In his part of the country reigns a commonwealth of dogs: their practice was to attack men on horseback, biting the horses' heels.

"Think not this incredible. A similar commonwealth had place years ago, and probably has still, at Constantinople. Anno 1785, it made war upon me there: fortune saved me. O'Connell travelled with pistols, and practised with them upon those dogs, till he became expert as above. Hence the contrition spoken of in my last.

"2. Colonel Burr's case. Colonel Hamilton stood in the way of his ambition. Burr determined to put him out of the way. He too had made himself sure of his mark. Not confession this, but boast. I had it from himself. Anno 1807, or thereabouts, he was my guest for months.†

"3. Target Martin's. John Wilkes got him christened by this name: the import you see already. In this Martin's case, it was an affair of *speculation*. How to use pistols, he had learnt from his target: whom to use them upon, from the case of St Becket, in Hume's History. George the Third was his Henry the Second.

"4. Another case comes in this moment. Adam's,—Lord Commissioner Adam's case. Shooting at a great man by his leave, then figuring away and making a friend of him. Speculation this in another shape.

"Speculations, such as they are, I

\* See Works, vol. i., p. 378.

† See preceding vol., p. 432.

have likewise,—but, so it is, it has never happened to them to take exactly this turn. Should it ever, you see already how I should proceed, taking you to practise upon. Common Law offers me, as you will see, her license. When my target had holes enough through it, I should look back into the newspapers, and say to you, or of you, something in the style of what Lord Winchelsea said—‘A brace of balls you would put into the skirts of my coat: another brace I should put into your body. Here am I, then, a great man; you a dead one. Now, then, for this my greatness, what should I have to pay? At the outside, the cost of a year’s lodging in a comfortable apartment, in a handsome stone building called a prison, with a pleasant garden to it.’ This punishment is what, as above, I call a *license*.

“With reminiscences such as these in his mind, could a man do otherwise than I have done, and am thus continuing to do? Had I not, I should, in case of your falling a victim, as above, to rage or speculation, read my own condemnation in my own Penal Code. In it stands a class of offences designated by the title of *NEGATIVE*. It runs through all the other classes. Omission to do something from the want of which comes an evil; such as is produced by this or that written act; in which way murder may be committed as surely as by sword or pistol. By omitting to administer food, a jailor, for example, has murdered his prisoner—a nurse her child.

“‘England expects every man to do his duty.’ This done, I have done mine. Whosoever head any blood of yours may fall upon, one there is upon which none of it shall fall—and whom it is you once more see.

“P. S.—Respect for your time has substituted to a lengthy letter this abridgment. My social affections are warm: the promptitude of your attention had called forth the garrulity of old age.”

Bentham had a box inscribed by him, “1829, *Laudatoria aut Exhilarantia*,” in which I find this letter from O’Connell:—

“28th May, 1829.

“My revered master has given me great satisfaction by his ‘Despatch Court.’ Would it were instituted to-morrow! I return the entire manuscript: some portion I am unable to decipher; but I have read the rest, and derived great pleasure from the perusal. It must be—there must be a Despatch Court. There is a pressing and daily increasing necessity for such an experiment, and the experiment once made, every court will soon become a Court of Despatch. We must not, however, lose sight of the right of appeal. As a general rule, it must be preserved, though the experimental Despatch Court *may* be without appeal. No page. Blank is left for the uses of appeal.

“I have *consumed* some time struggling for my seat for Clare. I hope it is not time lost. I am certain it has enabled me to be, in disposition and from conviction, more independent of party of every kind in the House. I expect to be returned for Clare again. I expect it confidently. Now for Utility—Utility—Law—Church—Finance—Currency—Monopoly—Representation. How many opportunities to be useful!

“I leave this city for Dublin on Saturday morning. Let me have a line by the post, to say whether you can allow me to go to you at a quarter before seven on Friday the 29th, and to remain with you till eleven. You must, in that case, give me some fish, as I do not eat meat on Friday. Any one kind of fish, I am entirely careless which—I have a most orthodox dislike to every kind.

“I do most fervently hope that you will live to see the British Isles blessed with your Code. My humble efforts shall be most persevering to attain that most useful object.

“I will not express—indeed, I could not express—my affectionate veneration to you. It increases as the period when I can start forward in the race of legal utility approaches, and becomes more certain. Luckily, the New Chancery Bill and Justice of Peace Bill are postponed until next session. Much has been made of more untoward materials.

With the greatest respect, your to-be-useful disciple," &c.

GENERAL MILLER TO BENTHAM.

"27th June, 1829.

"I shall give you my opinion as to the best form of government for the new States of America, for the sake of obtaining, in return, the benefit of yours.

"Let us begin with Buenos Ayres, or the United Provinces of Rio de la Plata, which I consider one of the most important points of South America, on account of its position, productions, navigable rivers, and commercial capabilities.

"Soon after Rivadavia was appointed Secretary of State, (in 1821, I think it was,) he made the federal system the ground-work of his administration; and the flourishing state of affairs which ensued, goes to confirm my impression that federalism is, of all forms, the best adapted to the wants and genius of the natives of the provinces of the Rio de la Plata, if not of the whole of South America. The prosperity of Buenos Ayres excited the attention of the other provinces, and, I think, proves the soundness of their judgment; they successively sent in their voluntary adhesion, and they were admitted into the federative union.

"In 1826, Rivadavia was advanced to the Presidency of the Republic, when, most unfortunately, he could not let well alone. The system which had worked so well was discarded, and the spirit of innovation substituted the 'one and indivisible,' or, as they called it, the 'central' form of government; but *gaucho* sense would not tolerate the measure which deprived them of a positive good, nor *gaucho* pride brook the change which conferred on Buenos Ayres a palpable supremacy. Division arose, and the provinces severally withdrew from the federation. We have seen that fine portion of America retrograding from bad to worse, until it has become a question, whether a war of colour will be the fatal consequence of Rivadavia's grievous error. Where this horrid state of things is to end, is difficult to foresee; but it appears certain, to my mind, that Buenos Ayres might slowly restore the

provinces to the federal bond by the re-establishment of a good government; but that she will never be able to conquer them by force of arms. Nor, indeed, ought she to wish it; for provincial jealousies and petty feuds cannot deprive her of the metropolitan precedency, which geography assigns to her, in the Argentine territories, and which might render her an emporium, like what Venice was in former days. Having said so much relative to Buenos Ayres, it is unnecessary to add much with regard to Peru, or any other of the States; for I have observed that a strong family likeness runs through the different Spanish-American nations as far as I have had an opportunity of observing them. Peru, under a liberal, steady, honest, economical administration, would soon be possessed of the elements of wealth, strength, and happiness. More than one Palmyra would probably be seen to arise in the midst of her arid and now tenantless deserts, and Lima might become a second Tyre. If the mines of Potosi could draw 180,000 inhabitants to one of the most barren of regions, can we doubt the power of the precious metals, the staple produce of Peru, reperforming a similar miracle, whenever human enterprise, prompted by the love of gain, shall be left uncramped by vexatious restrictions and oppressive misrule?

"I have sometimes been asked, if I thought monarchy suitable to the wants and wishes of the South Americans. To this question my answer has invariably been a negative. In this I am borne out by the untimely fate of Iturbide, and by the failure of the 'President for life'—that half-way-house sort of elective monarchy which was overturned in Peru and Bolivia, and rejected in Colombia. I do not mean to say that no monarchies can be established in South America. What I assert is, that no king can be forced, or force himself, upon the South Americans. There is scarcely a fortified town throughout the continent, and there is no aristocracy upon which to rely. The only way in which a monarchical form of government will again be adopted in these States, will be from some President—let us suppose in Chili, for the

sake of argument—rendering himself extremely beloved and popular; the people might then elect him king.

“Of the democratic forms, I give an unhesitating preference to the federal. It is upon this point that I should feel most happy to be favoured with your friendly instructions. Let them be plain, and suited to the capacity of an unlettered soldier of fortune, who may, perhaps, be placed in circumstances where his opinion may be called for, and where it may be listened to with some attention.”

“In taking into consideration any legitimate system, as applicable to Spanish America, do not, I beseech you, lose sight of the facts that the people there must be counted as something; that standing armies are there peculiarly incompatible with lasting tranquillity; and that no government, however strongly fenced round by bayonets, can long stand its ground, unless it be the people’s choice, and upheld by that support which is to be permanently secured only by justice and integrity.”

JOSÉ DEL VALLE (*the President of Guatemala*) TO BENTHAM.

(Translation.)

“*Guatemala, the 19th May, 1829.*”

“SIR,—Want of conveyance, in consequence of the little intercourse between this country and England, has been the cause of my silence during the preceding months. I was not able to send my letters, and I had not the honour to converse through them with Mr Bentham. But your respected voice has reached me, through the medium of the works which you have written for the universal good of mankind. You, Sir, have multiplied yourself in them: you live in all civilized countries: you will live in all ages. A wise man is, of all beings, the one who most approaches the divinity which is omnipresent.

“I avail myself of the opportunity now offering itself in Mr T. Ackerman, by whom, to your metropolis, I have the pleasure of sending you a collection of the gold and silver coins of this Republic.

“Neither the coins of this country,

nor those of other nations of the ancient and new world, are as I would wish them to be. In monarchical countries, they exhibit the effigy of the kings and their armorial bearings. In the United States, that of liberty and an eagle, with the device of the federal system—*E pluribus unum*. In the Mexican Republic, the cap of liberty and an eagle perched on a nopal, (the cactus, or cochineal feeding-tree,) with a serpent in her beak. In Central America, the tree of liberty, and five volcanoes, representatives of the five States which form the Republic. In the Peruvian, a female figure representing *Liberty*, and the armorial bearings of the city of Lima. In the United Provinces of the River of Plata, the *Sun*, symbol of the Union, and the cap of liberty. In Chili, a volcano emitting fire, a column supporting a small globe, above this a star, and, higher still, the word *Liberty*, &c.

“The other symbols of American Republics have the same defect, for there are diverse nations which have eagles, nopales, &c. In the pictures of serpents, suns, eagles, &c., I see a something like relics of ancient barbarism; and the cap of liberty appears to me an affectation, unnecessary where it (liberty) positively exists, and ridiculous, where it is only nominal.

“In all nations, which are not oppressed by tyrants or despots, there ought to exist a legal liberty. The symbol which represents it, might, in this case, be put on the coins of all constitutional governments; in which case, the application made of it, would be coextensive with the distinguishing character of the form of government which it is designed to present to view: and in each political State, to this generally applying, should be added a specially applying symbol peculiar to itself.

“I should like to see that, in monarchies and in Republics, the coins bore on the obverse side, an image representing Congress, Parliament, or Cortes; and on the reverse side, the bust of the king, or of the supreme chief of the Republic: that further, on the first be expressed the name of the Congress, Parliament, or Cortes, and the number of

deputies and senators that form it; and that on the second be shown the name of the monarch or respective chief of the nation.

"The coins would then partake of the august character which distinguishes the high powers. They would be precious monuments for the history of the constitutional epochs, and eternal opprobrium to the tyrants who seek to annihilate constitutional government, and to make themselves absolute.

"Another thought which strikes me at this moment: might there not be on the reverse side an image representing the two highest powers—the Legislative and the Executive; and on the other side the map of the Kingdom or Republic—upon a very diminutive scale.

"The map of a nation, would give to its coins the most unequivocal character of nationality. They would be more conformable to the spirit of the age, which is not like former ages—pleased with lions, castles, ladders, and apes; but, on the contrary, with everything that is positively useful, and adapted to the existing civilisation. It would inspire a taste for the study of the geography of the country, even down to the lowest class of the people.

"I do not know whether you, Mr Bentham, have ever turned your thoughts to the subject of coins—those thoughts which have been applied with so much utility to legislative science. If mine were worthy of your suffrage, this would afford me real satisfaction. If on the contrary, I shall at least enjoy that of having endeavoured at the improvement of what appears to me to be in want of it."

The following are extracts from Bentham's answer:—

BENTHAM TO JOSÉ DEL VALLE.

*"September 8-13, 1829.*

"Coins.—What you say on this subject shows the expandedness and expansiveness of your mind. It would, however, have been still more gratifying to me, to have seen it when applying itself to subjects on which its labours might have been employed in the pro-

duction of effects, in which contribution to public happiness had been more determinate and unquestionable.

"First, as to exhibiting the outline of the territory of the State. This, by wars and treaties, would be constantly exposed to variation; and in case of cession, could be liable to excite painful comparisons and recollections.—Secondly, as to numbers of the members of Legislative Assemblies. These too, whatsoever be the number of the Assemblies of which the Legislature is composed, would be continually experiencing variations: naturally and generally in the way of increase—such variations have been experienced in England, in France, and in the Anglo-American United States, &c., &c.: I am inclined to think almost everywhere.

"Liberty of the Press, in the ordinary acceptation of the word.—So far, so good; but in that sense it may have place, and at the same time a state of things opposite to that looked for from it. Under every government, and in particular a democratical one, the principally effective literary instruments of good and evil are the periodical; and amongst the periodical, the most effective, those of which the recurrence is most frequent: the daily, more than the every-other-day papers; the every-other-day, more than the weekly; and so on. Suppose now, one such paper in existence, and no more, here the liberty would be a mere illusion; instead of useful, that paper might be worse than useless. First, take that which is the most natural supposition—this one paper edited by government, or under the influence of government. All truths by which indication is given of imperfections in the system of government, or misconduct on the part of the governors, are suppressed: all lies and bad arguments, tending to produce, on the part of the people, approbation of those imperfections, or that misconduct, or disbelief of their existence, are inserted; and all contradictions to those lies, and counter-arguments against, and refutations of those bad arguments, are kept excluded.

"Even suppose that, for a time, the

newspaper editor—is honest, and gives insertion to communications, which, on any of the above accounts, are unpleasant to Government. Of such a state of things, the duration will always be precarious. For the more active he is in this line of beneficence, the more troublesome will he be to the constituted authorities, and the stronger will be the interest by which they will be incited to gain him over at any price. Being thus gained over, he will not only be useless to the cause of the subject many, but worse than useless. Good, in the shape of reward, thus misapplied, does double the mischief that could be done by evil thus misapplied, in the shape of punishment. All that the fear of punishment could do, would be to restrain the man from serving the cause of the people; while hope of reward, besides producing that negative bad effect, might, in any degree, be productive of the positive bad effect of causing him to do positive disservice to the interest of the people.

“Even suppose him still honest and honest to the end, still by giving publicity to his own notions, to the exclusion of all others, he might lead public opinion astray to any degree; and would be sure so to do, to a more or less considerable degree, though without intending it.

“Now, then, how to obviate this evil, and reduce it to its lowest pitch: in one of the new words of my coinage, to minimize it. This is matter of no small difficulty; and, as yet, has never anywhere, that I ever heard of, been attempted.

“As to what is written in the person of the editor, there is no remedy: of this part the tendency will be such as by whatsoever motives he is inclined to make it. Against this partiality the only remedy is that which can be applied by other persons in the character of his correspondents. If matters can be so ordered that he shall stand bound to give place to observations in equal quantity made in opposition to his own, or those of any other writer upon the side which he advocates, this is as much as can be done. When Miranda, son

of the celebrated General Miranda, with whom I was on intimate terms, went some years ago from this country, in which he was born and bred, to Colombia, I think it was—at that time Venezuela—to set up a newspaper in the English style, I drew up for his use a little plan, having for its object this species of impartiality and independence, as far as practicable. At so short a warning, I have not been able to lay my hands on it, or I would have sent it to you, or a copy of it,—if I succeed, you shall have a copy by the next conveyance. In the meantime, you will perhaps turn your thoughts to the consideration in what manner, as matters stand in your country, the problem may be accomplished.

“The King of France is determined to endeavour to reestablish despotism. I have before me the words of a short but decisive conversation on the subject between him and the Duke of Orleans. This from a man who had it from the duke. The people are determined to resist the king; in which case, if *they* succeed, the Duke of Orleans will succeed to the crown: probably with an authority still more limited than at present. Here there will be a civil war, unless the king grows frightened and yields, which seems most likely.\* A man is taking a lithographic copy at a press I have, of a pamphlet on the popular side, destined for dissemination in France. I believe this leaf will contain the last words of my long and miscellaneous epistle. Regard the length of it as a measure of the affection with which I am yours,” &c.

The following is a list of editions of the Works of Bentham that had appeared in the Peninsula, transmitted for the use of Del Valle:—

In Spain, Dr Toribio Nuñez, dedicated to the Spanish Cortes (in 1820, printed at Salamanca) his *Espiritu de Bentham*, or the Social Science, founded on the works of J. B.

In 1821, Jacobo Villanova translated Bentham's *Panopticon*, in consequence

\* This letter is dated, it will be observed, a little more than ten months before the events anticipated in it took place.—*Ed.*

of which the Cortes decreed that all the prisons of Spain should be in future built on the Panopticon plan.

In 1822, Dr Ramon Salas printed, at Madrid, a Translation of the *Traites*, in which, however, he has introduced other matter from the works of J. B.

In 1825, the *Tratado de Pruebas Judiciales y Teoria de Penas Legales* was printed at Paris, edition in 4 vols. 18mo, to be had at Bossange Frères.

In 1822, the Cortes of Portugal decreed the translation of J. B.'s works into Portuguese, at the expense of the nation.

O'CONNELL TO BENTHAM.

“*Ennis, County Clare,*  
“*30th July, 1829.*”

“BENEFACTOR OF THE HUMAN RACE,  
—I avowed myself on the hustings this day to be a ‘Benthamite,’ and explained the leading principles of your disciples—the ‘greatest happiness principle’—our sect *will* prosper.

“I begin my parliamentary career by tendering you my constant, zealous, and active services in the promotion of that principle. You have now one Member of Parliament *your own*. Stay with us, my venerable friend, remain with us in person and in intellect for a few years longer at the least, and you will see the fee-system and the cobwebs of fiction destroyed—mere cobwebs, which catch the little flies, and allow the wasps to break through.

“I do most potently believe that the hour for successfully introducing a rational plan of procedure, and ‘a Code,’ is fast approaching. I have sent my Bentham's Library to my country-house, where I shall be able to spend six weeks of the ‘long vacation.’ There will be this advantage from the adjournment of justice till November,—that my zeal for Codification will be accompanied by more of knowledge, before I have the pleasure of seeing you again.

“Accept the assurance of my most unfeigned respect and admiration. My homage is the more sincere, for being capable of springing from one cause only, namely,—my conviction of your paramount utility to mankind; an utility which could never have existed, if, to

the most clear intellect in the world, you had not added the perpetual and cheerful energy of continued perseverance.

“I intend to get up a *shorter* Codification Petition,—indeed, several petitions for ‘Codification,’—that is, for the draft of a Code.

“I think the Honourable House, as there is to be no expense but that of printing, will yield to my reasoning, or if not, to my *repetition*—not to say my teasing, and advertise, on your plan, for a Code.

“I write in haste to announce to you the return of ‘your member.’ You see you have the same property as a boroughmonger. I have the honour to be, with veneration, and let me add, affection, your faithful disciple.”

BENTHAM TO O'CONNELL.

(Extracts.)

“*Q.S.P., 25th August, 1829.*”

*O'Connell* atavis edite regibus,  
O et presidium et dulce decus meum!—

Quod si me *Domuum* vatibus inseris,  
Sublimi feriam sidera vertice.

“Before me lies yours of the 30th last, dated the very day of your election: it was like a gulp of the intoxicating gas to me.

“I was projecting a long letter to you, reporting progress; but the receipt last night of a paper from *Bowring*, of which, what is on the other leaf is a copy, proved the necessity of an immediate communication, without a moment's loss of time.”

“Colonel Jones, (late of the Guards,) a zealous Radical and Pro-Catholic, who is *agitating* against the Aristocratical Select Vestry System, has adopted the word *rents*, and projected rents for the purpose of buying seats in Parliament. He has got already between £1100 and £1200, he tells me; but I have no great expectation of success. I have put *petitions* in his hands, with a view to engage him to *agitate* for Law Reform.

“You have not, I am sure, forgot the project for sending forth *preachers* of Law Reform. Major Cartwright, by circuiting and preaching, (though in voice and manner a most feeble preacher,)

obtained petitions, with—I think it was not less than—1,200,000 signatures.

“Real Property Inquiry Commissioners, original number five, as per their ‘First Report’: lately three have been added, though not yet publicly announced. I have from all of them—all eight—an engagement in black and white—an engagement to publish, without any reservation, whatsoever I shall address to them in such their quality. The correspondence is curious, and I think of sending it to the newspapers.

“Despatch Court Bill wants not much of being completed. Completed it assuredly will be, unless I am dead or disabled first, before the times are in readiness for putting it to use. My friend, Bickersteth, who, in his capacity of silk-gownsmen at the Chancery Bar, is quite overwhelmed with business, approves of the bill without reserve, as far as it has gone, and will guarantee it against all imputations on the score of ignorance.

“If itinerant agitators go to preach Law Reform, and procure signatures, they should go in *couples*—an Irishman for eloquence, and to give statements of such law abuses in Ireland, as apply also to England: an Englishman, to obviate local prejudices; a fit Irishman, you would, I imagine, easily find:—but an Englishman—! there would be the difficulty!”

O'CONNELL TO BENTHAM.

(Extracts.)

“*Derrymane Abbey,*  
“22d Oct. 1829.

“RESPECTED AND REVERED MASTER, —To begin with the beginning—I did get your half letter as I was leaving the Cork Assizes, and wrote a reply; but an accident caused it not to be sent, and then I had a thousand things to add—and then I determined to write fully when I was just about to open the winter's campaign.

“I give myself six or seven weeks here of comparative mental *inexertion*. This is the wildest and most stupendous scenery in nature—and I enjoy my residence here with the most exquisite

relish. I have a pack of beagles with which I hunt on foot three days in the week. They are of the very best and most sagacious quality. I am in truth fascinated with this spot: and did not duty call me elsewhere, I should bury myself alive here. As to the remainder, the change of scene—of hours—of habits—of exercise—gives a new tone to my mind, and I leave this place with a new impulse, and with my mind new strung for reform and utility in every shape and form. To-morrow I spend, as my last day this season, in hunting. On Monday, I leave for Dublin—all for work—incessant work.

“I give you this sketch to show you why I have been less active in pursuit of useful change for the last six or seven weeks.

“My winter's campaign commences. My first duty is to discharge my debt to you.

“The History of the Catholic Association (Wyse's) omits that part of the struggle which is most interesting, and is most instructive,—I mean the working up of small means into mighty engines. The progress from political infancy, through political infantile squabbles, into something of youthful strength, and then into great manhood and vigour.

“This session—now or never, for Law Reform. *We must begin the first day of the session before the king's speech, if possible. No delay. No vacation.* The Law-despatch Court is independent of the Code. It is just what, in my judgment, ought to be brought on at once.

“I will be in London, please God, a week or ten days before the ‘Honourable House’ sits. I will take with me a great number of petitions for justice, speedy, inexpensive, and real justice.

“But it is not *now* practicable to send round in Ireland law-preachers—preachers of Law Reform. You can form no adequate idea of the present state of the public mind in this island. We are in the last stage of the politico-religious fever. I have been watching its symptoms, and permitting nature to take its course. Believe me, the patient will be soon well, and strong soon, and fit to teach a lesson to the nations on all



subjects of public amelioration. The Orange symptoms might easily be exasperated by irritation. It is left to disappear of itself; and is disappearing. You shall—you *will* hear of Ireland with pleasure, before the traffickers meet again in St Stephen's Chapel. I am much deceived, if Law Reform and Parliamentary Reform do not meet with powerful assistance from Ireland shortly—very shortly.

"I get the *Westminster Review* by post as soon as it is published. The triumph over the *Edinburgh* is complete. That controversy is terminated, unless the *Edinburgh* renews it. I am also an active agent for the circulation of the *Westminster*. Not one of the mercenary agents can be more zealous. Simply because I feel the value to public opinion of that work.

"I have no objection that you should show my letters to any person you please. I give you the most unlimited discretion on that subject, both for the past and future, including the present. I do this without any feeling of vanity; because I know, that a man, ignorant as I am, may possibly be the means of suggesting a train of thought, which may lead superior minds to objects of great utility. Do with my letters just what you please.

"I trust the American Republics will at length settle into peace. The number of selfish beings which their revolutions have produced, desirous of converting the popular struggles into individual advantage, is not creditable to them. But their materials for change were of the worst description; and to this, I verily believe, much of the conduct of Bolivar, which appears suspicious, is to be attributed. Look back, however, at his career, and behold what eminent services he has rendered to Liberty. It was his generous persevering ardour that, in spite of every motive to despair, enabled him at length to crush the Spaniards in Colombia; and thereby, to lay the foundation of freedom in other, and even very distant provinces. He first taught the natives that the Spaniards were not invincible. Then he established the perfect equali-

sation of civil rights amongst all castes and colours. Do not, I beg of you, give him up without sifting the evidence against him closely. His accusers, amongst his countrymen, are mean and selfish individuals, who cannot submit to the superiority of talent and virtue. Society is in its most discordant elements around him; and it may be difficult to confide power to an unformed, ignorant, scattered population. If I must abandon my reliance on the purity of Bolivar, I will shed a tear for poor human nature. But no: I venture to prophesy that he will live to have his patriotism and disinterested virtue recognised all over the world.

"I know General Miller, and think very highly indeed of him. I read the *historical* part of his work, and will seize the first leisure moment to read the remainder of it. I do entirely agree with you that he is a very interesting and highly-gifted man.

"My accident was much less serious than as represented in the newspapers. I was not for one moment insensible; but having been dashed violently against the ground, I was unable to rise for about one minute. In ten minutes afterwards, I was as competent to assist my brother, who broke his arm, as if I had not fallen at all. The terrors of the place too are much exaggerated: but why should I detain you respecting an incident which would be forgotten by myself, but that the papers have fabricated 'an article' on it; and what is to me really precious, that you have expressed so much of kind solicitude for me.—Believe me, I am most cordially grateful.

"I have read, or rather, am carefully reading your book on Judicial Evidence. It affords me the greatest satisfaction. But I must release you from this lengthened communication: let me first call on you for suggestions—say commands, as to my parliamentary career. If you think it right, I will begin with 'the Despatch Court,'—that is, the first or second day of the session: then the natural, as opposed to technical procedure—at least a petition on this subject: then an address to procure 'a

Code.' Every day I will have a petition on some one or more law-abuse. It seems to me, that it will be useful to have a talk on this subject almost every day. So many people have to complain of the expense and delay of the law, that thus stimulating the expression of public opinion cannot but be useful.—I am, with the sincerest respect, your zealous disciple," &c

EDWARD LIVINGSTON TO BENTHAM.

*"New York, 10th August, 1829.*

"SIR,—I had intended to delay the request, that you would do me the favour to accept and peruse the Codes of Criminal Law which I am preparing for the State of Louisiana, until I could offer the whole system for your examination: but a delay has taken place of which you are the cause, in preparing the Code of Evidence; and my impatience to have a direct communication with you, has induced me, perhaps indiscreetly, to send you the parts of the system which have been printed, for consideration, together with the preliminary reports explanatory of their provisions. The Code of Evidence which is wanting to complete the system, was ready about two years since to be put to the press, when I heard of the publication of your 'Rationale of Judicial Proof,' [Evidence,] and I could not think of taking another step, until I had received all the lights I was sure this work would throw on the course I was pursuing. Notwithstanding my endeavours to procure a copy from England, I have, by some unaccountable fatality, been constantly disappointed, but have lately been fortunate enough to procure the only set I believe in the United States. I am now studying it closely, and already find more than enough to make me rejoice that I was not more precipitate in my publication. While at the same time I feel a pride in discovering that many of the provisions I had inserted, have received the sanction of your judgment.

"It is more than thirty years ago that, then representing this city in the House of Representation of the United States, I made an ineffectual attempt to

mitigate the severity of our penal laws. The perusal of your works edited by Dumont, fortified me in a design to prosecute the subject, whenever a fit occasion should offer: it occurred about twenty years after, by my election to the Legislature of Louisiana, whither I had removed; and I used the confidence of that State, by offering them the system you will find in the accompanying package. It is now under the consideration of a Joint Committee of both Houses, and its fate will be decided in the course of the winter session. The favourable notice taken of the first report in England, and elsewhere in Europe, has had a considerable effect in predisposing the public mind to receive it.

"In laying before you this work, I offer you little that you have not a legitimate title to; for, hereafter no one can, in Criminal Jurisprudence, propose any favourable change that you have not recommended, or make any wise improvement, that your superior sagacity has not suggested.

"With the greatest veneration for your character, and the highest admiration of your useful labours, I am, Sir, your most obedient servant."

Dumont, the most distinguished of Bentham's disciples, preceded him, by a few years, to the grave. The announcement of this event was communicated to him by Dumont's nephew:—

(Translation.)

*"Geneva, 4th October, 1829.*

"The friendship which you felt for our excellent uncle, his attachment and admiration for you, imposes on his family the painful duty of announcing the misfortune we have just experienced. M. Dumont has been removed from us—removed most unexpectedly; and what adds, if it be possible to add, to our grief, far away from his family. He left us, a few weeks ago, full of health, for a journey in Italy. At Venice, a slight indisposition induced him to precipitate his departure; but, arrived at

Milan, the disorder assumed a serious character, and in a few days he died. If anything could lighten our loss, it would be to think that no sufferings accompanied his last moments, and that he slumbered away in the arms of the friend who accompanied him. Accept, Sir, the expression of the sentiments of respect and veneration with which the excellent man, for whom we mourn, has inspired us for your person."

A few days before his death, Dumont thus wrote of Bentham:—

(Translation.)

"What I most admire is the manner in which Mr Bentham has laid down his principle, the development he has given to it, and the vigorous logic of his inductions from it. The first book of the '*Principles of Legislation*,' is an art of reasoning upon this principle, of distinguishing it from the false notions which usurp its place—of analyzing evil—and of showing the strength of the legislator in the four sanctions, natural, moral, political, and religious. The whole is new, at least with regard to method and arrangement; and they who have attacked the principle generally, have taken good care not to make a special attack upon the detailed exposition of the system.

"Egotism and materialism! How absurd! Nothing but vile declamation and insipid mummery! Look into the catalogue of pleasures for the rank which the author assigned to those of benevolence, and see how he finds in them the germ of all social virtues! His admirable '*Treatise upon the Indirect Means of Preventing Crime*,' contains, among others, three chapters sufficient to pulverise all these miserable objections. One is on the cultivation of benevolence; another on the proper use of the motive of honour; and the third on the importance of religion, when maintained in a proper direction—that is to say, of that religion which conduces to the benefit of society. I am convinced that Fenson himself would have put his name to every word of this doctrine. Consider the nature and number of Mr Bentham's works; see what a wide range he has

taken in legislation; and is it not acknowledged, that no man has more the character of originality, independence, love of public good, disinterestedness, and noble courage in braving the dangers and persecutions which have more than once threatened his old age? *His moral life is as beautiful as his intellectual.* Mr Bentham passes in England, whether with justice or not I am unable to determine, for the chief, I mean the spiritual chief, of the Radical party. His name, therefore, is not in good repute with those in power, or those who see greater dangers than advantages in a reform, especially a radical reform. I do not pretend to give an opinion, either for or against, but it must be understood, that he has never enjoyed the favour either of government or of the high aristocracy; and this must guide, even in other countries, those who desire not to commit themselves; for Mr Bentham's ensign leads neither to riches nor to power."

In a letter to O'Connell of 29th October, Bentham speaks of "the public-house licensing system" as "a most maleficent source of corruption, oppression, and depredation;" and says, "Among your Parliamentary agenda will naturally be the extinction of it. But this will be included in the local judicatories." O'Connell answers:—

O'CONNELL TO BENTHAM.

"*Merrion Square, Dublin,*  
"Nov. 4, 1829.

"I found here, awaiting my arrival, a letter from my revered master. I hasten to reply, before I am entangled in the act of profession. My time now reckons by the minute; but did I count it by the dropping of my heart's blood, I would devote some of it to the man who has done more to ensure the destruction of abuses, and the establishment of common honesty, than any other human being I ever knew or read of.

"The Honourable House! shall hear the name of Bentham—a name which, it would seem, has been considered too harsh hitherto for 'ears polite.' I will,

if you approve of it, drive at once to the framing of the Code. No committee to cushion it, no reward to create contention, and excite patronage and favouritism. Your plan, simply printing at the public expense—the sentiment of glory and utility the only stimulants—you will live to see your work printed at the national expense, and I trust finally adopted: my humble name will, in spite of the sneerers, be found in some margin, or beneath the last page; and I too will have done the good work of facilitating right and justice, and abolishing perjuries and useless oaths.

“The public-house licensing system is really more surprising, if possible, than abominable. How John Bull can be so stupid a dolt as to submit to it, is portion, however, of that practical despotism which the jurisdiction of irresponsible Justices has established with an iron hand in England and Ireland, without responsibility or any that exists almost perfect as a mockery: and without appeal, the Bench of Justices, collectively and in detail, have made the people feel despotism in its worst shape—its emancipating consistency of oppression. But for collateral advantages in these countries, I would prefer to live under the simple tyranny of a Turkish *cadi*, to the endurance of the complicated oppression of an unelected, irremovable, irresponsible, *incorrigible* Bench of Justices of the Peace—all this they are in fact. This remedy comes within the immediate head of local jurisdiction.

“The King’s Bench is the avowed accomplice of the crimes of the magistracy, but you catch my sentiments on these subjects, I will endeavour to avail myself of your accuracy and distinctness of mode of redress. From your faithful disciple.”

Bentham was much distressed by some of O’Connell’s attacks, of a personal and almost private character, by which he deemed he was damaging the cause of Reform and lowering his individual influence and reputation. He told me he had been considering how best to make an effort to check his excitable but most beloved friend, and he determined

to write to him an anonymous letter, of which this is an extract:—

BENTHAM (*under the name of Phil-O’Connell*) TO O’CONNELL.

“London, 10th November, 1829.

“SIR,—This comes from a sincere admirer of you, and a zealous friend to the Catholic cause, so far as is consistent with the welfare of all besides.

“It is with proportionable grief that I read your *tirade*—your altogether indiscriminating *tirade*—among the *Liberals*, as contained in the *Morning Chronicle*. I flatter myself you will see that, in what I am about to say, my object is not to cast reproach upon you, or to cause an atom of unnecessary uneasiness in your mind, but merely to do what depends on me towards prevailing on you to abstain from such reproachful sallies in future.

“To the class of *Serviles*, or to that of *Liberals*, are generally recognised to belong all men with whom, on a political account, you have anything to do, even *Serviles*, those called also sometimes *Tories*, sometimes *Absolutists*. Under the denomination of *Liberals*, are commonly regarded as included as well Whigs as Radicals.

“*Absolutists* are all of them against you; and accordingly so are you, and of necessity, making unceasing war upon them. Under the head of *Liberals* are comprised all to whom you can look for assistance in the character of friends.

“What on this, or any occasion, could have possessed you thus to *run-a-muck* (Malay like) against all your friends? Yes, against *all* your friends, with the exception of a comparatively small number of zealous Catholics.

“To what *useful* purpose can you thus wage war upon them? In proportion as you damage their reputation, (supposing on your part the capacity of thus producing in any degree that effect,) would not you be weakening your own force?

“No, surely, by any such vague reproaches: for which no specific grounds are *alleged*, and for which all such grounds would be out of season, by any such *ungrounded* reproaches, if any

reputation be impaired, it will not be that of *those against whom*, but of *him by whom* they are uttered.

“On what supposition is it that you thus make war upon them? Is it not that they are either Non-Catholics, or Non-Christians?”

“But in either case, what good is it possible you should derive even from success in this same unnatural war? Is it by vague reproaches, in that or any other shape, that any man can expect to *convert* any other man to the Catholic faith, or to any other?”

“Talking in this strain, you afford gratification (it may be supposed) to your own momentary feelings,—and sorry am I to be obliged to call them your own *antisocial* feelings;—you, who so laudably abound in social ones of the best and most extensive class. This gratification you afford yourself. But how dearly do you not expose yourself to pay for it!”

“All this while, what is the object and end in view of the liberty I am thus taking with you? Is it to give you pain in any shape? This you will see it cannot possibly be: for if it were, it is not in this *private*, but in the most public manner, that I should address you. It is, on the contrary, to preserve you from all future pain, if possible, from the like source: it is to prevail upon you to abstain from drawing it down upon yourself, by any more such manifestations of hostile feeling towards almost all those, among whom, for any of your great and beneficent purposes, you can look to find friends.

“True it is, that what is past cannot be recalled. But what I comfort myself with the hope of, is, that when you come forward upon the great carpet, with your noble plans of real reform, the memory of these *escapades* will be drowned in the blaze of your unexampled merits, and your matchless eloquence.

“Would you wish? can you endure? to see a specimen of the effect actually produced by this *sortie* of yours? Read it, if you have not read it, in *The Examiner*, in the No. of the earliest day thereafter ensuing. Perhaps it was noticed in *Examiner* more than once.

“Being of the number of your sincerest admirers, and, however unknown, friends, I sign myself,

“PHIL-O'CONNELL.”

And in a letter to O'Connell, signed by himself, and written at about the same time, he says—

“Nov. 7, 1829.

“DAN, DEAR CHILD,—Whom, in imagination, I have, at this moment, pressing to my fond bosom,—put off, if it be possible, your intolerance. Endure the conception, and even the utterance of other men's opinions, how opposite soever to your own. At any rate, when you assume the mantle of the legislator, put off the gown that has but one side to it,—that of the advocate.

“As to evil tendency of opinions, and insincerity in the profession of them, and any sinister interests by which in the character of motives, the declaration made of those same opinions may have been produced,—these are points quite different and distinguishable from the entertaining of those same opinions; not that under the assurance, could I but entertain it, that I should thereby avoid giving you pain, not that there is any opinion of mine, that it would cost me any pain to forbear exhibiting to your view, but that in the nature of the case no such assurance is obtainable. It would require that I should be in possession of an exact list of all your opinions,—at any rate of all that are of any considerable importance in a religious or political view, present and future, all your opinions, not present alone, but future likewise.

“What a comfort it would be to me could I but receive your assurance that you have taken yourself to task on this ground, and that the result of it has been a resolution to embrace, in words as well as deeds, that charity which is called *caritas*, and which, whatever it thinks, (for we are not masters of our thoughts, at any rate, and in particular, of my opinion, I who write this feel too plainly I am not,) avoids, at any rate, speaking evil. ‘Evil speaking,’—speaking evil of any person, for not doing that thing which it is not possible to do, or

for not doing anything which it is not possible to avoid doing,—in a word, for the non-performance of impossibilities.”

Again Bentham writes:—

“ Nov. 10, 1829.

Quis tulerit Gracchos de seditione querentes.—

Clodius accuset moechos.

The pot and the kettle

Let them this matter settle.

“ Behold here a further source and subject of anxiety. Take, take in good part, my dear child, a sermon upon these texts.

“ The Solicitor-general knowingly and wilfully committing an act of deception, a *suppressio veri*, by abstaining from bringing forward a matter-of-fact, the certain consequence of which would have been the acquittal of a knot of men, against whom, in a capital case, he, by commission from the crown, was acting as advocate, these men not being, any one of them in truth, guilty of the fact charged. Let all this be taken for granted, and the conduct manifested by it shall be as bad as you please, and, in a moral view, the censure merited by it as severe as you please. Well, but what then? What is this but acting as an advocate? doing what every advocate is hired to do, and consents to do for hire. For this reason, amongst others, it is, that under my system the two branches, the professional and the judicial, are kept inexorably distinct. When the length of time which is long enough for an apprenticeship to the art and mystery of judicature has elapsed, admitted to the office of judge [shall be] no person who has ever practised as an advocate. Therefore it is, that (extraordinary exceptions excepted) if I admitted of an exclusion of evidence as a security against deception, sooner should this fall on an advocate than on a robber or murderer.

“ But *you*, the most illustrious of all advocates—does it belong to *you* to pledge yourself to bring forward your great wheel to break this fly upon? Could you put it to any such use without bringing down no small part of its weight upon yourself? In vain, were I so disposed, could I conceal the self-regarding interest by which this sermon,

wearisome as it cannot but be, has been produced. It is the fear of seeing worn down, and rendered less respected, less feared, less efficient, this mighty instrument—the use of which stands engaged to me, for crushing in its whole enormous mass, the machinery of injustice.

“ The man in question, be he who and what he may—suppose him brought before the Honourable House (not that it is possible he should be) for what he did: how obvious and sure his answer! ‘What,’ says he, ‘was it that I did, more than anybody else in my place would have done? that which universally—at any rate generally—is understood to be the duty of every advocate, to every client, in every case?’

“ This done, should I have been instrumental in the shedding of innocent blood? Not I, indeed. My duty to my client having been thus done: nothing would have hindered me from doing what is the duty of every man to justice: namely, to preserve myself from the having been instrumental in the shedding of this same innocent blood. That which would set everything right is a pardon; and this is what, under full assurance of success, I should have set myself to procure.

“ What, again, if he should say, although the individual charges brought against these men were false, yet, from all circumstances taken together, I was persuaded of their having been guilty of the offences charged, or others of the same description? In that Honourable place, an exculpation of this sort would it not be listened to? Observe I speak only hypothetically: for of the particular circumstances of the case, other than as above, I have not taken any the slightest cognizance.

“ Observations to the effect of the above sermon, I hear from men who are zealous friends to us and our great cause, and what to say in vindication I cannot find. If, upon cooler reflection, it should happen to you, to see that matter in the same point of view, you will, of course, take the best course that can be taken for backing out.

“ Inconsistency! inconsistency! this is one of the rocks which my perhaps

too sensitive—I *hope* too sensitive—imagination presents you, but too often to my view as in danger—not of splitting upon, indeed, but of being cast upon, and more bruised, than without severe suffering on my part, I could behold you. How could I forbear boring you with these sermons? Are we not linked together by our most philanthropic, most meritorious, our strongest and fondest hopes? Your reputation, is it not mine? All the while, with delight, gratitude, and hope, do I think of the excellent temper and endurance, with which you bore—yes: and upon my suggestion, in relation to the so unworthy Radical, our false brother *Hunt*.

“If, after all, this does but annoy you, without producing preponderant good, speak but half a word, and my dear quinquagenary child shall never more be thus tormented by the old hermit, his octogenary self-constituted guardian.”

BENTHAM TO O'CONNELL.

“Dec. 8, 1829.

“Wellington is civil to me—gives immediate answers, all in his own hand, to letter after letter, that I send to him. I have written him about Law Reform, telling him, if he will listen to me, he may do what Cromwell tried at, and failed in:—the lawyers were too many for him.

“Herries, the Cabinet Minister, on receiving a little tract of mine, ‘Emancipate your Colonies,’ writes me a homage-paying letter, speaking of himself as ‘honoured,’ &c.

“With all this I am dispirited. I am at my wit's end—and wherefore? Even because of you.

“He has declared war against you. Are not you a Liberal? Can you deny that you are? Would you wish to deny it? Since the name was invented, have you ever ceased to answer to it? On the Monday he is at your feet; he was a Benthamist. On the Thursday, you are the object of his declared abhorrence; he is an anti-Benthamist. And in the meantime, what is it you have done? Can you have any doubt of this? If, after that declaration, any doubt is left, look to his silence. His letter of more

than a month ago, Nov. 4, is the last you will have from him.

“He is a tool in the hands of the Jesuits. He is a weathercock, and their breath the blast that determines its direction.

“Those to whom you are most indebted for what you are, for your having devoted the whole of your long life to the service of mankind, those by whose means he himself became what, till the other day he was,—a Benthamist, these are now among the objects of his proclaimed abhorrence.

“In England, the men of his own religion are cold to him, and indifferent; Liberals, all to a man, his warm friends, and the only ones: and this is the return he makes to them.

“The friends of liberty all over the world, those are the men he thus makes war upon. The liberal Spanish Cortes,—the liberal Portuguese Cortes,—all over late Spanish-America, the constituted authorities, with the exception of Bolivar, till t'other day the Liberator, now the Subjugator. The declared enemy to all useful lights, who, after trumpeting my works, and declaring that they had given to politics and morals the certainty and precision of mathematics, has made it a crime in every man to have so much as one of them in his possession. In a word, he has made himself to be, in his part of Spanish-America, what the beloved Ferdinand was—completely absolute; with the single exception of the person of the despot he has reestablished the *ancien régime*.

“And what is it that has produced the alliance between him and O'Connell? One simple merit, which absorbs and stands in the place of all others,—he has reestablished, and is reestablishing monks. Well, and what of that? Are these monks Jesuits? No! but tell them they have taken the vows to disobey the command, which says, increase and multiply; and this is the merit which, in the eyes of a father of a family, suffices to outweigh the most flagitious crimes.

“With inflexible pertinacity, he adheres to the religion of his fathers,—to the opinions under which he was born and bred. The Liberals, in all their

varieties of opinion, do the same thing : and thus it is, by pursuing the very same course that he pursues, they have made themselves the objects of his abhorrence.

“ In what consists their crime ?—the crime of the very worst of them ? In differing with him on a question of evidence, on the credit due to statements of facts, self-declaredly improbable,—statements written in early, and comparatively uninstructed ages,—statements unsubjected and unsubjectable to the test of cross-examination. Granting these statements to be all true, yet is it a crime—an unpardonable crime—not to be convinced by them ? not to be able to comprehend what he himself declares to believe to be incomprehensible ?

“ He thinks it is in the infallibility of the Pope, or of the Church, (whoever it is he means by the Church,) and, after all, in whose infallibility is it that he is believing ? in whose but his own. His opinion is, that their opinion is infallible, and is not his own then the opinion on which his confidence of the supposed infallibility rests ?

“ Fasting, prayers, celibacy, self-tormenting in any or all shapes, can it atone for, and, in the scale of good and evil, preponderate over all-comprehensive beneficence ?

“ This, and more in abundance to the same effect, is what I have been doomed continually to hear from all around me : and what can I find to say in answer ? Just nothing. I am struck dumb. I stand mute. I shrug up my shoulders : this is the condition in which you have placed me. Will you ? can you, say anything, do anything that will help me out of it ? Unless you can, to what end come hither and take your place in the House of Commons ? The men you have declared war against, is it to them that you look for support ? The Whigs and the Radicals—of these are composed the Liberals—remain the Tories. Is it to the Tories that you look for coöperation in the dissolution of the Union ? To the Wellingtons and the Peels for the abolition of their own tyranny ? If it is to Irishmen alone that you look for the shaking off the yoke, and, among

Irishmen, to the Roman Catholics alone, whose wish it is to be governed by the Jesuits, will not any endeavour of yours go farther where you are than here ?

“ My dear, dear O'Connell—Oh no ! it is not in anger—it is in grief of mind that I say this. Hate me as you will : I defy you to make me hate you,—I defy you to prevent me from being your well-wisher ; and not merely your motiveless well-wisher, but your faithful servant, and your benefactor, if possible, if, by anything I can say or do, any addition can be made to your greatest happiness, as witness these presents, written in a moment of dejection—not to say despondency, at the close of a night occupied in dreaming of you.”

To this O'Connell replies :—

O'CONNELL TO BENTHAM.

*Merrion Square, Dec. 13, 1829.*

“ MY DEAR SIR,—I went to Drogheda on Saturday ; and, therefore, did not read your last letter till Sunday. I came back to this town yesterday noon-day : thus I account for not replying instantly, as you desired.

“ Now to reply to your questions : *1stly*, I read your former letters attentively, without being in any degree offended. Add—I was not—I am not—nor ever shall, or will be—I never can be offended with you.—Reason—because I deem you the most useful man to the world at large that I ever knew. I have scarcely ever read of any man who could fully compete with you in point of practical utility.

“ If you had not attacked Judge & Co. by direct face-blows, the absurd superstition, by which they were surrounded, would have protected a most unjust, mendacious, and vexatious system under their wings, for at least another century.

“ I cannot write more at present : but I *do* owe you a long letter—and thus promise to pay within the meaning of Lord Tenterden's act, which has already cost several hundreds of pounds to *discover* that meaning.—With the most sincere respect, yours most faithfully.”



And Bentham rejoins:—

BENTHAM TO O'CONNELL.

“Q. S. P., 18th Dec., 1829.

“MY DEAR O'CONNELL.—This moment comes yours of the 15th: heavy on my mind was the pressure from which it has relieved me. In comparison of former letters, however, there comes here a sort of coldness that prevents the relief from being quite complete: ‘respect?’ yes:—‘affection,’ mention or intimation of it?—none.

O'Connell! I love you with a *father's* love. A man at my age is old enough to be grandfather to a man of yours.

“I had taken measures for causing inquiry—personal inquiry—to be made of you, whether the two successive letters of mine to you had come to hand: the book I take for granted has; for had it not, you, in this letter of yours, would have said as much. I have taken measures which, I hope, will be time enough to be successful to stop the inquiry.”

## CHAPTER XXIV.

1829—30. Æt. 81—2.

Law Reform Association.—Apprehension of Blindness.—Sale of Offices.—O'Connell.—Mordvinoff.—Jabez Henry.—Livingston.—Codification.—Brougham.—Peel.—O'Connell.—J. Smith, M. P.—Letter to President Jackson; Law Reform in America; French Politics.—Humann of Brussels.—Rev. Humphrey Price.

BENTHAM was desirous of organizing an association of influential persons, for expediting, cheapening, and popularizing the administration of justice, and for advancing Law Reforms in their various shapes. He thought, that many who would hesitate about lending their aid to the obtainment of Constitutional Reform, might not be unwilling to cooperate for the purpose of making justice more accessible to the whole community. For this purpose, he obtained the promised coöperation of many distinguished men: but the purpose never ripened into an efficient vitality. Names to ornament—reputations to attract, were easily found; but not so hands and heads to work. So the plan was abandoned, or deferred *sine die*; and justice remains as it was, a luxury purchasable by the opulent, but wholly beyond the reach of the poor: its pursuit vexatious—the results of that pursuit unascertainable—wearisome from delay—burthensome from cost—and oppressive from uncertainty.

The apprehension of blindness gave Mr Bentham, at this time, no little anxiety; yet he talked of the probable calamity

with great composure. “I shall be cheerful,” he said; “blind people are cheerful: and I shall escape many annoyances.” It was thus that, in his own case, he applied his maxim to look on the bright—on the brightest side of things. “The public may lose something by my blindness,—so I want to get my *generalia* and my *generalissima* despatched. If I come to dictate, my style will change. Look at that table, ‘(a board covered with a green curtain, on which Bentham was accustomed to pin the fragments which represented the leading principles of his writings.)’ There are the texts for my sermons.”

But his sleep was often disturbed by gloomy dreams. These are the words in which he described one of them, no doubt the consequence of indigestion, from which he sometimes suffered severely: “I have been dreaming that I lived near the Thames—I walked through streets more and more gloomy. I saw lugubrious houses inhabited by lugubrious people, and heard lugubrious discourses. I tried to escape, and found all the streets into which I entered had no outlet. It was always a *cul de sac*.”

In 1830, Bentham wrote some letters on the sale of public offices, which he deemed a valuable means for maximizing aptitude and minimizing expense. In answer to the objection that their sale would open the door to abuse, he says, with particular reference to the election of a Secondary by the Common Council of London :—

“ SIR,—Accident having put the documents out of my reach, I must cast myself upon your indulgence for any little unintended misrepresentation or repetition it may happen to me to fall into.

“ What I am ready to admit is—that, suppose the office to be sold, and *nothing done* for the *purpose of obviating abuse*,—abuse in all possible shapes, and to the highest possible amount, will be a more or less probable consequence: what, in that view, I would propose should be done, I will mention presently.

“ On the other hand, I am a plain man, and nothing I have seen has been able to extinguish my conception that, under the *patronage system* abuse in all its shapes would be still more abundant, to a certainty, than under the *sale system*.

“ How it should happen that any man, who proposed to purchase the office, should place any serious reliance on the plea in question, as if it were capable of lessening the probability of his suffering in any way in the event of his misconduct in the office,—in any shape whatsoever, extortion, oppression, peculation, or negligence—passes my comprehension.

“ ‘ I have purchased the place: therefore I have purchased the *right* of doing whatever *wrong* I can contrive to do by means of it:’ such is the defence which the supporters of the patronage system put into the mouths of extortioners and speculators, stating it at the same time as being an unanswerable one. Here it stands in all its simplicity: and now, in any company, let any man who has nerve enough, stand up, and after repeating it, declare it to be his belief that any man, by whom extortion or peculation had ever been practised, could have thought that, in the faculty of making an observation to this effect, he really possessed

either a justification, or so much as the slightest shadow of an excuse.

“ ‘ *The pistol I killed the man with I bought:*’ exactly as good an apology would *this* observation be for murder, as *that other* for extortion or peculation.

“ Now, Sir, what is the assumption made by the *opponents of sale*, when they profess to regard an observation to this effect as rendering it probable that extortion and peculation will have place to a greater extent if the place be sold for the benefit of the public, than if given for the joint benefit of giver and receiver? What is it but that the *means* of committing a crime, and the *right* of committing it, are the same thing? And not only that criminals themselves are persuaded of its being so, but that so are people in general likewise: or, at any rate, that by those by whom it is not regarded as a justification, it is at least regarded as an excuse.

“ No absurdity so gross, but that when once it has obtained a certain degree of currency, it is capable of passing for argument, nay, even for conclusive argument, and even upon the most intelligent minds, where the leisure or the motive for scrutinizing into it has been wanting. In the present instance, for example, upon minds even of this character, who can say to what extent the delusion here in question may not have had place? But now, it is hoped, the fallacy has been displayed in its genuine colours; and if so, those who, without any particular and sinister interest, have been in the habit of accepting and passing it in the character of an argument in favour of patronage in preference to sale, will have to consider whether they would not do well to separate themselves from bad company; in a word, to declare themselves undeceived, and thus leave the corruptionists to stand by themselves, singing out this their fallacy to deaf ears and scorning countenances.

“ But now suppose that, spite of everything that can be said to the contrary, there are people who will think, that the purchaser of the office will rely upon the sort of epigram in question, as a thing that will purchase impunity for him. So far as this notion has place,

so much the less probable will be his misbehaviour. Why? Because so many as there are of them, so many spies on his conduct will he have; whereas, under the patronage system, this cause of public suspicion and public vigilance has no place.

“If a man purchases the place of the public, nobody will have any interest in screening him in case of abuse; if he receives it from patronage, he has the patron or patrons, who share with him in the benefit of the abuse, and are little less sure to support him in it, than he is to practise it.

“The owner of an advowson—has he not an interest in the increase of tithes? Oh, but the Church patron is but one, and nobody knows who he is. Here the patrons are many; all *known* men—all honourable men. True: but were they even *Right Honourable*, it would make no difference. In a multitude of this sort, on every occasion, some *one* there must be, or some very few, that take the lead; and, in so far as this is the case, distinguish it if you can from that of the Church patron.

“So much for the *anti-venality* argument. Now for the anti-guzzling argument. It sticks in my throat, along with the other. I cannot swallow it. The money, if received by the persons in question, will be spent in guzzling; therefore it ought not to be received by them. Such is the argument: please, good Sir, to observe what it is it leads to. It leads to this: namely, that on account of the trust in question, to wit, that exercised by the Common Council, neither by these same persons, nor by any other persons in this same trust, should any money at all be ever received from any source at all—from this, or from any other; such must be the notion, unless it be that money received from this source will be sure to be spent in guzzling, while monies received from other sources will be sure to be applied to their proper purposes, or will at any rate take, all of them, the same chance.

“Now for the proposed Remedies.  
1. Let the election to the office be annual. Why not to this office as well as to the office of Common Councilman

itself? Why not in the case of the protégé as well as in that of the patron?

“2. Let the bills of costs, in the suits from which the functionary in question—the Secondary—derives his fees or other benefits, be not merely accessible on demand, or accessible to none but a few,—or to none but on payment of a fee, be all of them printed and published, for the inspection of everybody that chooses to look at them. Among the places in which copies would be kept, would of course be that in which the Common Council have their meetings; and in that place at least, to invite attention and facilitate examination, abstracts and indexes, in the tabular form, might be kept hung up.

“One thing more. By the House of Commons, *petitions* against abuse in all its shapes, on the part of office in all its shapes, are not only *received* from all hands, but, with admirable universality and promptitude, printed and published. If in *all* cases by the legislature of the empire, why not in *this* case by the legislature of the metropolis?

“PHILO-BENTHAM.”

BENTHAM TO O'CONNELL.

“Q. S. P., 17th January, 1830.

“Thanks, my dear O'Connell—thanks in abundance—thanks in abundance—they cannot be too many—for your long, efficient, delightful public letter.

“For this same Association *rediviva* of yours—I forget the name of it, and have it not before me—I will contribute either £5 or £10, which you please, if you think it would contribute anything over and above the money, to the great cause. Advance the money: I will pay you on your arrival. You would have more—much more—if my means were in any degree commensurate to my wishes; but I have almost run myself dry, by my long-continued and persevering libations to the public service. You see the cancelling line: my eyes are waxing every day dimmer and dimmer, and my mind more and more oscillatory, or say tottering, or toddling, like my walk. I neither see what I am writing, nor remember one moment what I had

just been writing the moment before. But this does not in any material degree diminish my cheerfulness—nor, if the spontaneous and unanimous declaration of all my visitors as well as inmates is to be believed, in any degree deteriorate my looks.”

The character of Santander, the late President of Venezuela, is given in a letter of Bentham to Admiral Mordvinoff:—

BENTHAM TO ADMIRAL MORDVINOFF.

“*Queen’s Square Place,  
Westminster, London.*”

“MY DEAR ADMIRAL,—I am alive ; though turned of eighty-two, still in good health and spirits, codifying like any dragon. I hope to hear the like of you ; but the hearing it *from* you being, under the engagements with which you complain of being overloaded, hopeless, I have commissioned my friend, General Santander, who (I hope) will be the bearer of this, to endeavour to collect satisfactory evidence of the *fact*—that fact so highly desirable for the benefit of the Russian Empire—and make report to me.

“Now, for a short account of him, in justification of the liberty I am thus taking with you in his behalf. In the State of Colombia, in late Spanish America, in the military line, he is among the heroes who have had none above them but Bolivar : in the civil line, under Bolivar’s presidency, he has been vice-president : but, in company with your humble servant, having fallen into the disgrace of the arch-hero, has been made to share the same fate, being expelled from his country, as well as that work of mine, which had the honour of receiving (so I was told) two different translations into the language of yours. General Santander, so I hear from himself, as also from other quarters—General Santander, when in office, did what depended on him towards the diffusion of my works throughout the territory of the State, of which he was so distinguished a member ; and such was the part, if any, which, till t’other day, was taken, in relation to them, by Bolivar.

But, of late, Bolivar, as is natural to man, and even, in a greater or less degree, unavoidable, has been spoilt by power : and having for so many years deserved—so well deserved—his assumed title of *Liberator*—is now (alas!) become the tyrant of his country. At one time, he and I had something of a correspondence ; and, in consequence of a recommendation from me, he had raised to a colonelcy a talented man of the name of Hall, an Englishman, who had been lieutenant in the English service. But, in the course of the opposition made to him from various quarters, some person or other had made reference to some or other of my works ; and such was the cause for which, under I know not what penalties, he thought fit, t’other day, to issue an edict, having for its declared object the preventing every one of them from being read by anybody. This is what I flatter myself will not be quite so easy to effect as to ordain ; for I have from a bookseller’s partnership in Paris, (Bossange Frères,) an account of 40,000 volumes of my works, (namely, those edited by Dumont in French,) translated into Spanish, and *sold* by them for the Spanish American trade.

“As to General Santander’s object in his visit to your capital, as far as I can comprehend, it has nothing political in it. Our Thames he has not, as yet at least, set on fire, or (I verily believe) so much as attempted it : and I do not think the Neva has anything more to fear from him. Being in easy circumstances, (the tyrant not daring to confiscate his property,) his object is, I believe, neither more nor less than to amuse himself, by the observation of a state of society which forms a contrast with that to which he has been most accustomed : travelling about till tidings arrive of the tyrant-usurper’s having shared the fate of Iturbide of Pseudo-Imperial memory.”

BENTHAM TO BROUGHAM.

“*Jeremy Bentham to Henry Poltroon, Esq., M.P.*—Decline my challenge, you will be posted all over the civilized world.

“Copy of your bill, with the abstract

of it, are come to me, of course, with the other Parliamentary papers. Enactive matter—yes. But, the Rationale, where is it, or can it be? Answer—nowhere: nor dares it even make its appearance. *Return*,—in Parliamentary style, *nil*; in Common Law style, *non est inventus*, add *non inveniendum*. Come, if you dare, to this Hermitage; and the hermit—hermit and octogenarian as he is, ‘will hang a calveskin on those recreant limbs.’”

BENTHAM TO JABEZ HENRY.

“Q. S. P., 15th January, 1830.

“MY DEAR SIR,—International law as it ought to be,—leading principle, the greatest-happiness principle. No small satisfaction would it be to see this subject treated of by the light of this same principle before I die,—as a moribund man such as myself, is apt to go on and dream, as if he were to see things in this wicked world afterwards. If I knew any man likely to treat it more to my satisfaction than yourself, I should propose it to him; but as I do not, I take the liberty of hereby proposing it to you. It is by your work intitled ‘*Foreign Law*,’ that this wish has been suggested to me, although, of course, the law there in question, is law as it is, including what it is supposed to be. Of international law as it is, the principal part of the matter is composed of treaties between State and State; of what it is supposed to be, the matter is composed of deductions from these *written instruments*, and from the operation of the several States in relation to one another. But this is not all,—other matters belonging to the subject are the variations: the demand for which is presented to the Government of every State, by these circumstances,—that the individual thing which, or person on whom, or in favour of whom, or at the charge of whom, it has it in contemplation to exercise its several powers for its several purposes, on the several occasions in question, is not a thing or person belonging in ordinary, and for the most part to this same Government itself, but one belonging to some *other* Government.

“Between sleeping and waking, I

am thus insensibly running over a ground which, I believe, I have touched upon already, and on which, therefore, there was little use, overwhelmed as I am with the urgent business of the day, in my setting my foot. The first thing a man has to do in building, is to see and settle in its whole dimensions, the ground he has to build upon. To my own purpose, at any rate, perhaps these few hints, broken as they are, may be not altogether without their use. What I should have been, and should still be glad to do, is to circumscribe it in every direction,—but this is not yet done.

“As to the matter of Prisons, it is with unfeigned regret I have to say to you, that it is not in my power to do that which you do me the honour to wish to see done by me. I have not time sufficient, for a load of business of my own that presses upon me; and this subject is, by a particular circumstance, rendered distressing and hateful to me, especially despairing as I do of seeing anything that to me seems fit to be done, put to use.”

O’Connell, in writing to Mr C. S. Cullen, gives the following confirmation of his testimony, in favour of Bentham’s Judicial Reforms.

O’CONNELL TO C. S. CULLEN.

“5, Maddox Street,  
“16th Feb., 1830.

“MY DEAR CULLEN,—You may assure your friend, Stanhope, that he mistakes me much, if he thinks me at all *doubtful* on ‘the fee-gathering system,’ or that I fall short of the full measure of relief which Bentham contemplates. Indeed, if it were possible to go further than Bentham does, and at the same time to be right, I would do so; because I know *practically* that the mischiefs of the present system exceed, not fall short, of any notions which may be entertained by those who are not practically engaged in its workings.

“I adopt the ‘spirit of the petition for justice.’ That petition is my legal creed. I do not believe it to be infallible; but I really and seriously think

it as nearly infallible as any purely human project can be.

"The fee-gathering system has been attacked in Ireland thus far—the fees are all now paid to the Government. The pecuniary emoluments of the judges are fixed, and are not affected by the amount of the fees, directly or indirectly. Even the officers, whom the judges appoint, are now paid by fixed salaries. We are therefore suffering from the odious effects of 'fee-gathering' in former times, although that source of increase of mischief is slackened. In attacking the fee-gathering system, I must not forget that this is the existing state of facts; but I dislike the system itself. I am, and ever will be, its enemy—its implacable enemy.

"In fine, there never lived a more complete, entire, unchangeable enemy to law abuses as they exist,—a more determined advocate for the *domestic*, instead of the *factitious*,—the *summary* in contradistinction to the *technical* form of procedure, than yours, very sincerely."

BENTHAM TO EDWARD LIVINGSTON.\*

(Extracts.)

"*Queen's Square Place, Westminster,  
London, 23d Feb., 1830.*

"SIR,—The honour done me by the communication you have been pleased to make to me of the proposed codes, and the papers relative to them, has called forth my sincere gratitude. At the same time, it is my misfortune to be obliged to say, and it is with no small regret that I do so, that the circumstances in which I am placed do not admit of my complying with the wish expressed in the obliging letter by which they are introduced. I feel myself beyond all hope of being able to spin out the thread of my own ideas, on the subjects in question, and others intimately connected and intertwined with them; and that thread once broken, it is regarded as being in no small degree questionable whether there be any other hand

by which it could be gathered up and carried on exactly in the same line. What depends upon me towards rendering the honour which is so justly due to you, shall, however, not be neglected: it will be not the least pleasant of my cares to look out for and place these papers in such as appear to me to be the most competent hands to which they can be confided, for the purpose of rendering some account of them, and laying before the public any such useful observations as it may have happened to them to have elicited.

"This enormous delay has had for its cause my desire to give you definitive information of the steps that have been taken for the giving publicity to your Penal Code in this its latest form. An article on it will appear in *The Jurist*,—a periodical designed to be quarterly, in imitation of the so-called *Quarterly*, *Edinburgh*, and *Westminster* reviews, but not very regular as to time. It has Law Reform and Improvement for its object, and pursues that object with the best intentions, and distinguished talent. The article will be written by Dr Southwood Smith, by profession a physician; but a man of genius, philanthropical affections, and eminently-extensive knowledge. Here a natural question is,—Why and whence this physician? Answer.—You know, or do not know, that your code, in its first state, has been republished here in London; the act of publication was a spontaneous act of philanthropy on the part of this physician. He was, and is, far from rich; he has no patrimony, no source of subsistence but his professional practice, which is not by any means adequate to his merits. This act of self-sacrifice found its way to the ears of John Smith, Member of Parliament, president or chairman (I forget which they call it) of the Company of London Bankers; one of four brothers, three of whom are in the House of Commons, and the other raised to the peerage, with the title of Lord Carrington, by Pitt the Second,—besides two nephews of the same name, also in that same House. John Smith took the expense out of the hands of his namesake. I say the expense; for

\* Then Senator for the State of Louisiana, at the Congress of the United States, afterwards American Minister at the French Court.

under this our aristocracy-ridden and lawyer-ridden constitution, (in royal and ministerial language, yclept, 'matchless constitution,') expense of editing works of this nature stands no chance for reimbursement. On the present occasion I wrote to Southwood Smith, and he has consented to write: I made application to the editors of the *Jurist*, and they have consented to accept and publish: the *Jurist*, I am told, pays no money for the articles it accepts and inserts.

"It is matter of no small satisfaction to me to learn, from Mr M<sup>r</sup> Lane, that the Senate of Congress is about to receive the benefit of your services. I look forward with pleasure to the chance of seeing (small as at my age the best chance of seeing it can be) some proof that, under your auspices, the *Cacoethes Codificandi*, to speak in the language of the adversary, is become contagious.

"By reputation at any rate, if not personally, Mr Lawrence, late *Chargé d'Affaires* at this Court, can hardly, I think, be altogether unknown to you. I have the honour and pleasure of a considerable degree of intimacy with him. He looked eventually to a seat in the House of Representatives: should that prospect be realized, Codification, I dare venture to hope, will receive in him a powerful support.

"Another friend I had the good fortune to make among your diplomatic functionaries, was Mr Wheaton, with whose function at New York you cannot be unacquainted, and who, on his way to his mission to the Court of Copenhagen, passed some months in this metropolis.

"An objection that is constantly made, and strongly insisted upon by the adversaries of Codification, is, that when your Code, even supposing it to be an all-comprehensive one, is prepared, whatever good was expected from it, would ere long be extinguished by its being clouded and covered over by an overgrowth of judge-made law. In proof of this position, reference is made to Buonaparte's Code, which, by its deficiency, has certainly given rise to more of this matter than could be wished; but were this really-existing law ever so much

more imperfect than it is, the rule of action composed of it will never be nearly so inadequate and unapt as that is, which is composed of the imaginary sort of law distilled from decisions made in particular cases by judges; and you or I having Buonaparte's Code before us—and if he is a giant, and we dwarfs, being accordingly mounted upon his shoulders,—might reasonably be expected, in the ordinary course of things, either of us, to make a Code less imperfect than his. But a method has occurred to me, which will render to all really-existing law the same sort of service as that which by copper-sheathing is rendered to ships, and make it as impossible for judges and commentators to defile the work of the legislator by their deductions, as it is for—the barnacles, I think they call the sea-worms in question,—to fasten their progeny upon the hulks so protected by the smooth metal. Of the principle of this contrivance of mine, some conception may be formed from Section 29, *Members' Motions*, in Ch. vi. LEGISLATURE.\* In Ch. xii. JUDICIARY COLLECTIVELY, Sections 19, 20, 21, and 22, you will see the same principle applied to the decrees of judges. I give to judges the power and the duty to frame amendments *in terminis* to the Code, when once made, wherever they see reason,—whether for the purpose of interpretation, correction, addition, or defalcation: these I require to be certified and transmitted to the legislation minister, of whose duties a description is given in the Section designated by his name, Ch. xi. MINISTERS COLLECTIVELY. The details are explained at length in those several sections of those several chapters: but I stake whatever little reputation may be my lot upon my fulfilment of this assurance, and I flatter myself that this account, short and inadequate as it cannot but be, will not be found an altogether unintelligible one."

BENTHAM TO BROUGHAM.

"March 30, 1830.

"TO MASTER HENRY BROUGHAM!—

\* See the Table to the Constitutional Code, vol. ix. of the Works.

NAUGHTY, NAUGHTY BOY!—Pap for you? Oh no! no more of that—you would only puke it up again. Pap for you? No! that is not what you are in want of—you have outgrown it; what you are in want of is another dose or two of jalap to purge off your bad humours, and a touch, every now and then, of the tickle-Toby, which I keep in pickle for you. Ay! there they are,—the hot-buttered *Rolls*, and there are you, with your mouth watering for them, and your chops longing to be slobbered over with the butter you are so fond of, that you think you can never have enough of it. Rich as it is in itself, the butter is not rich enough for you, unless it has fees—yes, fees upon fees melted into it,—and then, too, naughty madcap!—never can you have enough of them. Yes! there you are—I have you, screaming like mad in the middle of the nursery,—throat hoarse,—eyes running—‘Pray, nurse! dear nurse! fees for Henry—more fees—more fees!’ These words you can speak plain enough already. When will you have learnt your primer? When will you be able to spell ‘*greatest-happiness principle; non-disappointment principle; ends of justice—main end, giving execution and effect to the substantive branch of law; collateral ends, avoidance of delay, expense, and vexation—evils produced by the adjective branch?*’ When you have got that by heart, you may then be fit to be breeched and sent to a grammar-school.

“Meantime, there is Master Peel: look at him there—a real good boy for you—take lesson by him. No more fees—*law-fees* at any rate, for him; he has done with fees: he isn’t cramming his playfellows with them as he used to do: he is now sick at the very thought of them. He goes about saying to everybody that will hear him,—‘No more law-fees for me—I won’t have no more of them. Instead of eating them, or giving them to other boys to eat, I shall fling them all into the fire. Them boys as can’t eat their bread and butter without them, let them go without—that’s what I say.’ In short, Master Peel is growing a better and better boy every

day: he says, and he will have learnt to say his book like a man, before I have done with him. If he continue to behave himself well, he shall have some nice Parliament gingerbread to munch: *that* he shall. So no more at present from your still-loving, though sadly offended grandpapa,

“YOU KNOW WHO.”

BENTHAM to O’CONNELL.

“Q. S. P., 15th March, 1830.

“DEAR O’CONNELL,—Comes into my head just now an idea which I lose no time in communicating to you.

“On the *occasion* of your motion for printing Codification matter for use of Honourable House, what say you to *another* for the printing of *Livingston’s* Louisiana Codification matter for that same purpose—I say on the *occasion*; not at the same time: for it would add a *drag* to a wheel which quite drags enough without it.

“Cases sufficiently apposite, not to say *in point*, you would have in plenty. Under the name of *Regulations*, Codes printed by order of Honourable House. From do., enacted and published in various parts in British India: the like from other distant dependencies of the British empire, in particular the West Indies: a complete list might, if needful, be collected for this purpose.

“Objection 1. This is matter of course and of obligation: for, over these subordinate communities we legislate; and to legislate *well* appropriate information is necessary; but over Louisiana we do not legislate. Answer—True; but unless we are omniscient, something in the way of appropriate information upon a much larger scale than in these cases may be not altogether without its use.

“On the subject of the quondam Nabob of Arcot’s debts, real and pretended, to British individuals, Honourable House has already in print, folio volumes twenty-six, and the series not completed; on the funds belonging to English *charities*, about as many: this last communication in consequence of the Commission moved for and obtained by Mr Brougham. This Codification-matter of the State of Louisiana would



not occupy so much space as is occupied by this or that one of the above-mentioned fifty-two.

“Objection 2. Louisiana is a republic, —a commonwealth. ‘Matchless Constitution’ is a monarchy: it becomes us not to take for a model the laws of a commonwealth. — Answer. True: not the constitutional branch; but on no part of the constitutional branch have these Louisiana codes any bearing. *Penal* and *Procedure*,—these are the only branches comprised in the assemblage.

“N. B. For Louisiana there exists, and I believe already in a binding state, moreover, a civil code: but in relation to this, *prudence*, if my ears deceive me not, commands *silence*: for Louisiana being a commonwealth, landed property will, of course, be divided among all children, Gavel-kind fashion: of all heresies the most damnable—the most damnable in the eyes of the worshippers of the Dæmon of Oligarchy.

“For his own information, in his quality of Legislator of the French nation, Buonaparte gave publicity in French to the code, a widely comprehensive code, civil or criminal, or both, of another nation,—I believe civil, and that alone: but upon occasion, this matter could be stated with the requisite correctness.

“Should Mr Peel, or any of his lawyers,—should the worthy offspring of the Scarlet Whore, whose sins are red as scarlet, dare to make opposition, remind them of the civil wars of ancient Rome, between the Patricians and the Plebeians: main cause of them, the original policy, inexorably adhered to, of keeping the rule of action in a state of uncognoscibility: the lamp of the law hidden for ever within the impenetrable, light-denying, darkness-securing bushel.

“*Apropos* of Mr Peel. On Saturday I sent to him a copy of the argument against fee-gathering in judiciary offices of both grades, in the state in which I sent it to you: accompaniment to it, letter, in and by which was holden out a *hand*, which, if so disposed, he may regard as a ‘right hand of fellowship,’ and take hold of accordingly: occasion, the symptoms manifested in a late speech or two of his, in which he is coming

round and attacking the army of Chicane in flank, at any rate, not to say in front, and, moreover, issuing a direct declaration of war against ‘*Technicalities*.’ I even offer to look at those bills of his, if he will send them to me as he did some former ones. To these advances should he oppose a refusal, expressly, or by silence virtually, they will heap coals of fire on his head: for which purpose I have, moreover, some glorious matter, in a letter which he therein gives me leave to publish.”

BENTHAM TO JOHN SMITH, M. P.

“*Q. S. P.*, 21st April, 1830.

“MY DEAR SIR,—On every account, private as well as public, high is the gratification afforded me by your most obliging letter.

“Sorry I am, that by the mention made of Denman in mine, to which yours is an answer, a sensation of an unpleasant kind has been made in one of your heartstrings.

“With Denman I never had more than one interview, and that a casual one, nor more than half-an-hour’s conversation: the result of which was, on my part, as towards him, a sentiment composed of esteem and affection, and the satisfaction of standing assured of the existence of a sentiment of the same nature on his part as towards me.

“Accordingly, it is chiefly through the medium of general report that my conception of his character has been formed. He is, as far as I ever heard, of the number of those few of whom everybody speaks well. But high as he stands above par in the intellectual scale, what I have generally heard said is, that he does not in that scale stand quite so high as in the *moral* scale.

“In regard to law reform, I am indebted to his kindness for a copy of a pamphlet of his on that subject. If my conception on that subject, together with the unanimous voice of all who are acting with me, is correct, his suggestions, taking them all together, do not go to the root of the evil: if adopted and carried into effect, they would cut off no more than a comparatively minute

portion of it, and give stability to the remainder.

“Be this as it may, no call will on this occasion be made to him to declare himself. It is unanimously agreed, that partly for their own sakes, partly for that of the public, no such call shall be made to any man of the lawyer class, official or professional, for this purpose. Not even Bickersteth, who is a most cordial friend to law reform, to its utmost extent, (excuse the blunders my sinking frame is continually falling into,) and has hitherto acceded without reserve to the letter as well as spirit of everything proposed by me. By him has been revised and approved of, everything that he has seen of my proposed Equity Despatch Court Bill, and what he has seen comprehends the principal part of it. But the newspapers and private report speak of him as likely to be one of the new judges upon the Chancellor’s sham-reform plan; in which situation I should rejoice to see him placed, and I will not place him in any such embarrassing situation as that of being obliged either to give, or to decline giving his accession to a measure necessarily so displeasing to the higher powers.

“As to the apprehended difference between Denman and myself, a few words will suffice for presenting some conception of it. In regard to procedure, I am for the complete substitution of the summary to the regular on every part whatsoever of the field of law: *he*, not. In regard to evidence, I am for a complete *exclusion* of the practice of excluding evidence on any such ground as that of preventing deception, or that of saving a man who has done a punishable act, from the need of contributing to cause it to be believed that he has done so,—namely, either by stating what it is that he has done, or by declining so to do. Denman, on the other hand, by the opinion which, in common with the generality of the fraternity, he maintains, or at any rate *did* maintain, stands entangled in the inconsistency alluded to in my former letter.\*

“Should it ever happen to you to hold any conversation with him in relation to either of those points, you will observe whether he comes to *close quarters*, or confines himself to *vague generalities*, from which no trust-worthy conclusion can be derived.

“In my five large volumes on the subject of Evidence, (the *Rationale of Evidence*,—the whole running counter to the current—the united current of sinister interest, interest-begotten prejudice, and authority-begotten prejudice,) the subject of the *exclusions* put on Evidence occupies more than a whole volume. By what inducements can the perseverance of a lawyer, who either is or wishes to be in full practice, (rare exceptions excepted!) be reasonably expected to carry him through a volume filled with matter, the object of which is to prove, that he and all men whose feelings, interests, and opinions are in unison with his own, are in the wrong? and this with such effect, and to such a degree, as to be hostile to the interests, and detrimental to the happiness of all the rest of mankind?”

BENTHAM TO PRESIDENT JACKSON.

“26th April, 1830.

“JEREMY BENTHAM, London—To ANDREW JACKSON, President of the Anglo-American United States.

“SIR,—When your last predecessor in your high office was in this country, in the character of Minister Plenipotentiary, towards the close of his residence here, it happened to me to commence with him an acquaintance which ripened into an intimacy, which, in my capacity of legislator’s draughtsman for any political community which should feel inclined to accept of my services, was of very essential use to me. Besides some labours of a private nature, he condescended to take charge, and became the bearer of a packet of circular letters to the several Governors of the United States, as then constituted; from several of whom I had the honour of receiving favourable answers. By candid

\* Lord Denman has brought a Bill into the House of Lords, during the present Session of Parliament, (1842,) whose purpose is to admit the

testimony of witnesses, notwithstanding power or interest, in the subject-matter, whether civil or criminal.

and authentic information on several topics of high importance, he was of use to me in more ways than you have time to read of, or I to write. Days, sometimes more than one in a week, he used to call upon me at my Hermitage as above, and to accompany me to the Royal Gardens at Kensington, in my neighbourhood, where, after a walk of two or three hours, we used to return to a *tête-à-tête* dinner. What gave occasion to our first meeting, was a letter, of which he was the bearer, from the President Maddison. A letter of introduction which I took the liberty of addressing to Mr Adams, in favour of an intellectual character, a relation of my friend, Joseph Hume, M.P., experienced that reception which I could not but anticipate.

"You will not be at a loss, Sir, to conceive what must have been my disappointment upon my learning of his failing to receive the customary additions to his term of service. Judge, Sir, of the consolation, — of the more than consolation which I experienced, when, upon reading your Presidential Message, I found that, upon the whole, your sentiments were not only as fully in accordance with mine as his had been, (and in politics and legislation, I do not think there was a single topic on which we appeared to differ,) but that they were so, and I trust remain so, in a still more extensive degree, embracing several topics which, between him and me, had never been touched upon.

"With Mr Rush I was also upon such a footing, that, in a letter of his, which I still have, he had the kindness to offer himself as my *agent* and *factotum*, (these are his words,) upon his return to the United States. Notwithstanding which, several weeks before his departure, for some cause which I never heard, nor can form so much as the slightest guess at, he dropt my acquaintance, and took his departure without so much as a farewell message. Since his retreat from office, I have, however, been favoured by him with the copy of a pamphlet of his. Without further explanation, I might mention, in a like manner, my friendship with

Mr Lawrence, late *Chargé d'Affaires* from your country to this, and Mr Wheaton, Minister to Denmark, to whom I have been obliged for various important services. But of this (you will say) more than enough.

"I now look back to a letter I had begun dictating between three and four months ago. Cause of the long interval, how deservedly regretted by me, not worth troubling you with. What now follows had been completely forgotten, when what you have seen above was communicated. This oblivion, years of age more than 82, render but too natural."

J. B. TO U. S. PRESIDENT, JACKSON.

"January 10, 1830.

"I have this moment finished the hearing of your message: I say the hearing; for at my age (as above-mentioned) I am reduced to read mostly by my ears. Intense is the admiration it has excited in me—correspondent the sentiments of all around me.

"Tis not without a mixture of surprise and pleasure, that I observe the coincidence between your ideas and my own on the field of legislation. The coincidence of mine with those of Dr Livingston, the Louisiana senator, are, perhaps, not unknown to you.

"The flattering manner in which he is pleased to speak of my labours in that field, is, in the highest degree, encouraging to me. The herewith transmitted publication, entitled "Codification Proposal," &c., may serve to bring it to view. These circumstances combined, concur in flattering me with the hope, that the present communication will not be altogether unacceptable to you. Annexed is a list of some of my works, which solicit the honour of your acceptance.

"Here follow a few observations, which I take the liberty of submitting to you, on some of the topics touched upon in your above-mentioned message.

"1st, Navy Board.—In this sub-department of the Defensive Force Department, you find, I perceive, many-seatedness established—by you, single-seatedness, I see, is preferred: so is it by me—for this preference, your reason

is responsibility:—so is it for mine. But in my account, though the principal reason, it is but one among several. This may be seen in the accompanying copy of the 1st part of my Constitutional Code, ch. ix., section 3.

“2d, After that you come to the Judiciary. If I do not misrecollect, in your superior Judicatories the bench is single seated. In my leading chapter on the Judiciary, to all the reasons which apply to the Administration Department in all its sub-departments, twelve or thirteen in number, several which are peculiar to the Judiciary are added.

“3d, Utter inaptitude of Common Law for its professed purpose—guidance of human action. Places in which you may find this topic worked: 1. ‘Papers on Codification and Education.’—2. ‘Codification Proposal,’—and 3. ‘Petition for Codification’ in the volume of ‘Petitions.’

“4th, Superfluous functionaries.—In this number my researches have led me to reckon the whole of your Senate—not merely the whole expense thrown away, but the whole authority, much worse than useless. Responsibility in greatest part destroyed by a single functionary, what must it be by a multitude so numerous? Functions legislative and administrative thus united in the same body; thus the same men are judges over themselves. In my view of the matter, the administrative and the judiciary are two authorities employed to give execution and effect to the will of the legislative, and which, accordingly, ought to be, in the instance of every member of each, at all times distinct: the legislative being, by means of the power of location and dislocation though not by that of imperation, subordinate to the people at large—the constitutive.

“Knowing nothing of the facts, my theory leads me to expect to find, that the sort of relation that has place between the President and the Senate, is, that each of these functionaries, the President included, locates, within his field of patronage, a protégé of his own, without any check from the authority of the rest.

“This is nothing more than a faint, imperfect, and inaccurate outline, drawn momentarily by a broken memory from the recollection of a short paper written several years ago. Should it afford any prospect of being of any use, and you will favour me with a line to let me know as much, I will get it copied and transmitted to you: possibly I may even not wait for such your commands.

“It occurs to me, that should our opinions agree on this subject, there might be a use in the ideas being delivered, as coming from me or anybody else rather than yourself: seeing the opposition it would be sure to meet with from those who are satisfied with things as they are—the wound that such an opposition might give to your popularity, which is as much as to say, to the interests of the State.

“5th, Defensive Force—by sea and land: its organization. Tactics, (of course,) neither in land nor water service, am I, who know nothing of the matter, absurd enough to have comprised in it: but the part that I have undertaken has undergone the minute examination, and received the considerate approbation of leading minds of the first order, distinguished not only by talent, but by experience and splendid success; and who, indeed, though without having published on the subject, had in great part anticipated me.

“An intelligent man, who is in the confidence of the Duke of Orleans, and bears the whimsical name of *Le Dieu*, has been here in London for some time, publishing a periodical in France, under the title of ‘*Le Représentant des Peuples*.’ He is thought to be the author of an address to the French army, that, after having been written here, and either printed or lithographed, has been transmitted to, and circulated in France. It has for its object the engaging the army, should matters come to a crisis, to act, not against, but for the people. The above-mentioned periodical I have not had time to look into; but I am told that it advocates monarchy, which, considering the connexion of the author with a family so near to the throne as that of the Duke of Orleans is,

he could not choose but do. Thinking you might possibly have the curiosity to look into it, I send you a copy of such of the numbers of it as have appeared. La Fayette is a dear friend, and occasional correspondent of mine; but unless it be for some special purpose, we have neither of us any time to write.

“Forgive the liberty I take of suggesting the idea of your putting in for a copy of our House of Commons’ Votes and Proceedings. The annual sum I pay for them is between £16 and £17, included in which is a copy of our Acts of Parliament.\* Infinite is the variety of the political information which they afford; for scarcely any document that is asked for is ever refused. As to the price, scarcely would six, eight, or ten times (I believe I might go further) the money, procure the same quantity of letterpress from the booksellers. Trash, relatively speaking of course, is, by far the greatest part; but if in the bushel of chaff a grain of wheat were to be found, the above-mentioned price you will, perhaps, think not ill bestowed on the purchase of it. Dr Livingston, if either of the packets I have endeavoured to transmit to him through the same official channel have reached their destination, will be able to show you a few articles of the above-mentioned stock.

“If I do not mistake you, you are embarked, or about to embark, in a civil enterprise, which Cromwell, notwithstanding all his military power, failed in,—I mean the delivery of the people from the thralldom in which, everywhere, from the earliest recorded days, they have been held by the harpies of the law. Having yourself officiated in the character of judge, you are in possession of an appropriate experience, which in his instance had no place; but will you be able to resist their influence over the people? In opposition to you, so long as you are engaged, or believed to be engaged, in any such design, it were blindness not to look to see their utmost influence employed. The interest of the lawyers, and that of their fellow-citizens,

\* This is a misapprehension. The Acts of Parliament are not distributed with the Papers of the House of Commons.

in the character of clients, need it be said? is utterly irreconcilable. You cannot assuage the torments of the client, but you diminish in proportion the comforts of the lawyer. If these be really of the number of your generous designs, I cannot but flatter myself with the prospect of being for that purpose an instrument in your hands. The contents of the accompanying packet will, in so far as you have time to look at them, show you on what grounds.—With the most heartfelt esteem and respect, I subscribe myself,” &c.

BENTHAM TO M. HUMANN (of Brussels.)

(Extracts.)

“27th April, 1830.

“As to the particulars of my own life, Dr Bowring has for this long time been occasionally occupied in minuting them down from my own lips. Under the circumstances above alluded to,—from my own pen, you will, I am sure, neither expect, nor so much as wish to receive them. A friend of mine, whom you saw, is kind enough, at my request, to give me reason to hope, that in this view, he will look over some papers that are in print, and make a short extract from them, by purging them of some errors, repetitions, and other superfluities,—which done, endeavours will be used to convey it to you through the same channel as these presents. For your amusement, rather than for any present serious purpose, I may perhaps add to the above papers the greatest part of a pasticcio, which is now passing through the press, under the all-comprehensive title of ‘Official Aptitude,’ &c. You will forbear to have them bound up, till what remains still unprinted follows them. It will not be more than four or five sheets.

“As to the most eligible order in which the matter of my works can make its appearance in a new edition, I can think of none better than the chronological order of the impressions,—for such is the variety of the subjects treated of, and such is the multitude of those which remain uncompleted, and thence unprinted, that the whole power of logical

arrangement is set by them at defiance ; and, in several instances, this or that paper which has been in print in this or that year, has remained on my shelves for a number of years before it has been made public. When, after my death, the friend, by whose hand the last published, whatever it may be, of my scraps, is destined to see the light, in fixing upon the order in which the matters of the first complete edition shall make their appearance, he will perhaps do not amiss, if, in that view, he casts his eyes on my Encyclopedical tree, or table—call it which you please.”

In 1830, Bentham entered into correspondence with the Reverend Humphrey Price, who, under the influence of a highly excited sympathy for the suffering carpet-weavers of Kidderminster, had published some matter which was condemned as libellous, and was sent to prison. He thus tells his story to Bentham :—

REV. HUMPHREY PRICE TO BENTHAM.

“*County Prison, Stafford,*  
“*2d April, 1830.*”

“SIR,—I am a clergyman of the Established Church of England. Some eighteen years ago, another clergyman, to whom I had been for eleven years a curate, built a small country church in the heart of the lately enclosed forest of Needwood. The king endowed it with one hundred and sixty acres of forest land, and I was the first person presented to it. There I lived laboriously, and ever in my work, silent, and little known beyond the immediate sphere of my own duties, eking out a livelihood for my wife and four children by pupil-taking, till March 1829; at which time, the carpet manufacturers in my native town of Kidderminster suddenly dropped the prices of weaving, and the weavers as instantaneously *struck*. From my dear mother, who had never quitted the town, I first heard of the turn-out of the weavers in about a month from its commencement—of their most exemplary conduct. I had been born and reared among the poor men, with none other

expectations as to the future than the rest of them. Without patronage or aid of any sort beyond a common free school, however, I became a clergyman, settled in another neighbourhood forty miles distant from Kidderminster, but always keeping up my connexion with my native town by means before alluded to. My heart had always yearned after the poor weavers, whom I had known for many years to be gradually sinking into a state of poverty, degradation, and want: and when I heard the particulars of the *strike*, I instantly decided to aid the poor dear fellows to the utmost of my power of purse and pen. I did so; and if I were at this moment to be conveyed to the gallows for doing so, I think it would be impossible for me to repent my act. But being ignorant of law, and unconscious of breaking it as an infant, here I find myself imprisoned (after the entire breaking up of my family by the expenses, &c.) for libel against six-and-twenty carpet manufacturers.

“Now for the express purpose of this letter. I am writing a letter addressed to all the operatives of England upon their present state and duties. This said letter, as far as it is written, I have read to my jailor, (a very respectable man;) but he says he dares not suffer such letter to be published without the sanction of the visiting magistrates. Of *their* permission to publish I despair. Nevertheless, the term of my imprisonment will end in time, when I shall be, *pro tempore* at least, independent of the arbitrary will of magistrates. I would not, however, (though altogether regardless of consequences, when conscious of right,) I would not, however, *violate any law knowingly*, unless I saw that it was a law I *ought* to violate,—as, for instance, a law which should command me to throw salt into the fire of a heathen sacrifice, &c.

“Will you, then, Sir, permit me to send my letter (above alluded to) to you for your advice as to the legality of it? I will thankfully send with it the requisite fee when known.

“Your answer, though only one word, (Yes or No,) will oblige,” &c.

He said he had been attached to Bentham by the phrase, "Young Antiquity," which was in itself full of instruction. His letter interested Bentham deeply, and he thus answers it:—

BENTHAM TO MR PRICE.

"Queen's Square Place, Westminster,  
"3d April, 1830.

"REVEREND SIR,—Your letter, this instant received, has called forth my sincere sympathy. Your mention of the word *fee* shows how completely unknown I am to you otherwise than by the works you allude to.

"Have the goodness to send me this same statement of yours, and I will procure for it attention more valuable than any which it is in my power to bestow.

"I could wish to know what that work of mine is to which you allude; and by what accident and through what channel it fell into your hands.

"A libel is any writing for which any man who has *power* has the *will* to inflict punishment. I am myself the most egregious and offensive libeller men in power in this country ever saw.

"I am, Sir,

"Yours sincerely."

The detailed account which Mr Price gives of his history is full of pathos. He writes:—

MR PRICE TO BENTHAM.

"County Prison, Stafford,  
"5th April, 1830.

"SIR,—I was born at Kidderminster, where my father was a poor weaver, and my mother a poor schoolmistress. At an early age, the toil of supporting myself and an only brother (who, happily perhaps for himself, though agonizingly for me, died when four years old, a wonder of a child in those days) devolved upon our dear mother, who could work all day in her school, and sit up all night with sick poor neighbours for forty years together. This dear woman was saving all that a most diffusive benevolence would allow her to save from others, for me and my children. But happily, thank God, I

compelled her at last to let me purchase a small annuity for herself, with the money she was saving for us; so that now she is secured from want, provided her government security hold. This excellent mother has never quitted her native town of Kidderminster; and she being well acquainted with rich and poor therein, and in full possession of her faculties, and also considerable activity both of body and mind, though now at an advanced age, and taking deep interest in the state of the poor, I learnt from her all particulars of the *turn out* of the poor weavers, in about a month after its commencement. But if I am to notice my education, as well as birth and parentage, I must go back to observe, that, at Kidderminster, there is a free grammar-school, where, providentially for me, a young man came to be under-master, whose prospects depended upon attention to his duties. Under the instruction of that young man, (though in a school which, before his day, had been for many years grievously neglected,) I gained, in two or three years, a style of penmanship, (you may shut your eyes, or lift them up in surprise, when I now talk of style of penmanship,) and a quantum of arithmetic, to enable me, at an early age, (say 15) to migrate to a neighbouring town, (Bewdley,) to teach writing and accounts in a grammar-school there, for sixpence per week each boy; and to aid an infirm clergyman in hearing the lower classes Latin, for the reward of receiving from him, in private, higher instructions in Latin and Greek. Increasing infirmities prevented him from affording me much aid. In little more than a year, by means of working day and night, I was enabled to take the principal labour of my old friend's school upon myself; which I did take, most willingly on my part, and with much warm, I may say grateful, feeling on his. About that time, *two offers* were made me, the one of two hundred guineas a-year, my maintenance, and, at the expiration of four years, a fourth-part share in the trade. by an old schoolfellow at Kidderminster; and the other offer, by a clergyman five miles

from Bewdley, of twenty pounds a-year, to labour in a large common country school, at from sixty to ninety boarders and day-scholars, but *with the cure of a title for orders*, when I should be old enough, and qualified enough, to present myself before the Bishop of Hereford, who (luckily for me) was compelled to accept young men of very spare attainments, and without *University education*, in order to provide for churches so contiguous to the principality of Wales.

“Without one moment’s hesitation, I accepted the latter offer; accepted it, not, I fear, from a truly religious principle, but because I hated trade, and loved something like learning, and had always an inclination to become a clergyman, &c., &c. In the above school, with from sixty to ninety scholars, I laboured hard and willingly for my term of two years, sitting up almost every night, winter and summer, till two o’clock in the morning, and getting up again at six. Having thus secured my title to orders, I returned to my former and far more agreeable situation at Bewdley, where I kept on working all day, and making it a point, for one year, to sit up one whole night in every week, without taking off my clothes, or lying on the bed. I had now obtained the age of 22½, or nearly, and ventured to apply for orders, though scarcely conceiving it possible to be admitted into the very serious and important office of instructing my fellow-creatures in religion. I had, however, discovered that most of my fellow-creatures with whom I had met, whether laic or clerical, were very ignorant of religion, and very lax in the observance of it,—and this discovery emboldened me. So I applied;—passed muster, (even with encomiums!) and obtained, not that curacy of only £7, the title to which, for orders, I had laboured for the two years to obtain, but another curacy of £40 per annum, which had been offered me while I was undergoing my two years’ servitude. This curacy (near Savage) was eight miles from Bewdley, and to it, every Sunday morning, winter and summer, I used to walk, through little-frequented and very difficult roads,

performed the morning and afternoon service, and returned to a late and plain, but welcome dinner at Bewdley. In about two years after my ordination, a clergyman at Bewdley, of the name of Wigan—a gentleman of the most correct morals, finished manners, liberal sentiments, and superior classical attainments I had ever at that day met with,—one whom I loved most devotedly, and who, I think, loved me, (for he gave me a larger share than he gave any one else of his society, which all of the superior order in that neighbourhood greatly coveted);—that gentleman said to me one evening, (we generally passed our evenings together when he could get released from company)—‘Mr Price, I have often heard you say, if there was one person more than another to whom you should wish to be introduced, that person was Mr Gisborne. Now, I have in my hand a letter from a friend in Mr Gisborne’s neighbourhood, stating that Mr Gisborne is, at this very time, in want of clerical assistance, as his curate is ill, and he himself is wishing to go with his family to Bath, for a fortnight or three weeks; if, therefore, you are in the same mind you were in lately, here is a fine opportunity for you to indulge yourself with a trip to a delightful part of Staffordshire, and to be introduced to one whose writings you so much admire. I will write by the present post, if you wish it.’ I did wish it; and, in a few days after, found myself in a very different sort of society to any (with the exception of dear Mr Wigan himself, ‘*Manibus, Pax et Honos*’) I had at all anticipated or witnessed. There were the old and first Lord and Lady Harrowby, a daughter, and a son—the present Bishop of Lichfield and Coventry.

“Not that I coveted, or sought after such company; though, without any farther seeking, I have always had the company of the great and good quite as much as I pleased, I might have had far more of it, in all probability, if I desired it.

“Suffice it to say, that I, who went forty miles, merely to know Mr Gisborne, and serve his church for about a



fortnight, never afterwards left him for eleven years; but was his curate at Baston-under-Needwood, a retired village within three miles of Mr Gisborne's seat of Toxall Lodge, where I married, and had four children; and when Mr Gisborne built the church to which I referred, no doubt, in my former letter, and which is situate within a mile of his own residence, he made me the altogether unsolicited offer of it; and there I have remained ever since, until the wisdom of the four Judges of the Court of King's Bench (whom, for the life of me, having never even seen a Judge before, I could not help deeming to be four old women) decided that I should be shut up in a prison for twelve months, and thus cut off from the active duties of public and social life.

"Previously to my law trial, I anticipated, and made every preparation in my power, for the worst that might happen. I called in all my bills, and settled everything, as though I were going to die. Mr Gisborne would have taken every law charge upon himself, and there were other friends that would have done the same for the sake of myself and family. *But* they one and all disapproved of what I had done; and on that account I was determined the blow should fall on me and mine alone. First, then, I sold my pictures, to enable me to meet the expenses of the first trial; and when the Jury decided against me, my two dear daughters left home for the first time, and have found a good, honest, and reputable livelihood in their no ordinary accomplishments of music and painting, &c.

"My eldest son is doing comfortably, my youngest is struggling at Cambridge. My wife has a small annuity, which I purchased for her about the time of my mother's. All are scattered. The parsonage house (a lovely spot) is desolate. All my furniture was sold. And here I am, hardened in my political sins, and far more likely to die for them, than to repent of them. Here let me say, as I am a stranger to you, that I have refused, and will refuse, all pecuniary aid. Through God's mercy, I shall have enough to pay all prison expenses.

Debts I have none, and when I get out of prison, though I most certainly shall not be able to rally and collect my family again, nor even at first send for my wife, yet I shall have in my little living of £130 a-year, together with my house and thirty acres of land, enough for my immediate support, and for procuring, by degrees, one and another and another needful article of household furniture.

"The poor weavers of Kidderminster, sent me £100 to begin the trial with; but I would not touch it. I told them it would be like drinking their blood. At my appearance in the King's Bench to receive judgment, (I think they call it,) my adversaries put in an affidavit that a weaver was then in London, authorized to furnish me with all and everything I might want. I believe that this affidavit was according to truth, and that it did what it was perhaps designed to effect;—but I certainly have never touched the poor, dear weavers' money, except in one instance, when, in going last through Kidderminster, I called upon a very poor relation, (almost the only relative I know,) and left him and his wife my watch, &c., as the only thing I had to part with, and insisted upon their parting with it instantly for their support, which, with great reluctance, they did. This affair the poor weavers somehow or other heard of, discovered where the chain and seals had been sold, and where the watch, with great solicitude collected them again, and in about a month afterwards I was surprised and much concerned to receive, per coach, a little strong box, with my watch, &c., carefully wrapped in it, and a note declaring that they could not bear to hear of anybody having my watch but myself, and that if I sent them the money for it, they would return such money, though sent them a thousand times. This is the only money I had from them, poor, dear creatures; and welcome, most welcome, have they been to my *all*. How horrible law expenses are! I have heard that the prosecution cost my prosecutors (though I gave them no trouble from the very first) from seventeen hundred to two thousand pounds.

"But this may not have been the case. Me it (so to speak) has ruined; though my attorney would insist upon having nothing for his professional aid, to which, of course, I did not, and will not accede. I cannot conceive why I might not have been tried, and condemned, if need were, as I have been, at the expense, even as times go, of one or two hundred pounds in all! I never knew anything of law before,—never even having been in a court of justice before this late affair of my own. I had always had a very high opinion of the uncorruptness, and perfect impartiality of our judges, &c.; but my opinion of our law courts and judges, &c., is most seriously changed. Judges, I see, are evidently as much the creatures of political prejudice, as most (perhaps more than most) other men! This has astonished me. Perhaps I am wrong, and biassed by the untowardness of my own case; but if I am wrong it is much against my will; for I used inwardly to exult in the supposed character of our judges, and I was never altogether without the hope that, blundering as I might be in what I did for myself in the matter, the judges would find out that I was an honest man, in spite of all my adversaries could say or do."

BENTHAM TO MR PRICE.

"*Queen's Square Place, Westminster.*

"DEAR SIR,—The small accompanying cargo will speak for itself and me. From it you will judge whether towards you there is, on my part, any lack of sympathy. All I have read of you (it is with my ears that I have read it, my eyes not being strong enough) is that which is in your letter.

"The present Lord Harrowby I have seen at Mr Wilberforce's: his father was once at my house. His brother, the bishop, was my guest, at the convivial hour, at Ford Abbey, in Devonshire, in the year 1813, or thereabouts.

"The Association of which you see mention, is likely to meet at my house, for the first time, in less than three weeks.

"Sympathy has already extracted from me more than, (it being on so small

a scale, it now operates to the prejudice of ditto on a greater,) yes,—more than I can justify. But you shall hear from me again, after I have heard some account of your libels.

"You have lost some friends,—you will gain others, and, perhaps, regain your former ones. You will have seen already with what sincerity I am yours,

JEREMY BENTHAM.

"Age, eighty-two.

"Strength, not much less than at twenty-one.

"Preaching, as per sample.

"Practice, in accordance with principle. Hence cheerfulness vying with that of my youthful inmates.

"Let me hear from you after you have *cut open* what is here sent: but let not your third letter be much longer than the first. If you direct it 'To Sir Francis Burdett, M.P., at Jeremy Bentham's, Esq., Queen's Square Place, Westminster,' it may come gratis. But never think of paying either carriage or postage for anything you send to me."

On his return to his abode, Mr Price writes—

MR PRICE TO BENTHAM.

"*Needwood Parsonage, near Lichfield,*  
"July 8, 1830.

"I am now returned to the bare walls of my parsonage, with the recollection that a libel prosecution stripped them of numerous beautiful and valuable paintings, and scattered to the four winds of Heaven a family which contained within itself more, perhaps, of the elements of rational enjoyment, than any other family in even a polished neighbourhood, without the possibility of a reunion. Accomplishments now perform the part of drudgery, and are turned to the procuring of bread rather than to the communication of intellectual enjoyment to a once happy family. But I repine not: I rather rejoice in my sufferings; and I think I am prepared to suffer greater evils still—so that I suffer wrongfully."

In the controversy in which Mr Price

was engaged, he certainly exhibits ignorance of the principles of political economy; and supposes that the rate of wages is decided by the feelings—more or less benevolent—of the masters. He would trace the sufferings of the labourer—not to the excess of labour in the field of demand and supply, but to the determined oppression of those who employ the labourer. This is *erroneous* doctrine; but it is not illegal doctrine: it ought not to be punishable doctrine: and least of all punishable when mingled, as it undoubtedly was, in Mr Price's case, with a truly philanthropic concern for the felicity of the suffering many. It would have been easy to answer Mr Price: it was most unwise—most cruel, to persecute him. In his addresses to

the operatives, he reproves them for their want of knowledge; he encourages them to seek instruction; he exhorts them to eschew violence,—while he becomes the organ of their opinions and their prejudices. But the most objectionable phrases are but the out-breaks of a sympathizing and strongly excited mind—the overflowing of a really charitable and generous temper. The arts of the prosecuting lawyers, and of the prejudiced judges, were successful in giving, to expressions which really originated in, and represented regard for the labouring many, the character of hatred and wicked purposes against the master few. Mr Price was condemned by a special jury of twelve Esquires.

---



---

## CHAPTER XXV.

1830—31. ÆT. 82—3.

Del Valle.—Jeux d'Esprit.—Burdett.—Sir James Graham.—Livingston.—Santander.—Duc de Broglie.—French Revolution of 1830.—Letter to the French People.—Introduction of Rammohun Roy.—La Fayette.—Brougham.—O'Connell and Libel Law.—Irish Coercion.—Parliamentary Candidates' Society.—Notices of Bentham in American Periodicals.—William Tait.—Cobbett.—Prosecution of Archibald Prentice.

DEL VALLE TO BENTHAM.

(Translation.)

“*Guatemala, 21st May, 1830.*

“MY EVER DEAR FATHER,—I received the precious letters and the books that you had the kindness to send to me. Unalterable are my affections, and great is my gratitude.

“I hoped for an opportunity to express that gratitude, when the earth began to be agitated, and we had to seek out other habitations. We commenced by experiencing earthquakes of little consequence at first, but repeated since, and becoming alarming. From four o'clock in the morning, of the 21st, to five in the evening of the 22d of April last, there were fifty-two shocks. On the 23d following, at nine o'clock at night, there was one so strong as to destroy the roofs of many houses, to overthrow

the walls of others, and to rend the arches of many churches. On the 3d of the present month, we felt another of some duration, which was successively followed by others of equal or less force. Many towns and a number of houses on various estates have been ruined. The Government of the State, and various families, have removed to Tocotenango, a small Indian village near to this city: others sought out straw huts (*ranchos*) near the suburbs; but I and others passed to Ciudad Vieja, which is a town a short distance from this capital. We have now, however, all returned to our habitations, but we are not free from apprehension, as the earth is still agitated, and it has been observed, that, in other times and places, earthquakes return more violently in the rainy season. The overthrow of Old Guatemala took place on the 29th of July, 1773.

"This horrible example, and some equally disastrous that other countries have exhibited, have not been sufficient to induce men to profit by experience; and I would beg you to notice this, in the different cities, and different towns that have been built either on volcanoes or in their immediate vicinity. In this Republic, the southern side, which is one series of volcanoes and which seem placed to beautify and afflict our country, is certainly the most inhabited. On this side, either upon the declivity of volcanoes, or near them, are the cities of St Miguel, St Vicente, St Salvador, Old Guatemala, Guezaltenango, &c.

"A choice so sad for a people who possess a territory sufficient for all the human race, is one of the many causes of its backwardness and retrogression. Little enough is done in times of rest, and nothing can be done in seasons of earthquakes.

"We established, in November last, an Economic Society of the Friends of the State of Guatemala, and I was elected Director. I delivered at the installation, a discourse which I have the honour of transmitting to you. I wrote the Prospectus, and the number for the first month, which I also send. I shall proceed in writing other numbers, which I shall equally forward; and when the laws are printed, I shall have much satisfaction in presenting them to you. The Society will do much good in countries where the resources, which abound in Europe, are but scanty. The earthquakes have suspended our operations, but we are immediately about to recommence.

"Your name is honoured in the number for the first month, and will be so in the succeeding numbers, if I am connected with it. Your genius will give it weight and value, and will cooperate in dissipating those clouds, still dense, that obscure the atmosphere of this country. The pamphlets published by the Society instituted in your capital for the Diffusion of Useful Knowledge; the Popular Library issued by the Society for Elementary Instruction, at Paris; books, and Catechisms for Youth,

are requisite for those who know how to read in this land. Convinced of this truth, I have proposed, and our Economic Society decided on, the translation of some of the principal that have come into my hands, and I have sent to Paris for the succeeding parts, with the same object.

"It is necessary to improve agriculture, to create industry, and to extend commerce. But they are ignorant of the road that would lead to this end: they know not where they ought to commence. They do not possess the economic sciences, nor have they agreed on their cultivation. Submerged for above three centuries in a chaos the most lugubrious, can we expect the sudden production of legislators, statesmen, financiers, &c.?

"The mind is affected with the most sad sentiments, at seeing the perpetual creation of public offices, (*emplois*), while nothing is thought of that education which is necessary to fit men to fill them. We will have a multitude of legislators; and there does not exist a single school where the science of legislation is taught. We must have many statesmen, but we have no hall (*aula*) in which can be learnt even the elements of good government. I have said this in my Memorial upon Education; and I shall not cease to repeat it. Perhaps at last, the voice of reason may be heard.

"The immediate departure of the bearer of this letter, does not permit me to proceed at greater length. For the same reason, I defer, until another opportunity, my observations on your important letters.

"I beg of you in the meantime, to accept, Señor Bentham, the cordial sentiments, and the respectful consideration with which I affirm myself," &c.

I believe the three following *jeux d'esprit*, by Bentham, appeared in some newspaper, in 1830:—

SUBJECT FOR CONTEMPLATION.

Get down a map—and closely look

At those pretty ponds—the Canadian lakes;  
And there you may see a Martial Duke

Turning your money to Ducks and Drakes.

## CUSTOM.

If "Custom is the law of fools,"  
 What fools must Englishmen appear !  
 For that's the law that England rules,  
 The Alpha and Omega here.

HENRY BROUGHAM.

O Brougham ! a strange mystery you are !  
*Nil fuit unquam sibi tam dispar :*  
 So foolish and so wise—so great, so small,  
 Everything now—to-morrow nought at all.

BENTHAM TO BURDETT.

"Q. S. P., 17th June, 1830.

"MY DEAR BURDETT,—Along with this goes my proposed Codification Petition, that petition which relates in a peculiar manner to myself ; and which, if I do not over-flatter myself, you were kind enough to undertake, not merely to present to Hon. H., but to imbed it in your speech, in such sort as to make it a matter of obligation to Hon. H. to receive into its ears so much of it as you will be pleased to pour into them,—this being, according to what I have heard, without contradiction, an acknowledged right. Of course, if you find it to such a degree grating to the aforesaid honourable ears, that honourable gentlemen run out of the House, as they used to do when Orator Burke was pouring forth the torrent of his eloquence, you will stop in time. To accommodate the proceeding as well as may be to these contingencies, I have divided the matter into four or five topics, marking the topics at the top of the margin of each page.

"If ever there was a paper which, for the importance of the subject matter, as measured by the extent, presented a prospect of experiencing this indulgence, it is this : for the extent of it is neither more nor less than that of the whole field of legislation—a field which does not want much of being coextensive with the whole field of thought and action ; and this, with your unexampled brilliancy of imagination, you will deal with better than anybody else could do.

"Now for a convivial gossip at this Hermitage : I hope neither gout nor anything else will hinder you from appointing an early day for it. Meantime,

you will have looked over it, and marked any such passages as you think had better be omitted or changed.

"Should anything prevent your taking upon yourself this holy function, Joseph Hume has promised to take it upon himself ; and if you perform it, you will have him for a certainty for your support, and he accordingly will be furnished with a copy in time : so likewise O'Connell, who, they say, shines more particularly in reply,—in reply in the generality of cases ; but in this case, his assistance at that period will be more particularly desirable, on account of the grimgrubber matter which the matter of my petition will, if it receives any determinate answer, elicit from opponents. But what I should rather expect is, that they will not dare to grapple with it, but fabricate a pretence for getting rid of it, out of a quirk composed of some vague-generality phrase, or move the order of the day upon it, &c., &c.

"Lest they should be prepared with a stratagem of this sort, I shall propose to Hume and O'Connell, as well as yourself, to keep the matter secret between you three, till the very moment of making the speech, for which you will naturally select a time when there is a good attendance.

"O'Connell I see has given notice of an intended motion for Codification. This is without concert with me ; and I shall beg of him in time to let drop that motion ; and, instead of making it, to take upon himself the function proposed to be allotted to him as above-mentioned.—Yours most truly.

"P.S.—Excuse the *non-autography* of this epistle. All my few remaining minutes are (you know) counted. My writing time I devote to Codification. Letters, &c., I dictate at times when I cannot write—for example after dinner, while vibrating in my ditch—in the ditch opposite the chair which (I hope) you will occupy in a day or two.

"The present place of your existence being unknown to me, and consequently the fate of the accompanying packet appearing more or less problematical, let me beg the favour of a single line to

inform me of the receipt of it, without waiting to speak of the contents."

But Burdett did not undertake the task. He answered Bentham that he would consider of it; and Bentham considered this as a withdrawal.

Bentham having sent his "Official Aptitude Maximized, and Expense Minimized," to Sir James Graham, because he had signalized himself in defence of economy, was much gratified by his acknowledgment of the receipt of the book in these terms:—

SIR JAMES GRAHAM TO BENTHAM.

"*Grosvenor Place, 19th June, 1830.*

"SIR,—Permit me to offer my sincere thanks for the present of your valuable work, which I shall study with the respect due to the productions of the most enlightened and honest jurist, every mark of whose approbation is regarded by me as an honourable distinction.—With sincere respect, Sir, your faithful and very obedient servant."

EDWARD LIVINGSTON TO BENTHAM.

"*Montgomery Place, (New York,) July 1, 1830.*

"SIR,—I thank you sincerely for the valuable books with which you have enriched my library, and the kind and instructive letter by which they were accompanied. These favours would have been sooner acknowledged, if they had not arrived just before the closing of the Session of the Congress, when all the business, which the procrastination, prevalent I believe in most legislative bodies, had put off from day to day, is pressed forward, and renders a week or two before the adjournment a very laborious period for those who wish to do their duty. Escaped, at length, from the bustle of public life to a retreat I have on the banks of the Hudson, I devote my first leisure to the cultivation of a correspondence from which I expect to derive as much profit and pleasure in its sequel, as I have already derived instruction from its commencement. Not having kept a copy of my letter to

you, I did not perfectly recollect its contents; and my only fear, on hearing that you had published it, was, that it should have imperfectly expressed how much my work is indebted to yours for those parts of my attempts to reform the laws of my State, which have found favour from the public. From the printed copy you have sent me, I find this apprehension was well-founded; and therefore take pleasure in acknowledging, that although strongly impressed with the defects of our actual system of penal law, yet the perusal of your works first gave method to my ideas, and taught me to consider legislation as a science governed by certain principles applicable to all its different branches, instead of an occasional exercise of powers called forth only on particular occasions, without relation to, or connexion with, each other. I have lately observed, with great pleasure, the just homage that has been paid to your talents and services in the British House of Commons, rendered more valuable by its coming from a statesman and lawyer of the first eminence in the kingdom. It must be a matter of the highest gratification to you to witness, not only the prevalence of your doctrines, but to hear their truth acknowledged by those whose professional prejudices they so severely attack, and whose pecuniary interest they tend to destroy. I think I understand the outline of your plan for the gradual amelioration of a written code, without the aid of judicial decisions, and thus obviating one of the strongest objections that is made to a system of written law; but I should wish exceedingly to see the outline filled up, for I feel some pride in having made a similar proposal in relation to our Civil Code in the year 1823, and I wish to see whether your details can be applied to the general proposition I then made: you will find it from page 8 to the end of a short report which I enclose. It supersedes the necessity for that which one of our most celebrated jurists (Mr Duponceau) calls the *malleabilité* that is found in the common law; that is to say, the permission it gives to judges to make *ex post facto* laws. The plan traced in this report

was not pursued. The gentlemen joined with me in the commission, were unfortunately too impatient for the completion of this task to enable them to do the work in the manner we had proposed. I was overruled; and the Civil Code was reported and sanctioned in the form you will now see in the copy sent to you. Yet, imperfect as it is, it has been a great blessing to the State; but not greater, I think, than the rejection of the common law procedure in civil suits. A simple system was substituted, based upon the plan of requiring each party to state, in intelligible language, the cause of complaint, and the grounds of defence. I comprised it in a single law of a few pages; and although, from its novelty, many questions may be naturally supposed to arise under it, before the court and suitors become accustomed to its provisions; yet our books of Reports, from 1808 to 1823, contain fewer cases depending on disputed points of practice, than occurred in a single year, 1803, in New York, where they proceed according to the English law, which has been in a train of settlements by adjudication so many hundred years. An anecdote to exemplify this may not be unacceptable to you. When I was pursuing my profession at New Orleans, a young gentleman, from one of the common-law States, came there. He had been admitted to the bar in his own State, and was, of course, entitled to admission in ours, if found by examination sufficiently versed in our laws: he had studied them, and was ready to undergo the examination, but expressed to me his regret that a long time must elapse before he could make himself master of the routine of practice, with which on our system he was entirely unacquainted; and, asking to be admitted into my office until that could be effected, requested me, with much solicitude, to tell in what period I thought he might, with great diligence, be enabled to understand the rules of practice, so difficult to be acquired according to the common law. I answered, that it was not very easy to calculate to an hour, but as he was engaged to dine with me the next day, at four, I thought I could initiate him in

all the mysteries of the practice before we sat down to dinner: nor was there any exaggeration in the statement. What will your articulated clerks, tied for seven years to an attorney's desk, say to this? I have hitherto been too busily employed in extracting the good from your works to think of making any objections to any part of the doctrines they contain; and, indeed, it has happened so frequently, that on the second perusal, my assent has been given to positions which I thought unsound on the first, that I always hesitate long before I venture to deviate from them in any of the provisions of my Code. I have in some instances done so; and although I cannot immediately comply with your request of stating the reasons of my dissent from you in those points, yet it shall hereafter be done, and, as you desire, fully and frankly.

"I knew before the receipt of your letter, that I was under great obligations to Mr John Smith; but was not aware, till you apprized me, of those I owe to Dr Southwood Smith, to whom I shall soon write to express my acknowledgments. To Mr John Smith I sent, by Mr M'Lane, a copy of my projected Code, and had written to him twice before.

"You will naturally inquire whether my system has been adopted by the States which commissioned me to prepare it. I am sorry to say that they have not yet taken it into consideration. A joint committee of the Senate and the House of Representatives, was appointed last year to examine it during the recess, and report upon it at the succeeding session; but the prevalence of the yellow fever, and other circumstances, prevented them meeting: the next winter, I hope, will find them disposed to pass upon it.

"In the other States, advances are making to free themselves from the reproach of being governed by unwritten, and therefore, unknown laws: none have, however, progressed so far as to form a general system: methodizing their statutes, and giving the force of law to some of the judicial constructions of them, is the present extent of their daring.

"If cheap editions of some of your

works could be struck off, it would aid the great cause; but our lawyers are all politicians, and our politicians are all party-men, and party-men in all countries are alike. To you I need not describe their characteristics, or point out those causes which render them indifferent to anything unconnected with their prevailing passion. The mass of the people, therefore, must be first enlightened by a knowledge of your principles, before their representatives can be persuaded to act upon, or even to examine them.

"I send with this letter a copy of the Civil Code of Louisiana; a number of the papers printed by order of the Senate, or House of Representatives, some of which may prove interesting to you; together with a number of other pamphlets relating to the civil and criminal statistics and institutions of the several states. My Code of Evidence is printed, but I will not submit it to your inspection until the introductory report, which is nearly finished, can accompany it.—With sentiments of the highest respect and esteem, I am, Sir, your most obedient servant."

An invitation to General Santander gives an amusing description of the *quod eundum*, in order to reach Bentham's abode.

(Translation.)

"1st July, 1840.

"Dinner with the Hermit, at the Hermitage, a quarter past seven on Monday. On entering St James's Park by the gate, called Storey's gate, at the end of the street called Great George Street, you will find yourself in the alley called the Bird-cage Walk: midway in this alley are the barracks for recruits. Before reaching this building, you will see a garden entered by an iron-rail gate, near the barracks, where you will see a sentinel. Having entered this gate, you will find yourself in a narrow path, which takes you in a straight line to a walk, where there is another iron gate, which you will find open. Enter by it, and you will find yourself in another garden, on the left

of which is the house I inhabit. You will mount by a step, which takes you to a door; and you will find yourself in a small hall, with a staircase before you, and a small chamber at the left, at whose door you will knock: as to porters, or other men-servants, they are a sort of animals not kept in my den."

GENERAL SANTANDER TO BENTHAM.

(Translated Extract.)

"Hamburg, 29th July, 1830.

"Bolivar is acting prudently, in giving way to that general opinion which is opposed to his permanence at the head of public affairs. It would have been happy for the reputation of his country, and for his own, had his retreat, like that of Scylla at Rome, been voluntary. But we withdraw, leaving Colombia the prey of hostile parties—divided into two camps, just ready for civil war. Instead of giving us peace, tranquillity, and freedom, he bequeaths hatreds, and resentments, and passions—a demoralised army, and a wretched example. What has his unhappy dictatorship brought to Colombia, and his overthrow of the Constitution of 1821? His daring has not had even the justification of success: his despotism has torn Colombia into pieces by factions and discord, and filled honourable families with mourning:—the scaffolds of criminals have streamed with the blood of honest citizens. Immorality and anarchy have triumphed; and Colombia has been dragged back to fanaticism and ignorance. In the last three years, Bolivar has sullied all the glories with which his perseverance, his boldness, his activity, his disinterestedness, and many other virtues, distinguished him during the War of Independence. Alas! the same sword which overthrew Spanish domination, has destroyed the liberties of the Colombian people!"

In 1830, were published De Montrol's Memoirs of Brissot, from which a quotation has been given in the early part of the work.\* The author, in transmitting his work to Bentham, says:—

\* Chap. viii.



(Translation.)

“Allow me to address to you the memento of one who is celebrated in our revolutionary history, by the virtues of a noble life, and the courage of a noble death. You will read, not without pleasure, his record of the friendship which bound you and him together: his eulogium will seem more flattering, dictated as it was by the most austere of our Republicans, in a moment when he never dreamt of disguise.” M. de Montrol says, the genuineness of the *Memoires* has been impugned; and calls on Bentham to authenticate the fact by his own knowledge. In answer to which, he writes: “I know not how any suspicion, as to the authenticity of the *Memoires*, can have arisen: I will mention one little corroborative circumstance. He refers to my habit of dining with my father in the house I now occupy, and at four o'clock: a circumstance so trivial, so unconnected with anything important, so little likely to be mentioned, could be known only to an intimate friend.

“Time has made sad ravages on my memory; and especially on those parts of it where foreign languages were stowed away: so, if you use this letter, you must do what Voltaire did with Frederick the Great's poetry—or what Dumont did for me, by translating my Anglo-French into veritable French.”

The following is titled — “*Note by Jeremy Bentham on one of the Letters of Brissot de Warville to him, anno 1784, or thereabouts*”:—

“*London, 20th July, 1830.*

“In one of his letters to me, my friend says:—‘*Votre sécheresse me désolé.*’ Of the contents of this letter of mine, I have no recollection. Sure I am, that there could have been nothing angry in it, or *positively* unfriendly; and, accordingly, by this same word *sécheresse*, nothing *positive* is indicated—nothing more than perhaps the absence of some of those expressions of affection which would naturally find their way into my addresses to him. Perhaps the

cause of this complaint of his may have been *this*, namely: that on this occasion, my letter to him was nothing more than a mere letter of business: some little money transaction between us on the occasion of books and periodicals sent to me by him from Paris at my desire; from it will be seen the chief subject of this little correspondence, in which he will be seen drawing on me for a sum of £5 odd, which I accordingly paid. What I have always borne in memory, is, that the articles he sent me were not exactly those which I had desired him to send; but that what they wanted in quality, was in some measure made up in quantity, being such as he could come at on easiest terms. In those days I was very poor, but my friend was still more so. He was in want of the little sum of money in question to be paid in London, where I was. I paid the draft and accepted the articles whatever they were, which were sent in compensation for it. The *sécheresse* he alludes to, may, perhaps, have had for its cause, the disappointment thus experienced by me. That, upon the whole, there was no want of kind feeling on either part, is surely not unsatisfactorily shown by the manner in which he speaks of me in his *Memoires*. A friend here, on reading this word, *sécheresse*, put it to me, whether I would not keep back this letter: it would have been the simplest way, and would have saved me the time employed in this explanation; but the idea of suppression was not pleasing to me—that of misrepresentation and insincerity seemed associated with it.”

BENTHAM TO THE DUC DE BROGLIE.

“*August 13, 1830.*

“The *opinion* with which I was not long ago favoured by you on the subject of Imprisonment for Debt, afforded me the heartfelt satisfaction of beholding in you a friend to justice. It is not, however, by that, or any other isolated and unconnected operation on the field of procedure, that the ends of justice can be accomplished, and the benefit of the services of the functionaries belonging to the judicial department imparted to all who stand in need of it.

"In this respect, Buonaparte's Codes have made a prodigious advance beyond anything that ever went before them, and present to view a pattern of perfection in comparison of that system of abomination under which I have had the misfortune to live, and which so large a portion of my long life has been occupied in the endeavour to expose to that full and general abhorrence which must take place before any effectual reform can be accomplished.

"But the system, the greater part of which is exhibited by these Codes, will, if I do not grossly deceive myself, be seen to be yet at a sad distance from that degree of perfection which the nature of the case admits of. After all that has been done by it, it leaves the benefit of justice still out of the reach of the vast majority of the whole numbers of the people: for besides the fees which it attaches to all the several operations and written instruments which it necessitates, it supposes and necessitates, on both sides of the suit, the intervention of professional assistants or substitutes of the parties under the name of *Avoués*, behind whom link, without being once held up to view by any of the Codes, the further and still more expensive assistance of *Avocats*, on both sides of the suit. What is the consequence? That those who are utterly unable to purchase the assistance of these professional men, without breaking in upon their own means of subsistence, must go without justice—must submit to depredation and oppression at the hands of all those who are content to pay the price of this maleficent service: the expense on the plaintiff's side, having the effect of denying remedy to wrong in every shape; and that on the defendant's side, of lending the assistance of the several functionaries, official and professional, together with the use and service of judicatories, in the infliction of wrong in every shape, for want of the means of defending, on the occasion in question, his just rights.

"As to the *Cour de Conciliation*, in name it affords remedy without expense, —remedy accessible to all without distinction,—without that distinction which

has place between those who are, and those who are not, in condition to defray the expense.

"But the supposed remedy is little better than an empty name; and against those against whose machinations the demand for justice is most urgent, it amounts absolutely to none,—I mean the whole class of *mala fide* suitors: suitors whose plan it is, by means of relative opulence on their side, coupled with relative indigence on the other side, to engage on their side the power and services of the judge; to their case this same supposed remedy is clearly inapplicable. By resort made to the Reconciliation Court, their plan would be defeated; and they are under no obligation to resort to it.\* To the ordinary courts, and to these alone, they apply themselves; for there it is that the faculty of depredation, or that of oppression, whichever it is that is most to their taste, or both in one, is upon sale, ready to be exercised at the expense of whatsoever relatively indigent individual they have marked out for their victim.

"Unfortunately for mankind, the interest of professional lawyers on this ground is in a state of direct and inexorable opposition to the interests of the rest of mankind; and the same everywhere,—in the unchangeable nature of the case, the influence of that body can never cease to be very great.

"The interest of non-lawyers is, that in the business of procedure, expense and delay be at a *minimum*; the interest of professional lawyers is, that those evils be at a *maximum*: expense for the sake of the lawyer's profit, of which, in so large a part, it is composed: *delay* for the sake of the occasion it produces for expense.

"Under the English Judicial Establishment, official lawyers are large partakers of that same sinister interest: under the French to a comparatively minute extent, if any.

---

\* Bentham seems not to have been aware, that, in Denmark, all suitors are *compelled* to resort to the Courts of Conciliation; and can only commence proceedings at the ordinary courts when the Conciliation Court has certified that a doubtful point of law is at issue between the parties.

"If reaping pecuniary profit in proportion as the ends of justice are contravened by them, and their professed duty thus violated, *is not corruption*, I know not what *is*: if not, it is, at any rate, something worse, being practised by wholesale, and in the instance of every individual suit whatsoever; whereas, in the mode styled bribery, it has never, by the most abandoned offender, been practised but in here and there a suit: and the money being received under the name of fees, the act of maleficence (for be it understood it is not *an offence*) is practised with the full assurance of impunity; and the profit, direct and (by means of patronage) indirect together, is so enormous, that you would find difficulty in giving credit to it.

"I am wandering, and must have done.

"In a word, the object of the liberty I am thus taking is this. Notwithstanding all that has been done (and it is no small matter) by Buonaparte and his draughtsmen—his codifiers, towards the remedying the cost, still in France the benefit of justice remains inaccessible to a very large portion of the community,—I believe far the largest; and to another vast portion is not attainable, without a grievous and most oppressive tax paid to the professional lawyers, the sum of whose enjoyments from that source bears but a very small ratio to the sum of the sufferings produced by the same cause in all other breasts.

"In this state of things, notwithstanding the comparative disinterestedness and generosity of the French character, any such expectation as that of finding, in the instance of the influential portion of the body of professional lawyers, any sincere coöperation with anything other than the most determinate opposition to any plan well adapted to the diminution of their own profit, would be altogether inconsistent with any the smallest insight into human nature.

"The object of this is, therefore, to endeavour to learn whether I may entertain a hope of a disposition on your part to contribute in your country, by your endeavours and your influence, to-

wards the removal of so cruel an evil as that in question, and to honour me with your coöperation towards that end. Dr Bowring obliges me by being the bearer of this letter: he is my most intimate and confidential friend, and a man so well qualified for giving all the required and desirable explanations is not to be found.—I am, Sir, with the most sincere respect, yours," &c.

The Duke replied, that he hoped, when the agitating events were passed, which then occupied every public man's attention in France, he should be able, "*à tête reposée, et avec maturité d'esprit,*" to occupy himself with the important subject of Law Reform.

On the Revolution of the Three Days in France, it was Bentham's intention to address a series of letters to the French people. Only one, however, was written, as follows:—

#### BENTHAM TO THE FRENCH PEOPLE.

"*Queen's Square Place, Westminster,  
London, August, 1830.*

"FELLOW-CITIZENS,—Your predecessors made me a French citizen. Hear me speak like one.' So said I, anno 1793. So say I now, anno 1830.

"I have written, and I have written. I have written, and I have torn.

"I had then been more than twenty years occupied in the study of what belongs to the happiness of nations;—thirty-nine more years have been added to those twenty. I was then somewhat known among you: I am at present, I hope I may say, somewhat better known. There are those who have said to me—'Speak now again to these your fellow-citizens: what has these forty years been your right, is now become your duty.' Hearing this, I took up the pen.

"Circumstances have been changing every day—circumstances continue changing every day—circumstances will change every day; but principles remain unchanged. It is from them I speak to you.

"A proclamation of La Fayette lies before me. It is that which was issued

by him on accepting the command of the National Guards of Paris. Date of it, August . . . . In this behold my text—at any rate my *main text*. In it I read these words :—‘ Parisian energy has reconquered our rights. . . . . Nothing is definitive but the sovereignty of those rights.’ Thus far the veteran hero whom it so delights me to call my friend. Now for an observation which to some may appear a trifling one.

“ Rights are fictitious entities—the *people* real ones. Realities, on this occasion as on all others, realities I prefer to fictions—even the most innocent ones. Realities—I understand them better. But should my friend say to me—‘ Our fellow-citizens will understand us better if we say *rights*’—even so let it be. Let us say what we will, our meaning is the same.

“ Think you this is a question of mere words? Not it, indeed. I will tell you why I say *people*. In ‘ *the Sovereignty of the People*,’ I behold a locution which, even in the sink of corruption from which I write—even in this seat of ill-disguised despotism, has, at public dinners, been for years a not unfrequent toast. It comes *before* ‘ the King ;’ and not for these many years, if ever, has any servant of the king dared prosecute for it.

“ So much for the *Commandant of the Parisian National Guards* and his Proclamation.

“ Now for the *Lieutenant-general of the Kingdom*, and his.

“ ‘ Attached by inclination and conviction to the principles of a free government, I accept beforehand all the consequences of it.’ This delights me : this is good sense : this is good logic. ‘ All rights must be solemnly guaranteed, all the *institutions necessary to their full and free exercise*, must receive the *developments* of which they have need.’ This, though in letter-press it stands antecedent to what is said as above of *principles*, is, in *reason*, one great consequence of it ; but to ‘ *developments*,’ I should have preferred *modifications*, or, to speak out, *changes*.

“ Now for interpretation : from words I pass to symbols. ‘ I hastened,’ (says in that same document this same func-

tionary,) ‘ I hastened,’ (so and so,) ‘ wearing those colours, which, for the *second* time, have marked among us the triumph of liberty.’ Here there is one *change*, and that a *speaking* one. And what is it that it speaks a second time, if not that which it spoke the *first* time—the *Sovereignty of the People*?

“ While writing what I have been tearing, I had before me another text—‘ *the Charter is a truth*.’—Charter?—I do not like—I never liked the sound. Charters and the Sovereignty of the People cannot have existence, in the same place, at the same time. Admitted into the Chamber of Legislation, I behold the Sovereignty of the People throwing the Charter out of the window.

“ Oh, would but some prosperous breeze blow it over to London ! I should pick it up with transport—stick it on my hat, and cry—Charter for ever ! Yes : this refuse of France would, for England, be a feast. Behold here (I would say) Magna Charta the second ! Magna Charta the first has been long worn to nothing—trodden under foot by *our Holy Brotherhood—the Lawyers*. Before this clear and ably-fashioned reality, that miserable fiction—*matchless Constitution*—that maleficent phantom, which every corruptionist makes for himself—makes for his own purposes—makes, on each occasion, out of his own leaven—would flee away screeching, and drown itself in our Thames.

“ ‘ Let no evil ever be lessened. Let every existing evil (as does all evil, unless nipt by remedy) receive continual increase.’ This is what is meant by—for incontestably this is included in—that which is said by those who say, ‘ Let us have no change.’ ‘ Let all evil be perpetual,’—this would be too much to say ; this is what in those same words they dare not say. They therefore *change* the words : which done, they say, ‘ Let us have no change ;’ and out of these words they make an established principle.

“ There you have the principle : now, think of the consequences. What, if this had been the principle when William the Second of England kept laying waste the country, to convert it into

hunting-grounds? What, if when Louis the Fourteenth of France laid waste the Palatinate to make a frontier of it? What, if having by Louis the Eighteenth been put into a charter, and by a successor of his that same charter declared to be a *truth*, that declaration were to become *law*: and that law an immutable one? the ceremony of an oath having, moreover, as by Art. 74. of the same charter, been called in, and supernatural terrors added to all natural ones, for the pious purpose, and in the pious hope, of preserving for ever all evil from diminution,—wrong, in all shapes, from all remedy? ‘*Le Roi et ses successeurs jureront, dans la solennité de leur sacre, d’observer fidèlement la présente charte constitutionnelle.*’

“Behold here, my fellow-citizens, one of the rocks, which in many places and many times,—perhaps in all places, and at all times, when occasion presented itself,—men, old in power, and men new in power, have joined in splitting upon.

“Let *things as they are* continue unchanged for ever, has, in all places, and all times, been the cry of all those who, reaping good for themselves from the evil done by those same things to other men,—good, in justification of which no direct and undeceptious argument was to be found,—sought refuge for it in this fallacy.

“Nor was this fallacy without an outward show of truth. ‘All change produces *preponderant* evil,’—this would be too manifestly false,—to all eyes, too clearly so,—to be advanced by anybody. But, ‘All change produces evil,’—this, it cannot but be confessed, is little less than true. But, ‘*All change produces preponderant evil,*’—nothing less than this would serve to preserve from the reproach of maleficence, universal and perpetual maleficence,—the *no-change* principle.

“So much for power when *old*. Now for power when *new*.

“This constitution is perpetual and unchangeable. Such, in these terms, or what is equivalent to them, (for there is not time to look for them,) was the declaration of our *first* National Assembly. Add to this, so of every *other*.

“Altogether natural is this: for, to every man in power, natural is a mixture of intellectual and moral weakness,—of folly and maleficence. For, mark well, my fellow-citizens, the propositions that are involved in it.

“1. No change that can possibly have place in the state of *things*, or in the state, conduct, and disposition of men, can be such as to render it contributory to the greatest happiness of the community, to make any change in the changes which we have been making for that purpose.

“2. We, who compose the majority of the body to which we belong,—we are to such a degree *wise*, that there exists not any the smallest probability, that, at any future point of time, those who have then succeeded to us will be equally so.

“3. We are, moreover, to such a degree good that there exists not any the smallest probability that, at any future point of time, those who have then succeeded to us will to *wisdom* equal to ours, have added *goodness* equal to ours.

“So much for 1791, or thereabouts. Now for 1822, or thereabouts. Then came the *Spaniards*, with their constitution. More modest *they* than we were. In their view years, during which the state of things and persons would be so sure to continue without change,—not more than *four*: years, during which matchless goodness would be so sure to continue in union with matchless wisdom, not more than the same number: all this while, provided the *body* were but called the *same*, no matter how different the individuals.

“Farewell, for the present at least, my beloved, my now so much more than ever admired, fellow-citizens. I have done what I have felt to be in my power, towards laying the foundation, a necessary foundation for all future good, for remedy to all existing evil. I have blown up (I hope you will think I have) the dead-weight I saw the ground encumbered with,—the *no-change* principle.”

Rammohun Roy brought to England the following Letter of Introduction to

Bentham from a highly valued correspondent :—

“ *Calcutta, 14th November, 1830.*

“ MY DEAR AND VENERABLE FRIEND, —This letter will be presented to you, or transmitted, waiting your leisure, by no less a person than the distinguished Rammohun Roy.

“ You have heard of him often from me, and from others, and know that he is one of the most extraordinary productions of the ‘march of intellect.’ A Brahmin of the highest order, and therefore an aristocrat by birth; one of the privileged class, and a man of easy fortune by inheritance; deeply learned in Sanscrit, Arabic, and everything oriental; he has, nevertheless, unassisted, and of himself, been able to shake off prejudice of almost every kind, and to give his natural understanding fair play.

“ If I were beside you, and could explain matters fully, you would comprehend the greatness of this undertaking. His going on board ship to a foreign and distant land—a thing hitherto not to be named among Hindoos, and least of all among Brahmins. His grand object, besides the natural one of satisfying his own laudable spirit of inquiry, has been to set a great example to his benighted countrymen; and every one of the slow and gradual *moves* that he has made, preparatory to his actually quitting India, has been marked by the same discretion of judgment. He waited patiently, until he had, by perseverance and exertion, acquired a little but respectable party of disciples. He *talked* of going to England from year to year since 1823, to familiarize the minds of the orthodox by degrees to this step, and that his friends might, in the meantime, increase in numbers and in confidence; as it was of the utmost importance to the preservation of his rank and influence with the Hindoo community, who care less about *dogmatics* than *observances*, that he should continue one of ‘the Pure,’ and should not be suspected of quitting Hindooism for any consideration of a personal nature. He has externally maintained so much and no more of conformity to Hindoo cus-

tom, as his profound knowledge of their sacred books enabled him to justify—relaxing, however, by little and little, yet, however, never enough to justify his being put ‘*out of the pale.*’ I need not say that in private it is otherwise, and that prejudices of all sorts are duly contemned by our philosopher. But so important does he judge it to the efficacy of his example, and the ultimate success of his honourable mission of experiment, that he should maintain the essentials of his Brahminical sanctity—that even in the flagrant and outrageous act of making this voyage and sojourn, he is contriving to preserve appearances to a certain point, which he considers sufficient to *save his Caste*, so that on returning, he may resume his influential position against the abuse and calumnious reports which the whole tribe of bigots will not fail to raise against him while in England, and when he comes back. He now judges that the time is come, and that the public mind is pretty well ripe for his exploit; and he embarks in two or three days in the *Albion*, for Liverpool; where he has friends and correspondents in Cropper Benson, and others of liberal feeling.

“ The good which this excellent and extraordinary man has already effected by his writings and example, cannot be told. But for his exertions and writings, Suttee would be in full vigour at the present day, and the influence of the priesthood in all its ancient force; he has given the latter a *shake*, from which, aided by the education and spirit of bold inquiry gone forth among the rising nations of Hindoos, it never can recover. I need hardly tell you that the liberalism of such a mind is not confined to points of theology or ritual. In all matters involving the progress and happiness of mankind, his opinions are most independent; and he is, withal, one of the most modest men I ever met with, though near fifty years of age; and though he is the most learned and enlightened of his countrymen and nation, and indeed has held that position for the last fifteen or twenty years, and has received praises enough to have turned the head of any other man alive.

"It is no small compliment to such a man that even a Governor-general, like the present, who, though a man of the most honest intentions, suspects every one, and trusts nobody, and who knows that R. M. R. greatly disapproves of many acts of government, should have shown him so much respect as to furnish him with introductions to friends of rank, and political and *Indian* influence. Either they will find him intractable, and throw him off, or they will succeed in what no one hitherto has succeeded—in beguiling or bending the stranger.

"A stranger, however, he is, and of such sort as has not before appeared among you; and he will stand in need, doubtless, of all the kindness and attention that friends here can procure for him. *You* have weightier and other matters to occupy you; nor are your habits such as to enable you to be of service to R. M. R. in the ordinary way. Yet I felt assured you would like to see and converse with my *Indian* friend; and, indeed, I recollect you expressed such a wish. For the rest, you will probably make him over with his credential to our friend, Bowring, and the reprobates,\* and Stanhope.

"I most truly rejoice to hear and to see printed proofs that you continue to enjoy your accustomed health, strength, and *spirits*. No one among all whom you know wishes more truly and earnestly than I, that you may continue to enjoy those blessings for the sake of us all.—Your affectionate and attached friend."

BENTHAM TO LA FAYETTE.

"*London, 2d Nov., 1830.*

"MY EVER DEAR AND HONOURED FRIEND,—I have done my best towards executing your commands about second chambers.†

"Through a private channel, I embrace the opportunity of sending to you two copies of a tabular view of the composition of our House of Commons,‡

\* Bentham's Secretaries.

† See the tract on Houses of Peers and Senates, Works, vol. iv. p. 419.

‡ Three or four editions have been sold of it in the compass of two days.

from the *Spectator*. This dissection might (I thought) in one way or other, be matter of curiosity, and eventually even of use, not only to yourself, but even to our 'King of kings,' considering how well he is acquainted with our *Carte du Pays*. In addition to what the table exhibits on the subject of patronage, let me tell you, that whole classes of commercial men have for supporters their representatives, namely, those of the West Indies, and those of the East Indies: and in former days the Nabob of Arcot alone had to himself a number of them—I do not remember the exact number, three or four at least—all located at his expense, and paid or not paid besides. In those days the price was not more than £3000 or £4000, namely, for sitting as long as the Parliament lasts. In the only two instances that have come to my certain knowledge, it has been just now as high as £6000; a more common price is (I believe) £5000. Some have hired a seat by the year, and paid £1000 a-year, which, when it can be managed, seems to be the most prudent course."

I insert an interesting conversation between O'Connell and C. Sinclair Cullen. It took place on the 7th November, 1830—it was communicated to Bentham on the 8th, and on the 9th Cullen died—died suddenly, while in the apparent possession of health. Bentham considered him one of his dearest friends:—

Headed in Bentham's writing.

"O'Connell's Conversion to the Anti-Second-Chamber-Faith, 7th November, 1830.

"*Copy of a Statement written at Q. S. P., by Cullen.*

O'CONNELL to CULLEN—spontaneously, in the course of a conversation on other matters, November 7, 1830—  
"I have read Bentham's letter to La Fayette. It has made a convert of me to one Chamber. I was prejudiced in favour of two Chambers. When I took up the pamphlet, I said—'No—he is wrong here: Bentham will be unable to persuade me of this.' But he has

convinced me. I did not yield to his reasons in the first few pages—but as I advanced, I found the chain of reasoning not to be broken; and, taken altogether, I think it conclusive.

CULLEN.—“I never could see a reason for two Chambers—but I could not have proved it, as Bentham has. I am glad he has emancipated you. It will simplify your scheme for Ireland. Indeed, it is a great thing for the world to undeceive them on this subject. The delusion about a Second Chamber has involved all the constitution-makers and liberty-founders in delays, perplexities, contradictions, and mystifications, that have proved injurious or ruinous to freedom. It is a grand thing to have made the road to a sensible constitution easy and plain, by clearing away the rubbish and superstition of a Second Chamber, as Bentham has now done, for ever.”

BENTHAM TO BROUGHAM.

“Q. S. P., 19th Nov., 1830.

“MY DEAR BROUGHAM,—It is with no small gratification that I heard Doane’s account of the kind mention you made of me in the short conversation he had with you this day: finding thereby that the state of your affections towards me harmonizes so exactly with that of mine towards you. Whatsoever may be in the *Westminster Review* notwithstanding, be assured that no sentiment of personal hostility has ever had place in anything I have said of you there or elsewhere.

“It is accordingly truly delightful to me to see such good reason for believing that no considerable, if any, uneasiness has been produced in your mind by what has been called my ‘*truculence*’: for assuredly, if you were sitting opposite me, (as I hope you will shortly be ere long,) it would not be possible for me to witness any symptoms of uneasiness on your brow, without imbibing, through the channel of sympathy, more or less of it. Not that in substance my course would be altered by any such irrelevant observation: for, if you were my brother in the flesh, instead of being my *soi-disant* grandson in the spirit, (Oh, naughty boy!) never

could I sacrifice to my regard for any individual that affection for my country and mankind, to which my whole soul has been devoted, for I forget how much more than threescore years. As I am dealing with you, so dealt I by my friend Romilly: for, on the occasion of the *Westminster election*, he being, in my phrase, *no better than a Whig*, I wrote against him in favour of—I forget who, (Douglas Kinnaird, I believe,)—of whom I knew nothing, but that he stood upon Radical ground. What the *Review* has said of you, either this time or the former time, I know not; nor do I think I ever shall. Sure enough did I send in the *meat* for that meal; for it was what nobody else could have done; but, as to the dressing, I neither know how it was done, nor who were the cooks.

“I have understood that it was you that let slip the dogs of war at me in the *Edinburgh*, and perhaps elsewhere. The more there are of them, the more tickled I shall be; and in so all-comprehensive an assurance you would find a good and valid license, should you ever suppose yourself to have need of any such thing.

“I have my views, you have yours; but, in all other respects, I am—yours most truly, &c.

“P.S.—Since writing the above, I have heard (for I cannot read) the *Morning Chronicle*, in which I see my suspicion, that your *Nolo Officiari* was *Nolo Episcopari* carnalised, confirmed, though not put absolutely out of doubt: I say since, and, I assure you, upon my honour, so it is. What to say to it, I know not. If I could assure myself, that by this change delay, vexation, expense, and denial of justice will not be increased, nor the abolition of those scourges rendered less probable or less speedy, it would be matter of sincere delight to me to see a mind such as yours turned aside from fee-gathering by the indiscriminate defence of right and wrong, by the indiscriminate utterance of truth and falsehood, and concentrated to the service of mankind.

“20th November.”



BROUGHAM TO BENTHAM.

" *Hill Square,*

" *Sunday Morning, Nov. 21.*

" MY DEAR SIR,—Many thanks for your kind letter; but how could you listen to such a tale of tales as that *I*, of all your friends, ever could have let slip the dogs in *E. R.* at *you*?

" The truth is, I had a correspondence of weeks, and all but a rupture, with Jeffrey on the subject. He had got committed on the point before I could remonstrate, not having a conception of what was doing till I saw it on my table in print, and published.

" I succeeded afterwards in stopping the useless, and worse than useless controversy between varying or differing allies; for so it was,—not enemies.

" I want to see you one of these days; and when you summon me to dinner, I will attend; but don't make it next Wednesday, for I go that day to our society's monthly meeting.—Yours ever."

Memoranda made by Bentham in 1830:—

" Under a monarchy, the people are the idolators, who, after making the idol with their own hands, fall down and worship it.

" To blind their eyes, in order to pick their pockets: to blind their eyes, not as a hangman does, in order to consign them to an instantaneous death, but to blind them so as to make their death a lingering one.

" Matchless Constitution! *J. B.*'s creed.—

" I prefer the English constitution, such as it is, to non-government, and to every other but the United States' government. But I do not prefer it, such as it is, teeming with abuses, and other imperfections, to what it would be if cleared in the whole, or part, of all or any of these same imperfections."

LORD WYNFORD TO BENTHAM.

" *Jan. 9, 1831.*

" At Bath I shall have leisure fully to avail myself of your suggestions before any bills are in committee. I am happy to find that we differ but little (if we differ at all) as to the examina-

tion of the parties. I propose that the examination should take place immediately after an action is brought, and before any expense is incurred. I also approximate to your views, as I propose giving the judges authority to require security from plaintiffs, if it appear, from the examination of the parties, that a suit is hopeless, or vexatious. The establishment of a code of laws is a matter of great importance. I shall, with a mind perfectly unprejudiced, consider all that you have written on that subject.—I am, Sir, with the greatest respect, faithfully yours."

BENTHAM TO O'CONNELL.

" *31st Jan. 1831.*

" Once more. The proceeding by way of attachment in the case of the two Dublin printers brings to my mind a state of things which had place about sixty-five years ago, and does not seem to have attracted attention on the present occasion: it may, peradventure, by the mention of it, be rendered, under your management, serviceable to the cause of the people. Lord Mansfield, in those days Chief Justice of the King's Bench in England, was notorious for his absolutism. A project of his was, in cases which, by the constituted authorities, were regarded, or professed to be regarded, as abuses of the liberty of the press, to substitute to the trial by jury, trial by the Court of King's Bench alone, viz. by motion for attachment, followed by a quantity of affidavit work by writ of attachment accordingly; whereupon the defendant, having been taken up and committed to prison, had tendered to him, in the same prison, a paper of interrogatories, to which, whether by written instrument, or  *viva voce*, I forget which, he was commanded to give answer. In this way a printer of the name of Bingley was dealt with: and while in prison, one of these interrogatory papers was tendered to him, and he was commanded to give answers, which answers he refused to give; and for this contempt, as it was called, he continued in prison for I forget how many years; nor do I recollect in what way his imprisonment terminated, whether by death or by dis-

incarceration. On account of this proceeding, and others of a similar tendency, my Lord Mansfield became the object of a very extensive and well-merited odium, insomuch that he became an object of attack to a man in so singular a situation for a libel-writer, as that of a Master in Chancery: the title of the libel was, 'A Letter concerning Libels, Warrants, Seizure of Papers, and Security for the Peace,' &c., 6th edition, 1766; followed by another, entitled, 'A Second Letter on Libels, 1770.\*' The form in which expression was given to the imputations was, I remember, the hypothetical;—if any Lord Chief Justice should do so and so, and so on with a train of ifs, and, I believe, a pretty long one. In Clark's Law Catalogue, the sixth is an edition, and the only edition, of this pamphlet mentioned. From this you may imagine the run it had, and the sensation it made. The other enormities alluded to were acts of the secretaries of George the Third, whose abominable misgovernment, and endeavours to introduce absolutism, have been sufficiently brought to view. This case of Bingley I should expect to find in Burrowes' Reports; but neither time nor eyes admit my making search for it. Between the application of the power of the judges without the jury, to the purpose of inflicting punishment for alleged offences committed by abuse of the liberty of the press, and its application to the purpose of punishing offences committed by physical resistance to, or non-compliance with, the mandates of these same judges, there is a very broad and clearly visible line of distinction. If punishment for such resistance or non-compliance were made to depend on the will of a jury, or of any other authority, other than that of the judges themselves, theirs would be a state of impotence, and the whole fabric of the judicial establishment would fall to pieces; whereas, in the case where the offence consists in alleged abuse of the liberty of the press, not any the least danger is there that any such consequence should follow; whatsoever be the attacks made

upon them in this way, neither motives nor means can be wanting for engaging defenders, in any number that can be desired; whereupon a suit is thus carried on in the court of public opinion,—a court of dernier resort, which never acts under that corrupted and corruptive influence, under which the highest of the *soi-disant* courts of justice always act. The pamphlet is anonymous, nor is there in print, that I know of, this man's name as its author; but I had a slight acquaintance with the man, having been in his company, and to him it was ascribed by everybody. I cannot suppose that you will be under any great difficulty in finding out the 'materiel et personnel' of this war, in your libraries, public or private. My notion is, or say what I should expect to find is, that owing to the odium excited on that occasion, by this mode of proceeding, in the case of alleged abuses of the liberty of the press, it fell into disuse, and has never since been revived.

"I remember being present, in the capacity of a student, at the time of the discussions in that case of Bingley. Here are *facts*, meaning *indications*, of supposed facts: to you it belongs to find logic and rhetoric grounded on these facts.

"Written what is above, from dictation, made between sleeping and waking, by one who was once your correspondent, and even host, and will ever be your admirer and sincere well-wisher, though not always and without exception your approver."

O'CONNELL TO BENTHAM.

"22d February, 1831.

"I should have answered your letter sooner, and should have endeavoured, when I was last in town, to have seen you; but for a reason which does not belong to the characteristics of my countrymen—I mean a sense of shame. I am ashamed of my *inutility*. I had formed a confident hope, that my career in Parliament would be one of considerable usefulness. I had flattered myself that, in the British Senate, I could and should be able to advance the sacred cause of rational and cheap government,

\* Said to have been written by Lord Ashburton, and corrected by Lord Camden.

and assist to cleanse the Augean stable of the law. My first mistake consisted in entertaining a high opinion of the moral worth and intellectual power of the House of Commons; and I shaped my course mildly and gently, in order to propitiate the opinions of men whom I respected. You have a right to despise rather than pity me for this gross mistake. The consequences are, a shipwreck of my Parliamentary fame, and the great difficulty I now have to assert a power, which, perhaps, would have been conceded to me, had I exerted myself strongly in the first instance. Under these circumstances, I am ashamed to call myself your disciple. I deem myself not worthy of your patronage or friendship; and I console myself only by working for useful objects in a lower grade, and endeavouring to make up by perseverance and moral energy, for the loss of the more brilliant prospect of usefulness which, I think, lay before me.

“But in every situation, and under all circumstances, your principles and your powers of mind are to me objects of cultivation and great respect. My respect, my veneration for you is unchanged and undiminished; and if you can point out anything in which you think so humble a labourer as I am can be useful, pray, pray command me. Rely on it, that the principles of legislation which you have advocated, are deeply impressed on my conviction; and if I can contribute to substitute real justice to the workings of Judge-made law, it will afford me pride and consolation.

“I write with a proud but wounded spirit—that is, my proud spirit is wounded and humiliated at the failure I have experienced, in my palmy hopes, of doing great and extensive good to mankind; and I feel under the necessity of limiting my exertions to the amelioration of the institutions of one of the finest, but most oppressed portions of the human race.

“In conclusion, I beg of you to accept my most grateful thanks for your letter—for your continued kindness—for your patronage—for your preëminent usefulness. I also beg of you to believe that your principles, founded as

they are on plain sense and irreversible reasoning, form the cherished political creed of, my dear Sir, your sincere admirer and devoted servant.”

BENTHAM TO O'CONNELL.

“26th February, 1831.

“MY DEAR O'CONNELL,—You have cried *peccavi*, come up this day se'ennight and receive absolution from,” &c.

I do not know to whom this letter, on the Repeal of the Union, was addressed:—

PACIFICUS AGAINST THE CONQUEST OF IRELAND.

“SIR,—The debates on the occasion of O'Gorman Mahon's motion have just reached me. In the representation given of them in the *Morning Chronicle*, I behold a portrait of Honourable House. The portrait of Britannia will not, I hope, be a pendant to it. Honourable House has one object of regard. Britannia, I hope,—one of her children, I am sure, has another, and that a very different one. Honourable House has one end in view, an end at which it aims. Britannia I hope—one of her children, I am sure, another, and that a very different one. Honourable House has one principle by which its sentiments, and, when the time comes, its means, and proceedings, and will—in a word, its actions, are conformable to those its sentiments, are directed. Britannia, I hope—one of her children, I am sure, others, and those very different ones. The principle of Honourable House is the absolute government principle; the principle by which Britannia will, I hope, in her deeds—one of her children, I am sure, in his words—be guided, yes, and governed, is the greatest-happiness principle.

“On the part of Honourable House, (unless sadly misrepresented,) an almost unanimous determination stands expressed—I say expressed, for inward feeling is one thing, expression another; (and everywhere, and in Honourable House in particular, but too often a very different one,)—yes, a determination to coerce, and risk a civil war,

rather than to consent to the Repeal of the Union.

“Now, then, by what motive is this determination, supposing it to have place, produced? Is it by any regard to the happiness of the millions—of the millions on both sides, or on either side of the water? No such thing, Sir, this is not so much as professed; and though any such profession need not so much as ten or a dozen words, those ten or a dozen words are not thought worth the expenditure of, for the purpose of fixing a mark to intention and endeavours. Well, then, on the event in question, Sir, the M. P.s,—the M. P.s, to the amount of a few hundreds, are determined to go forth, to gird on their armour, and with fire and sword to lay Ireland waste, subdue the insolent Irish, and, by God’s help, which it will cost them no more than one day’s fasting to secure, to establish an aristocratical tyranny of the inhabitants of the one island over those of the other: laying it waste, in the meantime, with fire and sword for that godly purpose. Will they? so let them, then, with Mr Speaker for commander-in-chief, having first effected a junction with the force of the Right Honourable House, under the command either of the Lord Chancellor, the Archbishop of Canterbury, or the late commander-in-chief his Grace of Wellington, or Earl Grey, in his quality of First Lord of the Treasury, or in that of champion of his order, as it shall please the Right Honourable House to determine. Yes, Sir, I say once more, forth let them go. By steam they will go; and when from the steam-boat they have disembarked on the banks of the Liffey, let the Liberator and his fellows lay hold of them, toss them in a blanket, and then toss them back again into the steamboat, with fuel to fire them back again, or into the Liffey—no great matter which.

“To the transportation of this force, I say, Sir, I have not any the smallest objection, bearing in mind the proverb which begins with ‘Good riddance;’ but lest I should be called to order, what it continues and ends with, shall remain in *innuendo*. O yes: this force, so much of it as you will; the whole of it, if such

be your pleasure. But as to any addition to it, 10,000 men, for example (not that such a number would be sufficient)—100,000 men? No: nor 10 men: no, nor a single man: no, nor half a man, nor so much as a ninth part of a man.

“For the achievement of this conquest, if to that band of heroes any addition be made, money and men will be necessary. Well, then, in the first place—the money, where is it to be found? From the people, so many millions sterling as will be required? No, not a penny, (I hear a voice crying,) no, not a penny of it. Not a penny will be had but from taxes. ‘Refuse the Taxes,’ is a cry that has been already heard, and on such an occasion, if on any, will be repeated.

“This will not serve the purpose, any further, than as they use the bayonet, or fire on those they are sent to kill; and suppose the 100,000, or any part of them should, when the word of command is given—the word ‘fire’—may not the firing either be in the air, or, if it must be in a line parallel to the earth, may it not be in the direction in which it will meet the very leaders who have been above-mentioned?

“Here, then, agreed; agreed inwardly and outwardly, in profession, as well as object and endeavours, are the Tories and the Whigs. But the Radicals?—have they reckoned on the Radicals?—they did not say they had: they did not think it worth their while to say as much. But if, notwithstanding, they did inwardly so reckon, they reckoned, (I trust,) as says another proverb, without their hosts. Tories and Whigs in concert will make enactments—will issue orders. But the Radicals—what is it they will do? They will, I hope, present petitions; petitions, and the sooner the better: that thus, *in limine*, the plague of tyranny may be stayed, and the honest blood of both countries saved from flowing.

“‘The bad example of Paris and Brussels,’ forsooth! when the baroneted offspring of Spinning Jenny speaks thus, he speaks in character—he speaks as might have been expected. But Lord Althorp! I am sorry to see him join

in any such sentiments—much more to see him take the lead in them. But a few petitions from his brother balloters will bring back to his strangely-forgotten duty, this advocate of the ballot. Let them learn in time. Let them make haste to petition; and, with one accord, choosing for their presenter the first-born of Earl Spencer—put into his hand their petitions, that, by the presentation of them, the result of passion and humour, the fault of the moment, may thus be expiated.

“This, then, let the people petition for: and when they are about it, let them go a step further, and petition for the dismissal of the Ministry, by whom this declaration of war has been made: for their dismissal, not merely for this their bloody purpose, but for the so extreme discordance of their actions with their professions: for their sham Reform under the guise of half Reform: for their sham Parliamentary Reform: for their sham Finance Reform: sham Law Reform, with the learned paragon of insincerity, the *Faux—etiam Vox et preterea nihil*—at the head of it.

“So sayeth, and so prayeth, though without fasting,

“PACIFICUS.”

In 1831, Bentham took an active part in the formation of the Parliamentary Candidate Society. Its object was to direct public attention to the men who were most likely to forward the popular interests in the House of Commons. Among the parties whom Bentham was desirous of recommending, were Ram-mohun Roy, as a representative of British India, a half caste, and a negro, in order to subdue the prejudices of colour, and to hold out encouragement and hope to the rest of these races. Bentham wrote, on this occasion, credentials for some of his acquaintance, many of whom, so recommended, found their way into Parliament on the passing of the Reform Bill.

He was at this time much occupied with a project for establishing a new daily paper, to be called the *Universalist*. He wrote the Prospectus, and induced some of his opulent acquaint-

ances to become shareholders; but the amount subscribed for did not equal that which was deemed necessary to ensure success, and which, I think, was £30,000.

On relating to Bentham some of the statements made in the North American periodicals, and which were likely to lower him in the good opinion of others, he gave me this memorandum:—

“*Jeremy Bentham. False reports that have been spread in the United States, in various periodicals, to his prejudice.*

“1. That by singularities by which he is rendered an object of ridicule and a source of annoyance to others, he is held in contempt by all who know him or see him.”

“This had its origin in a letter which appeared several years ago in *The Times* newspaper. It was written, or at any rate the matter of it furnished, by a man of the name of Parry, whom, in May, 1830, Dr Bowring saw in the madhouse in St George’s Fields.

“The story was, that being invited by Mr Bentham to breakfast and dine with him, he had no breakfast, and no dinner till ten at night; and that in a public street, on his way to a workshop in London, where Parry was to show him some engineering invention, such was the ridiculousness of his appearance, that he was insulted by a notorious prostitute. The fact was, that Parry breakfasted at Mr Bentham’s; and, after his return to Mr Bentham’s, dined at his usual hour, seven P.M., and left before ten, the hour he mentioned. As to the insult and the prostitute, it had no foundation whatever. Mr D—, a gentleman now at the bar, and who then was, and still is, an inmate of Mr Bentham’s, was of the party.

“Parry, in the character of a workman, under Congreve, inventor of the rockets which go by his name, had acquired some knowledge of engineering. He was a shameless liar. One of his lies was the having refused £200,000 offered him at Washington by President Quincy Adams for one of his inventions. He was sent to Greece to serve under

Lord Byron; and by him was he much encouraged in quality of buffoon. He was conspicuous there for cowardice and for lying. The story in *The Times* imposed, as it naturally might, upon Mr — of New York, and found its way into the *North American Review*.

“2. That he is remarkably afraid of death,—so much so, that it is an object of special care to all his friends to avoid all allusion to the subject, in his presence, as much as possible.”

“He is as remarkable for the contrary as for anything else. This story has no foundation whatever. It must have originated in some strange misconception.”

“3. That he is afraid of ghosts.” This originated in a periodical publication published in one of the United States, by the editor, a man whose declared sentiments and affections towards Mr B. are friendly, and were friendly even to enthusiasm. It is the more likely to gain credit, the author of it having spoken of himself, and with truth, as having been for some time an inmate with Mr B. But for correctness in speaking of Mr B., or any other person, other qualifications are requisite besides friendly disposition and convivial intimacy.

“But this was not wholly without foundation, Mr B. having frequent occasion to speak of what he had suffered, nor even to this day has altogether ceased to suffer, from the stories about ghosts and other imaginary and horrific beings, told by servants to children. But the purpose for which he was led to speak of them was, that it afforded an illustration of the difference between the judgment and the imagination.”

BENTHAM TO W. TAIT.

“5th March, 1831.

“Yesterday, (the 4th inst.,) Dr Bowring put into my hands a letter under your signature, in which letter I read the following passage:—‘If Bentham approves of such unions, I shall be gratified by a few lines from him to communicate to the Union. Has he written anything recommending unions of the

people? His writings are far too little known.’

“It is with great pleasure that I make communication of my compliance with the wish thus expressed: it produces in me, as you see, the effect of a law.

“In principle I am, and, as long as I can recollect, have at all times been, a decided advocate of the most unrestrained peaceable intercourse between man and man for political purposes; consequently for that union, of which I have heard such warm approbation, from friends in whose wisdom and benevolence I am in the habit of placing the firmest reliance.

“But as to details, I have not received any information. You would therefore oblige me much by furnishing me with any such information as is in print; and, in the meantime, letting me know by post at what time, and by what conveyance, I may expect to receive it; and through what channel I may convey to you any such literary matter, as is too bulky to be transmitted by that conveyance.

“This same principle—namely, of unrestrained political intercourse, so it be peaceable—including even union, will be found pervading, and upon occasion showing itself in freedom, in every plan I ever published; but in a more particular manner in my work entitled *Bentham's Radical Reform Bill*, in which are contained my reasons for wishing to see given to the suffrage of the electors of the members of the British and Irish House of Commons, the attributes of ‘Secrecy, Universality, Equality, and Annularity;’ of the first of which, namely, *Secrecy*, the process called the *Ballot*, is the appropriate instrument.

“Towards this state of perfection, the nearer that any actually proposed plan appears to me to approach, the nearer it accordingly approaches to the consummation of my wishes.

“As to the plan at present upon the carpet, so considerable is the approval it appears to me to merit, that it is not without high delight that I contemplate it.

"Always understood that it will be followed by the Ballot, which I look upon as a consequence sufficiently assured, to keep alive the most sanguine hope; but not in such sort assured as to warrant any relaxation of the endeavours which are employed for the attainment of it. For without the secrecy in question, I look upon all these other securities as little worth.

"As to my works, enclosed is the latest list of them that has been printed.

"Flattering myself with the having fulfilled your wishes, as expressed in your letter. I am, Sir, with sincere respect, yours," &c.

When the Whig Government was projecting a prosecution of Cobbett, Bentham wrote the following letter to an influential member of that Government:—

"22d June, 1831.

"Your kindness will excuse this intrusion. The motives will speak for themselves; and if it does no good, it will do no harm.

"For something or other that has been lately published by Cobbett, Government, (I understand,) after having commenced a prosecution against him, and let it sleep for some time, perseveres in bringing it to a conclusion. Several men of whose public affections I am sure, and of whose judgment I think well, agree with me in the apprehension, lest by such a proceeding the administration should be lowered in the estimation of the people. In my opinion, this would be a probable result of any prosecution for anything that goes under the name of a political libel: for, of bad advice in print, if it be in general terms, the bad effect may be more effectually counteracted by good counter advice, backed by reasons also in print; and bad advice, recommending the inflicting injury, in such and such a shape, on an individual, would, in case of the commission of the injury, render the adviser an accomplice, and as such punishable.

"As to Cobbett, a more odious compound of selfishness, malignity, insin-

cerity, and mendacity, never presented itself to my memory or my imagination: and I know not *that* man for whose sufferings I should have less sympathy than for this man's; nor do I know any man in whose estimation the intellectual part of his fame holds so low a place as in mine. Moreover, a friend writes to me—'Cobbett has been abusing you very lately.' Be it so: his abuse of me is no more a matter of interest to me, than would be a dog's barking at me. Never, I believe, did he make mention of me for any other purpose, than that of lowering me in the estimation of the public. For a great many years past, never to my recollection have I *read* ten lines together of anything he has written, or *heard*, except by accident, a few lines more.

"Were I, for example, to succeed in this my application, in such sort, that for this cause alone the prosecution were dropped, I would not wish that he should know as much: he would (I should expect) labour but so much more to injure me. Such is my opinion of his gratitude.

"A small part of all this might probably have sufficed, as well as the whole, to convince you, that this address has for its cause regard for the public, and not for the individual: and with this confession, I conclude myself, yours most sincerely."

Bentham was used to keep a memorandum book, in which, under the name of *Dicenda*, he entered all the anticipated topics of conversation with his visitors. One specimen will suffice:—

"1831—June 21—DICENDA TO BOWRING.

"1. In *Examiner*—head Detrosier—Think of Deontology.

"2. In *Examiner*—Imprisoned Turk—expense of procedure in lieu of redress.

"3. Sermon proscribing all regard to self—Think of Deontology.

"4. Show him Fearon's letter.

"5. Would Louis Buonaparte be a fit king for Belgium?

- “ 6. Look at Spinning operations ; Bill for New Lanark.  
 “ 7. O’Connell, what to be done in regard to him ?  
 “ 8. J. Be. to draw up a plan for Church Reform ?  
 “ 9. Addison—Minister’s letter. O.P.Q. in *Morning Chronicle* of 22d June.  
 “ 10. How to cooperate with Hume.  
 “ 11. Look at Will.  
 “ 12. Merle’s quotations—*Spectator* on Death punishment.  
 “ 13. Silence of *Herald*, and Friend Allen on Death pamphlet.”

In July 1831, an action for libel in the *Manchester Times*, was tried, in which Mr Archibald Prentice was defendant. He consulted Bentham as to the course he should take ; who recommended him to require that the words of the indictment should be proved. In consequence of his advice, Mr Prentice took the high ground of insisting that evidence should be given to show the *falsehood* of the libel, as its falsehood was made the groundwork of the accusation. In spite of the charge of the Judge, he carried his point. Ten of the jurors were brought to concur in his views ; and the Jury (not being able to agree) were called into Court and discharged. Previous to the trial, Bentham wrote a letter to Mr Prentice, in which, after commenting on the indictment, he says :—

BENTHAM TO ARCHIBALD PRENTICE.

“ Besides giving acquittal to an innocent and calumniated man, though it is not in their power to save you altogether from punishment under the name of costs, it is in the power of the jury, on this occasion, to give a great lesson to all Englishmen, and, through Englishmen, to all mankind. Yes, it is in their power to drive the first pile for the erection of the fabric—the august fabric—of Law Reform. After finding you Not Guilty, let them make it known by the mouth of their foreman, that though it is on the account of the merits that they thus acquit you, yet, had they ever thought you guilty of an offence, and

that a serious one, they could not have found you guilty of the facts charged in and by a written instrument of accusation thus crammed with known and notorious untruths ; and that wheresoever an instrument of accusation, thus filled with these and other lies, is stated as the ground of accusation, no verdict will any one of them ever concur in, but that which has the words Not Guilty for the expression of it.

“ Let them make this declaration, or anything to this effect, and they will give a lesson to the ‘good men and true,’ as jurymen are styled, of the whole community, and the lesson will spread like wildfire. The lawyers, seeing by lies like these and other kinds, that their purposes, instead of being fulfilled as they have been hitherto, will be frustrated, will, with whatsoever reluctance, cease to utter them, and confine their steps to the paths of simple truth, or, at any rate, what has the appearance of it.”

On receiving the announcement of the result of the trial, Bentham wrote to Mr Prentice :—

“ *Queen’s Square Place, Westminster,*  
 “ *July 21st, 1831.*

“ DEAR SIR,—Yes : I do felicitate you, I felicitate the honest and intelligent jurymen, I felicitate the country in general, I felicitate myself, on this your virtual acquittal. I say the country in general : for, further, much further than to the deliverance of one innocent man from the persecution under which he was suffering, do I look for the benefit capable of resulting from this event. It not only always has been, but will now be very extensively seen to be, in the power—not merely of any jury, but of any one man in any jury, to effect no inconsiderable progress in the career of Law Reform. For producing an effect so eminently desirable, a very few juries, and thence a very few individuals, one in each jury, will suffice. Choosing for the experiment those cases in which the acquittal, though of a person by whom the offence has really been committed, will be productive of least evil to the public, (and many are the cases in which



it would not be productive of any evil at all,) making this choice, and declaring that the acquittal had no other cause than their determination not to join with the judges and their partners in iniquity, in the contamination of the public morals, by the utterance of such a tissue of solemn and pernicious falsehoods, it will be in the power of this small number of individuals to compel those on whom it depends, to clear all instruments of accusation from the greater part of that mass of pickpocket lies and absurdities with which they have hitherto been loaded. This may a small number of the lovers of justice do; and thus doing, they will thus pave the way for the establishment of that all-comprehensive plan of Law Reform, to the organization of which, nearer three-quarters than half a century of my life has been devoted. And here, Sir, you have before you, *my* ground for self-felicitation.

“The course which I am thus using my endeavours to recommend to jurymen, is no other than that which I myself would take, were I in their place. In former days, it happened to me to be summoned to serve upon juries of both kinds—grand and special. Having received from nature the experienced faculty of remaining without food for several days, without considerable inconvenience, it would have been in my power in the situation of jurymen to command the verdict; and if so disposed, in the situation of member of a petty jury, special or common, to give or sell impunity for any crime at pleasure, not to speak of the giving to one man the property, to any amount, of any other. With what feelings and what views I figured to myself this power in some hands, I leave you to imagine. On the particular occasions then in question, I saw no prospect of rendering to my country in a jury-box, service to so great an amount, as it seemed to me I could render, and was actually rendering in my closet, and thence it was that the invitation never experienced my acceptance.

“‘Of a bad bargain make the best,’ says one of our old *saws*, nor that the least instructive one. Under the rotten

and antipopular constitution, for the change of which into a sound and popular one all eyes are looking with such intense anxiety, the main use of juries as *at present* constituted, is, in my view of the matter, the *veto* which the institution gives to the people, upon laws; upon bad laws in general, and in particular, upon all those in which the oligarchy, by whom we are plundered and oppressed, have a special sinister interest.

“On a cursory glance, it does not seem to me that you had reason to complain either of the learned gentleman who led as counsel against you, or of the other learned gentleman who, on this occasion, officiated as judge. Thus the law *is*, says the judge; and in saying it, says what is but too true. Thus the law *is*—that is the spurious, the *judge-made* law, substituted to legislature-made law and to parliament-made law; and in this consists the grievance.

“As to the learned counsel—Mischief is capable of being done, says he, by taunting men with offences which they have really committed. In this (though it would not come up to his purpose, by warranting the jury in telling the lies in question) there is unquestionable truth; and it presents a real demand for regulation. Such regulation my Penal Code would accordingly give; but of judge-made law (if to the tissue of irregularities which have no words belonging to them, the name of *law* must be misapplied) one of the evil properties is, that by it no *regulation* of anything can be made.

“It is with no small satisfaction and admiration that I have observed the ability with which you turned to account the materials with which I had the pleasure of furnishing you, and the important additions which you made to them.—Dear Sir, yours sincerely.

“P. S.—My advice to jurymen is plain and unmisunderstandable, and nothing can be easier than to follow it. Examine the indictment, and if in any part there be any assertion that is either notoriously false or not proved to be true, do not join in declaring it to be true, but say, Not Guilty.”

JOSÉ DEL VALLE TO BENTHAM.

"Guatemala, August 3, 1831.

(Translation—Extract.)

"MY EVER DEAR FATHER,—How I envy my cousin,\*—with how much delight would I change my fate with his,

\* Don Prospero Herrera, the Minister from Guatemala to France, who was for some time a visiter to Bentham.

that I might dwell in the abode of the best legislator of the world!

"I shall take care to give circulation to your Constitutional Code. The light from Westminster shall illumine these lands.

"You desire, as I do, universal instruction: and I labour to advance it. There are authorities to whom it is necessary perpetually to refer, in every branch of science—and you are one of them: in every soil I trace your footsteps."

## CHAPTER XXVI.

1831. Æt. 83.

Declining Health.—Memoranda and Conversations.—Burdett.—Interview with Talleyrand.—Bentham's Death.—His Character, the Structure of his Mind, and his domestic, social, and literary Habits.—Dr Southwood Smith's Estimate of his Philosophy and Personal Character.

IN the summer of 1831, many symptoms exhibited themselves of a gradual breaking up of Bentham's constitution. His reasoning powers had not lost their acuteness—his affections were as strong as ever; but his memory grew confused at times, and his spirits sometimes flagged. On one occasion, on the 18th May, while I was sitting opposite to him, he became suddenly speechless; and, taking a piece of paper, wrote on it, in a scarcely legible hand, that he was not able to speak. But he revived again; and in September wrote the commencement of a "Hudibrastic attack on Chancellor Brougham's Defence of many-seated Judicatories."

"While lawyer craft sits still on high,  
And men make law they can't tell why.  
'Give me,' quoth Brougham, 'the puiſe judges,  
For much I need the pliant drudges.  
Reasons, as prunes, may plenty be—  
No reasons shall you have from me.'"

On the 24th October he wrote, in a hand that appeared more than ordinarily firm and intelligible, the following passage, which he sent to Lady Hannah Elice, as his autograph:—

"The way to be comfortable is to make others comfortable.

"The way to make others comfortable is to appear to love them.

"The way to appear to love them—is to love them in reality.

"*Probatur ab experiētiâ*, per Jeremy Bentham, Queen's Square Place, Westminster. Born, 15th February, anno 1748—Written (this copy) 24th October, 1831."

FROM BENTHAM'S MEMORANDUM-BOOK,  
1831.

"The last of the royal race of the Stuarts—Lady Dundonald, who died about 1816, and was about a century old, did *four* services to the community; for any one of which she well merited the praise of being, in an eminent degree, the benefactress of her country:—  
"She brought over the art of curing herrings from Holland.

"She introduced a superior breed of sheep.

"She was the great promoter of improvements in the silk manufactory of Paisley.

"She planted the first Hydrangea in Great Britain."

"A child in arms—an Ourang Outang. Put a crown upon its head—put a

sceptre in its paw. Blackstone's god it would be—all his attributes it would have: the good people of England would bow down and worship it, and tax themselves a million a-year to feed it."

"Arithmetical, algebraical, and musical notation are a portion of the quasi-universal written language; while the correspondent spoken exists in all its varieties. An analogous case is that of the Chinese character, common to China, Japan, Cochin-China," &c.

"Unapt words in use:—

"1. *Integrity*—vice *integrality*.

"2. *Calculate*—ambiguous, as between *likely* to produce the effect and *designed* to do so.

"3. *Either*—vice *each*.

"4. *Based*—vice *grounded*: grounded having conjugates, *based* not.

"5. *Touching* (from the French *touchant*)—vice *affecting*."

"A member of the aristocracy looks upon himself as the richer by every pleasure he deprives the democracy of."

"Vague generality is the lurking-place of error and fallacy."

"*Nomography*.—Proposed addition to the number of auxiliary verbs.

"By this denomination may be designated certain verbs, which, by being prefixed to the nouns-substantive which are employed in the names of the corresponding operations, perform, and, as will be seen, with considerable advantage, the service, or say functions of, and become synonymous to, the several verbs, which, by a single word, are each of them expressive of the same idea.

"These are:—

"1. To *make*, with its synonymes, perform, &c.

"2. To *give*, with its synonymes, transmit, &c.

"3. To *receive*, with its synonymes."

I have already mentioned Bentham's practice of employing an auxiliary verb with a noun, where a verb active is ordinarily used. He said, he found such collocations of words most convenient for analysis or synthesis. He could thus take his sentences in pieces, and put them together.

"You don't know the idea again, unless you see it clothed in the same words. The *verb-substantive*, as it is commonly called, call it rather the universally applicable verb, for it serves to predicate existence of whatever subject-matter it is applied to.

"With the help of the appropriate substantive, it might supersede the use of all other verbs; and the simplicity of inflection, and facility of being learnt, might then be maximized—say *Eugnosia*."

"1831—February 16.—The day after arrival at the age of 83.

"J. B.'s frame of mind.

"J. B. the most ambitious of the ambitious. His empire—the empire he aspires to—extending to, and comprehending, the whole human race, in all places,—in all habitable places of the earth, at all future time.

"J. B. the most philanthropic of the philanthropic: philanthropy the end and instrument of his ambition.

"Limits it has no other than those of the earth.

"Thus Philip of Macedon:

*Και γαρ γη και ποντος ὑπο σκηπτειραι Φιλιππου  
Διδιμανται: λαικα ἢ προς Ολυμπον ὄδες.*

"*Logic*.—Abstraction is one thing,—association another; relation comprehends both: the one the converse of the other; *relation* is the most abstract of all abstractions.

"Each thing is,—the whole of it, what it is,—but we may consider the whole of it together, or any one or more parts of it at a time, as we please—thus we make,—thus we have abstracted,—abstract ideas.

"Abstraction is—1. Posological: 2. Logical. Logical is the most abstract.

"In posological, abstraction can begin with real entities—Abstraction, Association, Induction.

"Induction, posological, logical. To association we are indebted for the use of *writing*,—for written,—for visible *signs*.

"*Data* are the fruit of induction. When we come to *data*, we come to *real use*."

"Egypt probably the country in

which morphoscopic posology took its rise. Mensuration of land produced the demand for it, and the application of it to practice by the medium of trigonometry.

“ Exemplified by Euclid's *data* is the practical use : by their relation to accessible and measured boundaries, the dimensions, either of inaccessible, or not-without-difficulty-accessible, were thus ascertained, and by means of them the quantity of space contained within them; and thus the quantity and situation of portions of lands in the occupation or proprietorship of different individuals ascertained, when more or less of each was covered by the Nile.

“ Proceeding by analysis, you take in hand a relatively large thing of any kind: you take it as you find it, and break it into parts.

“ Proceeding in the way of synthesis, you take relatively small things of any kind, in any number: you put them together, and so make them into a whole.

“ Proceeding—operating in the way of analysis, you do as you do by a cucumber, when you cut it into slips to be eaten, when it has been peppered, salted, and vinegared.

“ Proceeding in the way of synthesis, you do by them as you do by a number of gooseberries, when you make them into a pie; or of grains of millet, when you make them into a pudding.”

“ Wherever there is a word, there is a thing: so says the common notion—the result of the association of ideas.

“ Wherever there is a word, there is a thing: hence the almost universal practice of confounding *fictitious* entities with *real* ones—corresponding names of fictitious entities with *real* ones. Hence, common law, mind, soul, virtue, vice.”

“ Identity of nomenclature is certificate of identity of nature: diversity of diversity:—how absurd, how inconsistent to make the certificate a false one!”

“ Not but that where ambiguity is out of the question, a new appellation having a new idea tacked to it, may be a

beauty—and commonly is so;—the new *idea is autant de gagné.*”

“ The connexion between genus and species, in links or grades, in indefinite number, one under another—call it *logical concatenation.*”

“ Civil Code.—Power of aggregation: power of disaggregation. These are, in an indirect form, branches of the power of legislation. When the exercise given to legislative power does not apply directly to individuals, individually considered, exercise given to the power of aggregation is necessary to bring the mandate and the obligation home to individuals.”

“ Under matchless constitution, the *end* aimed at is maximization of depredation and oppression:—oppression for the pleasure of it, and depredation for the profit of it.

“ For the compassing these ends, the means which are employed, and which, so long as matchless constitution continues, matchless constitution will continue to employ, are these: Denial of justice to all but the ruling and influential few, and by the non-lawyers among these few, consent to purchase what is called justice of the lawyer tribe, that the profit upon the sale may give them a community of interest in the maintenance of the system of depredation and oppression.”

“ A *fixed* penalty is a *license* in *disguise.*”

“ A government in which the few exercise dominion over the many, does it not stand condemned by that very circumstance?”

“ When interest closes the eyes, the whole force of reason cannot open them.”

“ England, is it not a nation in which laws are established without any ratiocinative articles: without reason assigned; without reason assignable; without reference to reason; without any regard to reason; in the very teeth of reason? Is not this a headless nation?”

“ A many-headed Incubus is the aristocracy of England.”

“Article in *Quarterly Review*, for February 1830, on Law Reform. The whole of this article is in the coldest and most apathetic style, as if the subject bore no relation to human feelings: the worst and the best actions spoken of with equal indifference.”

“Make public functionaries uneasy. High-pressure engine, nothing is to be done without it. Nothing to be done by the people for their own security, but by applying to their rulers the force of the engine.”

The very last memorandum which I find made by Bentham is this:—

“I have two *minds*: one of which is perpetually occupied in looking at, and examining the other,—thus studying human nature, partly with a view to my own happiness,—partly with a view to that of the human species.”

The following reminiscences occur in a postscript of a business letter by Bentham to his bankers, of date 12th January, 1832:—

“Within a trifle, more or less, forty years have elapsed since I had the pleasure of being one at a convivial party with your good family on the Martin side, I believe the whole of it, in company with Dr Price, Kippis, and, I think, Priestley, at your father’s, then residing in Downing Street. I condole with you on your announced loss of that gentleman, who was, I believe, the eldest member of it. One of the members, Stone, was a school-fellow and familiar friend of mine at Westminster. I remember passing some time in his company when he was with his mother at Tunbridge Wells, about seventy-three years ago. Being some years older than myself, he can hardly be at this side of the grave at this time. Afterwards, I remember him coming in one day after dinner at our school-fellow’s, Sir W. Fitzherbert, elder brother of Lord St Helens, on his, Mr Stone’s, return from Paris, where he had been secretary to the Duke of Dorset, then our ambassador at that court. What is curious, we did not at that time recognise one another. He sat down to the piano-table, and played

*Malbrook\* s’en va a la guerre*, the beautiful little song tune which was just then come out at Paris.

“In the topsy-turvy state of the second page of this letter, you will see an effect of the weakness of my eyes; but though several of my senses and faculties are nearly gone, and several of them altogether so, my friends still keep amusing themselves with the assurance they are pleased to flatter me with, that the old philosopher will continue to cumber the ground as long as Newton did with his ninety years, or even, say some of them, Fontenelle with his 100 years.’

SIR FRANCIS BURDETT TO BENTHAM.

“4th Feb. 1832.

“Hassan, the camel-driver, was not more delighted when, travelling o’er the desert, he received on his parched lips a drop of water from heaven, than I am at receiving your kind, and, allow me to call it, affectionate invitation; for I value your good opinion and esteem beyond that of the million far. I know nothing of the honours you suppose are awaiting me, and I assure you, in perfect sincerity of heart, I care nothing; but of this and other more interesting matters when we meet, which, God willing, shall be Sunday, for I put aside every consideration to have that pleasure.

“I hardly know the thing you could, at least, *would* ask of me, that I should not feel the greatest gratification in complying with. Of course there is no need to say anything about Mr Colls. Believe me, Dear Bentham, most sincerely yours,” &c.

I had the happiness of bringing Talleyrand and Bentham together a short time before Bentham’s death. They had not met, I think, for forty years: years passed by the one in all the turbulence of political excitement; by the other, in the calm of an almost inaccessible solitude. But Bentham’s name and Bentham’s genius happened to be the

\* See this incident in Chapter viii.

subject of conversation at Talleyrand's table: and I was struck with the warm, the unwonted admiration with which the diplomatist spoke of the philosopher. Was he accessible? Could entrance be obtained to his presence? I engaged to be the negotiator: and Bentham, after listening to me, wrote to Talleyrand what follows:—

BENTHAM TO TALLEYRAND.

(Translation.)

“PRINCE!—Do you want an appetite? The means of finding one for Friday next, is to come to this retreat, and take a Hermit's dinner on Thursday. I say on Thursday; for thus, Bowring, whose house looks upon my garden, may enjoy your society for a few moments: that is to say, after dinner; for during dinner we must be *tête-à-tête*, which will be the only way of making ourselves known to each other: I give my mornings to nobody. I have so much to do, and so short a time to live, that I cannot abridge my working hours. As to visits, I have made none for many a year, neither to dine, nor for any other purpose; though dine we must, under pain of death. If Thursday suit you not, fix any other more agreeable day: Bowring departs on Saturday.

“As to wine I have nothing better than some tolerable St George: so, if this drug is a point with you, (I only use it for medicine, as I belong to the sect of the Rechabites,) you will do well to follow what a wicked wit called the example of Pitt the Second, and come to dine with your friend—a bottle of Port in each pocket.—Wholly yours.”

Answer:—

(Translation.)

“8th February.

“To dine with Bentham; to dine alone with Bentham;—that is a pleasure which tempts me to break an engagement I have been under for several days. To-morrow (Thursday) I shall come to him: he will tell me the hour. I shall be punctual.”

“Talleyrand,” said Bentham, “was introduced to me by Dumont in 1792, at Queen's Square Place, in the room now my library. He asked me to superintend the building of a Panopticon in Paris; for which, he said, the municipality, headed by the Duke de la Rochefoucauld, were willing to furnish funds: and the Duke's house was offered to me for a residence of six months. When the Duke was murdered, the plan fell through.”

Talleyrand had the highest admiration of Bentham. He once said to me, that he was preeminently a *genius*—more entitled to the name than any man he had ever known. I once remarked to him, that of all modern writers, Bentham was the one from whom most had been stolen—and stolen without acknowledgment. “True,” he said, “*et pillé de tout le monde, il est toujours riche.*” And robbed by everybody, he is always rich. A higher compliment could scarcely be paid from one illustrious man to another; and from Talleyrand, whose mind rather led him to censure than to applaud, the praise has a double value.

The writer who adopted the name of Junius Redivivus having written to Bentham, giving to him the credit of having first taught that author “to think and look beneath the surface of human transactions,” Bentham requested him to throw off the mask, and to visit him. The anonymous writer thought, however, that he should best forward his objects by keeping himself sheltered from personal observation.

For some months before his death, Bentham had been anticipating the event. The loss of many of his faculties, particularly of his memory, was very obvious to him, and he frequently expressed his conviction, that mind and body were giving way together. I was absent from England a month or two before he died. So anxious was he to save me from the distress which the knowledge of his situation would have caused, that he directed certain letters of his to be sent to me, only in case of his recovery

or death, lest their contents, by evidencing the state of his health, might be the cause of suffering to me. One passage is as follows :—

J. BE. TO J. BO.

“ *Q. S. P.*, 10th April, 1832.  
“ 6 o'Clock.

“ Sent off this moment to the Foreign-office, by the hands of Mathew, a letter of this same date. Should the matter, of which this packet is the receptacle, ever reach your hands, it will not do so till after my recovery, in which case the disorder so manifest in it will not occasion any affliction to you ; or after my death, in which case it will not add to that affliction, though, as you see already, I cannot write a line in addition to those written already without addition to the confusion, the existence of which is so fully proved by the lines which it has for its predecessors. But abundant is your charity. Multitudinous, indeed, must be your sins, if so many proofs I have received of it have not covered them.

“ What I perceive but too plainly is, that you are in no want of adversaries, not to say enemies, who will, of course, be on the alert to take hold of everything that can afford them a prospect of their being able to turn to your disadvantage, to which purpose will be endeavoured to be employed every communication by word of mouth. This considered, let the motto of the worshipful company of Scriveners in the city of London—the company of which my father was clerk—be on each occasion present to your mind : you will find in it, if duly observed, a rather better remedy against sufferance from calumny, than a caterpillar enclosed in a bag tied round the neck against sufferance from an ague.”

Bentham died on the 6th of June, 1832. His head reposed on my bosom. It was an imperceptible dying. He became gradually colder, and his muscular powers were deprived of action. After he had ceased to speak, he smiled, and grasped my hand. He looked at

me affectionately, and closed his eyes. There was no struggle,—no suffering,—life faded into death—as the twilight blends the day with darkness.

With a view to the advancement of anatomical science, he directed that his body should be dissected ; and this direction was carried into effect.

It is not my purpose to trace, even in outline, the character of Jeremy Bentham. It is best portrayed in those self-drawn sketches, and in that correspondence which are here collected. Never was it my lot to see mingled in the same human being so many qualities which exacted admiration and inspired affection : never have I witnessed so much wisdom and so much wit,—so much of the sagacity of a sage, and of the simplicity of an infant, beautifully blended. Benevolence, beneficence, on the largest scale and for the noblest ends, were the passion—if passion may be called the temperament of so calm and philosophic a spirit—were the habit of his existence. The strength of his intellect could be equalled only by the fervour of his affections,—his mental greatness by his gentleness and generosity.

He lived, not to teach alone, but to practice his own magnificent morality,—to show how the felicity of the individual might draw its habitual element from the felicity of the multitude,—how one man might, in the happiness of all men, seek and find his own highest happiness.

In all Bentham said, or did, or wrote, he was under the influence of the two great principles which form the groundwork of his philosophy : to promote felicity, and to diminish suffering. “The greatest-happiness-creating principle,” and subordinate to it “the disappointment-preventing principle,” as he denominated them, were the tests he had accustomed himself to apply to all pretensions, properties, and persons. He expressed himself sometimes with vehemence, when he thought the case required a bold exposure. Where great interests were associated with great abuses, and depredation or oppression

exercised towards the many, his indignation often broke out in bitter animadversion. Yet his nature was pre-eminently timid and childlike. His susceptibilities were most acute; he could not tolerate the infliction of needless suffering, even upon the meanest of living things,—though his philosophy was willing to consent to its infliction, wherever a balance of good was to grow out of it.

Of human nature, Bentham had an exalted opinion. He once told me he had known many men who held honours and riches cheap, in comparison with the delight of doing useful service to their race.

By nothing was Bentham more characterized, than by these microscopic powers of intellect, which enabled him to pursue the investigation of a subject into its most minute details. Seizing the general principle with masterly grasp, he carried out its consequences into all its ramifications. Nothing seems to escape his sagacity, which, as the field of inquiry opens upon him, becomes in a high degree imaginative and inventive. He has been sometimes reproached with not applying equal attention to every branch of the same subject; but had he explored all the regions of thought and action in the same complete and exhaustive spirit which he applied to portions of the field, he would have left nothing to future intellectual labourers. What he did was wonderful in its extent and variety. He laid down the great texts of morals and legislation; and now and then worked some of them out in all their consequences, as in the instance of the *Rationale of Judicial Evidence*. His mind was like a mine rich in various ores, of which he taught the world only a portion of the uses; but the mine is there, and it will be worked out by others. Enough has been done to show the richness of the materials and the value of the metal. It will give forth treasures for ages.

Perhaps the "*Rationale of Evidence*," more than any other of Bentham's writings, represents the all-embracing character of his mind, as applying general principles to an immense variety of

minor topics. It presents all the merits which belong to a masterly conception of the whole subject, accompanied with the utmost accuracy in, and most curious discrimination of the smallest matters of detail: on the one hand, the minutest ramification is traceable up to the great principle from which it emanates,—while, on the other, that principle is followed down with admirable acuteness through all its consequences. The varied questions as to the value of testimony are solved by a profound knowledge of the physiology of man. All the theory of evidence is built upon the solid basis of a sound philosophy. The practices of our courts,—the *dicta* of our judges,—the fallacies of our lawyers,—are sifted and disposed of with the most felicitous acumen. His object throughout is to distinguish between the ends of law, and the ends of justice,—to defeat the purposes of chicanery, and to forward the interests of truth.

It has been said, that Bentham was little influenced by the writings and opinions of others. This is, to a great extent, true. In early life, he had been a diligent reader of the works of other men. He was a Greek and Latin scholar; but he valued little the philosophy of the ancients. He thought their notions of government, and of the foundations of morals, vague, shifting, inconsistent, untenable. He saw, indeed, in some of them, a faint shadowing forth of the doctrine of utility, and in so far, he thought, they had penetrated into the regions of truth; but in the reverence for authority,—in what he called the *ipse-dixitism* of the schools,—he found nothing but barriers to inquiry, and pretences to infallibility. And, perhaps, it is not to be regretted that Bentham, instead of occupying his attention with the views of other writers, was habitually engaged in pouring forth, for the use of the present and future generations, the contributions of his own. Critics enough there are in the world,—but there are few inventive, few original minds;—it may be doubted if one has appeared in our day and generation so inventive and original as Bentham's.

But turning from Bentham's intellec-



tual to his moral nature,—few men have been so amiable, or so happy. In boyhood,—in youth,—in maturer life, he had much to annoy and to discourage him; but as age advanced, everything grew bright within and around him. Associates whom he loved were never wanting to his felicity. Topics of hope,—the progress of knowledge,—the victories of reform,—the evident spread of his principles,—filled his mind with daily sources of delight. His society was eagerly sought,—his opinions consulted by the most eminent men of his day,—and he was enabled to choose for his companions those with whom he most sympathized,—with whom, and for whom he loved to labour. The daily and weekly newspapers were to him a perennial spring of enjoyment,—to the last he took the deepest interest in public matters, and in the conduct of public men. He paid little regard to the attacks of which he was sometimes the object, and, in fact, was scarcely ever known to read a criticism upon his own writings,—“Why should I be put out of my way?—I have much to do,—I have little time to do it in”—was the excuse he made to himself and others, for not being diverted from his pursuits by any attacks upon him.

Bentham attached the utmost value to time,—he husbanded all his moments with anxious care. Nothing disturbed him so much as to be called away from his beloved pursuits. In fact, he could scarcely ever be induced to receive any visitor except at his dinner-table. He never admitted any one but for some special purpose. He felt no interest in the vague generalities of conversation,—and never would gratify the curiosity of those who from curiosity alone desired to be admitted to his presence.

The striking resemblance between the persons of Franklin and Bentham has been often noticed. Of the two, perhaps, the expression of Bentham's countenance was the more benign. Each remarkable for profound sagacity, Bentham was scarcely less so for a perpetual playfulness of manner and of expression. Few men were so sportive,—so amusing as Bentham,—none ever tempered more

delightfully his wisdom with his wit. Of the wisdom that is called worldly, Franklin had, no doubt, a larger share,—for he had been a great actor as well as a great writer,—and had been engaged in the most interesting parts of the most remarkable events of his day. He was made of sterner stuff than Bentham. He lived in the eye of the world, and had to accommodate his outer man to the world's usages,—but Bentham avoided the rush and the shock of men. “The tide of tendency” affected not the quiet repose of his mind,—except as it gave new matter for philosophical reflection, and afforded subjects to which he could apply his beneficent councils. The direct links which associated him with society were few,—but to these few he showed an affection and an attachment which exhibited him as made up of the tenderest sensibilities and sympathies.

Bentham's industry was remarkable. As soon as he rose, he was occupied in composition, and he wrote, on an average, from ten to fifteen folio pages a-day. He was seldom satisfied with the first expression of his thoughts, and generally developed his views over and over again. He was in the habit of composing on long, ruled paper, having somewhat more than an inch in breadth ruled off, for marginalizing. This plan of condensation enabled him more easily to go over the field, and to pursue what he called his exhaustive investigations. Every page was headed with the date of its composition, which he found a great auxiliary to his thoughts. When occupied by some one subject, if something worth remembering occurred to him on another, he noted it on a slip of paper, which he pinned to a small green curtain, that hung near him, and which was sometimes covered with these *disjecta membra*. He collated and located them from time to time.

The manners of Bentham were polished in the highest degree. He was observant of all the *minutiae* of courtesy. Every little object of desire that he could procure for his visitors he invariably procured,—the little enjoyments which he had discovered were acceptable to particular guests, were unostentatiously

placed before them. His table was excellently served. He himself greatly delighted in its moderate luxuries. He began with the dessert, as he said he wholly lost the flavour of the fruit if he partook of it after the stronger viands of the first course. In the latter part of his life the sense of taste was nearly destroyed. He drank half a glass of Madeira wine daily. I believe he passed through life without a single act of intemperance.

From the period of his father's death Bentham possessed a competence, and as far as money was needful to his enjoyments, he had no wishes ungratified. And he distributed his wealth liberally for every purpose which seemed to him likely to increase the happiness of his race. On some occasions he was even betrayed into an imprudent liberality: for he had to sustain some severe losses, the consequence of the sanguine miscalculations of his friends, which were responded to by his own eager and excitable nature. Happily none of these losses curtailed his pleasures; and he applied to his own case his own admirable maxims,—to look always on the sunny side of things,—to forget as speedily as possible all evils that cannot be remedied,—to hunt for cheerful thoughts,—to be busied with no portion of the sorrows of the past, but that out of which some instruction or some felicity is to be derived.\*

Bentham had the benefit of many distinguished followers. He was the founder of a school whose principles at all events are intelligible,—though in the elaboration of these consequences, his disciples have not always followed him. It was made a reproach to him that he was sometimes led astray by a point of detail, and would follow out a fallacy to its destruction through numberless windings, though the influence of that fallacy might be unimportant. But making war, as he did, upon soph-

isms and sinister interests, we cannot be surprised at his desire effectually to clear the field wherever he found it encumbered, and the examples given of what he called "the exhaustive" faculty was often highly interesting and instructive.

Bentham often confessed that nothing had been more mischievous to him than that bashfulness which clung to him like a cold garment through life. There was never a man so desirous of shunning others, unless some strong sense of duty, or prospect of usefulness, subdued his natural tendency to seclusion. On his early acquaintance with Lord Shelburne, a plan of connecting him with the East India Company, under the patronage of Captain Smith then an E. I. Director, failed. Bentham offended Lord Sydney, by not returning a visit, who had sent his son to solicit him to do so. Once, when Madam de Stael called on him, expressing an earnest desire for an audience, he sent to tell her, that he certainly had nothing to say to her, and he could not see the necessity of an interview, for anything she had to say to him. On an occasion when Mr Edgeworth, in his somewhat pompous manner, called and delivered the following message to the servant, in order to be communicated to Bentham: "Tell Mr Bentham, that Mr Richard Lovell Edgeworth desires to see him,"—he answered: "Tell Mr Richard Lovell Edgeworth, that Mr Bentham does not desire to see *him*."

The leading principles of his philosophy Bentham applied to all subjects. If a book had to be considered, his inquiry was, "Is it correct? is it complete?"—correctness and completeness being the two great elements out of which *truth* must be constructed. His study of the laws and rules of evidence for judicial purposes, led him to apply those laws to all other testimony.

Bentham was a warm admirer of music—especially of solemn music; and of Handel's solemn music above all other. But modern music he valued little; and least of all, light and frivolous airs.

It is not easy to estimate the extent of circulation which the writings of

\* The Spaniards have an admirable apothegm, which Bentham was wont to admire: "Si hay remedio porque te apuras?—si no hay remedio porque te apuras?" If there be a remedy, why dost thou worry thyself?—if there be no remedy why dost thou worry thyself?

Bentham have obtained through the whole world. Of Dumont's translation, M. Bossange calculated that the sales on the continent of Europe had exceeded 50,000 copies.

Bentham's dress was peculiar out of doors. He ordinarily wore a narrow-rimmed straw-hat; from under which his long white hair fell on his shoulders, or was blown about by the winds. He had a plain brown coat, cut in the quaker style—light-brown cassimere breeches, over whose knees outside he usually exhibited a pair of white worsted stockings—list shoes he almost invariably used; and his hands were generally covered with merino-lined leather gloves. His neck was bare: he never went out without his stick "dapple" for a companion. He walked, or rather trotted, as if he were impatient for exercise; but often stopped suddenly for purposes of conversation. He was remarkable for attention to all that the French mean by their *petite morale*: a model of neatness and propriety himself, any the slightest deviation from good manners excited his attention, and almost always led to some playful criticism, not likely to be forgotten; for in lesser, as in greater things, he had adopted for his maxim—that a moralist, like a surgeon, should never wound but to heal.

Bentham was very fond of animals, particularly "*pussies*," as he called them, "when they had domestic virtues;" but he had no particular affection for the common race of *cats*. He had one, however, of which he used to boast that he had "made a man of him," and whom he was wont to invite to eat macaroni at his own table. This puss got knighted, and rejoiced in the name of Sir John Langborn. In his early days he was a frisky, inconsiderate, and, to say the truth, somewhat profligate gentleman; and had, according to the report of his patron, the habit of seducing light and giddy young ladies, of his own race, into the garden of Queen's Square Place: but tired at last, like Solomon, of pleasures and vanities, he became sedate and thought-

ful—took to the church, laid down his knightly title, and was installed as the Reverend John Langborn. He gradually obtained a great reputation for sanctity and learning, and a Doctor's degree was conferred upon him. When I knew him, in his declining days, he bore no other name than the Reverend Doctor John Langborn; and he was alike conspicuous for his gravity and philosophy. Great respect was invariably shown his reverence: and it was supposed he was not far off from a mitre, when old age interfered with his hopes and honours. He departed amidst the regrets of his many friends, and was gathered to his fathers, and to eternal rest, in a cemetery in Milton's garden.

"I had a cat," he said, "at Hendon, which used to follow me about even in the street. George Wilson was very fond of animals too. I remember a cat following him as far as Staines. There was a beautiful pig at Hendon, which I used to rub with my stick. He loved to come and lie down to be rubbed, and took to following me like a dog. I had a remarkably intellectual cat, who never failed to attend one of us when we went round the garden. He grew quite a tyrant, insisting on being fed, and on being noticed. He interrupted my labours: once he came with a most hideous yell, insisting on the door being opened. He tormented Jack (Colls) so much, that Jack threw him out of window. He was so clamorous that it could not be borne, and means were found to send him to another world. His moral qualities were most despotic—his intellectual extraordinary: but he was a universal nuisance."

The mice were encouraged by Bentham to play about in his work-shop. I remember, when one got among his papers, that he exclaimed, "Ho! ho! here's a mouse at work; why won't he come into my lap?—but then I should be stroking him when I ought to be writing legislation, and that would not do."

"I have been catching fish," he said one day; "I have caught a carp. I

shall hang him up,—feed him with bread and milk. He shall be my tame puss, and shall play about on the floor. But I have a new tame puss. I will make Roebuck my puss for his article on Canada; and many a mouse shall he catch."

One day while we were at dinner, mice had got, as they frequently did, into the drawers of the dinner-table, and were making no small noise. "O you rascals" exclaimed Bentham: "there's an uproar among you. I'll tell puss of you;" and then added: "I became once very intimate with a colony of mice. They used to run up my legs, and eat crumbs from my lap. I love everything that has four legs: so did George Wilson. We were fond of mice, and fond of cats; but it was difficult to reconcile the two affections.

"From my youth I was fond of cats—as I still am. I was once playing with one in my grandmother's room. I had heard the story of cats having nine lives, and being sure of falling on their legs; and I threw the cat out of the window on the grass-plot. When it fell, it turned towards me, looked in my face and mewed. 'Poor thing!' I said, 'thou art reproaching me with my unkindness.' I have a distinct recollection of all these things.

"Cowper's story of his hares, had the highest interest for me when young; for I always enjoyed the society of tame animals. Wilson had the same taste—so had Romilly, who kept a noble puss before he came into great business. I never failed to pay it my respects. I remember accusing Romilly of violating the commandment in the matter of cats. My fondness for animals exposed me to many jokes. An acquaintance of Wilson's came to dine with me, and I gave him a bed in my chambers. He had seen two beautiful asses. One of them had the name of Miss Jenny. At Ford Abbey, there was a young ass of great symmetry and beauty, to which I was much attached, and which grew much attached to me—each fondling the other."

Bentham dined at seven o'clock, in a room he called his "Shop." It was sur-

rounded by books. In the centre was a platform which occupied most of the room, and around three sides of it, a narrow passage, which he named his "ditch," or "vibrating ditch." There was an organ in the room, which was played while we sat down to dinner. It stood opposite the door, in a place just large enough to hold the instrument and the performer, which had been cut through the platform to the floor, and which was denominated "the well," into which a blind or heedless visiter not unfrequently fell. Upon the platform stood a book-case named "the Caroccio," which he could reach without leaving his chair, and a reading stand with the MSS. on which he was occupied, a plate with writing materials, sticks, pens, and pins, wax, scissors, &c. The table was never removed. Opposite him was an arm-chair for a single visiter, for he did not like to have conversation divided and distracted by the presence of many persons. One, sometimes two secretaries dined with him, who were honoured with the name of "reprobates." Himself he liked to call "the Hermit," and his house "the Hermitage."

A usual phrase on the arrival of a visiter for dinner was, "Let me whisk you round the garden. I always indulge in an ante-prandial circumgyration." The first time I visited him, when he came to a corner of the garden, in which is a fine sycamore tree, and behind it an obscure brick house, he suddenly stopped, and, laying Dapple on my shoulders, shouted out, "On your marrowbones, Sir!" I saw on a slab, to which he pointed, "Sacred to Milton, Prince of Poets." It was Milton's house,—the house he occupied when he was secretary to Cromwell. The garden was an object of special delight to Bentham, who was passionately fond of flowers, and the garden had once, he said, been distinguished for its variety of fruits; but the growing deterioration of the atmosphere had destroyed one sort after another, so that a few currants and gooseberries, with abundance of fine mulberries, were all that time and smoke had left. Anne, the housemaid and waiter, always summoned us to dinner.

His table was always liberally, not to say daintily served; and when he discovered that a particular dish was a favourite, that dish was sure to be found by the guest, and often bore the guest's name. I remember that "fried parsley" was Dr M'Culloch's dish, "scalloped oysters" was mine. He ate abundantly, for dinner was his only substantial meal. "Let me have the ensign of authority," he would say, taking the bell-ropes: and at ten o'clock tea was brought in; but he had a tea-pot of his own, which nobody else was allowed to use: the "sacred tea-pot," he styled it, its profaner name was "Dick;" and Dick was always put over the lamp to sing. Many an odd phrase did Dick give birth to: "Has my Dick begun his song?—then take him off his perch." "Take down Dicky: he is in a passion. What a piece of work he is making!" In Dicky the tea was made according to Bentham's peculiar notions of tea-making. The water was put in at once, so that the tea might be of equal strength to the end. To the sacred vessel a history was attached. It had been given by Lind to a Dr Darsent, who had cured his wife of a dangerous disease. When Darsent died at the age of ninety, he bequeathed it to Mrs Lind, then a widow. She gave it to a servant, to whom she paid an annuity; and on her death, Bentham took that servant as his house-keeper; and when she left him in her old age, he allowed her an annuity of £45 a-year. She, however, frequently pleaded her poverty, and the insufficiency of the allowance; and as frequently got some additional money from Bentham. She left, however, a legacy of £200 to her brother; and Bentham induced her to give him, by will, the said teapot. She was an artful, crafty woman, who, having once succeeded, by hysterics, in getting some wish gratified, tried the trick again upon Bentham, when he told her he "understood hysterics, and would have no more of them": and he had no more of them. "Much," said Bentham, in mentioning this, "much depends on doing things in a quiet way. Try not to be angry; and if you are, do not let it be seen. People may go into

hysterics—as they may shed tears at command. You may be taught to shed tears, as Cicero taught you to stamp with your foot."

At eleven o'clock water was introduced,—his night-cap brought in, which he tied under his chin,—his watch delivered to the "reprobate" who held the office of "putter to bed,"—his eyes were washed,—his habiliments were doffed,—and during all these proceedings, which lasted exactly an hour, he kept up a perpetual and amusing chit-chat; at twelve o'clock his guests were visited with "ignominious expulsion." He then withdrew into his room, where he slept on a hard bed. Across the bed, accessible to him even when lying down, was a shelf covered with jars, jugs, and other conveniences. The "reprobate" usually read to him till he fell asleep,—but sometimes access was denied, and the reprobate waited in the "shop" till he called out "watch,"—the watch was delivered into the philosopher's hands. He "made every reprobate swear fealty," he said, "to a *trinoda necessitas*,—the asportation of the candle,—the transtration of the window,—idem of the trap-window,"—and when these functions were performed, he gave his benediction.—the door was shut, and he was left to his slumbers.

But his rest was often annoyed by his extreme physical sensibility. If his hand touched his body he awoke in pain. He was much disturbed by dreams,— "Last night," he said on one occasion, "I passed the whole night with Brougham,—and so I move in various companies."

Bentham preserved his eyesight to the end of life, though he was obliged both at morning and night to remove with a wet sponge the mucus, which otherwise, he said, would "cement his eyelids." He was also troubled with a discharge of saliva from the corners of his mouth, and on mentioning this one day, he sang humorously:—

An old, old driveller am I,  
Which nobody, nobody can deny.  
Nobody can deny that I  
Am an old driveller.

In this playful, buoyant spirit he always referred to his infirmities. He was, in-

deed, one of the happiest of men. He had seldom known illness, had scarcely ever felt pain. In the very later part of his life, he was annoyed with a cutaneous eruption; and he told me one day: "I dreamt I was living in the town of Itch, in which existence consisted of itching. It was a pretty and ingenious fancy of Condillac to endow a statue with the different senses — first separately and then collectively: why should he not have added the itching sense?"

I conclude this Memoir, by quoting the eloquent opinion on his personal character in connexion with the principles of his Philosophy, pronounced by his friend, Dr Southwood Smith:—

"The discovery and application of the true physical law at the foundation of all physical phenomena, has produced a total revolution in the philosophy of physics. The discovery and application of the true psychological law, equally at the foundation of all mental phenomena, is destined to produce a like revolution in the philosophy of morals. Before the principle announced by Newton, as affording the true exposition of the constitution and motion of all physical bodies, has already fallen every other theory, how remote soever the antiquity in which it took its origin, how plausible soever the solution it gave of apparent but deceptive phenomena, how great soever the ability with which it had been defended, and the authority by which it had been sanctioned: before the principle announced by Bentham, as affording the only true theory; and directing to the only right and proper object and end of morals, legislation, and government, is destined to fall every INSTITUTION, however ancient, how much soever eulogised, how deeply soever venerated, by whomsoever pronounced to be the perfection of human reason, which is not really conducive to human happiness; every LAW, constitutional, civil, and penal, with whatever danger to partial and sinister interests its abrogation may be pregnant, which is not conducive to security, to liberty, and to justice; every MODE OF PROCEDURE in the administration of the law

which does not render justice accessible, speedy, and cheap — which does not minimize delay, vexation, and expense; every RULE OF CONDUCT, whether relating to public or to private life, the observance of which does not tend to educe, from the source of pleasure it is intended to regulate and control, the largest obtainable amount of felicity, and to exclude, in the completest degree, the corresponding pain with which almost every pleasure is but too apt to be linked; every SANCTION, physical, judicial, moral, and religious, which does not secure, at the smallest cost of suffering, the most perfect and uniform conformity of the general will and action to the appointed rule.

"And, in like manner, upon this same principle, will ultimately be established whatever institution, law, procedure, rule, and sanction, human sagacity and experience may prove to be productive of happiness and exclusive of misery, however its adoption may be obstructed for a time by ignorance, by sinister interest, and by prejudice growing out of such interest.

"And had the human mind applied itself with all its faculties, with all the energy which those faculties are capable of putting forth, with sincerity of purpose, and with perseverance, to the adoption of institutions, laws, procedures, rules, and sanctions, having such, and only such ends in view; had it devoted itself to this pursuit, from that point of civilisation in the history of our race, which is compatible with labour of this sort, up to the present hour, what would now have been the condition of human society! What would now have been the amount of obtainable felicity, felicity actually and hourly enjoyed by the millions of human beings that make up that vast aggregate!

"If in every community, in proportion as it advanced in civilisation, every institution, constitutional and social; every law, civil and penal; every mode of procedure, judicial and criminal; every rule of action, public and private; every sanction, physical, penal, moral, and religious, had been framed with the sole purpose of securing 'the greatest happi-

ness of all its members, the greatest happiness of all of them, without exception, in as far as possible, and the greatest happiness of the greatest number of them on every occasion in which the nature of the case renders the provision of an equal quantity of happiness for every one of them impossible; framed with this view, with all the intellectual power which might have been engaged in this service, aided by all the experience accumulated from generation to generation, and to the stores of which every hour of every day must, without ceasing, add; framed, that is, with all the wisdom at all times at command, wisdom necessarily approximating to perfection, with the progression of time—had this been done, not to speak of new sources of pleasure which might, and which probably would have been opened, but of which we have now no conception; not to speak of new creations of felicity, the existence of which, however within the range of possibility, must be admitted to be imaginary, until actually in existence; not to speak of any pleasures the reality and the value of which are not well known and duly appreciated—had the real, the uniform purpose, been what I have been supposing, how many pleasures, now within the reach only of the few, would then have been in the possession of the many; and how many pains, from which only the few have now the means of security, would then have been averted from all!

“The contrast thus presented to the mind, between the condition of the great mass of human beings as it is, as it might have been, and as it actually would have been, had legislators and moralists aimed at the right end, and pursued it with singleness and sincerity, will be contemplated by every man with a degree of pain proportioned to the strength of his understanding, and the intensity of his sympathy.

“At an age when the intellectual power which he felt within him was in its freshness, when the moral affections which warmed his heart were unchilled by contact with the world—when the affectionate sympathy for his fellow-beings, which formed so large a part of

his consciousness, and which subsequently became the ruling passion of his life, was in its first ardour, this contrast, in its full force, was brought before the view of this illustrious man. Destined by the will of his father to the study and practice of the English law, he commenced the study, and entered on the practice. But what was the position in which he found himself placed? What, when examined by a simple and clear understanding—what, when the practical operation of it came to be witnessed by a pure and benevolent heart—was the English law? Like every one else, for ages past, he had been told that it was the perfection of human reason. According to those who taught it, according to those who practised it, according to those who subsisted by it, according even to those who suffered by it—suffered evils countless in number and measureless in extent, it was matchless alike for the purity of its aims, and the efficiency of the means provided for their accomplishment; it was a fabric reared by the most exalted intellects; reared with incredible labour, through a long succession of ages, with a difficulty not to be estimated, yet with a skill so admirable, and a result so felicitous, as had never before been witnessed in any work merely human. The understanding that did not bow down before it, that did not worship it with prostrate reverence, was low and base: the hand that was raised to touch so much as a single particle of it, to change it, was profane. It was the master-production of the matured, experienced, and virtuously-disposed human mind; it was the wonder and perfection of civilisation; it gave to this blessed country that amazing amount of felicity, by the enjoyment of which its people have been so long distinguished from all other people in the world, making them the glory of the earth, the envy of the surrounding nations.

“Such was the language universally held, and the doctrine universally inculcated; and that not merely with religious ardour, but with enthusiast zeal; and inculcated alike from the humble desk of the village school, the

pulpit, the bar, the bench, the senate, and the throne.

“And yet the English law thus idolised, when the substance of it came to be examined by a simple and clear understanding—when the mode of administering it came to be witnessed by a pure and benevolent heart, what was it found to be? The *substantive* part of it, whether as written in books or expounded by judges, a chaos, fathomless and boundless; the huge and monstrous mass being made up of fiction, tautology, technicality, circuitry, irregularity, and inconsistency: the *administrative* part of it, a system of exquisitely contrived chicanery; a system made up of abuses; a system which constantly places the interest of the judicial minister in opposition to his duty; so places his interest in opposition to his duty, that in the very proportion in which it serves his ends, it defeats the ends of justice; a system of self-authorized and unpunishable depredation; a system which encourages mendacity, both by reward and punishment; a system which puts fresh arms into the hands of the injurer, to annoy and distress the injured; in a word, a system which maximizes delay, sale, and denial of justice.

“Shall I uphold this vile system?” said this just and benevolent man. ‘Shall the prospect of obtaining wealth, shall the hope of being what is called rewarded with titles and honours, tempt me to assist in perpetuating it? Shall I do what in me lies to extend the wide-spread misery which flows from it? No. I will exhibit it in its true shape; I will strip off the veil of mystery which has so long concealed its deformity; I will destroy it. I will do more. For this chaos I will substitute order; for this darkness, light; for this evil, good. THE MAXIMUM OF THE AGGREGATE OF HAPPINESS—by this test I will try evil and good; this shall be my standard, this my guide. I will survey the entire range of human feelings and volitions—such at least as can assume the shape of actions; and as they pass in review before me, I will determine by this rule what shall be sanctioned, and what prohibited. I

will rear the fabric of felicity by the hands of reason and of law!’

“With powers of mind fitted for an undertaking thus stupendous, such as in no age or country had ever before been equalled, or even so much as approached; with an ardour and energy such as in no cause, bad or good, had ever been surpassed, he betook himself to the accomplishment of this work. No difficulty stopped him; no danger appalled him; no labour exhausted him; no temptation, whether assuming the shape of good or of evil, moved him; fortune he disregarded; the pursuit of what is called pleasure he renounced; praise could as little bend him from his course, as blame could check it; human fear, human favour, had no control, no influence over him; human happiness was his object, judicial institution his means; and the completeness with which he has succeeded in developing the means, is comparable only to the beneficence of the end.

In order to create, it was necessary that he should destroy; in order to build up, it was necessary that he should pull down; in order to establish law as it ought to be, it was necessary that he should demolish law as it is. Alone he went to the assault, alone he carried it on; every weapon, every mode of attack—ridicule, reasoning, invective, wit, eloquence, sarcasm, declamation, demonstration—all were pressed into his service, and each in its turn became in his hands a powerful instrument. His efforts were regarded first with astonishment, next with indignation. When he was no longer looked upon as a madman, he was hated as an enemy. He was endeavouring to subvert the most glorious of human institutions; institutions which had raised his country to the highest pinnacle of power and happiness; institutions which time, and the experience which time matures, had shown to be at least the nearest approach to perfection which the wit of man had ever devised. Such declarations (and such declarations were made in abundance, and were reiterated with all the eloquence which large bribes given now, and larger bribes promised



in future, could secure) did but redouble his efforts to expose the delusion; to show that reason had seldom anything to do in the construction of the institutions thus idolised; that they seldom aimed at the right end, and still seldomer provided adequate means to accomplish the end even as far as the aim was right. Long and earnestly did he labour without any apparent effect; but at last some impression was made; the scales fell from the eyes of men of powerful intellects in commanding stations; the imposture became palpable; the monstrous idolatry before which men had allowed their understandings and their affections to fall prostrate, was seen in its true shape. A revulsion of feeling followed. Point after point was submitted to rigorous examination. Champion after champion stood forth in defence of each; champion after champion was driven from his position, however impregnable he thought it; and now, scarcely a single champion remains. The cumbrous fabric is abandoned; it totters to its fall; it is undermined; it is known to be so. The general admission is, that the law of England, as it is, cannot stand; that it must be taken down, and reconstructed. Glory to the hand that has destroyed it! Glory to the hand that has built up the beautiful structure reared in its place!

“I will endeavour, in few words, to give some conception of the foundation of this new structure; of its main compartments; of its form, such as it has assumed in the hands of its architect, now capable of no further labour. Happily, however, as you will see, what remains to complete the edifice can be furnished by other hands.

“Comprehending in his view the entire field of legislation, this legislator divided it into two great portions—internal law and international law; internal law including the legislative ordinances that concern an individual community; international law, those that concern the intercourse of different communities with each other. His chief labour was directed to the construction of an all-comprehensive system or code (that is, law written and systematic) of

internal law. Under the term *PANNO-MION*, a term derived from two Greek words, signifying “the whole body of the laws,” he has constructed such a code. This all-comprehensive code is divided into four minor codes; the Constitutional, the Civil, the Penal, and the Administrative. The Constitutional Code includes the several ordinances which relate to the form of the supreme authority, and the mode by which its will is to be carried into effect. The Civil Code includes the several ordinances which relate to the creation or constitution of rights, and is termed the *Right-conferring Code*. The Penal Code includes the several ordinances which relate to the creation or constitution of offences, and is termed the *Wrong-repressing Code*. The Administrative Code includes the several ordinances which relate to the mode of executing the whole body of the laws, and is termed the *Code of Procedure*. **CONDUICIVENESS TO THE MAXIMUM OF THE AGGREGATE OF HAPPINESS**—that is the end in view. Each code is a distinct instrument specially adapted to secure this end. Each code has not, indeed, been left by him in a state of completeness; but in no part of either, as far as it has been developed, is place given to a single enactment which has not for its object, immediately or remotely, the production of pleasure and the exclusion of pain. In no part, either of what he has himself done, or marked out to be done by others, is anything commanded—in no part is anything forbidden, but as it is, and in as far as it is, conducive to or subversive of happiness;—no constitutional provision, determining the form of the government and the mode of its operation—no action, bearing the seal of approbation or of disapprobation, selected as the subject of reward or of punishment, which is not brought to this standard and tried by this test. It is only as the details under these two great divisions are studied, that it is possible to form a conception of the steadiness with which this end is kept in view, and the wisdom with which the means devised are adapted to secure it. To the Civil Code he has done the least; but even of this he

has laid the foundation, and provided important materials for building up the fabric. For the Constitutional Code he has done enough to render its completion comparatively easy; while the all-important branches of Offences, of Reward and Punishment, of Procedure, of Evidence, have been worked out by him with a comprehensiveness and minuteness which may be said to have exhausted these subjects, and to have left little or nothing in relation to them for any other man to do or to desire.\*

“But his labours did not terminate here. He found the science of morals in the same state of darkness as that of legislation. The Fitness of Things, the Law of Nature, Natural Justice, Natural Equity, Good Order, Truth, the Will of God—such were the tests of good and evil, the standards of right and wrong, heretofore assumed by moralists. Every different moralist had a different fancy which he made his standard, and a different taste which he made his test of good or evil; and the degree of conformity or non-conformity to that taste, the indication of the degree of desert, and consequently the measure of reward and punishment.†

\* “It will be long before the mass of educated people in this country are sufficiently advanced to read and appreciate these profound and admirable works; but the time is not distant, when, however they may be now neglected by the present members of our legislature, it will be universally deemed alike absurd and disgraceful for any man to aspire to the character, much less to the seat of a legislator, who has not made them his study.”

† “In his work on Legislation and Morals, this philosopher had long ago laid down the principle of felicity as the basis of morals, and shown that all other foundations attempted to be established, different as they are, and even opposite as they seem to be, to each other, are capable of being reduced to two—asceticism and sentimentalism. The principle of asceticism, like that of felicity, approves or disapproves of an action according to its tendency to augment or diminish happiness, but in an inverse manner; approving of an action in as far as it tends to diminish happiness, disapproving of it in as far as it tends to augment it. Whoever reprobates any the least particle of pleasure, as such, from whatever source derived, is, *pro tanto*, a partisan of the principle of asceticism. The principle of felicity is capable of being consistently pursued, that of asceticism is not. Let but one-tenth part of the inhabitants of this earth pursue it consistently, and in one day's time they will have turned it into a hell.

“By the principle of sentimentalism is meant that principle which approves or disapproves of an ac-

“But by establishing the foundation of morals on the principle of felicity; by showing that every action is right or wrong, virtuous or vicious, deserving of

tion, not on account of its tendency to augment or to diminish happiness, but because a person finds himself disposed to approve or disapprove of the action in question; that approbation or disapprobation being assumed as sufficient of itself, and the necessity of looking out for any external ground being expressly disclaimed. This is not so much a positive principle, as a term employed to signify the negation of all principle. A principle is something which points out some external consideration as a means of warranting and guiding the internal sentiment of approbation and disapprobation: but that which merely holds up each of these sentiments as a ground and standard for itself, is not worthy of the name.

“In examining the catalogue of human actions with a view of determining which are to be marked with the seal of disapprobation, (says a partisan of this principle,) you need but to take counsel of your own feelings. Whatever you find in yourself a propensity to condemn, is wrong for that very reason. For the same reason, it is also meet for punishment. The proportion in which it is adverse to happiness, the not being adverse to happiness at all, is of no manner of consequence. The degree of disapprobation you feel, is also the measure of punishment. If you hate much, punish much; if you hate little, punish little: punish as you hate. If you hate not at all, punish not at all. The fine feelings of the soul are not to be outborne and tyrannized by the hard and rugged dictates of political utility.

“The various principles that have been formed concerning the standard of right and wrong, may all be reduced to this principle of sympathy and antipathy. One account may serve for all of them. They all consist in so many contrivances for avoiding the obligation of appealing to any external standard, and in referring to the sentiment of approbation or disapprobation as the ultimate reason or the true standard. It is curious to observe the variety of inventions contrived for this purpose; the phrases different,—the principle the same.

“Thus, one man says he has a thing made on purpose to tell him what is right and what is wrong, and that it is called a *moral sense*; and then he goes to work at his ease, and says such a thing is right, and such a thing is wrong—Why? ‘Because my moral sense tells me it is.’

“Another man comes, and alters the phrase; leaving out *moral*, and putting in *common* in the room of it. He then tells you that his common sense teaches him what is right and wrong as surely as the other's moral sense did; meaning by common sense, a sense of some kind or other, which, he says, is possessed by all mankind. The sense of those whose sense is not the same as the author's being struck out of the account as not worth taking. This contrivance does better than the other; for a moral sense, being a new thing, a man may feel about him a good while without being able to find it out. But common sense is as old as the creation; and there is no man but would be ashamed to be thought not to have as much of it as his neighbours. It has another great advantage—by appearing to share power, it lessens envy;

approbation or disapprobation, in proportion to its tendency to increase or to diminish the amount of happiness, this philosopher supplied what was so much

for when a man gets up upon this ground, in order to anathematise those who differ from him, it is not by a *sic volo sic jubeo*, but by a *velitis jubeatis*.

"Another man comes, and says, that as to a moral sense, indeed, he cannot find that he has any such thing; that, however, he has an *understanding*, which will do quite as well. This understanding, he says, is the standard of right and wrong—it tells him so and so. All good and wise men understand as he does; if other men's understandings differ in any point from his, so much the worse for them—it is a sure sign they are either defective or corrupt.

"Another man says, that there is an eternal and immutable Rule of Right; that that rule of right dictates so and so; and then he begins giving you his sentiments upon anything that comes uppermost; and these sentiments (you are to take for granted) are so many branches of the eternal Rule of Right.

"Another man, or perhaps the same man, (it is no matter,) says, that there are certain practices conformable, and others repugnant, to the Fitness of Things; and then he tells you, at his leisure, what practices are conformable, and what repugnant: just as he happens to like a practice, or dislike it.

"A great multitude of people are constantly talking of the Law of Nature; and then they go on giving you their sentiments about what is right and what is wrong: and these sentiments, you are to understand, are so many chapters and sections of the Law of Nature. Instead of the phrase Law of Nature, you have sometimes Law of Reason, Right Reason, Natural Justice, Natural Equity, Good Order. Any of them will do equally well.

"We have one philosopher who says, there is no harm in anything in the world but in telling a lie; and that if, for example, you were to murder your own father, this would only be a particular way of saying, he was not your father. Of course, when this philosopher sees anything that he does not like, he says, 'It is a particular way of telling a lie: it is saying that the act ought to be done, when, *in truth*, it ought not to be done.'

"The fairest and openest of them all is that sort of man who speaks out, and says, 'I am of the number of the Elect: now God himself takes care to inform the Elect what is right; and that with so good effect, that, let them strive ever so, they cannot help not only knowing it, but practising it. If, therefore, a man wants to know what is right and what is wrong, he has nothing to do but to come to me.'

"The mischief common to all these ways of thinking and arguing (which, in truth, as we have seen, are but one and the same method, couched in different forms of words) is their serving as a cloak, and pretence, and alimant to despotism: if not a despotism in practice, a despotism, however, in disposition, which is but too apt, when pretence and power offer, to show itself in practice. The consequence is, that, with intentions very commonly of the purest kind, a man becomes a torment either to himself or his fellow-creatures. If he be of the melancholy cast, he sits in silent grief, bewailing their blindness and depravity; if of the

needed in morals, at once an infallible test and an all-powerful motive. Happiness is the standard and the test, happiness is equally the motive; can there be, if this be not a certain test? can there be, if this be not an all-powerful motive? Conduciveness to happiness—this it is that constitutes the goodness of an action; this it is that renders an action a duty; this it is which supplies a motive to the performance of duty not to be resisted. I am satisfied that a particular course of conduct will conduce to my happiness: do I need any other inducement to make me pursue that course? can I resist the influence of this inducement? No. As long as this is my conviction, as long as this conviction is present to my mind, it is no more possible for me to refrain from pursuing the course of conduct in question, than

irascible, he declaims with fury and virulence against all who differ from him; blowing up the coals of fanaticism, and branding with the charge of corruption and insincerity every man who does not think, or profess to think, as he does.

" 'I feel in myself,' say you, 'a disposition to approve of such or such an action in a moral view; but this is not owing to any notion I have of its being a useful one to the community. I do not pretend to know whether it be an useful one or not: it may be, for aught I know, a mischievous one.' 'But is it then,' say I, 'a mischievous one?' Examine; and if you can make yourself sensible that it is so, then, if duty means anything, that is moral duty, it is your *duty*, at least, to abstain from it; and more than that, if it is what lies in your power, and can be done without too great a sacrifice, to endeavour to prevent it. It is not your cherishing the notion of it in your bosom, and giving it the name of virtue that will excuse you.'

" 'I feel in myself,' say you again, 'a disposition to detest such or such an action in a moral view; but this is not owing to any notion I have of its being a mischievous one to the community. I do not pretend to know whether it be a mischievous one or not: it may be not a mischievous one; it may be, for aught I know, an useful one.' 'May it, indeed,' say I, 'be an useful one? But let me tell you then, that unless duty and right and wrong, be just what you please to make them, if it really be not a mischievous one, and anybody has a mind to do it, it is no duty of yours, but, on the contrary, it would be very wrong in you, to take upon you to prevent him. Detest it within yourself as much as you please—that may be a very good reason (unless it be also an useful one) for your not doing it yourself. But if you go about, by word or deed, to do anything to hinder him, or make him suffer for it, it is you, and not he, that have done wrong; it is not your setting yourself to blame his conduct, or branding it with the name of vice, that will make him culpable, or you blameless.'"

—Introduction to the Principles of Morals and Legislation, p. 28 et seq.

it is possible for my body to refuse to obey the law of gravitation.

“The object of the science of morals, then, is to show what is really conducive to happiness; the happiness of every individual man; the happiness of all men taken together, considered as forming one great aggregate; the happiness of all beings whatever, that are capable of the impression: for the science, in its enlarged sense, embraces not only the human race, but the whole of the sentient creation.

“According to the felicitarian philosophy, there is no contrariety, and there never can be any real contrariety, between happiness and duty. In the true and comprehensive sense of those terms, happiness and duty are identical; always so; and always necessarily so. They do not always appear to be so; but it is the business of the moralist to show, that whenever an apparent contrariety exists, the appearance is delusive. When he has accomplished this, he has effected his end; because, when he has accomplished this, my will—my action, as necessarily follows in the direction in which it is his purpose to guide it, as a stone projected from the earth necessarily falls to the earth again.

“And the apparent contrariety between happiness and duty, from what does it arise? Either from the representation of that as happiness which is not happiness, or from the representation of that as duty which is not duty. And what is at the bottom of this misrepresentation? Either I take into view *only* my own gratification, to the exclusion of the gratification of others; or I take into view only my *immediate* gratification, to the exclusion of a higher gratification at some future period; or I commit both errors at once. Now, it is the business of the moralist to prevent me from falling into either; to make me acquainted with the cases in relation to which the gratification of others is essential to my own; in relation to which my own gratification must necessarily flow from the gratification of others; in relation to which, if I attempt to pursue my own gratification without taking into account the gratification of

others, and more especially at the expense of their gratification, instead of securing happiness to myself, I shall be sure to involve myself in suffering: to make me acquainted, in like manner, with the cases in relation to which it is necessary that I should take a comprehensive view of happiness; that I should consider not merely the pleasure of the moment or the hour, but the pleasure of the year, or the remainder of my life. To make these matters as clear to my understanding as the light of day is visible to my eye, is the business of the moralist; often, no doubt, a difficult task: because, although the connexion between a certain course of conduct, and happiness and misery, may be quite as real, and quite as invariable, as that between light and vision, yet not being so immediate, the invariableness of the sequence is not so clearly seen by the mind. To bring this sequence out from the obscurity in which it may be involved, and to make it manifest; to discover and to show what moral antecedents are invariably followed by what moral sequents; to establish in the mind a conviction of this invariableness of connexion between the one and the other—this is the province of the moralist. As he multiplies the antecedents and sequents, in regard to which he makes out the fact that there is this invariableness of relation, he enlarges his science; in proportion to the completeness with which he fixes in the mind a conviction of this relation, he fulfils its end.

“It is this which our great legislator and moralist ever kept steadily in view. Whatever it is for a man's happiness to do, or to abstain from doing, that, as a legislator, he commands or forbids; whatever it is for a man's happiness to do, or to abstain from doing, that, as a moralist, he makes it his duty to pursue or to avoid.\*

---

\* “All laws,” he says, “which have for their end the happiness of those concerned, endeavour to make, and, in the degree in which they are wise and effective, actually do make, that for a man's happiness which they proclaim to be his duty. That a man ought to sacrifice his happiness to his duty, is a common position; that such or such a man has sacrificed his happiness to his duty, is a common assertion, and made the groundwork of admir-

In selecting, as a legislator, the subjects of reward and punishment, he is invariably guided by this principle: that if, by misrepresentation of consequences, by erroneous reasoning, or by fear of punishment, whether physical, moral, political, or religious, a man be prohibited from the enjoyment of any real pleasure, from whatever source derived, an

injury is inflicted upon him equal in amount to the balance of pleasure of which he is deprived. For this reason, in no single instance, in any law proposed by him, is anything commanded which is not, in some shape or other, conducive to pleasure; nor anything forbidden, which is not, in some shape or other, conducive to pain.

ation. But when happiness and duty are considered in their broadest sense, it will be seen that, in the general tenor of life, the sacrifice of happiness to duty is neither possible nor desirable; that it cannot have place; and that if it could, the interests of mankind would not be promoted by it.

“Sacrifice, sacrifice!” is the demand of the every-day moralist. Sacrifice, taken by itself, is mischievous; and mischievous is the influence that connects morality with suffering. Morality is, then, the most effective when it is the least painful. Its associations are cheerfulness and joy, not gloom and misery. The less of happiness is sacrificed, the greater must be the total sum of happiness. Let it be obtained *gratis* where it can; where it cannot be had without sacrifice, let the sacrifice be as small as possible; where the sacrifice will be great, let it be ascertained that the happiness will be greater. This is the true economy of pleasure, this is the prolific cultivation of virtue.

“In treating of morals, it has hitherto been the invariable practice to speak of man’s duty, and nothing more. Yet, unless it can be shown that a particular action, or course of conduct, is for a man’s happiness, the attempt to prove to him that it is his duty, is but a waste of words. Yet, with such waste of words has the field of ethics been filled. A man, a moralist, gets into an elbow-chair, and pours forth pompous dogmas about duty and duties. Why is he not listened to? Because every man is thinking about interests. It is a part of his very nature to think first about interests. It is not always that he takes a correct view of his interests. Did he always do that, he would obtain the greatest possible portion of felicity; and were every man, acting with a correct view to his own interest, to obtain the maximum of obtainable happiness, mankind would have reached the millennium of accessible bliss, and the end of morality, the general happiness, would be accomplished. To prove that an immoral action is a miscalculation of self-interest—to show how erroneous an estimate the vicious man makes of pains and pleasures—this is the purpose of the sound and intelligent moralist. Unless he does this, he does nothing; for that a man should not pursue what he deems conducive to his happiness, is in the very nature of things impossible.

“There is the like coincidence between selfishness and benevolence; between the self-regarding and the extra-regarding principle; between what may be termed self-regarding prudence, and efficient benevolence. The first law of nature is—Seek your own happiness. The united voices of self-regarding prudence and efficient benevolence add—Seek the happiness of others; seek your own happiness in the happiness of others.

“The self-regarding affection is not only not a vice, but a virtue; and not only a virtue, but a virtue on which the very existence of the race depends. If I thought more about you than I

thought about myself, I should be the blind leading the blind, and we should fall into the ditch together. It is as impossible that your pleasures should be better to me than my own, as that your eyesight should be better to me than my own. My happiness, and my unhappiness, are as much a part of me as any of my organs or faculties. What is demanded by prudence is, then, required by necessity. I could not continue to exist, but for the continuance of the selfish principle. Had Adam cared more for the happiness of Eve than for his own, and Eve at the same time more for the happiness of Adam than for her own, Satan might have spared himself the trouble of temptation; mutual misery would have marred all prospect of bliss, and the death of both have brought to a speedy termination the history of man.

“And yet, to disregard the social affections—not to look to them as sources of happiness—not to seek happiness in them, is the capital error which it is the business of the moralist to correct. While engaged in the pursuit of immediate pleasure, and the avoidance of immediate pain, we may, for the sake of what is present, sacrifice a greater distant pleasure, or occasion a greater distant pain; for nature, artless and untutored nature, engages man in the pursuit of immediate pleasure, and in the avoidance of immediate pain. And while acting under the influence of the self-regarding affection, we may neglect or violate the social. It is the business of the moralist to prevent both of these errors; to place before the eyes of the actor a more correct and complete view of the probable future, than he is likely to obtain in the midst of present influences; to assist him in making reflections, and drawing conclusions; to point out ends which had not suggested themselves, and means by which those ends may be accomplished; to perform the duty of a scout, a man hunting for consequences—consequences resulting from a particular action or course of action, collecting them in the completest manner, and presenting them in the best form for use. In a word, as the whole of virtue consists in the sacrifice of a smaller present satisfaction, to a satisfaction of greater magnitude, but more remote, so the sum of moral science consists in establishing the true distinction between, and the ultimate and perfect coincidence of, prudence and benevolence. This is truly the spear of Ithuriel, by which evil and good are made to present themselves in their own shapes. The self-regarding principle, which takes not into account the interests of others, which takes not into account anything future, has as little in it of prudence as of benevolence; it is truly the killing the goose for the golden egg. ‘Myself, myself’—‘Now, now,’ are but the cries of insensibility to happiness; and insensibility to evil—evil certain, though not instant, is a dear advantage to its possessor.”—*Deontology*.

“ In like manner, in deciding, as a moralist, what is proper or improper, right or wrong, virtuous or vicious, he is guided by the principle, that every one must determine, from his own experience, what is pleasurable and what is painful; that no one has a right to insist, that what is gratification to him, and *only* what is gratification to him, shall be gratification to another; that for any man, in the capacity of a moralist, to say—‘ If I do this, I shall get no preponderance of pleasure; but if you do this, you may get a preponderance of pleasure, yet it is not proper that you should do it,’ is absurdity: that if such moralist apply evil in any shape to prevent the act, it is injustice and injury; that if he call in the powers of government to prevent the act, it is tyranny: that nevertheless there are pleasures which are pure, that is, unmixed with pain; pleasures which are lasting; pleasures which are cumulative, the very capacity for enjoying them continually increasing with the indulgence: that these are the truest, because the greatest pleasures; that these deserve the most careful cultivation: but that to imagine that any pleasure can come from a bad source; that whatever yields pleasure, that is, *preponderance* of pleasure, is not good—good for that reason, and in that proportion—is to despise one pleasure because it is not another, to despise a smaller pleasure because it is not a greater; which is absurd. What a cultivation of happiness is here! What true husbandry of it! What a thorough rooting-out of the tares so often sown with the wheat while the legislator and the moralist have slept!

“ After this account of the labours of the philosopher, you will perhaps be desirous of knowing something of his private history and habits; and there are some points relative to both, which now assume a peculiar interest.

“ JEREMY BENTHAM was born at the residence of his father, adjacent to Aldgate Church, in London, on the 15th of February, 1747-8, and died in Queen's Square Place, Westminster, where he had resided nearly half a century, on

the 6th of June, 1832, being in the 85th year of his age. He was a precocious child. At the age of three years, he read Rapin's History of England as an amusement. At the age of five, he had acquired a knowledge of musical notes, and played on the violin. At the age of seven, he read *Télémaque* in French. At the age of eight, he entered Westminster School, where he soon became distinguished. At the age of thirteen, he was admitted a member of Queen's College, Oxford, where he at once engaged in public disputations in the Common Hall, and excited, by the acuteness of his observations, the precision of his terms, and the logical correctness of his inductions, the surprise and admiration of all who heard him. At the age of sixteen, he took his degree of A.B.; and at the age of twenty that of A.M.; being the youngest graduate that had at that time been known at either of the Universities. From early childhood, such was the contemplative turn of his mind, and the clearness and accuracy with which he observed whatever came under his notice, that at the age of five years he had already acquired the name of ‘the philosopher,’ being familiarly called so by the members of his family; and such, even in his youth, were the indications of that benevolence to which his manhood and his old age were consecrated, that a celebrated statesman, who at that period had conceived an affection for him, and with whom he spent most of his time during the interval of his leaving Westminster School and going to Oxford, speaks of him, in a letter to his father, in these remarkable words—‘ His disinterestedness, and his originality of character, refresh me as much as the country air does a London physician.’

“ The qualities which already formed the charm of his character, and which grew with his growth and strengthened with his strength, were truth and simplicity. Truth was deeply founded in his nature as a principle; it was devotedly pursued in his life as an object; it exercised, even in early youth, an extraordinary influence over the operations of his mind and the affections of his

heart; and it was the source of that moral boldness, energy, and consistency, for which, from the period of manhood to the close of life, he was so distinguished. There was nothing in the entire range of physical, moral, or legislative science; nothing whatever relating to any class of subjects that could be presented to his understanding; nothing, however difficult other men thought it, or pretended to think it—or with whatever superstitious, political, or religious reverence and awe they regarded, or affected to regard it, which he did not approach without fear, to the very bottom of which he did not endeavour to penetrate: the mystery regarding which he did not strive to clear away; the real, the whole truth of which, he did not aim to bring to light. Nor was there any consideration—no, not even apparent danger to the cause he advocated, though, by the desertion of friends and the clamour of foes, that cause might seem for a while to be put in jeopardy, that could induce him to conceal any conclusion at which he arrived, and of the correctness of which he was satisfied, or could prevent him from expressing it in the most appropriate language at his command. It was not possible to apply his principle to all the points and bearings of all the subjects included in the difficult and contested field of legislation, government, and morals,—to apply it as he applied it, acutely, searchingly, profoundly, unflinchingly,—without consequences at first view startling, if not appalling, to strong minds and stout hearts. They startled not, they appalled not him, mind or heart. He had confidence in his guide; he was satisfied that he might go with unfaltering step wherever it led; and with unfaltering step he did go wherever it led. Hence his singleness of purpose; hence, in all his voluminous writings, in all the multiplicity of subjects which have come under his investigation, as well those which he has exhausted, as those which he has merely touched; as well those which are uncomplicated by sinister interests and the prejudices which grow out of them, as those which are associated with innumerable false judgments and wrong

affections: hence, in regard to not one of them does a single case occur in which he has swerved from his principle or faltered, or so much as shown the slightest indication of faltering in the application of it.

That he might be in the less danger of falling under the influence of any wrong bias, he kept himself as much as possible from all personal contact with what is called the world. Had he engaged in the active pursuits of life—money-getting, power-acquiring pursuits—he, like other men so engaged, must have had prejudices to humour, interests to conciliate, friends to serve, enemies to subdue; and therefore, like other men under the influence of such motives, must sometimes have missed the truth, and sometimes have concealed or modified it. But he placed himself above all danger of this kind, by retiring from the practice of the profession for which he had been educated, and by living in a simple manner on a small income allowed him by his father: and when, by the death of his father, he at length came into the possession of a patrimony which secured him a moderate competence, from that moment he dismissed from his mind all further thought about his private fortune, and bent the whole powers of his mind without distraction to his legislative and moral labours. Nor was he less careful to keep his benevolent affections fervent, than his understanding free from wrong bias. He surrounded himself only with persons whose sympathies were like his own, and whose sympathies he might direct to their appropriate objects in the active pursuits of life. Though he himself took no part in the actual business of legislation and government, yet, either by personal communication or confidential correspondence with them, he guided the minds of many of the most distinguished legislators and patriots, not only of his own country, but of all countries in both hemispheres. To frame weapons for the advocates of the reform of the institutions of his own country, was his daily occupation and his highest pleasure; and to him resorted, for counsel and encouragement, the most able and devoted of

those advocates; while the patriots and philanthropists of Europe, as well as those of the New World, the countrymen of Washington, Franklin, and Jefferson, together with the legislators and patriots of South America, speak of him as a tutelary spirit, and declare the practical application of his principles to be the object and end of their labours.

“While he availed himself of every means in his power of forming and cherishing a friendship with whoever in any country indicated remarkable benevolence; while Howard was his intimate friend—a friend delighted alike to find and to acknowledge in him a superior beneficent genius; while Romilly was not only the advocate of his opinions in the Senate, but the affectionate and beloved disciple in private; while for the youth La Fayette, his junior contemporary, he conceived an affection which in the old age of both was beautiful for the freshness and ardour with which it continued to glow; while there was no name in any country known and dear to Liberty and Humanity which was not known and dear to him, and no person bearing such name that ever visited England who was not found at his social board, he would hold intercourse with none of any rank or fame whose distinction was unconnected with the promotion of human improvement, and much less whose distinction arose from the zeal and success with which they laboured to keep back improvement. That the current of his own benevolence might experience no interruption or disturbance, he uniformly avoided engaging in any personal controversy; he contended against principles and measures, not men; and for the like reason he abstained from reading the attacks made upon himself, so that the ridicule and scoffing, the invective and malignity, with which he was sometimes assailed, proved as harmless to him as to his cause. By the society he shunned, as well as by that which he sought, he endeavoured to render his social intercourse subservient to the cultivation, to the perpetual growth and activity, of his benevolent sympathies.

“With such care over his intellectual

faculties and his moral affections, and with the exalted direction which he gave to both, his own happiness could not but be sure. Few human beings have enjoyed a greater portion of felicity; and such was the cheerfulness which this internal happiness gave to the expression of his countenance and the turn of his conversation, that few persons ever spent an evening in his society, however themselves favoured by fortune, who did not depart with the feeling of satisfaction at having beheld such an object of emulation. Even in his writings, in the midst of profound and comprehensive views, there oftentimes break forth a sportiveness and humour no less indicative of gaiety of heart, than the most elaborate and original of his investigations are of a master-mind: but this gaiety was characteristic of his conversation, in which he seldom alluded, except in a playful manner, to the great subjects of his labours. A child-like simplicity of manner, combined with a continual playfulness of wit, made you forget that you were in the presence of the most acute and penetrating genius; made you conscious only that you were in the presence of the most innocent and gentle, the most consciously and singularly happy of human beings. And from this the true source of politeness, a benevolent and happy mind, endeavouring to communicate the pleasure of which it is itself conscious, flowed those unobtrusive, but not the less real and observant, attentions of which every guest perceived the grace and felt the charm. For the pleasures of the social board he had a relish as sincere, and perhaps as acute, as those who are capable of enjoying no others; and he partook of them freely, as far as they are capable of affording their appropriate good, without any admixture of the evils which an excessive indulgence in them is sure to bring. After dinner, it was his custom to enter with his disciple or friend (for seldom more than one, and never more than two, dined with him on the same day) on the discussion of the subject, whatever it might be, which had brought them to-



gether; and it was at this time also, that, in the form of dictation, in relation to those subjects which admit of this mode of composition, his disciple writing down his words as he uttered them, he treated of some of the subjects which have occupied his closest attention, and in the investigation of which he has displayed the greatest degree of originality and invention. In this manner was composed the greatest part of the Deontology, and nearly the whole of his Autobiography. At all times it was a fine exercise of the understanding, and sometimes an exquisite gratification of the noblest and best feelings of the heart, to be engaged in this service.

“He was capable of great severity and continuity of mental labour. For upwards of half a century he devoted seldom less than eight, often ten, and occasionally twelve hours of every day, to intense study. This was the more remarkable, as his physical constitution was by no means strong. His health, during the periods of childhood, youth, and adolescence, was infirm; it was not until the age of manhood that it acquired some degree of vigour: but that vigour increased with advancing age, so that during the space of sixty years he never laboured under any serious malady, and rarely suffered even from slight indisposition; and at the age of eighty-four he looked no older, and constitutionally was not older, than most men are at sixty; thus adding another illustrious name to the splendid catalogue which establishes the fact, that severe and constant mental labour is not incompatible with health and longevity, but conducive to both, provided the mind be unanxious and the habits temperate.

“He was a great economist of time. He knew the value of minutes. The disposal of his hours, both of labour and of repose, was a matter of systematic arrangement; and the arrangement was determined on the principle, that it is a calamity to lose the smallest portion of time. He did not deem it sufficient to provide against the loss of a day or an hour: he took effectual means to prevent the occurrence of any such cala-

mity to him: but he did more: he was careful to provide against the loss even of a single minute; and there is on record no example of a human being who lived more habitually under the practical consciousness that his days are numbered, and that ‘the night cometh, in which no man can work.’

“The last days of the life even of an ordinary human being are seldom altogether destitute of interest; but when exalted wisdom and goodness have excited a high degree of admiration and love, the heart delights to treasure up every feeling then elicited, and every word in which that feeling was expressed. It had long been his wish that I should be present with him during his last illness. There seemed to be on his mind an apprehension, that, among the organic changes which gradually take place in the corporeal system in extreme old age, it might be his lot to labour under some one, the result of which might be great and long-continued suffering. In this case, he knew that I should do everything in my power to diminish pain and to render death easy; the contributing to the *euthanasia* forming, in my opinion, as he knew, no unimportant part of the duty of the physician. On the possible protraction of life, with the failure of the intellectual powers, he could not think without great pain; but it was only during his last illness, that is, a few weeks before his death, that any apprehension of either of these evils occurred to him. From the former he suffered nothing; and from the latter, as little as can well be, unless when death is instantaneous. The serenity and cheerfulness of his mind, when he became satisfied that his work was done, and that he was about to lie down to his final rest, was truly affecting. On that work he looked back with a feeling which would have been a feeling of triumph, had not the consciousness of how much still remained to be done, changed it to that of sorrow that he was allowed to do no more: but this feeling again gave place to a calm but deep emotion of exultation, as he recollected that he left behind him able, zealous, and faithful

minds, that would enter into his labours and complete them.

"The last subject on which he conversed with me, and the last office in which he employed me, related to the permanent improvement of the circumstances of a family, the junior member of which had contributed in some degree to his personal comfort; and I was deeply impressed and affected by the contrast thus brought to my view, between the selfishness and apathy so often the companions of age, and the generous care for the welfare of others, of which his heart was full.

"Among the very last things which his hand penned, in a book of memoranda, in which he was accustomed to note down any thought or feeling that passed through his mind, for future revision and use, if susceptible of use, was found the following passage:—'I am a selfish man, as selfish as any man can be. But in me, somehow or other, so it happens, selfishness has taken the shape of benevolence. No other man is there upon earth, the prospect of whose sufferings would to me be a pleasurable one: no man is there upon earth, the sight of whose sufferings

would not to me be a more or less painful one: no man upon earth is there, the sight of whose enjoyments, unless believed by me to be derived from a more than equivalent suffering endured by some other man, would not be of a pleasurable nature rather than of a painful one. Such in me is the 'force of sympathy!'

"And this 'force of sympathy' governed his very last hour of consciousness. Some time before his death, when he firmly believed he was near that last hour, he said to one of his disciples, who was watching over him:—'I now feel that I am dying: our care must be to minimize the pain. Do not let any of the servants come into the room, and keep away the youths: it will be distressing to them, and they can be of no service. Yet I must not be alone: *you* will remain with me, and you only; and then we shall have reduced the pain to the least possible amount.'

"Such were his last thoughts and feelings; so perfectly, so beautifully did he illustrate, in his own example, what it was the labour of his life to make others!"

# APPENDIX.

## SELECTIONS FROM BENTHAM'S NARRATIVE REGARDING THE PANOPTICON PENITENTIARY PROJECT, AND FROM THE CORRESPONDENCE ON THE SUBJECT.

I MUST give a separate place to the Panopticon,\* as it occupied so large a portion of Bentham's life, and is so constantly referred to in his correspondence. In 1830-1, he wrote a volume which he entitled, "History of the War between Jeremy Bentham and George the Third. By one of the Belligerents," containing

an account of the progress and failure of the Panopticon Scheme. It is too long to reprint, but I shall extract from it the most remarkable passages. Bentham begins by saying:—

"But for George the Third, all the prisoners in England would, years ago, have been under my management. But

\* A general conception of Bentham's projected plan, will be found in the following outline:—

"Outline of the Plan of Construction of a Panopticon Penitentiary House: as designed by Jeremy Bentham, of Lincoln's Inn, Esq.

"Thou art about my path, and about my bed: and spiest out all my ways.

"If I say, peradventure the darkness shall cover me, then shall my night be turned into day.

"Even there also shall thy hand lead me; and thy right hand shall hold me."

PSALM CXXXIX.

"The building *circular*—the cells occupying the circumference—the keepers, &c.—the centre—an *intermediate annular well* all the way up, crowned by a *sky-light* usually open, answering the purpose of a *ditch* in *fortification*, and of a *chimney* in *ventilation*—the cells, laid *open* to it by an iron *grating*.

"The *yards* without, laid out upon the same principle:—as also the *communication* between the building and the yards.

"By *blinds* and other contrivances, the keeper concealed from the observation of the prisoners, unless where he thinks fit to show himself: hence, on their part, the sentiment of an invisible omnipresence.—The whole circuit reviewable with little, or, if necessary, without any, change of place.

"*One* station in the inspection part affording the most perfect view of *two* stories of cells, and a considerable view of another:—the result of a difference of level.

"The same cell serving for *all* purposes: *work, sleep, meals, punishment, devotion*: The unexampled airiness of construction conciliating this economy with the most scrupulous regard to health. The minister, with a numerous, but mostly concealed auditory of visitors, in a regular

*chapel* in the *centre*, visible to half the cells, which on this occasion may double their complement.

"The *sexes*, if both are admitted, *invisible* to each other.

"*Solitude*, or *limited seclusion, ad libitum*.—But, unless for punishment, limited seclusion in assorted companies of two, three, and four, is preferred: an arrangement, upon this plan alone exempt from danger. The degree of *seclusion* fixed upon may be preserved, in all places, and at all times, *inviolable*. Hitherto, where solitude has been aimed at, some of its chief purposes have been frustrated by occasional associations.

"The *approach*, *one only*—*gates* opening into a walled *avenue* cut through the area. Hence, no strangers near the building without *leave*, nor without being *surveyed* from it as they pass, nor without being known to come *on purpose*. The *gates*, of *open* work, to *expose hostile* mobs: on the other side of the road, a wall with a branch of the road behind, to *shelter peaceable* passengers from the fire of the building. A mode of fortification like this, if practicable in a city, would have saved the *London prisons*, and prevented the unpopular accidents in *St George's Fields*.

"The *surrounding wall*, itself surrounded by an open palisade, which serves as a fence to the grounds on the other side.—Except on the side of the approach, *no public path* by that fence.—A *sentinel's walk* between: on which no one else can set foot, without forcing the fence, and declaring himself a trespasser at least, if not an enemy. To the four walls, four such walks *flanking* and *crossing* each other at the ends. Thus each sentinel has two to check him.

"Thus simple are the leading principles.—The application and preservation of them in the detail, required, as may be supposed, some variety of contrivance.

"N.B.—The *expense* of this mode might, it is supposed, be brought *within half* that of the late ingenious Mr Blackburn's, which was £120 a man."

for George the Third, all the paupers in the country would, long ago, have been under my management.

“The work entitled ‘Pauper Management,’\*—the work to which this brief, and, it is hoped, not altogether uninteresting nor uninteresting history, is designed to serve as an introduction,—would have become law. But for George the Third, one of the joint wishes and endeavours of Pitt the Second and Lord Melville the First, to which no just condemnation can be attached, (would they had been more numerous,) would have been fulfilled.

“It was with me the war commenced. I confess it. I feel no need of being ashamed of it: it is for the reader to say to himself whether I have or no. Yes, I was the first aggressor,—meaning in the character of a subject making in a certain way war upon his sovereign. But whether that sovereign had not been intentionally an aggressor in endeavouring to plunge his subjects into a groundless war against a foreign sovereign, the reader will judge. I paralysed his hand. I saved the two countries, perhaps others likewise, from this calamity. He vowed revenge; and to effect it he wounded me through the sides of this his country, not to speak of so many others.†

“No muse shall I invoke: no muse would listen to me. A plain tale is all I have to tell: let others, if any, who may feel disposed and able, stick flowers in it.

“Catharine the Second had celebrity, nor that altogether undeserved. In a female body she had a masculine mind. She laid the foundation of a code,—an all-comprehensive code.

“My brother, whose loss I had to lament not many years ago,—my only brother, of whose education, he being nine years my junior, the superintendence fell into my hands, when on a traveller’s visit to that country, was found possessed of rare talents, was arrested, put into office, and succeeded.

“In the year 1786, or 1787, I being

on a visit to my brother, of a year and a half, or thereabouts, at Crichoff in White Russia, where he was stationed with a battalion of a thousand men under his command, on an estate then lately purchased by Prince Potemkin, Prime Minister of Russia, under Catharine the Second, the idea presented itself to him of a mode of architecture, to which I gave the name of Panopticon, from the two Greek words,—one of which signified everything, the other a place of sight. A Mr Pinchbeck, a sort of artist, who enjoyed more or less of the personal favour of George the Third, had either anticipated me, or afterwards followed me in the employment given to that name.

“The purpose to which this rotundiform was destined to be employed by my brother, was that of a large workshop, in which, with or without the benefit of steam-engine power, occupations capable of being in any degree diversified, might be carried on; partitions in the form and position of radii of the circle being employed in separating from each other such as required to be so separated: in the centre was the apartment, styled, from its destination, the Inspector’s Lodge: from thence by turning round his axis, a functionary, standing or sitting on the central point, had it in his power to commence and conclude a survey of the whole establishment in the twinkling of an eye, to use a proverbial phrase. But forasmuch as men had not in these days,—whatsoever may have been the case in the days of Pliny and the traveller Mandeville,—any visual organs seated in the back part of the human frame, it was considered accordingly, that it was material to good order, that the workmen, whose operations were designed to be thus watched, should not be able to know each of them respectively at any time, whether he was or was not at that moment in a state in which the eyes of the inspector were directed to his person in such manner as to take a view of it: accordingly, for the production of this effect, provision was made of an annular screen, pierced in such a manner with slits or holes, that

\* See outline of it in the Works, vol. viii.

† See the dispute with George III. regarding the Letters of Anti-Machiavel, in chap. viii. of the Memoirs.

by any person it might be seen whether a person, whom, in this or that other part of the building, he was taking a view of, was knowing whether he was viewed or not.

“Taking in hand this idea, I made application of it for the purpose of the case in which the persons subjected to inspection, were placed in that situation, not only for the purpose of being subjected to direction, but also for the purpose of being made to suffer in the way of punishment: in a word, as a place of labour and confinement for convicts.

“To the carrying this design into effect, two requisites were necessary:—The first an appropriate form of architecture as above, and an appropriate plan of management, so organized as to draw from that mode of architecture, as far as practicable, all the advantages it was capable of affording. In the course of my reflections on this latter subject, I came to my conclusion, that the customary plan pursued in works instituted by Government, and carried on, on account of Government, was, in an eminent degree, ill adapted to the purpose: though to this general rule, particular exceptions there might be; but to the particular purpose then in hand, they had no application. Accordingly, management by contract, I became convinced, was the only plan that afforded a probability of good success.

“In pursuance of the labours of Howard, who died a martyr to benevolence, Sir William Blackstone, the illustrious Commentator on the Law of England—Sir William Blackstone, in connexion with Mr Eden, afterwards coroneted by the title of Lord Auckland, devised a plan of architecture and management of a prison for the confinement of convicts, and accordingly drew up for that purpose a Bill which received the official denomination of the *Hard-Labour Bill*. Their plan was in some form or other laid before the public, with such explanations as were thought requisite. The plan of management was—not contract-management, as above, but trust-management: the managing hands, whether one or more, not having any interest in the success: gaining nothing

in case of profit, losing nothing in case of loss: in a word, their interest was not to be coincident with their duty. On the contrary, the one was destined to operate in constant opposition to the other: for where a man has nothing to gain by labour, it is his interest to be idle or do anything but labour.

“Actuated by these conceptions, I published, anno 1789, a tract, entitled, ‘View of the Hard-Labour Bill.’\* In this work I took in hand the plan of the two illustrious statesmen, applied to it the above principle, examined it in all its details, and the result was what appeared to me to be a complete demonstration of its inaptitude. Blackstone, notwithstanding the war I had made upon him in my ‘Fragment on Government,’ in answer to the present I made him of a copy of that little work sent me a civil note, acknowledging that he and his coöperator had derived assistance from it: they went to work notwithstanding, and obtained an Act of Parliament, under and by virtue of which they fixed upon a site for the erection. It was a spot of about fourscore acres, in the vicinity of Battersea, and distinguished by the name of Battersea Rise. For ascertaining the sum to be paid for it by Government, a jury, according to custom, was summoned, and assessed the value at a sum between six and seven thousand pounds. On payment of that sum it was in the power of Government at any time to take possession of it, and transfer it into any hands at pleasure.

“From causes not necessary to bring on this occasion to view, the undertaking lingered, and the verdict of the appraising jury remained without effect. Meantime, my brother remaining still in Russia, I was unable, for want of his assistance, to determine upon the exact form of the edifice, and through want of means, to make a proposal for the performance of the function in question by contract. In the year 1790, the return of my brother to England, furnished me with the requisite architectural skill; and the death of my father, which took

\* At the commencement of vol. iv. of the Works.

place in March 1792, with the addition of assistance from without, supplied the pecuniary means. Accordingly, in March 1792, I sent in to Mr Pitt, then First Lord of the Treasury; and Mr Dundas, then Secretary of State, afterwards created Lord Melville, a proposal for the taking charge of convicts to the number of a thousand, according to the above-mentioned plan of construction and management upon the terms therein mentioned. This proposal, in the terms in which it was sent in, is here subjoined at the bottom of the page.\*

\* "Outline of a Plan for the Management of a Panopticon Penitentiary-House.

"I would undertake,—

"1st. To furnish the prisoners with a constant supply of wholesome food, to the extent of their desires, such privations excepted as may be inflicted in the way of punishment, or in case of necessity, as a spur to industry. A state of constant famine, and that under every modification of behaviour, as in some establishments, is what I cannot approve.

"2d. To keep them *clad* in a state of tightness and neatness superior to what is usual among the lower classes, or even in the improved prisons.

"3d. To keep them supplied with *beds* and bedding competent to their situation, and in a state of cleanliness, scarce anywhere conjoined with liberty.

"4th. To ensure to them a sufficient supply of artificial *warmth* and *light*, whenever the season renders it necessary, and thereby preserve them from being obliged, as in other places, to desist from or relax in their work, as well as from suffering by the inclemency of the weather.

"5th. To keep constantly from them, in conformity to the practice so happily received, every kind of *strong* or spirituous *liquors*, unless where ordered in the way of medicine.

"6th. To provide them with *spiritual* and *medical* assistance constantly on the spot.

"7th. To make and maintain such a distribution of their time, as, deduction made of what is necessary for meals and repose, and on Sundays for devotion, shall fill up the whole measure of it with either productive labour or profitable *instruction*. To allow them the *sex horas somno*, the time Lord Coke allows to his student, and no more: not to leave them stewing or shivering in bed for sixteen hours out of the four-and-twenty, as in other improved prisons, to save candles.

"8th. To give them an *interest* in their work, by allowing them a share in the produce.

"9th. To convert the prison into a *school*, and by an extended application of the principle of the *Sunday* schools, to return its inhabitants into the world instructed, at least as well as in an ordinary school, in the common and most useful branches of vulgar learning. Extraordinary culture of extraordinary talents is not in this point of view worth mentioning: it would be my private amusement. In the account of public benefit,—I should take no credit for it.

"10th. To ensure to them the means of *liveliness*

"For giving the requisite powers to the executive authority, an Act of Parliament was necessary. Somehow or other the business lingered: nobody but the King and Prime Minister Pitt knew why. Even Lord Melville, I have some reason to think, remained in a state of ignorance; for, as I still remember, Mr Nepean, then Under-Secretary of State under Mr Dundas, showed me a short note from Mr Dundas to Mr Pitt reproaching him with the delay. What I also remember is, Mr Douglas, created then or afterwards Lord Glenbervie,

at the *expiration* of their terms; by giving, to every one of them who wanted it, a trade not requiring confidence on the part of the employer, and for the produce of which I could engage to furnish them a demand.

"11th. To lay for them the foundation-stone of a *provision* for old *age*, upon the plan of the Annuity Societies.

"12th. To pay a *penal sum* for every *escape*, with or without any default of mine, irresistible violence from without excepted.

"13th. To take upon me the *insurance* of their *lives* for an under premium, at a rate grounded on an average of the number of deaths among imprisoned criminals.

"14th. To take up my ordinary *residence* in the midst of them, and, in point of health, to share whatever might be their fate.

"15th. To present to the Court of King's Bench on a certain day of every Term, and afterwards print and publish at my own expense, a *Report*, exhibiting in detail, the state, not only *moral* and *medical*, but *economical*, of the Establishment; and then and there to make *answer* to all such *questions* as shall be put to me relative thereto, not only on the part of the Court or Officer of the Crown, but, by leave of the Court, on the part of any person whatsoever: questions, the answer to which might tend to subject me to conviction for any *capital* or other *crime* not excepted: treading under foot a maxim invented by the guilty for the benefit of the guilty, and from which none but the guilty ever derived any advantage.

"By neatness and cleanliness, by diversity of employment, by variety of contrivance, and above all, by that peculiarity of construction, which, without any unpleasant or hazardous vicinity, enables the whole establishment to be inspected almost at a view, it should be my study to render it a spectacle, such as persons of all classes would, in the way of amusement, be curious to partake of; and that not only on Sundays at the time of Divine service, but on ordinary days at meal times or times of work: providing thereby a system of inspection, universal, free, and gratuitous, the most effectual and permanent of all securities against abuse.

"To any one who should be apprehensive of seeing the condition of convicts made too desirable, I have only this answer—Art lies in meliorating man's lot: any bungler may make it worse. At any rate, what you take from severity you might add to duration.

"You see the use of a rent, and that a high one,

telling me of something which, on the occasion of an interview of his with Mr Pitt, he had said in the view of expediting it. At length came the day, in 1794, on which the act was passed, by which the doing the business by contract was authorized. And the spot at Battersea Rise, which, as above, had been destined to the reception of a penitentiary establishment on the plan of Sir William Blackstone and Mr Eden, was made to change its destiny, and was transferred to the intended penitentiary to be erected and managed upon my plan. The lingering continued: nobody knew why. Mr Pitt was shy in speaking of it. After three or four years' interval, the business came upon the carpet in another form. In the year 1797 was instituted the important and influential Finance Committee,—the first by which a report approaching to any such length as that which this Committee gave birth to was produced. Mr Abbot having distinguished himself at Christ Church College, Oxford, where, through the medium of Westminster School, he had succeeded to a studentship, had been received into favour by the Duke of Leeds of that day, and through his means had been sent by

payable by me, for a building not yet erected, but under my direction, to be erected.

“The interest of the public is completely mine. Every penny spent beyond necessity lays a tax upon me.

“I should require no new confidence. Give the convicts to me as they have been given to the hulks. Capital I should want little or none: the subsistence-money is capital: *that* you would have security for. The hulks are and must be impenetrable to the public eye. They need more than human goodness to ensure them from abuse.

“My prison is transparent: my management, no less so. The hulk-masters have, from year to year, to do as they please. A summons from the King's Bench might oust me the same day. I am no Nabob. I want no Jury. I would have none. The best friend to innocence I know of, is open and speedy justice.

“Of the dispositions I should bring with me to such an enterprise, or the motives that have urged me on to it, I shall say nothing.—You would inquire. What is public I will mention. The books I send will show, by their dates, that the subject had occupied a warm place in my thoughts, *four* years and *thirteen* years, before any personal views had mixed with it. Those views are but of yesterday. I began with planning, for A and B to execute—you will see I did.—Every page of the tract just printed (four years ago sent over in manuscript) will show it you: views rising upon views drew

a rotten borough to the House of Commons, having been called to the Bar. He was nominated Chairman to that committee by Mr Pitt, at the recommendation of Mr Pepper Arden, afterwards made Lord Chief-Justice of the Common Pleas.

“Mr Abbot was related to me by marriage. When he was between five and six years old, his mother took for her second husband my father, and became his second wife. He and his elder brother were bred up together with my brother in the house which I now inhabit: they going at the same time for instruction to Westminster School. Between the ages of the Abbots there was an interval of two years,—my brother's was at a nearly equal distance between the two.

“In those days Mr Colquhoun, who, upon the institution of the Metropolitan Police Magistracy in the year 1792, was appointed one of the three police magistrates sitting at the Queen Square Westminster Office, had distinguished himself by his work on the Police. By the above-mentioned Finance Committee, he was brought before them with my proposal, the same by which the above-mentioned Act of Parliament had

my affections after them: till at last I said to myself—Alas! where is the stranger who will enter as deeply as the contriver into the spirit of the contrivance?

“On my part, I should wish to stipulate—

“1. To have the office assured to the contractor *during good behaviour*: a phrase which, in the ordinary terms, means, for life; but which, on terms like the above, would mean simply what it says.

“2. The station of jailor is not, in common account, a very elevated one. The addition of contractor has not much tendency to raise it. Education, profession, connexions, occupations, and objects considered, I hope I should not be thought unreasonable in wishing to be preserved from being altogether confounded with those by whom those situations have been hitherto filled, and from finding myself a sufferer in estimation by having performed a public service. In this view, two expedients present themselves:—one is, the assurance of your assistance towards obtaining a Parliamentary sanction for the offer of standing examination in manner above-mentioned: the other is an eventual assurance, that, if after a fair trial the success of the undertaking, and the propriety of my conduct in it, should appear to have been fully ascertained, I shall be recommended to his Majesty for a mark of distinction not pecuniary, such as may testify that I have incurred no ultimate loss of honour by the service, and afford me some compensation for the intervening risk.”

been procured, in his hand. How this happened I never knew,—whether it was of his own accord, or at the suggestion of the Prime Minister, or some other member of the Government. Among the members of that committee was Mr. now the Right Honourable Reginald Pole Carew. He had become my friend, and a warm partisan of the Panopticon system, through the medium of my brother, with whom he had become acquainted at Petersburg. The task of making a Report on the Panopticon plan was committed to his hands. The Report he drew up accordingly in favour of the plan was couched in such strong terms, that prudence suggested and produced the suppression of it. It went into other hands,—whose they were I do not at present recollect, if I ever knew—whether those of Mr Abbot, chairman of the entire committee, or any one else. Of a speech which, on that occasion, Mr Abbot made in the Committee, the substance was at the time reported to me. Referring to some of the most noted instances of cruelty that history records: ‘We do not sit here,’ said he, ‘to try causes; but the cruelty of the cruellest of those cases was not comparable to that which this man has been suffering.’ On this occasion the Lords of the Treasury were called upon to say whether or no they were prepared to go on with the plan; and if not, why not?—they answered, in cold terms, in the affirmative.

“At this time, however, or before, I was informed that the spot at Battersea Rise, which had formed the basis of the proposal made by me, and acceded to as above, could not be given to me. Two personages [were the parties interested,]—the then Archbishop of York, Dr Markham, in right of the see, the paramount proprietor; Earl Spencer, as lessee under a long lease from that same see. The Archbishop had been headmaster of Westminster School during the five or six years which I had passed in that seminary: he submitted without reluctance: a civil letter which he wrote to me on that occasion, intimating his consent, is still in my possession. Lord Spencer demurred: he refused to cede the spot to me: but he gave me

reason to hope that another part of his estate, called, I believe, Battersea Fields, might be conceded to me. His steward, he said, had informed him that the setting up of an institution of that sort, threatened to be detrimental to other parts of his vast property in that neighbourhood. The spot destined to the institution by Parliament, was an elevated one,—the highest part of it at the same height above the water, by which one boundary of it was bathed,—namely, about ninety-two feet,—as the top of the roof of Westminster Abbey. The spot which I had been led to expect in lieu of it, was also contiguous to the river, but was little, if anything, better than a marsh. By the noble earl I was kept from the cold, in hot water, for about a twelvemonth; at the end of which time I was informed that it never had been his intention that I should have either the one spot or the other: but that should he be compelled to give up part of his estate for the purpose, the choice between the two being at the same time allowed to him, it should be the low, and not the elevated ground.

“I was thereupon turned adrift, dislodged from this spot, and sent abroad in quest of another spot: like our first parents, ‘the world before me,’—but if Providence was my guide, she proved for this time but a blind one. Many were the spots thought of, several visited, and two or three provisionally approved of. Of one of them, about seven or eight miles to the south or south-east of London, I remember nothing more at present than that it was elevated,—this property being originally recommended, and always wished for, and to such a degree stony as to be barren. Another is that which is called ‘Hanging Wood,’—an elevated and beautiful spot on this side of Woolwich.

“By what means, in these several cases, the door, after having been opened, was finally shut against me, is not worth recollecting: at length an opportunity that seemed favourable presented itself; the Earl of Salisbury, of that day, happened to be in want of a sum in ready money,—he had a freehold estate at Millbank,—it had for one of its bound-



aries a line of about half-a-mile in length, and washed all the way by the Thames.

“At length the time was come for putting a final extinguisher upon all hopes. The Millbank estate was now in my possession, all but the one piece of garden-ground, for the buying out of the lease of which £1000 was necessary. The mornings, as usual, were passed in the Treasury Chambers, either in a waiting-room,—not unfrequently the board-room itself,—or the passages. I had become familiar with three of the chief clerks: one day said one of them to me, ‘Well, now you will not have long to wait,—the warrant for the £1000 is gone to the king,—his majesty is a man of business,—seldom does a document wait more than twenty-four hours for his signature.’ The next day came, and the next to that, and so on for three weeks,—a day or two more or less,—all the while the same familiarity and favour in all faces, but the surprise on both parts continually on the increase. On the day that followed, on repairing to the usual haunt, I found everything converted into ice. Upon my putting some question or other, ‘Mr Bentham,’ said the clerk to whom I addressed myself, ‘you must be sensible that this is a sort of information that is never given, and as seldom asked for.’ If these were not the very words, this, at any rate, was the very substance. Here ended all hopes of setting up the prison institution. Still, however, the Millbank estate remained in my hands, part and parcel in the occupation of tenants holding of me at will,—other part, at first in the hands out of which it should have been purchased, and at length the lease having expired, in the occupation of a tenant at will, as before. Not only the land itself was thus in my possession, but the deeds by which it had been conveyed to me. Until those deeds could be got out of my hands, and transferred to certain others, it was not thought advisable to dispose of the land in any other manner. Various were the stratagems employed for the acquisition of these same documents. The recital would be not only instructive but amusing, could time be spared for it.

“I come now to another campaign of the war.

“In 1797, Pitt the First, then Prime Minister, brought in his Poor Bill.

“Universal was the sensation produced by a measure so important and extensive. It had for its leading idea and groundwork a plan that had been proposed by Mr Ruggles, a country gentleman of Essex.

“I took in hand this bill. I dissected it. I proposed a succedaneum to it: this succedaneum I couched in the form of letters, addressed to Arthur Young, for proposed insertion into the Annals of Agriculture, which had been brought into existence a short time before. They appeared, accordingly, in four successive numbers, in the form of letters, addressed to the editor of these same Annals:\* the matter of them is that which forms the matter of the body of Pauper Management.†

“It may be seen to contain a complete system of provision for the helpless and indigent portion of the community of England and Wales included: Local field the same as that of Minister Pitt’s above-mentioned Poor Bill. *Mutatis mutandis* plan of architecture the same as that of Panopticon plan—devised for the lodgement, maintenance, and employment of prisoners. Note,—that it was for persons of the unoffending class that this new plan of architecture was originally devised. Principle of universal and constant inspectability the same in both cases: inspectability of the inspectors by the eye of the public opinion tribunal the same in both cases: but actual subjection to inspection in no cases except those in which it was required by the different purposes, or objects in view, of the different, or, in some respects, coincident institutions.

“Arthur Young was in a state of rapture: he presented me with 250 copies of those Nos. of his Annals in which the matter was contained. By me they were distributed, at different

\* See these, and likewise the author’s criticism on Pitt’s Bill, in the Works, vol. viii. p. 361 *et seq.*

† An unpublished MS.

times, among such persons in whose hands they presented to my conception a promise of being of use: whether any of the copies were ever on sale, is more than I can remember: among those presented, were one to Minister Pitt, the other to Senior Secretary of State, George—afterwards Sir George Rose, and one I take for granted, but from inference rather than remembrance, to Secretary Dundas.

“All this while Panopticon for Prison management remained upon the carpet. One day I received from Mr Rose an invitation to call upon him—not at his office, but at his house. Days are, on this occasion, of more importance than months, or even years. Notwithstanding the unequivocal and repeated tokens of approbation that had been given to the Panopticon plan by the Planner-General of all the arrangements of the Prime Minister, my intercourse with him had as yet been no otherwise than at arm’s length. In demeanour, master and man, *proportions gardees*, were alike cold and haughty: the man was passionate, rough, and coarse. Imagine my astonishment who can, when, after giving me to understand that those on whom the issue depended had read the work,\* and read it with approbation, he concluded with saying, ‘Come and dine with me here one day the beginning of next week,—Mr Pitt and Mr Dundas will meet you,—and we will settle about this plan of yours.’ The day of the week on which this announcement was made was Friday: I was in the seventh heaven. The Monday passed away—the Tuesday in like manner—the Wednesday eke also. There ended the beginning of the week: on the Thursday I heard, as it were, by accident, by whose mouth I did not long remember, that on the Wednesday, instead of myself, Mr Ruggles had been the guest: but that the cntertainment had closed with mutual dissatisfaction. From the above-mentioned seventh heaven this intelligence cast me down, if not to the bottom of the abyss of despair, at any rate but a little distance from it—a bush of thorns having caught hold of

the skirts of my clothing and saved me from absolute destruction.

“Before this time I had received intimation from Mr Rose, that strong as had been the approbation bestowed upon my plan by all those to whose department the business belonged, other persons there were by whom it had been viewed with an eye not altogether favourable: who these persons were was not mentioned, nor any description given of them less mysterious than this. What the power was that thus stood in the way was more than at that time I had any suspicion of. There was an end to my situation of Sub-Regulus of the Poor; but my claim to be Sub-Regulus of the imprisoned part of the population still lingered.

“To contract-management was to be substituted trust-management,—in other words, the trustees being constituted authorities, nominees of other superior constituted authorities, management by patronage; or, in still ulterior words, to management by functionaries in whose instance interest coincided with duty—trustees whose interest was at daggers-drawn with duty.

“That everything might be done in due, that is to say, in accustomed form, a committee of Honourable House was duly organized,—number of members twenty-one, appropriately packed for the purpose. On this occasion what other persons were examined I cannot recollect,—the votes of the time would of course show. I of course was of the number.

“This formality being gone through, an act was passed in 1811.

“Never does the current of my thoughts alight upon the Panopticon and its fate, but my heart sinks within me: upon the Panopticon in both its branches,—the prisoner branch and the pauper branch: upon what they are now, and what they ought to have been, and would have been, had any other king than this same George the Third been in those days on the throne. According to the calculations which had then been, with close attention, made, the pecuniary value of a child at its birth,—that value which at present is not merely equal 0, but equal to an oppressively large nega-

\* Viz., on Pauper Management.

tive quantity, would, under that system of maintenance and education which I had prepared for it, expense of conveyance to the distant site allowed for, have been a positive quantity to no inconsiderable amount.

“So much for unoffending indigence.

As to the criminally-offending part of population, no tamer of elephants had a better grounded anticipation of the success of his management than I had of mine, as applied to the offending school of my scholars. Learned and Right Honourable judges I would not then have undertaken,—I would not now undertake to tame: learned gentlemen in full practice I would not have undertaken to tame: noble lords I would not have undertaken to tame: honourable gentlemen I would not have undertaken to tame. As to learned judges under the existing system, I have shown to demonstration, nor has that demonstration ever been contested, nor will it ever be contested, that (not to speak of malevolence and benevolence) the most maleficent of the men whom they consign to the gallows is, in comparison with those by whom this disposition is made of them, not maleficent, but beneficent.

“Various were my adventures when, year after year, I was sent or encouraged to go upon a place *nouveau*—a land-hunting—hunting after *terra firma*, which I so oftentimes found slippery as ice,—slipping through my fingers: analogous in some sort was my unhappy chase to that of Fenelon’s Telemachus when rambling in quest of his father Ulysses: as often as he thought himself on the point of receiving the paternal embrace, consigned by some delusion or other to final disappointment. But how sadly different the catastrophe,—how opposite in my case to what is called poetical justice!

“A little before or after the presentation of my convict’s Panopticon plan to Pitt the second in London, I had transmitted it to Ireland, to Sir John Parnell, then Chancellor of the Exchequer, father of the present Sir Henry: favourable in no small degree was the acceptance given to it: out of it grew the two volumes entitled ‘Panopticon,’ &c., which are still before the public; be-

tween myself and that worthy man and honest functionary, it produced a correspondence, and in the course of a visit of his to London, a personal intercourse and interchange of convivial hospitality. At one time came to me from the Baronet an invitation to Dublin, for the purpose of superintending the building and organizing the institution there. In this summons was comprised an invitation to take, for the time that my stay in that metropolis continued, his house for my home. All this notwithstanding, somehow or other, I found that, after that invitation, I had sent to Dublin to the appointed office my MSS. for impression, the impression, notwithstanding my instances, stood still; and hence it was that it was continued at my own expense, and put into the form in which it is now visible.

“At this time Lord Westmoreland was Lord-Lieutenant of Ireland: an architectural plan of the prison contemplated for Dublin was put by the Chancellor of the Exchequer into the hand of his Excellency. ‘They will all get out,’ were the very words of the answer, as reported to me. Nor was the observation altogether groundless; for of those safeguards, which are common to all prisons, no graphical representation was, I believe, contained: nor even, for want of room, the plan of external fortification and circumvallation. Be this as it may, the laconicalness of the observation, in conjunction with the tone and deportment which accompanied it, were such as sufficed to show that attempts at explanation would have been fruitless—would have been presented to averted head, closed eyelids, and obdurate ears. Not altogether favourable to the superior was the observation hereupon made to me by the subordinate functionary, and the character in few words given of him: but the maxim *de mortuis nil nisi bonum* has its counterpart in the shorter maxim *de vivis ne maledic*,—at any rate when the situation of the *vivi* is in so high a degree elevated.

“Many years after, a similarly decisive rejection was put upon the plan,—that is to say, the architectural part of it—by a Home Secretary in London.

Divers models of different sizes, for the purpose of conveying an impression of the whole together, in particular parts of it, had been put together by my brother, and exhibited in the house from which this is dated, in the room which now is employed as a library.\* By appointment enter the Duke of Portland, with two of his Grace's sons: scarce had he bestowed a glance upon each of the models, when the observation came from him—'Not light enough:' such was the substance of the observation, not more than twice as many the words, whatever they were:—nor was this condemnation passed by his Grace in London more groundless than that passed so many years before in Dublin by his Excellency: true it is, that the edifice being circularly polygonal, glass was the sole material of which the boundary all round was composed, with the exception of the aggregate of the iron-bars and leadings necessary for the imbeddings of the panes of glass: and as to the want of light in the Inspector's lodge in the centre, in the first place, what his duty required was, not to be seen, but only to see, and the partitions, ten or eleven in number, being all of them in the direction of the radii of the circumscribing circle, opposed next to no obstruction to the entrance of the light, even to that station in which light was so little necessary, namely, the above-mentioned central lodge. In the history written by, I-forget-what illustrious Frenchman, under the unpretending title of *Fairy Tales*, one of the occurrences is the imprisonment of the heroine in a palace, the boundaries of which were composed throughout of one solid mass of glass. Of this archetype, the Panopticon was as near a similitude as the limited power of human art could admit of.

"In form, the edifice had its similitude and its really existing archetype in the once celebrated place of entertainment designated by the appellation of Ranelagh House, or, for shortness, Ranelagh—having originally been built

for, and inhabited by General Jones, created by William the Third, Earl of Ranelagh, in Ireland: scene of many an amorous intrigue; and for that purpose indicated as destined by the Viscountess and her learned gallant in one of the prints of Hogarth's *Marriage à-la-mode*.† Another and much better-fated similitude, for it still exists and flourishes, is the capital part of the splendid conservatory in the nursery-ground of Mr Loddiges, in the neighbourhood of Hackney.

"All this is true: but not less true it is, that in the room in which the models in question were, dimensions of the boundary fronting the light 25 feet, in its number of windows not more than three, nor those very large ones: nor had any particular solicitude been employed about the removal of little obstructions to the entrance of the light: nor about the choice of the day appointed for the visitation of the illustrious guest at the abode of the humble host: nor had Phœbus vouchsafed at that moment to illuminate the receptacle by his rays.

"Of this condemnatory visit, such as it was, I remember the transmitting information by a note in writing to my friend Mr Wilberforce, in those days one of the most distinguished, zealous, and influential patrons of the measure: an answer of his is still in my possession somewhere; in terms altogether remarkable, if not unprecedented on the part of my pious and benevolent friend, he gives vent to the indignation which that occurrence had awakened in a bosom so unaccustomed to sensations of this nature."

Bentham was a frequent visitor at the table of Mr Wilberforce, where he met with Lord Eldon then Attorney-general, Lord Stowell, Lord Harrowby, and many other leading political men. Bentham remembered, and often repeated, a strong phrase of Wilberforce: "I will never forsake you; but the Minister is not with you." There had been a misunderstanding between Pitt

\* See allusions to this, in the Correspondence in chap. x. of the Memoirs.

† See an interesting account of Ranelagh, in Dumont's "*Souvenirs sur Mirabeau*."

and Wilberforce, not such as to stop all communication, for they availed themselves of Lord Carrington's friendship for both to preserve through him a certain intercourse. Bentham thought that Pitt was not unfavourable to his scheme, for, on more than one occasion, he said that Bentham had been greatly injured and cruelly treated by the prostration; but Pitt communicated to nobody, not even to Dundas, the real cause of the delays. Wilberforce was disposed to blame Pitt severely—but without sufficient reason. Wilberforce thought Pitt's opinions on religious matters lax and immoral; and to that laxity he was habitually disposed to attribute whatever was amiss.

The Government, however, was so much compromised by its acts and its promises, that a Parliamentary Committee, Mr Holford being Chairman, was nominated with the consent of the Ministers, for the purpose, as Bentham was afterwards compelled to believe, of crushing the Panopticon plan of management, and setting up the Patronage plan in lieu of it. This was in 1811,—after nineteen years of waiting.

It was only, however, on the progress of the inquiry, that Bentham saw evidence of the concert of a majority to defeat his object; for his supposition had been, that the Committee was nominated for the purpose of giving effect to it. Of Wilberforce, Bentham said:—"From the first to last, his wishes for the melioration, temporal and spiritual, as well as comfort of these peccant members of society, had been sincere: his labours towards the effectuation of those objects correspondent: so long as my share in the promised institution for that purpose afforded a ray of hope, he had stood by me. At what precise time he joined himself to that Baal-peor, it fell not in my way to know. At the time at which these symptoms of tergiversation presented themselves to my observation, he cannot but have understood so much of the nature of the obstacle to the maintenance of the public faith that had been pledged to me, as to see that it was invincible. That which was best, being no longer possible, that

which to him seemed next best, was of course that which it was his duty to transfer his endeavours to the accomplishment of.

"By the part he took in the business, my condition was not in any degree or way deteriorated: the change, if any was made in it, was for the better. Of the design he was engaged in, the tendency, and one object at least, was to preserve, as far as might be, a calm in my mind, and prevent any such ebullition as would be apt to produce feelings of an inimical nature towards me in the minds of those on whom the compensation due to me for my sufferings might depend: in whatsoever instance any direct violation of the law of veracity had been committed by other persons, he had no share in it. True it is, he had given me reason to believe, that the course it was intended to be taken in relation to me and my institution by these same omnipotent persons, was not known to him; and that it was in a more or less considerable degree unknown to him, is what I see nothing to prevent me from being persuaded of."

The sum which Bentham received as compensation for the non-fulfilment of the contracts with him for Panopticon, was £23,000. The amount was paid him in 1813.\*

The Panopticon plan had been in discussion for more than a quarter of a century. On the 9th May, 1794, leave was given to the Chancellor of the Exchequer Mr Dundas, and to the Attorney and Solicitor General, to bring in a Bill for the erection of a Penitentiary House, &c. On that occasion Mr Dundas said:—"When first the plan was mentioned to him, (Mr Dundas,) and when he was told that many of those convicts who were transported to Botany Bay for life might be usefully employed in

\* The 52 Geo. III. c. 144, is entitled, "An Act for the erection of a Penitentiary House for the Confinement of Offenders convicted within the City of London and County of Middlesex, and for making compensation to Jeremy Bentham, Esquire, for the non-performance of an agreement between the said Jeremy Bentham and the said Commissioners of his Majesty's Treasury, respecting the custody and maintenance of criminals."

manufactures in this country, he owned he thought the scheme a visionary one; but on more closely examining the mode proposed by a gentleman, whose manufactory was not far from that House, he found that the plan was not only practicable, but also very easy to be carried into effect—viz., by means of a machine which enabled every man to be a manufacturer, without the assistance of any skill whatever. It might be said to be a machine that gave the power of sight without eyes, and of feeling without hands: merely moving the machine answered all the purposes of completing the manufacture. A great number of persons, he was persuaded, might be employed here, where their labour would be very useful to the public: and he believed, that with very little additional expense, the produce of the labour would equal the expense of carrying on the work.”

In remarking upon some observations from another speaker, he said—“The plan would not only be lucrative to the persons employed; but, he was extremely well satisfied, would defray its own expense.”

Instead of the Panopticon, “the unexampled inspectable prison” of Bentham,—the Penitentiary of Millbank was erected,—not to be entered without the order of a Secretary of State; and while it had none of the advantages of the Panopticon, it cost more than ten times the amount the Panopticon would have cost.

Speaking of Panopticon, Bentham said to me in 1822:—“Among my undivulged instruments of amusement and good morals for the prisoners in Panopticon one was singing in chorus: for audience, volunteer visitors in the Central Lodge. Tune 1. Malbrook, *Coda* to the song, ‘Our worthy Governor.’ Stanza, reciting in verse all the good things he stood *engaged* to do for them, and stating them as *done*. This, in so far as done, would be just eulogy; in so far as left undone, merited satire and accusation before all the world. Tune 2. Another pretty melody, and almost as simple—

*Drink* and set your hearts at rest:  
Of a bad bargain make the best.

Words the same, except, that instead of

*drink*, in stanza 1, *work*; stanza 2, *learn*; in stanza 3, *sing*.”

I have not been willing to interrupt the narrative by the introduction of the correspondence, which, in fact, would of itself fill large volumes; but as it appears to me that many of the letters have an interest more than temporary, both from their style as compositions and the intrinsic value of their contents, I have selected some of them, partly in the character of “probative documents,” or “pieces justificatives,” as the French denominate them; and partly as illustrative of the history of the times and of the character of Bentham.

#### BENTHAM TO EARL SPENCER.

(Extracts.)

“August 16, 1793.

“No doubt but that the effect of such an alienation upon the value of the rest of your lordship’s property in that neighbourhood, is an object that has as strong a claim to consideration, as the amount of the price obtainable for that particular part; nor should I be at all surprised, if that effect should at first blush be apprehended to be prejudicial. For my own part, I have no such apprehensions: nor will your lordship, I hope, when the particulars of the plan, as far as this question is concerned, have been more fully laid before you. The persons of the prisoners will be altogether out of sight, not only of any house at present existing, but of any house that can ever be built upon any other part of your lordship’s estate. The whole thousand will be enclosed in a single *building* of 140 feet diameter: that building, so far from being an eyesore, will, I hope, I may venture to say, be an ornament to the neighbourhood; not less than the rotunda at Ranelagh is, to which it will have a considerable degree of resemblance.

“It will be completely enclosed by walls, with guard-houses on the outside, occupied by guards, who by the height of their situation will be enabled to observe, not only what is doing within, but what is doing without, to a consid-

erable distance: who of course can be sent to, or even called to, at a much greater distance than the situation of the ground and other objects may, in every instance, admit of their commanding with their eye: and who of course will have orders to lend their aid at all times, and during the night time more especially, to put a stop to any misdemeanour that may be attempted within the circle of their cognizance, and to apprehend the authors: I say, during the *night time*; for the plan of management requires the walling to be well lighted all round, without as well as within. The neighbourhood, therefore, being watched and guarded, and even in some degree lighted, at the expense of the establishment, will, instead of suffering in point of security, be greatly benefited. On the other side of each of the two roads which bound the premises on the east and on the west, the land, I observe, is occupied by gardeners, whose ground, as such, being unenclosed by walls, must at present be in a considerable degree exposed to depredations. These grounds would receive an immediate benefit by the protection afforded them by the watch-houses.

“Though I am not at present in the Commission of the Peace, yet having been bred to the bar, and having succeeded about a year and a half ago to the estate of my late father, who was in the Commission for two counties, I may, without much presumption, suppose it not unlikely that, if I thought fit (and in such a situation I should think fit) to have my name inserted for Surrey, it would not be rejected; and in that case, and in that situation, I may leave it to your lordship to judge whether the neighbourhood would be likely to find me negligent of their service.

“Before I quit the subject of security, give me leave to assure your lordship, that any further measures, which might suggest themselves to your lordship in this view, would not find me backward in adopting them; nor is it a small expense that would prevent me.

“So much with regard to *security*.—Is the establishment likely to present anything disgustful or unpleasant

to the neighbourhood?—Your lordship may soon judge.—Adopting, in their fullest energy, the ideas of Howard with regard to the importance of publicity, it is part of my plan, as your lordship may have observed, and indeed the main pillar of it, to give the establishment such a face as may attract to it persons of all classes, but particularly of the superior ranks of life, whose inspection, as such, would afford the most powerful check to mismanagement: on Sunday, in particular, it would be my endeavour to render it, by means of the chapel which is enclosed in the centre of the building, a sort of place of public entertainment suitable to the day, like that afforded by the Magdalen, and the Asylum. Your lordship will judge how far it would be possible to carry on any such plan, if the establishment, or anything belonging to it, were ever suffered to be in the smallest particular an object of disgust.

“It is in that view, as well as in the view of making the residence to which I have doomed myself the more comfortable, that I should make a point of giving to the place, considered at large, what embellishment it may be susceptible of: nor does it appear to me that it would be a departure from the true spirit of the institution, if, while with reference to the class of persons for whose correction it is designed, it is seen to have the properties of a prison, and an establishment for forced labour—to the neighbourhood, and to the passengers it should wear the aspect of a *Ferme ornée*.

“Allow me here to represent to your lordship how much reason the neighbourhood will have to rejoice at the change of plan which, in the room of three men of rank, subject to no control but what has reference to the prosperity of the establishment itself, and they not resident, substitutes a single individual like myself. By an article which I took care to insert, I am subjected, as your lordship may have observed, to be removed or censured by the Court of King’s Bench in a most summary way, at a minute’s warning: and by the terms of that article, should I ever recede from any of my engagements, whether as to those points in which the neighbourhood, as

such, would be interested, or any other, there is not that individual so obscure, who might not make his appearance in court, in person, and without any expense, and, face to face, call me to account for the failure.

“But along with the good company (it may be supposed) may come *bad*: and will come, were it only to visit their friends in *durance*.—No such thing, my lord. See them they may, indeed, but not hold the smallest converse with them, unless I please: such is the construction of the building. No man who does not come decently clad, will be admitted: every man will be liable to be searched, were it only that he may not conceal any instruments of hostility or escape: every man will be liable to be questioned as well as searched, if I or mine see cause: nor can any man get in at all, without presenting himself to his examiners. To the officers of the police the establishment will be open of course, and thither they will come at times not foreknown, if there be any prospect of prey, while to a malefactor who is once within my gates, escape will be impossible. Under these circumstances will a man, whose conscience accuses him of a crime, come and plunge into the net?—Impossible. He has everything to fear, he has nothing to gain by it.—In Newgate and other prisons, upon the common footing, containing criminals as yet untried, men of similar characters cannot be excluded, because, before trial, no man may be precluded from concerting his defence with whomsoever may present themselves in the character of his friends: neither can they be subjected to examination in the way of questioning, because such examination would be inconsistent with the freedom of admission which is deemed essential to that purpose. No, my lord—the last place in which a felon at large will think of trusting himself, of his own accord, will be my Penitentiary House.

“Allow me here to mention a circumstance which, in this point of view, may perhaps appear to your lordship tolerably conclusive. If, setting aside the contriver of the plan, one man more than another should be supposed to have

a just view of its probable effects in this as well as other particulars, it should be Mr Nepean, who has had so much occasion to consider it. T’other day in conversation—*‘I want a little bit of ground,’* says he, *‘in the country, within reach of London, to build a house upon:—do you happen to know of any such thing?’*—*‘Yes,’* says I, *‘I do: there is a board up, advertising ground to be let on a building lease, close to the premises, just on the other side of one of the roads that bounds them.’*—*‘Oh—is there?’* says he, *‘then I will go and look at it: it’s just the spot for me: its vicinity to the Panopticon would be a recommendation to me.’*

“No wonder, indeed, if people enough should be found, who, hearing that felons were to come *among* them, as report might say, hearing that it is no great distance, and knowing nothing as yet of those circumstances of the plan which would render that vicinity an advantage instead of a prejudice, no wonder they should be more or less alarmed at it: nor, considering the differences of men’s tempers and casts of character, is it possible to say that there should be nobody who, even after hearing everything that could be urged to dispel such apprehensions, might remain dissatisfied. But in estimating the effects of the measure upon the value of your lordship’s estate, the true question is, as your lordship’s discernment will, I make no doubt, acknowledge, not what may be the notions of a few individuals for a moment, and before the true nature and effects of it can have been known; but what will be the sentiments and feelings of the public in general, after those effects have been indicated by experience. In proportion, therefore, as I may have succeeded in dispelling any apprehensions that may have presented themselves to your lordship at a first glance, previous to a knowledge of the circumstances, in that proportion I shall have succeeded in rendering your lordship indifferent to what may be the apprehensions of the neighbourhood, or anybody else, under the same disadvantage. Will any such apprehensions, supposing them formed, have any *duration*?—No, my lord—so far from



flying from the spot, builders will flock to it, were it only for the benefit of the protection afforded by the guard.

“But let me admit, for argument’s sake, (and it is only for argument’s sake,) that the neighbourhood, and even, in particular, the *value* of your lordship’s estate would ultimately be rather prejudiced than served by the establishment—will your lordship’s candour allow me to inquire whether, under the particular circumstances of the case, that would be a just motive for opposition, or present, to a person in your lordship’s situation, a prospect of opposing with success?”

“The materials for judging have, in some particulars, not presented themselves yet to your lordship’s view: allow me to perform that office.

“Publicity, as I have already observed, is of the very essence of the institution: it is with a special care to that advantage, that the spot in question was made choice of. And by whom made choice of? Not by the supervisors only, but by the most respectable and competent body that could be devised: a body composed of the twelve Judges, with the addition of the Lord Chancellor, the Speaker, and the first Magistrate of the metropolis: of these fifteen, fourteen, (as Mr Bowdler, one of the appointed supervisors, informed me,) or at least thirteen, actually signed the instrument of approbation: and if it went without the signature of the other, or the two others, it was—not because he or they disapproved of it, but because, after so great a majority, the person or persons in question not being on the spot, it was thought not worth while to delay the measure for the sake of adding their signature to the rest.

“Another circumstance may, in this view, be very material for your lordship’s consideration. Before this place occurred, another (not to mention two that are not to the present purpose) had been made choice of: viz. a spot much nearer Wandsworth, and so near, that its vicinity, and the disgust that the inhabitants conceived on that account, (your lordship will remember the plan then in contemplation was one which

presented none of the antidotes above stated,) was made a ground of objection. This ground of objection was accepted as conclusive by the very tribunal I am speaking of: such was its becoming tenderness for the feelings of individuals: and by that very same high and considerate tribunal was the choice of the very spot now in question confirmed, without a dissenting voice, as being free from the objection which had put a negative upon the other. The rejection itself appears by the report which I enclose: the reason of it as above stated, (a matter which must be known in the neighbourhood, I mean in Wandsworth,) I had from the supervisors, and the difference is indeed apparent on the face of the present spot. For, my lord, what are the buildings that (except in the way of distant prospect as London may be) are in sight of it? Two or three cottages of no value, and a public house that would make a fortune by the choice. Did your lordship’s agents (I should have said those of the late earl) make any objection then? I never heard they did: but if they did, they were overruled. The choice, your lordship will have the goodness to observe, is not *now* to be made: it is a *res acta*: in succeeding to the estate, your lordship found it with this obligation lying upon it. The only questions there can be, (I rely upon your lordship’s goodness for forgiveness, if zeal has betrayed me into error,) the only questions, at least, I can see, are that which regards the *time*, and that which regards the *price*: and even this latter was no question, until, out of respect for justice, it was made so by me.

“Your lordship, then, will have the goodness to consider how the case stands, with regard to the place in question. The Penitentiary establishment is determined on by Parliament. The spot for the reception of it, it is determined, shall be a spot in which *vicinity* to the *metropolis*, and to the *river*, should be accompanied with that degree of elevation which is deemed essential to the health of so numerous an assemblage of persons, so subjected to confinement: this decision is given, with respect to the

sort of place, by a subsequent committee of the House of Commons, with respect to the *individual* place. By that same committee, (see the Report of 1784,) in confirmation to that given by the twelve Judges, added to the Lord Chancellor, the Speaker, and the first Magistrate of the metropolis, the measure had already been sanctioned, and the price of the place assessed, under the act of Parliament by the verdict of a jury. An improvement is afterwards devised in this system,—an improvement deemed such in spite of predilection and every personal motive,—by the very persons (for such is their generosity and public spirit) whom it throws out of office. It is deemed such, and as such adopted and patronized by an administration, with whom the author had not the honour of the most distant previous connexion, or any prospect of connexion, whatsoever. This improvement cannot, any more than the original plan, do without a spot to rest upon. The building to be erected, in conformity to this improvement, must then be set down in some neighbourhood, possessed of the above-mentioned advantages. What then is to be done? Shall the establishment be turned off, on account of this improvement, from a more eligible to a less eligible neighbourhood? or, for want of a neighbourhood that might like to receive it, is it to be supposed that an establishment of such public importance will be set aside altogether?

“A prison cannot exist, but it must exist in some neighbourhood: it cannot exist in a town, but it must exist in a *crowded* neighbourhood,—a neighbourhood beyond comparison more exposed to the objection supposed, than the place in question can be:—is there, then, no such thing as a prison to be built anywhere?

“How was it with regard to the immense House of Correction at Clerkenwell? Is there anything like a reason for apprehending that such a prison as the one proposed, can be more incommensurable to the distant inhabitants of Battersea and its neighbourhood, than the actually existing one must be to the inhabitants of the *contiguous* House of

Correction in the *crowded* neighbourhood of Clerkenwell?

“No man, give me leave to say, my lord, can be more sensible than I am, to the abuses to which the maxim, *that private interest should give way to public*, is liable, and is but too frequently made subservient—as if the public were made up of anything but individuals: no man who would be more resolutely bent against making himself an instrument of such abuse in any case, and, above all things, in a case where an interest of his own was so visibly concerned: it is a subject I have made a study of, and considered under all its faces. But in the present instance *would* it be any *real injury* to any individual?—would there be so much as any *real damage*? Is the damage, if any, such as can be set in comparison with the public benefit? Does it exist in any assignable shape? Is it of such a nature as to have any claim to indemnification?—Indemnification then it will have.

“With regard to your lordship’s suspicion, that a part of the land in question may prove to be upon lease, I rather think your lordship will find the fact to be otherwise: (not that it is at all material, as your lordship will see presently.) In the course of a visit to the spot, I happened, a short time ago, by accident, and without my seeking, to fall into conversation upon the subject of the Penitentiary plan, with one of your lordship’s tenants; a gardener of the name of *Glenie*, who did not know the relation I bore to it. Beginning the conversation, (for he avowed a suspicion of me on that score,) he mentioned it as a remarkable circumstance, that no part of the land, either *is now upon lease*, or has been for these two hundred years. His own part he spoke of as being forty acres: (being the upper part on which the building would be placed,) and he applied the same observation to the remainder in equal quantity, (which agreed exactly with the quantity detailed in the inquest of the jury.) With respect to his own part, I think he can scarcely have been otherwise than correct, in regard to a circumstance in which he was so highly interested; and that is

the only part for which I should have occasion, before Parliament had time to do its office.

“ I set out with observing, that *lease or no lease* is immaterial to the present purpose: and so your lordship will find it to be. Why? Because the actual immediate possession is equally out of your lordship's power as landlord to grant, whether there be or be not a lease, as I well knew: *that* must depend at any rate upon the occupying tenants. Without their consent, to whom I well knew I must have to apply for it after all, that of the landlord, would, in point of law, be unavailing: since a tenant, styled a *tenant at will*, is not so far *at will*, as that he can be removed, or his exclusive possession infringed upon, without a certain interval of notice: and with the consent of the tenant on the other hand, a man might have the use he wanted, were the landlord ever so averse. So far, then, as *immediate* possession is concerned, it was the respect due to your lordship, and to what appeared to me to be the rules of propriety and decorum, and not any necessity in point of law, that was the motive of my humble application to your lordship, to whose decision in that particular, the same considerations will command my submission: and your lordship will be pleased accordingly to recollect, that in the very sentence in which the request was made, I added, that it was not any formal act that I stood in need of troubling your lordship with, for that the purpose would be equally answered by a simple acquiescence.

“ To satisfy your lordship of the concurrence spoken of on the part of the gentlemen who had been appointed supervisors, I take the liberty of enclosing a letter or two just returned by the Archbishop of York, together with one I happened to have by me, expressive of the spontaneous support of a respectable and learned friend, an old connexion of the archbishop's, and who may not improbably fall within the sphere of your lordship's acquaintance. I hope the good archbishop will pardon the liberty I may perhaps take of adding his own kind letter to the rest.

“ To show your lordship the state of the business in respect of the land in question, I also send a Report of a Committee of the House of Commons of the year 1784. The estimates it contains of the expense, your lordship will be pleased to observe, are for 900 prisoners only, and my house is to contain 1000. Actual expense I believe was scarce ever known not to exceed the *estimated*, especially in public works; and neither that of *furnishing*, nor that of stocking, is included. Your lordship will have the goodness to return the Report, as it is not mine but Sir Charles Bunbury's; (upon second thoughts I fear it must be a copy for the present, the printed original being in Mr Nepean's office, from which things are not to be got in a hurry.) Give me leave to add, that though this is the last *public* testimony of the Penitentiary system's having been kept in mind, (and, consequently, the land that had been appropriated to it,) yet it never actually *has* been out of the mind of Administration. It was not more than a twelvemonth before my plan in its original shape had been sent to Mr Pitt that the late Mr Blackburn, the architect, had an audience of him on that subject, as well as of the then Lord Chancellor, as Blackburn himself told me.”

BENTHAM TO HENRY DUNDAS.

“ Q. S. P., June 7, 1794.

“ SIR,—A measure of Administration having been deserted by Administration, was carried by *me* through the House of Commons. The fact is not more ridiculous than true. Mr Long brought Mr Long: chance brought me two private friends. An opposition of two was thus subdued after a hard struggle. In the Lords, after lying by till the third reading, Lord Spencer obtains an order for the printing of the Bill: in other words, opposes it: opposes it, after having held such language, (to yourself, Sir, I presume, for one,) as, according to Mr Long, to whose frankness I am beholden for the communication, rendered it impossible for him to oppose it. When thus opposed, since opposed it is to be, in the Lords, how, then, is it to be

defended?—as it was in the Commons? *Time* at least has not been wanting for getting it through, or for exposing it to disasters, since I had the honour of an audience. The week spoken of, Sir, on that occasion, has been already doubled. What other helps it was destined to receive, remain as yet to be discovered. A secretary of the Treasury neither knew what had been done, nor what was to be done: an Under-secretary of State asked *me*. Indeed, Sir, I do not know. One thing I do know: that I am no match for Lord Spencer anywhere; especially in his own house: and unless some such person as a Secretary of State, or a First Lord of the Treasury, should happen to know of some means whereby a Treasury Bill, after having passed the Commons, may be supported against a groundless opposition in the Lords, there is an end of my hopes, as well as of other things better glanced at than expressed. I have the honour to be," &c.

BENTHAM TO WILLIAM WILBERFORCE.

"MY DEAR SIR,—Enclosed is the paper which you gave me leave to trouble you with. Observe the dates. It was after receiving a copy of it, together with a Memorial addressed to the Treasury Board, which he desired to have *pro forma*, that Mr Dundas, upon my meeting him at the outside-door of his office at the Horse Guards, said to me these words,—‘Mr Bentham, I have just been saying to Mr Long, what I had before said to Mr Long and to Mr Pitt, *that it is impossible to change the land.*’ Mr Dundas was addressed at that time in consequence of Mr Pitt’s having signified his intention of resting his decision (as Mr Long told me) on the judgment of Mr Dundas, who, he observed, had the circumstances more on his mind than he (Mr P.) could have. Afterwards, Mr Long sent for me, and notified to me in form, that Mr Pitt had fixed upon the land in question as the proper spot,—and an instrument for the purpose was accordingly, by Mr Long’s direction, drawn by me, approved and signed by Mr Long,—settled by the Attorney-general, and engrossed by Mr White, and when I heard last of it, about six

weeks ago, was lying (so Mr Long told me) (together with the draught of the contract perused and settled by the Attorney and Solicitor General, and ready for engrossment) upon Mr Pitt’s table. Lord Spencer has given up his opposition more than once: once, as I was informed by Mr Long, who called upon me at my house to congratulate me on it, and afterwards in conversation repeated to me that, after what Lord Spencer had said to him,—as I understood,—he certainly could not go back with honour,—honour was the word: another time, (after having been at my house, and seen what was to be seen,) as was notified on his part by Lord Hugh Seymour to my brother, who came to me full of it at the time, but I doubt has since forgotten it.

“Lord Spencer has since offered to me, through my brother, to give up his opposition if I would accept of a *marsh*, admirably convenient for me in a pecuniary view, but as certainly pregnant with the destruction by hundreds in a year of those whom I would wish to reform, and not to poison, (I speak not from surmises, but *records*.) I wished to rid myself, once for all, of the temptation to commit safe murder for great gain; and, accordingly, after a hard struggle, prevailed to have retained in the contract the clause binding me (in consideration of what was deemed an adequate premium) to pay £100 for every death.

“Lord Spencer, on the report of his steward, who I believe has been the private mover of all these vexations, estimates at between £2000 and £3000 a-year the detriment that may accrue to his son, (to whom he pointed on the occasion,) by an adhesion to the old choice, quoting two instances in which persons who had been treating for taking land of him, on I know not what advantageous terms, had broke off on hearing of the Penitentiary House. Hopeless of justice, I would most gladly bind myself to take the land upon those terms, whatever they were, and, in short, indemnify this poor family from the apprehended injury, according to their own estimate of the extent of it.

"It was in September last that the draught of the contract, after having been settled *in terminis* with Mr Pitt, through the medium of Mr Long, went to Mr White, with a letter signed by Mr Long, ordering it to be '*prepared for their Lordships' signature*;' since which I have been obliged to pay (*inter alia*) (in addition to £8000 or £9000 out of pocket before) £1140 for cast-iron, (materials for the building,) not to reckon some hundreds more, which by this time I am bound for. I am now lending my mind to the irksome task of drawing up my case with the vouchers for publication, that when those who take an interest in my fate become witnesses of my ruin, they may see it has not had imprudence for its cause, unless it be imprudence to have attributed common honesty to Mr Pitt. In this crisis you are my sheet-anchor,—*more orientali!*

"P. S. What can I say more? I could read you a memorial to the Treasury, with Mr Dundas's answer, refusing to forward it, as being injurious to Lord Spencer, attributing to him what he has

since avowed.—N. B. It attributed nothing, it was merely *hypothetical*,—that people would say how it would look, if, &c.

"It was about the month of September above-mentioned, that Lord Spencer (according to his own account of the matter to my brother) signified his last, and still subsisting opposition to Mr Pitt, who all the while, either not meaning to sign the draught he had ordered to be prepared, or at least doubting whether he should sign it or no, has been suffering me (without vouchsafing the least hint of any such doubts) to amuse myself with putting it through all its stages, and laying out my money upon the faith of it."

I have introduced the following paper because it exhibits Bentham's manner of looking at every subject in all its bearings: and, secondly, because it affords an answer to an accusation frequently brought against Bentham, that he *selected* the unhealthy site of the Penitentiary, Millbank, for his Panopticon; but the correspondence shows that the site was no choice of his:—

"18th August, 1796.

REASONS *in favour of the spot near*  
WOOLWICH, *as a site for the*  
PENITENTIARY HOUSE.

Properties required by the Acts 19 Geo. III. c. 74, and 34 Geo. III. c. 84,—or by the Reports of the Committees.

I. VICINITY TO THE RIVER.

—Distance, less than 500 yards. N.B. Without communication with the river, immediate or by a *cut*, the Contract not executable.

II. ELEVATION,—rising to about 100 feet,—thence

III. HEALTHFULNESS.

IV. VICINITY TO THE METROPOLIS,—(the seat of *inspection*, and market for raw *materials* and finished *goods*.)

This is the nearest spot attainable, (accompanied with the preceding advantages,) after Battersea Rise.

REASONS *alleged contra with* ANSWERS.

I. PLEASANTNESS OF THE SPOT.

*Answers*,—

1. See this in the list of reasons *pro* No. V. N. B. Pleasantness inseparable from the conjunction of *Elevation* with *Vicinity to the River*,—thence from *Healthfulness*.
2. This no objection, any farther than as inducing a *suspicion* of a *tendency* to seek the gratification of *private* taste to the prejudice of the *public* service: a prejudice which *here* can not accrue.

II. REPUGNANCE ON THE PART OF PROPRIETORS.

*Answers*,—

1. The very existence of opposition is sufficient to demonstrate a *certain* degree of repugnance.—Reasons for not presuming any *greater*:—
  1. A great part (perhaps half) of the elevation *leased out* and *carried away*,—therefore little attachment to the *elevation*.
  2. Seventeen acres of the *wood contiguous*

## V. PLEASANTNESS,—

1. Inviting to the *inspecting* class.
2. Inviting to those who may reap benefit from the *example*.
3. Inviting to future *Governors*, in respect of constancy of *residence*.
4. Communicating the enjoyment of the spot to *thousands*, instead of confining it to *one*.

## VI. SECURITY,—

1. The strength of the *Dock Yard* within call.
2. That of the *Barracks* distant not above half-a-mile, summonable by signals.

VII. VICINITY TO THE *Present* STATION OF THE CONVICTS. Distance, not 600 yards. Hence—

1. Saving the Establishment from the *increased* alarm and disgust that would pursue it to any *new* place.
2. Faculty of *employing* the *Convicts* in the Digging of the *Cut*, and the erection of the *Building*, &c., &c., as recommended by the *Committees*.

## VIII. VICINITY OF BUILDING MATERIALS. Sand dug, Bricks and Lime made, on the spot.

Among the parties whom Bentham had occasion to consult was the Bishop of Rochester. From him Bentham sought an audience. I find his answer: "The Bishop of Rochester declines the honour of Mr Bentham's visits."—not a word more.

Wilberforce writes :

WILBERFORCE TO BENTHAM.

"21st April, 1796.

"I am very much vexed, indeed, at the conduct, tho' less surprised at the

to the elevation, *lately* leased out and *grubbed* up,—therefore little attachment to the *wood*.

3. The *whole* left exposed to the inroads of men and cattle. *Fences*, either *wanting*, or originally inefficient, and those run to ruin. Parts, an habitual bog for the populace, neighbouring and itinerant,—therefore little regard for the *general appearance* of the place. N. B. The ground in front of the *Mansion* (a *mile* off) neatly kept.
2. The repugnance confined to *one* proprietor—impossible to have *less* anywhere : scarce possible not to have many times as much. At the place *last* before proposed, *one unwilling consentor* : 28 *co-proprietors* who *might*, any or all of them, have been repugnants,—besides *Lessees*, who *certainly would*.

N. B. The *Acts* have declared the only cases in which the plea of repugnance *ought* to be admitted.—This not in the number.—This wood not "*planted*," (§ 10,) but *grubbing* up.

III. OFFERS TO PURCHASE REFUSED.—  
*Answer*,—

1. Power to accept wanting. Estate in *strict settlement*.
2. The refusal, if voluntary, no evidence of *particular* repugnance, derived from attachment to the spot. Aversion to dismemberment, a *general* concomitant to great landed opulence.

CONCLUSION. A *fit* site, obtainable for *such* a purpose, *without a dissentient voice*, is the site of the *Golden Tree* and the *Singing Water* : and after a three years' consideration, I beg to be excused from searching for it.—J. B."

demeanour, of the bishop. I really thought it possible that he might have been susceptible of some feeling for the public good, when not preoccupied by private interest. We will try what can be made of Rose or of the bishop through the influence of Government ; but I own I fear that you would be hardly able to carry a bill through both Houses in the face of the Dean and Chapter's opposition. I say *you* ; I ought not to have it to *say* ; but I doubt if it will be practicable to prevail on the Ministry to bring forward the proposition themselves as

they ought, and to support it with all their force. However, we will talk of this when we meet. I may probably pass through town on Thursday at three o'clock, which I throw out that you may know where I am likely to be, if you wish to see me. I would cheerfully come up on Wednesday if I thought it of moment, to be present at your interview with Rose; but I don't think that of the least consequence. I will, however, give him a line 'to quicken.' I must say, few things have more impressed my mind with a sense of various bad passions and mischievous weaknesses which infest the human mind, than several circumstances which have happened in relation to your undertaking: a little, ever so little, religion would have prevented it all. I long ago have put the public in the possession of the practical benefits of your plan. This is one amongst the many instances I have had occasion to observe how much a little of this only solid principle tends to the wellbeing of communities. I need not repeat that it will ever give me pleasure to coöperate with you, or desire you always to call on me for aid without ceremony. I heartily and strongly wish I could lend you more effectual assistance.—In great haste, yours sincerely,

“W. W.”

ROMILLY TO BENTHAM.

“26th April, 1797.

“I have spoken to the Solicitor-general, and, at his recommendation, to the Attorney-general, respecting your bill; and though the Attorney has not neglected it,—he has done what will probably be as injurious to you. He has so fully considered it, that he has a thousand difficulties which it will take a long time to get over. He says it is the most unlike an Act of Parliament he ever saw. I told him that Lowndes drew it. Was I right, or have I founded it with a former bill? I begin to suspect that I have; for though Lowndes' compositions have many defects,—that of being unlike Acts of Parliament is not one of them.—Yours ever,

“S. R.”

Again,—

“2d May, 1797.

“DEAR BENTHAM,—I have done my best for you; but I am afraid you will think I have done but little. I had a consultation this morning with the Attorney and Solicitor General. As soon as the business of it was over, I introduced your bill, and found that it had not been looked at since I saw them last. However, they promised to settle it before they parted, and I left them with the bill before them, and pens in their hands. I pressed them to let me have the draught, or to permit you to see it before it was returned to the Treasury, but was not able to surmount their objections to such a proceeding. I told them, I understood from you that they had promised, or at least given you to understand, that they would communicate their objections, if they had any, to you; but they had no recollection of it, and I found I could make nothing of them. I told them, on going away, that I should inform you that White would have the bill to-day.—Yours ever,

“S. R.”

BENTHAM TO GEORGE ROSE.

“23d February, 1798.

“SIR,—I understand from the Solicitor-general, that my bill (the Tothill Fields Penitentiary Bill) is unexceptionable—that consent of parties may be dispensed with,—but that the bill is an *Enclosure Bill*, and as such cannot be brought into Parliament till *next* session, for want of certain *notices*. Here then commences a certain suspension of the business for another twelvemonth, (making from the time of my being ordered to take my arrangements four-and-a-half years,) and at the end of it a prospect already thus darkened by experience. Meantime, while others are proving their loyalty by their affluence, I, who have nothing left but loyalty, am reduced to shut up my house, (the residence of the family for three-and-thirty years,) fortunate in finding a brother's to take refuge in. Between £10,000 and £11,000 was, I think, the

amount of advances as stated (it is years since) in the last of my memorials on the subject to the Treasury. Since then it has been increased to an amount which it frightens me to look into, by interest and fresh expenses,—for every fresh effort brings its expense. I cannot think that the utter ruin of the individual, whose pecuniary advances are not the greatest even of his pecuniary sacrifices, would be regarded by Mr Pitt as a fit termination for this business. Under these circumstances, I will venture to submit an expedient, the adoption of which would at least not be detrimental to the *public*, and might afford *me* some relief, without *expense* to *government*, or cause of *complaint* to anybody. Had my plan taken place at the time originally intended, the existing plan, so far as the hulks are concerned, would have ceased several years ago. The adoption of the *new* plan has never been a secret to the conductors of the *old* one: whatever may have been the benefits of it, they have therefore already been in possession of those benefits longer,—much longer, than they could naturally have expected. There seems no reason why they should reap a profit from this fresh misfortune (I mean this fresh delay) coming on the back of so many other misfortunes. The death of a Duncan Campbell, Esq., and the sale of his effects, appeared some months ago in the papers. I suppose Mr Campbell the superintendent:—but under the circumstances just stated, whether he be, or be not in existence, will not be thought (I presume) to make much difference. The existing contract ceases at any time on three months' notice. Several years ago, Mr Campbell declared to Sir Charles Bunbury, that 'the retaining his situation was no longer a *personal* object to him—his *delegates* remained the *sole* object of his care.' In this there was nothing but what was natural enough; after receiving for so many years £38 a-head, the profit to be made upon less than £21, with additional charges, and provisions so much dearer, would comparatively be of small importance. Were the convicts to be intrusted to my care

upon the existing plan, it would, besides the present relief, afford me the opportunity of initiating myself into the business; and the transition from the Hulk plan to the Penitentiary-house plan, would be smoother, and attended with less hazard, than if, at one and the same time, *persons*, as well as *places*, were comprehended in the change. Mr Campbell himself never resided in the Hulks: the persons who supply *his* place on board, would of course be the persons to supply mine. The system is too effectually vicious to admit of much improvement: yet here and there something might *perhaps* be done, were it only in the way of preparation for a better. Giving the *notices* necessary for the bill, at the same time with the *notice* for the termination of the *contract*, would *publish* the sincerity of the Government, (which, however *real*, must be confessed to stand in some need of *publication*.) and show that something more is intended on *both* sides, than the bartering a *system* for a *job*. As to the change of hands, I have never heard that any very uncommon qualities have hitherto been looked for as requisite for the situation. In my own instance, the foundation of everything has been done on the supposition of my being capable of giving birth to a *new* and *better* plan. I hope I am *still* capable of preventing the *old bad* plan from getting worse. I have the honour to be, with all respect, Sir, your most obedient humble servant."

GEORGE ROSE TO BENTHAM.

"24th February, 1793.

"DEAR SIR,—I observe by some orders from the Committee on Finance, that, among other subjects, they are about to enter on the consideration of the expense of the convicts, which I am extremely glad of for various reasons. I think you may with perfect propriety lay before them the whole of your plan; they may perhaps think themselves confined to the expense only of the system, but the difficulty might be got over by a special instruction: in any event, it is competent to them to con-



sider of your proposal for taking care of the convicts in the hulks. I have always wished well to the measure proposed by you of solitary confinement, and am sorry so many difficulties have occurred about it: the one you last mentioned I could not foresee. If the committee can be prevailed with to take up the business, the public would be satisfied that it should either proceed, or at once be given up, as they should report,—because I am sure their opinion would have very great weight, as it ought to have.

“I am quite ignorant of the expense you state yourself to have been at.—I am, dear Sir, your faithful humble servant.”

BENTHAM TO WILLIAM WILBERFORCE.

“Q. S. P., Friday, 5 o'clock,  
July 18, 1800.

“MY DEAR SIR,—*Between 12th and 21st April, 1800*—Memorial, containing the *very first communication in any shape*, on the subject of *rise of prices*. Audience refused: ‘Memorial’ ordered: with refusal to *hear*, or to *say* upon what *points*.

“Was not this an audience? (say you)—Yes: an audience *in a passage*, Mr Long’s long legs straining themselves to escape.

“This is what Mr Long gave you by way of answer to a question about causes of delay—your question embracing (I *suppose*, but you alone *know*) the delay from July 1799 to July 1800. I told you it was a *hasty* answer, given under the pressure of your question for want of a more satisfactory one. Was my construction *uncandid*?—find me one that is less so, and I will adopt it.

“J. B.

“P.S.—Why mention this? Only that you may not turn aside from me, like the —, who was it?—and the Levite, under the notion of my having cut my own throat, by starting rise of prices.

“You think I ought not to do it so cheap. Moreton Pitt is sure I cannot, and shall be ruined. Mr Rose *pro contra*, the last time I had the honour

of seeing him, viz. about this time twelvemonth. *Ipsissima verba*,—

“‘So, Mr Bentham, I find you have taken very good care of yourself—special care indeed! I thought you had dealt more liberally with the public.’ So far Mr Rose. Think you I flew at him as I did at you? I know better things.

“Supposition whimsical enough; but not unprecedented. Panopticon lost by four votes: *two*, because the terms not high enough; the project, therefore, either knavish or foolish, and impracticable:—*two*, because the terms so high; the project rapacious and extortionate.

“The article binding me to pay forfeit for every person recommitted after discharge, has lost me many a vote. It had hurt me even with Abbot: it had hurt me with Nepean—not to mention persons too high to be named. I satisfied him in three words, that the loss could not befall me, but in company with a much greater gain. Better the man is hanged, and then his superannuated annuity is saved to me: or he comes back to me again, and then I squeeze it out of him with interest. Nepean was satisfied; but the dining-room gentlemen are above the reach of satisfaction.”

BENTHAM TO LORD ST HELENS.

“Q. S. P., 19th July, 1801.

“MY DEAR LORD,—The mansion of St Helens (I learn this moment) has been transplanted from the little *ci-devant* kingdom of Ireland, to the great and United Kingdom of Great Britain and Ireland put together. Long may it live and flourish! The house of Loreto travelled further, but not to better purpose. Angels themselves do not manage these things better than our people do, *moyennant finance*.

“The New-year’s-ode manufactory, forming one united kingdom with the police-office, overlooks a part of my dominions. Manufacturer, ‘Poeta Pye,’ not ‘Parvus Pybus.’ Having some claims, I might have taxed it for an ode, by way of epistle congratulatory

on this auspicious occasion; but that, howsoever poetry may be more harmonious, prose, by its sincerity, sounded most in unison with my feelings.

“Murmurations about situations may now, I hope, subside: in the scale of substantial value, the possible angel does not, under the existing circumstances, appear by any means a match for the actually-existing mouse. A mission to a Christian country, where glory cries, Come reap me, is surely preferable to the best mission *in partibus*—not to say in *imbibus*.

“Nepean (I hear) has a long letter, in which his Majesty’s representative at the Court of Russia complains of ill health. Whoever has been in Russia knows how ambiguous a sort of a thing ill health is in Russian language. Boljesn may, I think, be not unaptly rendered indisposed. I hope, in the present instance, it is nothing worse than a sort of a Swiss *maladie du pays*; for which, in God’s and his Majesty’s own good time, loco-motion would be a cure.

“Exactly at this time, I learn, from the semi-official fountain of French truth, that Lord St Helens, ‘so well calculated by his personal character to succeed in all diplomatic missions intrusted to him, is far from finding at Petersburg those dispositions with which the English administration flattered themselves.’ Far from finding them? Why, then, he has made them. ‘Better and better still,’ quoth he. Accordingly, in the estimation of *The Times’s* Hamburg Correspondent, this is his lordship’s *chef-d’œuvre* of diplomacy.

“In our small way, here at Q. S. P., we are jogging on tolerably well in naval work matters: things are done, persons appointed, pretty much according to our advice. In matters of *meum* and *tuum*, they cheat us sadly: and by whose counsel? ‘of all the birds in the air:’ but of that arch-Achitophel N—? Being remediless in the premises, we make French shrugs; while a tolerably successful, and not dishonest, though obscure, ambition affords a sort of salve for the wound in the purse. (Don’t say anything to the Traitor: in Panopticon matters he is a Daniel.) Ac-

ording to Vansittart’s report, the *Dart* and *Arrow* attracted much notice in the Baltic: your lordship may have heard more. They are among the vessels which certain Dock-yard officers, by inspiration from above, discovered—not by intuition, but without intuition, and without so much as inquiry about construction, discovered and reported, officially reported, to be ‘unfit for his Majesty’s service at sea.’ But now Lazarus is comforted, and they are tormented.

“I am in a sort of relation with Vansittart about Annuity Notes: and (generous creature as I am to acknowledge it) this babe and suckling—this abortion rather, of diplomacy, pointed out the same amendment that was made by a patriarch in the trade. I am to publish: and they furnish me with documents. Being a good-natured man, he complies with some whims of mine; and we seem not unlikely to be on pleasant terms. Panopticon is still in darkness. He has sent me an appointment for Tuesday (the 21st); but which is to be the order of the day I know not. The Treasury, in their distress, in two of their ‘FURTHER PROCEEDINGS’ papers, have referred the proposed defalcation to an alleged enhancement of terms on my part. The glaring falsehood and *mala fides* of this charge (the Act of the ex-Administration) gives me what appears to me, and what I think I have found already in experience, a considerable advantage. Certain omitted documents would fix the ex-people not only with error, but with *mala fides*. I rave and clamour upon the plea of injured character for the publication of these documents; hoping they will find it less trouble to do me justice upon the principal point, than to make a bad defence upon the interlocutory question, in endeavouring to whitewash their predecessors. My screams have already so far prevailed, that ‘cockatoo,’ in an accidental chance medley conversation, assumed—not compensation in lieu of everything, but the reduced number with compensation—full and ample compensation, for the number defalcated, pretending with Long, to read as much

in the Treasury Minutes, &c., which contain no such thing. Upon the whole, I am not quite so near hanging myself as when you saw me.

“The public zeal and uprightness of that office, (I am got back to the Admiralty now,) as far as your brother Lord of a Saint, Achitophel, Daniel, and another person, (a very little one,) are concerned, would afford some really pleasing sketches. What Lord Spencer and Lord St Vincent join in looking upon as our due, (and what we are dying for want of in a parenthesis,) that fellow will not suffer us to have. He would sooner give it us out of his own pocket: he *has* lent it us, rather than that the king should give it us:—and so we lose it. We would give Lordship, now and then, a few gleanings in this way, if Lordship did not disdain such trash, and would favour us with a few pickings from the Table-talk of Petersburg. No: these are meat for our master.—His Majesty’s representative has no such pearls to throw away to any such swine.

“P.S.—I am not a woman. I scorn, for my part, to put the *punctum saliens* and final cause of a letter into the post-script. I say nothing of the fatherless: still less of the prisoners.”

BENTHAM TO SIR CHARLES BUNBURY.

“DEAR SIR,—Crimes, distinguished by the name of unnatural, are endemial, not to say universal, on board the Hulks in both places, Woolwich as well as Portsmouth. As the Hulks are emptied of the contents, these crimes flow out with them, and propagate themselves *in patriam populumque*. At Woolwich, an initiation of this sort stands in the place of garnish, and is exacted with equal rigour. This fact is put out of doubt by indubitable evidence. Not only *such things are*, but, as the Mayor of Portsmouth, Sir John Carter, in a letter now before me, very sensibly observes, from the very nature of the receptacle, *such things ever must be*. Such are the abominations of which Lord Grosvenor has *obtained*, and Lord Pelham and Mr Addington *decreed*, the perpetuation and diffusion. The official lord has had

notice of them over and over again: to the pious lord, it does not seem very likely to have been a secret. Query, in a court, able and willing to do substantial justice, who is most guilty of them: he who practises them upon an individual scale, or he who protects and establishes them upon a public scale? This is a query I propose submitting to the public. Know you any just cause or impediment that should prevent me? or will you take the task off my hands?

“The long letter you favoured me with is still in my mind’s eye. Will you make the experiment upon your noble and pious friend? Give him legal notice of what he knows already, and ask him whether he still chooses it shall be so? Alas, no! Your heart fails you: I see you shrinking from it.

“You misconceived me: the piety of the noble lord was never with me the matter in dispute: the question was, and is, respecting the connexion between piety and morality,—if public morality be morality in his noble breast. This, in my heretical view of the matter, is the *end*: piety, useful only as a *means*, leading to that end. For, except through the medium of morality, who is to be the better for a man’s piety? Man, I suppose, if anybody: not the Almighty, I presume.

“As to your potent friend, Mr Addington, on this as on other occasions, he waits to be determined, as he has hitherto been determined, by the greater uneasiness: by the greater force of parliamentary and closet pressure. To all considerations of good faith, and public morality, and public decorum on those grounds, he has been reported ‘*callous*’: such was the expressive word, and from a surgeon who probed him to the quick. Candid, honey-minded man! How pure his public spirit! How passionate his desire to do whatever were for the best! What professions! What effusions! The judgment of Sir Evan Nepean could not stand against the torrent. Does yours dare encounter it? Mistake me not: Nepean was not the surgeon spoken of. As for the man of might, his perpetual smiles are entailed upon every man whom it is possible he

should ever have to count with: he makes himself amends upon a defenceless and deserted man like me.

“Good faith, public morality, constitution,—all alike sacred to your potent friends. ‘Plea for the Constitution,’—a pamphlet of which you will not bear—dare—(which shall I say?) to read so much as the title-page. The Attorney-general was ‘shocked’ at it. To a man who was not yet ‘callous,’ what can be more shocking than truths at once disgraceful and incontestible! The mention made of himself in the Preface he was not displeased with: the truth of the fact he admitted, expressly or tacitly, to Romilly. Thank me—yes, even me,—for the Transportation-facilitating Act! Thanks to what they have not yet destroyed of the Constitution, it is in the power of a worm, while writhing under the foot of the oppressor, to give motion to the sceptre. I have not done with them yet by a great deal. The Attorney-general, if he is to be believed, would be favourable if he durst.

“Sir C. Bunbury has, or at least had, a project for forming a posse to storm the minister in the closet. Wilberforce, will he join or head the posse? Wilberforce and H. Thornton, are they good Samaritans, or are they Priest and Levite?”

BENTHAM TO WILLIAM WILBERFORCE.

“9th Dec. 1801.

“As a spot in the *Carte du Pays*, it may not be amiss that your protectorship should be apprised that, in the Duke of Portland’s reign, his prime minister, Mr B., took a very active, though a very civil and covert part, against Panopticon. He had projects of his own, of which he made no secret to me: and took more occasions than one to endeavour to make me regard my own as desperate. I learned from different persons, that being in as bad odour at the Treasury as I could be, without having the like pretensions on the score of justice, his applications experienced, if possible, less attention than mine.

“He once brought to my house his Grace *cum totâ sequelâ suâ* to see what

was to be seen. At that time the works had long ago been taken to pieces and locked up: Panopticon model little better than a ruin; so that had I even been in a humour for officiating as showman, no tolerable raree-show could have been made. I endured the honour, not being able to escape it; but, without any of those advertisements which I received afterwards, I saw enough to see that prepossessions and purposes were far enough from being favourable. A point his Grace was clear about was, that a lantern so large as mine could not be so light as a long parallelogram room upon the London plan with glass in a small part of one of the short sides; and as the model of the lantern was enclosed in a room which is none of the lightest, experiment was unfortunately on his side. On another point, the existence of a spot within the building from whence every part of it might be viewed at once, I was equally unfortunate: a staff which had been set up with a sight-hole in it for the marking of that spot, was among the fractured limbs of it; and the assurances that I gave him that the fabric had been put together by measurements made by an architect for the express purpose of producing that effect, and that as many as had looked through the sight-hole had been witnesses of the production of it, were not fortunate enough to obtain signs of credence.

“I have despatched to the Taylor’s for a handsome suit of clothes, for what is acknowledged to be the best part of a book-maker, his book: when it comes home, I propose sending it, in quality of representative of the remaining part, on a visit of homage to his Grace’s successor, of whom I have better hopes.

“*Parve (nec invidio) sine me liber ibis*,—a book in Russia, may, I hope, be accepted as an equivalent for a piece of card.”

BENTHAM TO SIR WILLIAM PULTENEY.

“SIR,—A man that obtains approbation such as yours, does not write in vain.

“The little work you speak of was a published one. Since my being favoured with your letter, I have looked out two

still smaller ones, (one of them but a fragment,) and which being unpublished, can scarcely have met your eye.

“The fragment has for its subject, a situation I had once some prospects of, which are now sunk by perfidy and oppression, together with so many other prospects, and about half the property that should have served for their support.

“The other I send for the sake of a principle of political economy, which to me has long been a fundamental one, but which, if received in practice, would make a very extensive change in our appetite for untaxable colonies—our projects for encouragement—our apprehensions of discouragement in regard to particular branches of productive industry: consequently in our anxieties about treaties of commerce, our wars to punish people for not entering into treaties of commerce with us, our fears about taxing exports, (*i. e.* taxing foreigners,) and a thousand other things.

“You have already my unpublished work intitled ‘Panopticon.’ I have a letter of yours rewarding me with your approbation of it. These small scraps are an experiment upon your patience: say you have read *them*, you have paid me for the *next* I send, and I have plenty for you upon the same terms. The ‘Defence of Usury,’ and the anonymous ‘Fragment on Government,’ I suppose you may have read in your day since others did. Of my 4to ‘Introduction to the Principles of Morals and Legislation,’ scarce the existence is known *here*. I have pursued the investigation in detail, through almost every branch of legislation; but scarce any part is finished, much less published, as it never happened to me to receive any the smallest reason for expecting that anything from me, would, in my own lifetime at least, be of any use. I should have excepted one instance, and in that you see the sort of payment I have received. Once, indeed, (it just occurs to me,) Mr Rose, in the presence of Mr Pitt, did say to me, that he had read my pamphlet about Law Taxes, and that there should be no more Law Taxes.

“My labours are not so perfectly un-

known on the other side of the water as on this. A friend of mine, whose native language is French, and to whom, at his desire, I turned them over as so much lumber, has given them *there* a sort of currency. Some tokens of it are in the ‘Bibliothèque Britannique,’ a journal by Professor Pictet of Geneva, lately elected to the Tribunate. Three volumes of ‘Ideas,’ long ago forgotten by their author, are (I understand) to make their appearance in Paris before the month is out. Meantime they have put me up at the Institute as one of the three candidates for the sort of distinction lately conferred on Major Rennet and Sir Joseph Banks. So much the worse, perhaps, for me *here*. The word candidate seems to imply solicitation. Directly or indirectly, I had no more hand in the matter than you had. All I have ever known about it is from the newspapers.

“I have run on into the usual loquaciousness of complaining egotism. It is time I should beg your pardon, and subscribe myself, Sir, yours, &c.

“P.S.—If you have read the Treasury Reports, you will have supposed my business to have gone off upon a disagreement about terms. A studied falsehood: no disagreement on *my* part about anything. The real grounds of relinquishment have been a succession of concealed promises, which they have never dared either to deny or to avow, but which I have evidence of. In the 28th Finance Report, is a guarded history (by me) of a course of four years’ perfidy. It has since been doubled.”

\* \* \* \* \*

“In the course of the eight years’ provocation I have endured, I think you must have given me credit for something in the way of *sang froid* and prudence at least, in never having stooped to go to Acheson with my story: oh, how would his chops water, did he but know of the *bonne bouche* I could treat him with!

“Should Lord Pelham wish to see the substance of the paper in print, (for example to serve him as an ostensible warrant for doing his duty, and to afford him the plea of necessity for

breaking so many illegal and corrupt promises as there will be to break,) he could be accommodated without difficulty. The hostilities in it would cost me much less trouble to put out, than it did to put them in. They were put in, why?—because the conduct of this present Administration has all along been such to me, as never to hold out to me any hopes but from their fears.

“Losing the post of yesterday, has since given me time for running over Collins’s continuation of his N. S. Wales history, from September 1796 to August 1801. The predictions I had hazarded as above, are verified to a degree astonishing even to myself. The most promising settlements (Hawkesbury and Norfolk Island) either abandoning, or recommended to be abandoned. Famine, at the times of the greatest possible future plenty, at all times probable from any one of five sources:—1. Drought; 2. Inundation; 3. Fire—natural; 4. Incendiarism; and 5. Savage hostility, against which defence is unavailing. As to returns to England, the idea of preventing them on the part of expirees (an imprisonment always illegal) is now disclaimed, though illegal exceptions continue to be made. Returns by non-expirees less and less preventible. The profligacy always universal, and at its maximum: the D. of P. with Mr K., with full notice of it, spreading lies to the contrary, for no better purpose than that of pimping to the whims of Lord B. about his Millbank estate, to the prejudice of his real interests, as declared by all his professional advisers. *Impeachable* matter crowds in, in such quantities, the only perplexity is about the choice. A single drop in this ocean of guilt, and that demonstrable by record, has been declared assets for impeachment by professional men of the first eminence—no party men, and in the coolest blood. I have exhausted my own paper, and (I fear) your patience.—Yours with the truest respect,

“J. B.

“Talk of bastilles?—N. S. Wales the true bastille; the other, if true, a mole-hill to a mountain.”

On the 20th, Sir Charles Bunbury received a letter from Lord Pelham, as follows:—

“Wimbledon, 19th August, 1802.

“MY DEAR SIR CHARLES,—I have received Mr Bentham’s papers, and I will find out what steps have been taken by the Treasury before I send for him, as it appears to me, that to give him any false hopes, would, in the present state of his mind, produce the very worst effects. At all events, I will apply my mind to the subject, and endeavour to get something settled before the meeting of Parliament.—With very sincere regard, ever yours most faithfully.”

BENTHAM TO SIR CHARLES BUNBURY.

“Q. S. P., 21st August, 1802—  
sent 23d.

“MY DEAR SIR,—I have this moment to thank you for your kind letter, enclosing that of Lord Pelham. And has this passed upon Sir Charles Bunbury for ‘*satisfaction*’? My dear Sir, you have not been at the fair lately. This is the old lay, over and over, for the hundredth time. This is Sancho-niathon and the Cosmogony, again and again, with Ephraim Jenkins, Pitt, Rose, Long, King, Portland, Addington, Robertson, Lathrop Murray at the bottom of it.

“To be serious. In your situation, stranger as you happily are to the incidents with which my memory is stocked, in such minute detail and such unhappy abundance, his letter appears to have produced (as it was but natural it should produce) the effect it was intended to produce—viz., that of appearing to ‘imply approbation.’ But what approbation? that very approbation which was somewhat more than implied almost a twelvemonth ago, but without producing the smallest particle of that ‘*satisfaction*,’ the hope of which (such is your good opinion of your friend) continues notwithstanding to be produced by it. For my own part, I wish it were possible to me to see anything better in it than a *qualis ab incepto*—a

perseverance in the same system of complicity and evasion, that he and his colleagues adopted at their entrance into the Ministry, with the materials for decision passing through their hands, and staring them in the face. Till the meeting of Parliament he has obtained a respite from you, (so he thinks at least,) by his talk about 'endeavours': when Parliament meets, he shirks you (as before) as long as he can; and when you have caught him at last, and forced him to speak out, then it is that you will learn, that *he is sorry for it, but his 'endeavours' have been fruitless.*

"The amusement it affords me, to see what turn evasion takes in such a mind, in such a situation, and in such circumstances, is the only satisfaction I have derived from his epistle. The two characters in which he affects to view me, are—that of a *patient* labouring under a sort of mental derangement, (though, the hope is, but a temporary one,) and that of a *sutor*—an unfledged suitor—prone to embrace phantoms for realities, and panting for the felicity of falling at his feet. As to '*the present state of my 'mind,'* you may venture to assure his lordship, that it is precisely the same as it was above a twelvemonth ago, as he has seen in my papers (if he has been pleased to look at them)—in my papers of that date—as it has been ever since, and as it will continue to be, so long as the like impressions continue to be made upon it by the action of the like causes. He may see the same mind, in the same state, in my printed evidence, as laid, in June, 1798, before the Committee of Finance: and, if such things were worth preserving, you yourself, my good Sir, could furnish him with some copies of it, written four years earlier, at a time when perfidy and corruption were in the bud, and when Lord Spencer, after seating himself for the first time at the same table with Mr Pitt, stood up and said, *I am now above the law*—Mr Pitt answering and saying, *So you are.* For his lordship's determination not to 'give' me any of those 'false hopes' which, in a state of mind less compassionate, another man in my place might have been

treated with, and which I have been saved from being plied with, in consideration of the tremendous effects (these indescribable '*worst effects*') of which an application of that sort might, in my place, have been productive, he is certainly not to be blamed: not indeed in respect of any such bad effects, or any effects, that any machinery in use for the raising of such phantoms could have produced, (for all the powers of mechanism could not add anything to the exhibitions of that sort that have been so familiar to me for these eight years,) but because no attempt in that way can be of any use to him and his associates, whereas the abstaining from it leaves a load the less on their character and their conscience.

"Throughout the whole of the business, from the time when the finger of corrupt and clandestine opposition was held up by the first in the train of successive lords, the general rule has been to give *nothing but* 'hopes,' and those hopes 'false' ones. Witness one sample instead of a thousand:—orders—official orders—(24th March, 1800,) to make preparations for 2000 convicts—these orders, in a letter, concerted, between the two floors of the Treasury, for the express (and afterwards even avowed!) purpose of making a pretence for giving none. All this (you say) is old and stale. The new incident then is, that for once—*pro hac vice*—this rule is now (it seems) to be departed from: departed from, not *de jure*, but *ex gratiâ*, in consideration of the particular circumstances of this very particular case. Understand always, provided his lordship continues to the end in the sentiments now professed: an expectation, in which this very letter forbids me to indulge myself.

"I will tell you, my good Sir, what their plan is, and what my chance is under it:—judge whether it can content me.

"In the first place, they fall at the feet of the *sack of oats*: that gained, (which is impossible,) then, with that in their hand, they fall at the feet (such feet as adders have) of the *deaf adder*:—I mean the pious lord, who is so

well known to take that hero of Scripture history for his model: but lest they should fail in either—and they will fail in both)—thence come the expeditions of discovery—the expeditions for ‘*finding out what steps have been taken at the Treasury,*’ and the fears about the ‘*giving*’ of ‘*false hopes.*’ Shut against everything that could be said about his land, and about the effect of the Penitentiary establishment upon the value of it, by his land-surveyor and his land-steward, you will judge whether the ears of that personage are likely to open themselves with more facility upon those topics to the representations of a first Lord of his Majesty’s Treasury, or his Majesty’s Secretary of State.

“So long ago as the 10th of September, 1801, Mr Vansittart (as declared by him in a letter, copy of which had been already for a month or two in the hands of Lord Pelham at his lordship’s desire, as signified to you,)—Mr Vansittart, acting Secretary to the Treasury, was labouring in the fruitless endeavour of finding ‘*an opportunity of consulting with Lord Pelham.*’\* Now, on the 19th of August, 1802, Lord Pelham, on his part, is setting out on this his expedition of discovery, bent upon ‘*finding out*’ (maugre all concealments) ‘*what steps have been taken by the Treasury,*’—*i. e.* by Mr Vansittart:—the packet put by you as above into his lordship’s hands, certifying that *no* steps at all had been taken by the Treasury, other than those exhibited by it, and the *motionless* state of the business being the declared cause why he was *then* troubled with it.

“All this while, within a stone’s throw of both these ministers, whose efforts to find one another out, at the distance of the two contiguous floors of the same house, had for a twelvemonth been so unavailing—in sight of them both, sat Mr (now Sir Evan) Nepean, from whom both personages, and above both Mr Addington, were determined with equal resolution *never* to ‘*find*

*out what steps*’ to his (Sir Evan’s) knowledge ‘*had been taken by the Treasury*’ (the former Treasury) in the business—determined by this most coercive of all reasons, that he was the only man in office from whom they could be *apprehensive* of receiving any *true* account of it.

“In a copy I sent, of this letter of Mr Vansittart’s, among other papers, in December last, to Mr Wilberforce, I find a comment which accompanied it in pencil, in these words:—‘When Mr Wilberforce spoke on the subject to Lord Pelham, neither Mr Vansittart, nor either of the Mr Addington’s, *had had* any such opportunity.’ They knew better things. They did not *intend* to have it: they *durst not* have it, to any purpose.

“To return to his lordship’s letter. The point I looked to in it, was—whether, amidst so much guilt—by the former people, amidst accusations upon accusations, never yet denied—frequently, though always in the view of adding to it, even confessed—any symptoms were to be found of those *regrets*, which, in his situation, a man who meant honestly and really intended to turn over a new leaf, would, *in my view of the matter*, not dissemble. Finding *no* such indications, my exertions, (I mean in the line spoken of in my former letters,) far from being relaxed, will be quickened by the intended opiate.

“One thing I understand pretty distinctly: *dates* are to me a sufficient proof of it. It is after taking a week to hear, † and hearing accordingly, and from the Treasury, not only what steps have been taken, but what steps (under Providence) *will* be taken, that he is setting out upon his expedition, to that unknown and distant clime, for the discovery of the facts that have been in his pocket for these six weeks. In this circumstance my little mind, ‘*even in the present state of it,*’ reads the present state of two great ones. I see terror enough in both places: not yet enough,

† “My letter was sent to him to his house in town, 12th August, 1802. His letter to Sir C. Bunbury is dated 19th August.”

\* See Correspondence with Vansittart in chap. xiii. of the Memoirs.



indeed, to open either of them like the little one to fearless honesty, but, however, to drive gentlemen upon this fresh and *speaking* attempt at evasion, instead of their former *silence*. I see enough to put them upon employing the time they think they have thus gained: upon employing it, and even in good earnest, in holding *councils of war* about the job, with those from whom they received it; and in those councils considering which of the two repugnant engagements it were best to break definitively, (the original legal engagement, or the last in the succession of illegal ones:) and in the former event, (being the most probable one,) by what kind of botchery the breach may be best cobbled. It is to this that his lordship's mind is 'at all events' to 'apply' itself: for if it had any more straightforward, any less crooked object—what should have hindered its applying itself to it near a twelvemonth ago,\* upon the spur of those impressions which even then it found its convenience in pretending to have received? What *has it been* applying itself to all this while?—what *is it* now applying itself to? What was it *put for* where it is? What did it take the sceptre for from King Log? Was it to give him a King Stump for successor?

"In November last, at the latest, (how much earlier I know not,) Lord Pelham thought New South Wales a bad thing; he thought the Penitentiary plan a good thing. At that same time he knew (for all his industry could not prevent him from knowing) that it was his duty to see to the carrying of that good thing into effect, without a moment's further delay; and that every day lost to it was not only a day of fraud, corruption, and injustice, but a day of contempt and disobedience to Parliament. And now it is, that at the end of nine months from that time, after promise upon promise, and neglect upon neglect, and after receiving papers upon papers, the object of which was to ren-

der it no longer practicable for him not to know what he could not but know already,—now when the post of neglect and ignorance is no longer tenable,—now it is at last, that he is to 'apply his mind' to the subject, under the declared apprehension, that any hopes that might be entertained of seeing his Majesty's Secretary of State, and the First Lord of his Majesty's Treasury do their duty, might prove 'false' ones!

"One thing I should be glad to know, as to the 'present state' of that same noble mind. Is it out of doubt with him, or is it not yet out of doubt, that there is no such virtue in New South Wales, as to quash an imperative law of Parliament, and to rescind the engagements taken in regard to Panopticon in consequence? In the former case, why does he not come forward with his declared support immediately? In the other case, why did he not call upon me for the *proffered* papers, the object of which was to put an end to all such doubts? I mean always to all *pretences* of such doubts? My calculation was—that, for *appearance* sake, at least, his lordship might wish to have it supposed, that it was by considerations relative to the *merits* that his suffrage, if favourable to Panopticon, had been gained: that accordingly he would either *read* or *make as if he had read*, those papers: but in this you see already one article in my *apprehended* budget of 'false hopes.'

"If, instead of wavering between corruption and incorruption, and to hide his indecision, pretending to be going upon sham errands, while he was sounding the ground, and looking out for loopholes—if, instead of this, he had decided manfully, and taken at once the post of duty, a letter still shorter than even this short one might have sufficed. There lies the engagement of his predecessor for the 2000 prisoners: there lies the memorial, (I mean the *suppressed* one you put into his hands,) expressive of the terms grounded on that engagement: those very terms, to which the approbation of Mr Long had been whispered over and over again to Mr Nepean, under the determination of not granting

\* "December or November 1801, Mr Wilberforce, as he told me in December, had been speaking to Lord Pelham, by whom the sentiments expressed were favourable."

either those terms or any other. To send this memorial to the Treasury, with a letter urging compliance with the prayer of it, *was*, and *is*, the one thing needful on his lordship's part. I mean *officially*, and in black and white: verbal explanations might have been sufficient for the rest. This was exactly the course taken in 1794 by Mr Dundas, to wash his hands of the corruption he saw even then going on, between Mr Pitt and the first of the titled subscribers to his statue. Think not, however, that I mean this as a judgment, altogether *peremptory*, upon his lordship's honesty: but you see, that if the badness of these '*very worst effects*' depends upon the *sanguineness* of my 'hopes,' nothing very serious is to be apprehended. I shall be upon the look-out for you, at the time you have the goodness to mention. By that time, sincerity will have been manifested or disproved. More could not be done by man than you have done: you see I have scarce left myself room to thank you for it, or to stamp upon my gratitude the mark of

"JEREMY + BENTHAM."

BENTHAM TO ROMILLY.

"Q. S. P., 27th August, 1802.

"MY DEAR ROMILLY,—The enemy begins to squeak. Judge from the following letter.\*

"To understand it rightly, you must understand, that the 'papers,' there spoken of, are papers breathing fire and flame, full of scorn and menace. No small part of the spirit which animated them was extracted from a former opinion of yours, defœcated from the *caput mortuum* of croaking and despondency that diluted it. Should their cowardice prove true to me, (heaven knows whether it will or no,) it will raise the British Constitution in your estimation a few pegs.

"Have at 'em again—I follow up my blow: not a moment's respite. Your fresh opinion completes their petrification: it is the head of Medusa staring upon them from Minerva's breast. Do

not hurry yourself: no immediate demand for the *litera scripta*: the *esprit* of it, like the wind of a cannon ball, lays them prostrate for the present."

SIR CHARLES BUNBURY TO BENTHAM.

"Chester, August 29.

"DEAR SIR,—Perhaps I have too little suspicion, and you, from the treatment you have met with, too much; but what I know, and what I have heard of Lord Pelham, is much in his favour; and I cannot, therefore, without proof, conceive him guilty of practising evasions and artifices, which would disgrace not only a Minister's secretary, but even his porter.

"Lord Pelham may be, and I believe is, inclined to support the Panopticon system; but he may not have the power to control the adverse opinions of his colleagues in office: and Mr Addington, perchance, may have imbibed the prejudices of Mr Pitt, to whom I have always attributed the delays and vexations you have suffered."

BENTHAM TO DUMONT.

"August 29, 1802.

"Now for a bit of an intrigue, worthy of the talents of the *omnium intrigantium intrigantissimus*, the Genevo-Anglo-Gallico, the Reverend Squire Citizen Montaineer.

"Oh but, my dear Dumont, I had forgot myself. I have need of you: it is, therefore, both a bounden and an incumbent duty of mine, to be very civil to you. Therefore, never you mind the abuse in the first paragraph—regard it as *non-avenue*.

"The letter in the other column will inform you of the present state of my expectations in regard to Panopticon: taking with it this explanation, that the papers therein spoken of are letters and other papers of mine, which, though addressed partly to Sir C. Bunbury, were written for the edification of his Majesty's Secretary of State and his colleague, and are as full of fire and flame, and scorn and menace, to Pitt and Portland, &c. &c., Addington himself not excluded, and Lord Pelham half-included, as I could cram them:

\* The letter from Lord Pelham to Sir C. Bunbury, above.

and then a comment from me on this very letter went immediately after to Sir Charles, with whom it lies as a deposit, ready to be produced and published *inter alia*, in the character of a prophecy of perfidy, should such be the event.

“ You are looked for at Paris, (Romilly tells me,) in September. I am glad of it for divers reasons : this goes by him, and stays with him, till you meet. As everybody is, or will be at Paris, some of the leaders of Opposition will therefore be there : as, for example, your friend, Lord Holland ; and, according to the newspapers, even the Coryphæus of the Foxes.

“ I have, of late, made a discovery of a piece of villany on the part of Pitt, Portland, and others of the late gang, which, for the sake not only of justice and humanity, (both very pretty things, children of the utility family,) but for the sake of this old constitution of ours, (forgive my weakness, I cannot but confess, that I have a whoreson kind of tenderness that hangs on me,) I should like to see punished.

“ Of their multiplied enormities, there are some which are not so completely involved in English grim-gribber, but that you can understand them perfectly.

#### I. *As to New South Wales.*

“ Since the foundation of this penal colony in 1787, convicts have been sent thither under sentences of transportation for various terms—mostly seven years ; a few for life ; still fewer for fourteen years. This, under a variety of Acts of Parliament—say from twenty to thirty, made for the punishment of so many modifications of delinquency, almost all coming under the head of depredation ; nine out of ten perhaps sentenced only for seven years, and more or less of those seven years expired before they were shipped off. In direct breach of all these Acts of Parliament, they have given orders upon orders to their Governor of New South Wales ; in virtue of which orders, the convicts, upon the expiration of their respective terms, have been confined there, *i. e.*, destined to be confined there for life : adding thereby

to a temporary legal punishment a perpetual illegal one.

“ 2. To the above illegal confinement and banishment, they have, moreover, added various lengths and modifications of equally illegal bondage.

“ 3. The unexampled distance from the principal seat of government, added to the particular character of the people to be governed, required powers to be vested in a single hand—powers very little short of pure despotism,—of itself a pretty sufficient reason why no such colony should have been established. Understanding this, and fearing to apply to Parliament for such powers, Pitt & Co. have been all along setting their government to legislate in all manner of cases, without legal power for legislating in any one. Powers for some purpose, and in respect of some classes of persons, he has : but, upon the whole of the mass of power, of all sorts, exercised by him, about half has been illegal : and thereby there is not a creature, that has ever been in any sort of office in the colony, that is not, at this moment, liable to be ruined over and over again by actions at law for what he has done : some, perhaps, liable to suffer as for murder.

“ 4. Among the destined, as above, to perpetual confinement, are numbers who, instead of the seven years, had smaller lengths of time remaining unexpired when sent thither : some no more than two years : my brother, by application to Lord Pelham, stopped one or two that were on the point of being sent thither as above for life, though perhaps, before their arrival thither, their respective legal terms—the legal part of their punishment—would be at an end. The exact length of time, and the number thus circumstanced, cannot be distinctly mentioned, but would be ascertained in case of a Parliamentary inquiry from the official booker.

“ 5. In several instances whole shiploads of convicts have been sent out without sending out with them any accounts exhibiting their respective terms : and by this most scandalous, and perhaps wilful neglect, their bondage, as well as their confinement, has been ren-

dered indefinite in duration, not to say perpetual. Their terms expired, when they have claimed their liberty, or have tried to exercise it by getting away, they have been flogged.

“6. So much for criminality on the part of the arch-tyrants here at home: now for punishment. What they have been doing there for these fourteen or fifteen years is an offence, not only against *Magna Charta*, (as per Lord Coke,) but against the Bill of Rights and the Habeas Corpus act. They are liable at the suit of any individual thus confined, (besides damages £500 to the party injured,) to the punishment called a *Præmunire*: a part of which consists of general confiscation, together with imprisonment for life, and the king's power of pardon is in this instance taken away by the same statute.

“The ground of the above statements, as to matter of fact, is constituted partly by private intelligence, but principally by the printed accounts given of the colony by the late Judge Advocate of it, Captain (now Lieutenant-colonel) Collins of the Marines. His first volume published in 1790: a second just come out now, in 1802. He is a professed panegyrist, dedicating his first volume to the ostensible founder, the late Lord Sydney: his second, to the present manager, Lord Hobart: the abominations came out through his candour, partly, perhaps, through holes in his discernment.

“The matter of law has been discovered by me (together with the facts) within these few weeks; and the accuracy of the views I have taken of the matter of law, has received the most unreserved confirmation from Romilly.

“I have ready for the press, *inter alia*, a pamphlet with this title, ‘The True Bastille, showing the outrages offered to law, justice, and humanity, by Mr Pitt and his associates, in the foundation and management of the penal colony of New South Wales. By J. Bentham of Lincoln's Inn, Esq., Barrister at Law.’\* It is the same (except a trifling part

having nothing to do with law) that Romilly has revised for me.

“Were I to publish now, before Parliament is in readiness to do anything, the great probability is that the colony would be in a flame: for ships are going thither, nor from hence only, but from America and other countries, frequently: and as they are ready for revolution, most of them, at all times, without any pretence, *a fortiori* would they be when general independence, on the part of all whose terms were expired, could be seen to have the sanction of the law. If, therefore, I publish at all, it will not be till the meeting of Parliament; because then, and not till then, there would be a power in the country capable of preventing the flame from breaking out, by sending out legal powers.

“Parliament would certainly pass a Bill of Indemnity: so far at least as to save the Secretaries of State and perhaps members of the Council Board, with their respective subordinates, for so many years, from such tremendous punishment. God forbid they should not! But it is something for an Homuncio like myself to put all these potentates into jeopardy, and force Parliament to act: and though Opposition would not be able, if they wished it, to prevent the Bill of Indemnity from passing, yet they might, I should think, make sure of getting the whole official history of the colony laid before Parliament, (it would be the usual course,) and thereby expose their enormities, at any rate, to public shame, and possibly even make them glad to compound for some inferior censure.

“Another pamphlet of mine, ready for the press, will have some such title as the following:—‘Panopticon *versus* New South Wales. Showing the complete and incurable repugnancy of the system of penal colonization to the several ends of penal justice, as contrasted with the degree of perfection in which the same objects are provided for under the Penitentiary system, kept in suspense for these eight years by corrupt influence, in contempt of an imperative law of Parliament, and a long train of engagements grounded on it.’ This, having nothing to do with law, Romilly has not

\* This was published under the name of “A Plea for the Constitution.” See the Works, vol. iv. p. 249 *et seq.*

seen. Though I should agree with Ministry, the substance of it might be published, though with a tamer title, to warrant their proceeding in consequence.

“A third, likewise ready for the press, is, ‘Observations on a late exercise of Legislative Power by the Duke of Portland, his associates and subordinates, in contempt of Parliament.’

“For the purpose of obstructing Panopticon, on the 14th of October, 1799, by a letter which he had the unnecessary folly to sign with his own hand, having the two ex-lawyers, his under-secretary King, and his mentor Baldwin, for advisers, (which letter being ashamed and afraid of, they have endeavoured to suppress, though to no purpose, I having a copy of it,) he has fallen into the following impeachable heresies: his doctrines and his acts serving for the explanation and crimination of one another:—

“1. Professing a determination, of his own authority, to prevent the execution of an imperative Act of Parliament (the one made for me, 34 Geo. III. c. 84) without any reason assigned.

“2. Professing for the same purpose an intention of crowding the existing jails with such convicts as ought to have been consigned to Panopticon, in contempt of another Act of Parliament, 19 Geo. III. c. 74.

“3. Assuming by his own authority the power of taxation, by throwing the expense of such convicts upon the contributors to the Poor-rates, instead of the general fund assigned by Parliament.

“To me this letter seems to constitute an impeachable offence. It is in direct repugnance to the Bill of Rights. It appears in the same light to Romilly: though he takes my account of the letter, not having time to examine my argument on the subject of it. Agreeing so perfectly with my other argument, containing a most extensive mass of law, the probability is that he would not find in my statement in the present case any very material incorrectness.

“In case of the present ministry’s agreeing so far with me as to fulfil those engagements in which I am concerned, their pride and their incapacity together would prevent them (I make little doubt)

from endeavouring to make any such bargain as would put it out of my power to lend a hand towards bringing them or their predecessors to shame at least, if not to justice. Looking upon their exposure as a very important benefit to the constitution, I would resist any such bargain as strenuously as possible. But lest at the worst I should find myself forced to submit to it, one object of the present letter is to put it out of my own power to deprive the country altogether of so useful an example. If, therefore, any favourable opportunity should present itself, and if you see the matter in the same light as I do, (or do not decidedly see it in an opposite one,) you will embrace such opportunity, my dear Dumont, and with your skill in paving, pave the way for me for a junction with some of your Opposition potentates for this purpose. Even without me, Collins’s book, if they have but industry to sift it, would afford them a very good ostensible ground: though having paid so much attention to the subject, and made so many constitutional discoveries in it, which nobody ever made before, their indolence would, I think, find its account in one way or other, in taking the benefit of my industry. Sure enough, through the whole period of Pitt’s administration, they never in any instance took ground comparable in strength to this: and unless they have made a vow to the goddess of Folly, to prefer matter of vague declamation to the most perfect legal solidity, they will jump mast high at the first mention of such an opening.

“Romilly, though agreeing with me so completely in all the points of law, yet has no hope of success from any of them. But this despondency arises from a sort of general *tone* of croaking he has given into, and is founded, as he himself declares, on his contempt for the judgment of Opposition, and his persuasion of the imperturbable servility of Parliament. It is not that this particular ground is not strong enough, but that in his view of the public mind on all sides of it—no ground whatever, not even the strongest, would be strong enough.

“You may imagine how clear and

decided Romilly is since he has given me his opinion in black and white, for the express purpose (at my request) of my making any, even the most public use of it. If you find any difficulty about undertaking any of this, he could give you explanation of it: but he not being such an intrigant as you are, I do not wish you to give him any unnecessary trouble about it.

"I have lived too long in this wicked world, and set too little value upon everything contained in it, to think it worth my while to go, cap in hand, to them, or any of them, for this or any other purpose. Neither on this nor on any other occasion should I think, on any consideration, to become one of their gang for general purposes. Neither on this, nor on any other Parliament, or anywhere else, in speaking or writing, would I maintain a single proposition, of the truth of which I were not myself persuaded, to save them all (myself included) from the gallows. Joining then, in this attack upon the enemy, I should defend him against the very next, if it appeared to me unmerited. As to serving me, if they offer to put it on that footing, bid them go to the devil. What I want is to serve the constitution.

"There are some of them so profligate that, for the sake of making the better attack upon the Ministry, they would be glad to set New South Wales in a flame, and some hundreds of throats cut on both sides, and would spread the intelligence prematurely with that view. This is a danger, for such intriguers as you and me to guard against. I should hope Charles Fox might be trusted for taking the requisite precautions for preventing any such mischief: but you know best, and that others I would not trust. I should think it would chime in particularly well with the rout Charles Fox has always been making about the according to him unnecessary suspension of the Habeas Corpus Act: as likewise the pother that Sir F. Burdett would be disposed to keep up for the purpose of the Election question about his Bastille: had all he said about it been true, it would have been but a mouse-trap to mine.

"Romilly will have it, that neither Opposition, nor the Ministry, nor the public at large, care a straw about convicts—or would manifest any sort of resentment for any injustice that ever has been, or could be done to them. Admitting this, and considering them all as so many logs of wood, that could be made use of as so many clubs to beat the ministry past and present about the head with,—for such a purpose I should think it worth their while to regard these logs as sentient ones, and for the good of the cause to speak of them with the most edifying tenderness. Horne Tooke, I am clear, would sell his soul to ten thousand devils for the satisfaction of contributing to such a means as that of a general massacre in New South Wales. In my hearing he has defended Septembrization, and wished (in a large and mixed company) to see it imitated here.

"If, by any puffing of yours,—and, my dear Dumont, you have a tolerable good hand at puffing, (witness Prefaces to 'Dumont Principles,')—you can puff any of those potentates into a persuasion that by any means they might be able to get a good attack upon Pitt and Co., with the Rose, Longs, and Portlands of the age, you would do this country, I think, and the general interests of justice and humanity some service; and opportunities might present themselves, if not at Paris, in this country, before the meeting of Parliament.

"It would be lost labour for me to attempt to direct your eye to this, or that, or t'other man, as a likely person: all this will be as much in your eye, and much more in your knowledge, than in mine. If Lord Henry had stuff and spunk enough in him for such business, would it not be a good commonplace declamation topic enough to bring him into notice. N.B. It is that sort of thing that might be taken up in either House.

"If by accident you should light on anybody, and excite his concupiscence, do not let him come to me abruptly to satisfy it; but let me hear from you first to prepare me.

"I see a somebody has begun puffing in the *Moniteur* at last, who I hope and

suppose is Gallois, according to your word. But the wretch has not put his name. Why not? Is he afraid of being sent to the Temple for it—your new Bastille?

“I wish to God I could steal over the herring pond to you for a week or two; but just at present it is not to be thought of.

“Sir Charles Bunbury has offered himself to make mention in Parliament as to anything that concerns me personally. I may possibly beg of him to make a motion for the publication (by the House) of some documents suppressed to my prejudice,—to wipe away the imputation that was endeavoured to be cast upon me by Rose and Long, as if it had been my fault that Panopticon was not set up, inasmuch as I had insisted upon an increase of terms. The point seems trivial: but as it was a most gross lie, and the refutation of it would bring to light a most dirty fraud on their part, the idea of such a thing struck terror into them before, and would distress them beyond measure upon the revival of it.

“What am I writing all this to you for? You are a dead man: and the proof of it is my never having received a syllable from you in answer to the letter I had the credulity to address to you to Geneva *poste restante*, upon the faith of your perfidious assurances.

“Adieu, my dear Dumont; be a good boy and write to me.”

BENTHAM TO CHARLES ABBOT.

“Friday, 3d September, 1802.

“If, on grounds purely public, or at any rate completely exclusive of all private regard for me, you cannot find sufficient motives for taking upon you the mediation I venture to propose, I neither ask, nor so much as wish you, to think of it on any other. You will see presently what it is I look to you for, and why.

“I. In the course of my researches, for the purpose of the narrative I have of late been employed in drawing up, containing the history of my transactions with Government on the Peniten-

tiary business,\* it is but very lately that I have been led to the subject of *New South Wales*; and, to my unspeakable astonishment, as well as that of my eminently learned friend, to whom *ex majori cautelâ* I have applied as counsel, I have made the following discoveries:—

“1. That by orders from hence, *Expirees* (convicts whose terms are expired) have been forcibly ‘detained’ there—not *individually* only, and for *special* cause, but *collectively*, and for an indefinite time—and with the evident intent of adding to the expired *legal* punishment, a *perpetual illegal* one: and that, by so doing, all persons concerned in such illegal orders are liable to the penalties of the *Habeas Corpus* Act, (31 Car. II., c. 2, § 12,) including a *Præmunire*, ousted of pardon by an express clause.

“2. That, to this *false imprisonment* have been added in many, perhaps in most instances, various lengths and modifications of *illegal bondage*.

“3. That, in many instances, this complicated and perpetual illegal punishment has been made to attach upon convicts who, out of a term of seven years, had served five years or upwards in a jail or hulk before they were sent out. [My brother, by representation to Lord Pelham, saved one or two orderly and useful men, whose punishment in New South Wales would scarcely have commenced before it had become illegal.] Beyond the five years I cannot speak with certainty as to *times*: but the office-books *will* show, or *ought* at least to show.

“4. That in repeated instances, whether by negligence, or (as the *repetition* would indicate) by design, the accounts establishing the dates of expiration of the respective terms have been omitted to be sent to New South Wales: whereupon the presumption, instead of being ‘*in favorem libertatis*,’ has been *in favorem servitutis*—in favour of the perpetual servitude thus created.

“5. That, whereas the powers legalized by the several New South Wales

\* Title, *Picture of the Treasury*, &c. &c.

acts are extremely limited, an absolute and illegal power of legislation has all along been exercised by the sole authority of the Governor there: always under the eye, and, in many if not all instances, according to 'Instructions' of persons here at home.

"6. That, of the several acts of authority that have been exercised in that colony, from the foundation of it to the present moment, a great part have been contrary to law: and that in respect thereof, many, perhaps all persons, that are or ever have been in authority there, remain exposed to ruin by actions and other persecutions.

"All this is set forth in detail, in a paper which, though in substance a law argument, wears at present the form of a letter addressed to Lord Pelham, to whom, in his quality of Secretary of State, I had begun addressing my Narrative:\* designing to have sent the whole in manuscript, and not suspecting the bulk to which I found it swell, as I went on with it. The sort of spirit it is written in, is that which would naturally be called forth by the enormities displayed in it; and is purposely preserved, in the view of exciting, in the public mind, that attention which would be necessary to the applying to the grievance whatever may be the proper remedy. It occupies fifty-six pages. Of the substance of it a tolerable conception may be formed by the *marginal contents*, as given in the table herewith sent. Neither Lord Pelham, nor anybody else but Romilly, has as yet seen it.

"II. So much for *law*:—*policy* forms another topic. By deductions drawn from analogous experience, and (so far as *economy* is concerned) by the facts and calculations given by the *Committee of Finance*, I had been led to the persuasion, that the institution of the penal colony was from the first, and will be to the last, in a state of radical and incurable repugnancy to every one of the points that were or ought to have been the *objects* of such an establishment:—to every one of the *ends* of penal justice:—*example—reformation—inca-*

*pacitation* for fresh offences—*compensation* for injury by past offences—and *economy*.

"From the first volume of Captain Collins's Journal,† added to other unprinted but not less authoritative accounts, these preconceptions had received already very ample confirmation. A continuation of that history, to the time of the latest accounts, has just made its appearance: and the confirmation, received from this latest testimony, is ample and conclusive, to a degree beyond what I myself could have imagined.

"From the time that the illegality of the government of New South Wales was known in New South Wales, what strikes me as not very improbable, is—that all subordination—all government there—would be at an end, unless Parliament were to give it that legality which is at present wanting: but, that Parliament would not give it any such sanction, on any other terms, than the putting an end, as soon as may be, to a system thus replete with misery and wickedness: diseases both incurable—both raging in a degree without example. Were I as insensible to human misery and wickedness as the founders and maintainers of that scene of abominations have shown themselves for so many years. I should publish immediately: and, as the bulk of the inhabitants, indifferent to life and death, are ripe for insurrection at all times, and without any pretence—a *fortiori* would they be so, when general independence, on the part of all whose terms were expired, would be seen to have the sanction of law: and, though the intelligence might be prevented from being carried out from home directly in Government vessels, yet, from various *other* countries receiving intelligence from *this*, vessels are going at all times.‡ So much for what might be: being as I am, you may perhaps think it superfluous for me to say—that it will be my care not to let any information transpire of the disorder, till Parliament is in a condition to apply a remedy.

"In some eyes, a degree of ridicule

\* See Panopticon versus New South Wales, in the Works, vol. iv. p. 173 *et seq.*

† 4to, 1798

‡ II. Collins, 316, Table of Arrivals.



might attach, to the idea of keeping secret what has been in print these four years. But (besides that, to the ignorant, the preoccupied and the incurious, publication of needles in bottles of hay is no notice) to you it can be no secret, that in law as in chemistry, results altogether new may be produced, by new combinations of old elements.

“Of the pamphlet on the question of *law*, the short title is—THE TRUE BASTILLE: &c.: of the other, on the question of *policy*, PANOPTICON *versus* NEW SOUTH WALES: &c. Of this last the Table of Marginal Contents has been in the hands of Lord Pelham since the 12th.

“III. In the course, and for the purpose of the intrigues, of which by and by, the Duke of Portland, by an unusually self-signed letter,\* with Mr Baldwin for his counsel, and Mr King for his scribe, was ill-advised enough to avow, in an address to the Treasury, the following designs and practices:—

“1. Putting, of his own authority, a *professed* negative, upon the *sole* object of the imperative provisions of the Penitentiary Contract Act.†

“2. Filling the country jails with Penitentiary prisoners, in direct contempt of the original Penitentiary Act.‡

“3. Assuming, as well as exercising, of his own sole authority, the power of taxation, by throwing the expense of convicts upon a fund of his own choosing (the County Rates, *i. e.* the Poor-Rates) instead of the general fund, on which, by the Penitentiary acts, those expenses were charged by Parliament.

“Other similar heresies I pass over, as requiring too many words to state them. And he not only quotes distinctly by their titles the two acts, the provisions of which he thus abrogates on the declared ground of their being ‘*very inexpedient*,’ but says of them in so many words, ‘*I have examined and understand the object of*’ them.

“Of this letter a copy was refused me by the prudence of Mr Long, but I obtained a sufficient *extract* by imprudence

elsewhere. Another publication in readiness for the press, is a pamphlet written upon the strength of this letter, for the purpose of inquiring who is the Sovereign of this country,—the King in Parliament, or the Duke of Portland. It is a point to be ascertained, what the *House of Commons* will say to a power thus exercised by a servant of the crown,—a single lord of Parliament,—over the public purse. Title,—‘*Observations on a late exercise of legislative power by the Duke of Portland, in declared contempt of Parliament.*’ With the details of this less serious and more debateable business, I will not attempt to trouble you (unless you call for them) no more than I have Romilly. Taking it upon the face of my statement of it, (a statement drawn up in writing, and with great care,) *he* makes no difficulty in speaking of it (in writing) as containing impeachable matter, whatever may be the uncertainty, in which decisions on questions of this sort have been commonly involved by what is called *politics*.

“IV. In the agony of their distress, the late Treasury, when called upon to show in their ‘*Proceedings*,’ why nothing was done about Panopticon, were desperate enough to speak of a pretended ‘increase of terms’‡ as the cause. It was not a misconception: it was a studied, long-premeditated, elaborately-prepared falsehood: a grosser, a more transparent one, was never uttered. It was so gross, that the man, whoever it was, that first broached it, was afraid to put his name to it. It stands in the printed ‘*Proceedings*,’ in the form of an *anonymous* communication! I have looked over these ‘*Proceedings*’ carefully: (your kindness gave me the means.) In the whole pile of them, there is not another such example: for it is not given as a ‘*Minute*,’ of the Board. The more direct utterances of the same falsehood, contained in the ‘*Proceedings*,’ forced into day by the change of Ministry,§ were destined for

‡ Further Proceedings, 15th July, 1800, p. 50, No. 9, dated “Treasury Chambers, 14th July, 1800.”

§ 12th June, 1801, No. 9, pp. 79, 80, 81.

\* 4th October, 1799.

† 34 Geo. III. c. 84. ‡ 19 Geo. III. c. 74.

eternal night, and by express order most studiously concealed from the man whose conduct they were libelling, and whose fate they took upon them to dispose of. Anything they had ever received from me on the subject would have disproved the falsehood: and, therefore, everything they have ever received from me was suppressed. I wrote immediately to Mr Hiley Addington, stating the injury, and praying publication of the suppressed documents for redress; saying, *I* must publish, if *they* would not. Mr H. Addington was frightened: Mr Long was frightened: to divert me from that claim, they drew me by a trick into an unexpected conference,\* the object of which was, to make me hear a *sham* offer they had to make to me. The very nature of the offer showed me at once it was not intended to be realized: the event has proved as much. The cover given to it, was an affectation of extreme surprise at my perversity, in pretending not to understand the same offer to have been already made in the last official letter to me.† That letter bound them to nothing as to one half of the offer, (the reduced number of 500 convicts, instead of the original number of 1000, and the augmented number of 2000,) and put a clear negative on the other half,—viz., compensation for the difference. What passed at the conference is as curious as the contrivance for producing it, and, in the sketches of Treasury morality, would make a picture of itself. Some allusions to it are in a paper already in the hands of Lord Pelham. *They* got nothing by their stratagem for parrying the demand: *I* got nothing by the demand itself; unless it be the opportunity of observing, how sore they were in the place it touched them in. In saying *I got nothing*, I mean *at the time*: for, in the long run, together with an additional motive, I have obtained an additional *ground*, for applying by *Petition* to the new Parliament, for relief, against insinuations having the effect of defamation, (for the injury done to me by it was a serious one,) and *suppressions* having the effect of *forgery*. If,

on my petition, the House does not publish, (I mean, call for the suppressed documents, and order them to be published,) *I* do: to publish a correspondence between the Treasury and myself, is no offence against the House. But what (saving your better judgment) is an offence against the House, is, reporting to it *anonymous* falsehoods, instead of authenticated facts.

“ V. You have no more forgotten than I have, your opinion of Mr Pitt’s treatment of me, as declared for his edification before *Mr Rider* at the *Committee*.‡ The ‘barbarity’ was then not more than a barbarity of four years. It has since been doubled: in duration I mean: but in multiplicity of acts and variety of engines it has been swollen and improved to a degree that would astonish you. The underhand practices,—the system of long-spun and elaborate, yet always transparent treachery, concerted,—sometimes between the two floors of the Treasury, sometimes between the Treasury and subordinate offices,—form such a history, as I cannot think would be altogether without interest to the public, or even to Parliament. It cannot, if there be any the smallest spark of regard in either, for probity and good faith, in the head-quarters of the state.

“ 1. The assurance, without which I refused to meddle with the then proffered, and since purchased land,—the assurance that no opposition on the part of Lord Belgrave should prevent the application of it to the public use, (Lord Belgrave, a mere neighbour, having no interest in the land,) the assurance given me, in the most energetic and apparently *confidential* manner, by Mr Long: thereupon a promise (of which I have proof) given to Lord Belgrave, that the land never should be applied to that same use. The existence of this perfidious promise assumed over and over again, by myself and others, in black and white, as well as in conversations with Mr Long: and Mr Long never attempting to excuse it, nor daring to deny it.

“ 2. Care taken that the £12,000 pur-

\* 9th July, 1801.

† 24th March, 1801.

‡ June, 1798.

chase-money should be received by Lord Salisbury: care taken at the same time that the £1000 known from the first to be necessary to the application of the land to its pretended public use, (viz., by buying out remains of leasehold terms,) should not, nor any part of it, be ever received by *me*. The £12,000 not suffered to pass through the hands of me, (the feoffee,) who was to acknowledge the receipt of it, lest the deficiency of the necessary and promised £1000 should be perceived by me: my signature obtained to a *false* receipt—a paper acknowledging the receipt of it—obtained by a contrivance. The very possession of the leases, as well as the title-deeds, endeavoured to be withholden from me: the possession of the land (such part as could be withholden) withholden from me to this hour, in spite of all remonstrances, viz., by the withhold-  
ing of the money for the purchase.

“Assurances that orders had been issued for a warrant for that money, as in fact they had been issued, and a *Minute* made accordingly: those assurances given to me, and in the same breath measures taken for preventing the money from being ever issued.

“3. The very species of misconduct that furnished the sole pretence for breaking the public faith with *Mr Palmer*,—(the having conceived, under the agony of provocation, the momentary idea of throwing confusion into the public service in that *subordinate* department)—that very species of misconduct, adopted and practised in the department *paramount*, in cold blood, for the purpose of the breach to be made in the public faith as plighted to me. Confusion and insubordination purposely organized: subordinates encouraged in declared contempt of the orders of the Board: encouraged in repeated instances, and in different offices, and after full notice of the contempt by written complaints from me. Facts and arguments, forming the ground for the orders of the Board, kept back from subordinates; lest they should be deterred from the opposition they had been instructed to make. Engagements sanctioned by Minutes of the Board:

these engagements broken to my prejudice—broken without apology or explanation, under the observation of the clerks, and other witnesses of the transactions of the Board.

“4. Attempts to render me an instrument of oppression (and much vexation, in spite of my indefatigable labour to prevent it, actually caused) to *twenty* unoffending families, (inhabitants of houses in the purchased land,) for the purpose of the ruin in which it is hoped they would involve me by suits at law. Instead of the promised £1000 for buying out these and other interests, (a price at which, after Lord Salisbury had offered, I had offered to bear the expense,) an order obtained from the Board, directing me to inquire into the compensation requisite, with an advice from their solicitor to insist that the evacuation of the premises should be ‘*absolute and immediate*’:—that order obtained, under a determination, *never* to give me possession of the premises—never to give any money for the compensation; the damage thus swelled, from the above-mentioned single thousand to *several* thousands, in spite of the most indefatigable exertions on my part to keep it as low as possible: recorded exertions, testimony of which I have been careful to preserve. All this in spite of, or rather by reason of, the most strenuous remonstrances on my part, remonstrances in writing, exhibiting the mischief in all its features. Of the insidious refusal of the promised £1000, one evident motive was—the hope of driving me (for I was not to be led) into this snare.

“5. To blind me the more effectually, and at the same time involve in the more certain ruin, my character by the appearance of their own ill faith, my fortune by litigation, and my health and peace of mind by vexation and disappointment—a sham treaty carried on all this while—carried on for a matter of a twelve-month—for other necessary contiguous land: the proprietor a gentleman of fortune but under temporary difficulties, (Mr Wire,) disturbed by the fraud in his economical arrangements, and to my *knowledge* materially injured in his fortune.

“ 6. Letters upon letters from me unanswered and unnoticed: personal access, eluded for months, at last openly refused. From the time that, for the accommodation of Lord Salisbury, (himself innocent and irreproachable,) I was deluded, as above, into the acceptance of his estate,\* scarce in a single instance a fair audience of Mr Long. Three weeks, without the intermission of a single day—three whole weeks, on one single occasion—I remember passing in the passages: and when at last Mr Long was pleased to send out a refusal to see me, it presented itself to me as a favour, because discharging me from my attendance. Wanton and unprovoked insults were what I got from Mr Rose, when attending him for the fulfilment of the prospects *he* had held out to me: they were put an end to, prospects and insults together, by a refusal to see me any more. Not to speak of clerks, whose civility to me had real merit in it, I owe it to the kindness of the porters, that I received no insults from *them*, after the treatment they saw given to me. All, without so much as the *fancied* shadow of a complaint against me: as Mr Long, before witnesses, and particularly at our very last interview, has been forced repeatedly to confess. In the midst of all these transparent frauds—under all these barbarous oppressions—not a single harsh word on the part of the patient—in conversation or writing, towards a single individual among his oppressors of all ranks.

“ More of this—I know not how much—might be added. I spare it you:—I spare myself the hunting for it. If *this* be not enough, what *else* can be?

“ Panopticon (it is obvious enough) is not the more *beneficial* a system for any scrape into which its adversaries may have floundered. True: but neither is it the *worse*. Against it, scarce an expression of vague dislike, much less anything in the shape of a specific objection, has been ever urged, that I could ever hear of, by its most determined adversaries. No man has ever

yet been hardy enough to deny, though the calls for denial have been perpetual, that the sole causes, of the sacrifices so often made of it, have been the successive compliments paid to the train of successive lords, ending with Lord Belgrave.

“ For my *petition*, I mean to avail myself of the offer of Sir C. Bunbury: he having been the first to mention Panopticon to Parliament,† before Mr Dundas came forward with his panegyric. Wilberforce must either help to pour shame upon the heads of his friends in both ministries, or desert his own opinions and belie his feelings, not only as declared to myself in black and white, and that very recently, but declared for years to all sorts of persons without reserve. Be the prayer of the petition granted or refused—all the perfidies—all the treacheries—all the oppressions—all the corruption—all the disorder—come out of course. For the constitutional points (without yet knowing the particulars) a person out of all party, but above all party, and of no small account—particularly in points of that nature, has promised in a letter I have by me, a ‘strict attention’ to the business. Having tried nobody else yet, I have met with no refusals. Of the Opposition, of whom I know nothing, I leave you to judge. Who can say? The same spirit, which has so lately brought upon the head of Mr Mainwaring a punishment which (judging from the Report of the Commissioners of the Crown, and the confession of one of those who voted for him along with you) I cannot look upon as altogether unmerited: may it not give some trouble in its call for punishment—not of Mr Pitt, or the Duke of Portland only, but even of Mr Addington, for *connivances* so much more culpable?

“ The opinion of Romilly was not lightly given. After a consideration of some weeks, it was first given *vivâ voce*. I resuggested the points that seemed most novel or least clear. An inconsiderate opinion might have hurt both of us. I told him there might be

\* December 1798.

† See Debate, 31st May, 1793. Parl. Hist. xxx. 556

occasion for me to make it public. He kept the papers: and, in a letter written for the purpose, on the point of his departure, found he could do neither more nor less than say—‘What you state respecting Botany Bay has very much astonished me. It has the more astonished me, *because I take the law upon the subject to be EXACTLY as you have stated it.*’ The marginal contents are not sufficient to enable you to form an opinion of your own: but they show upon what points it would have to turn. I would not load you with the paper at large, (56 pages.) It is at your command, of course, at any time. Romilly is for the Crown on the question of the Prince of Wales. *White* was beforehand with the Prince’s people in retaining him: and the Prince himself has expressed his disappointment at it. The spirit of self-delusion might have suggested this, and that, and t’other, in relation to a man who, though no party man, was no greater an admirer than myself of the late Ministry: but this *works by estoppel*. You probably know better than I whether, for some time past, he has not been by far the first man in the Court of Chancery, though originally more conversant in the common law.

“Upon the whole, in regard to Mr Addington, my calculation is—that (even setting aside all danger to his friends) he would find it less trouble to break at once the corrupt illegal promise, than to persist in breaking the legal one:—to establish a system of certain reformation, than to maintain, by waste of public money, a system of unexampled and altogether remediless abominations.\* Should *his* calculation agree with this of *mine*, he will act accordingly: should *yours* agree with it, your regard for his honour, still more for the honour of Government as bound up with it, will, according to *another* calculation of mine, afford you a sufficient inducement to apprise him of your sentiments to that effect.

“The ground upon which these prospects, such as they are, are built, is not the most flattering of all others to Mr

\* “Not that there is, or ever has been, any incompatibility: with equal complacency, if he finds it most convenient, he may support the bad and the good together.”

Addington: but it is he that has driven me upon it. Before trial, I looked up to him with the firmest confidence. The margin† refers to a most faithful picture of it. Nothing short of experience, nor even that for a long time, could wrench it from me.

“On that occasion, Mr Addington’s probity failed him, and with it, as is but natural, his courage. Though Mr Nepean was my evidence, or rather because Mr Nepean was my evidence, he durst not hear my evidence. As little durst he refuse to hear it. He set his brother to shuffle with me, as you may see. My ‘*representations*’ he had no objection to receive; because a paper the more upon his shelves would not give him much trouble. From Mr Nepean, *though* (I mean always *because*) the only person from whom he could have got any correct and honest account of the secret part of the business, that is, the dregs at the bottom of the dirty and dishonourable part of it, he could not bear to hear anything about it: because, having every now and then occasion to face Mr Nepean, and being known to Mr Nepean to have had notice of the business, with more or less of the perfidies, and treacheries, and oppressions, and corruptions sticking to it, in Mr Nepean he would as often have to face a man who would behold in him a privy, and by adoption a party, to so many scandalous enormities.

“The maxim Mr Addington has hitherto found it convenient (as he thinks) to take, upon this as upon other occasions, for his guide, is—that *Mr Pitt can do no wrong*: and it is that he may not be obliged to part with it, that he has taken for his model, the judge I have just been reading of in a newspaper, who would ‘*never suffer more than one side of a cause to be heard, because both sides* (he said) *confused him.*’ The side that gave him the support of so useful, not to say necessary, a friend, presented itself to his *prudence* as the side of safety. The *example* of such a predecessor—of such a possible successor—presented itself to his *probity*, as an advantageous

† Some note appears to be wanting here.—Ed.

substitute, to the dictates of law, public policy, and justice. My case being among those, which by the law itself are put out of the protection of the law—and Mr Addington's station in it being that of a *judge*, but with a power much more boundless than that of any judge so called, the injustice of his conduct, is by so much the more efficient, than that of the very considerate magistrate just mentioned.

“Mr Addington's hope *is*—what Mr Pitt's hope *was*—to see me die broken-hearted, like a rat in a hole. I may die any day: but so long as perfidy, and treachery, and oppression, and corruption, and arbitrary power, and contempt of Parliament, and the persevering propagation of immorality and misery are the order of the day with him, so long as I live he will find me living to his annoyance. Living did I say? Yes: and even when I am dead, he will not be rid of me.

“Being no longer *hare* but *hunter*, the spirit that animates hunters is come upon me. By leaving me nothing to do, of that which I ought to have had to do so many years ago, he leaves me no other mode of serving the public so efficient or impressive, as the reading of that moral lesson which will be read to it by the uncovering of his shame.

“My demand is an extremely simple one:—that an engagement of one-and-a-half year's standing, entered into after seven months taken to consider of it, may be trampled upon no longer:—that, according to that engagement, prison-room be given me for the 2000:—terms to be grounded on it, as per Memorial settled by Mr Nepean—principles assented to, over and over, in conversation with *him*, by Mr Long. The number to be secured to me, no more than the original number, 1000: \* for anything beyond that number I neither asked any engagement, nor would have accepted it, had it been offered.

“For taking the least bad course that can *now* be taken in relation to New South Wales, he might perhaps in this

case find his account in consulting a man, who is not an utter stranger (as so many have been) to the subject, either on the chapter of law or policy—who is not above taking trouble on any subject, nor above looking upon these outcasts as fit objects of his care.

“Lord Pelham's letter does not satisfy me. You may see why it does not. It *may* be sincere, but though I were sure of its being so, I could not trust to it. It binds not Mr Addington. It is much less than I got from Mr Dundas, in his lordship's place, on the occasion of Batterssea Rise. *Time* begins already to show the value of it.

“In any declaration he might make to *you*, though it were but a verbal one, so it were a specific one, he knowing you to be in possession of the case, I might venture to have confidence. Why? because it will never be in his power to ‘fly from *your* presence,’ as he might have done for the most part from Mr Nepean's. As often as he looked up to you in *your* chair, with those professions of probity upon his lips which will be so often called for from *his* place, your eyes would bear witness against him, if he were false.

“This is my last *private* attempt, to drive into the head of Mr Addington the sense of justice. Should this pass unnoticed, or prove fruitless, *the die is cast*. If I hear nothing from you before the 13th of this instant September, 1802, this being the 3d, I shall no longer look for it. On that day it may be necessary for me to take steps that may be irrevocable. Time passes, and presses. I must not lose the commencement of the approaching Session, as Messrs Addingtons made me lose the remainder of the Session of 1801.”

BENTHAM TO CHARLES ABBOT.

“7th September, 1802.

“I had been used from time to time to send Panopticon progress to Wilberforce. August 27th, I sent him the correspondence with Sir C. Bunbury, and Lord Pelham's letter, and the marginal contents of Panopticon *v.* New South Wales: Sir C.'s last letter ex-

\* Draught of Contract, 23th Finance Report, app endix.

cepted, which did not come till afterwards. Yesterday he returned my packet with a long letter of four sheets.\* The remarkable feature in it, and the cause for which I mention it, is this: the most material and striking article of the packet lying before him, was this letter of Lord Pelham's, in which his lordship says:—'At all events . . . I will endeavour to get something settled before the meeting of Parliament.' Yet with this before his eyes—all his good advice—all his projects, assume that nothing at all will have been settled before the meeting of Parliament. To get it settled, such and such things are to be attempted (though with a chance of success which he scarce ventures to give as more than a faint one) in Parliament. This assumption of his, to what cause can it be imputed? Was it that he thought Lord Pelham would not so much as make any attempt? Was it that he *thought* it would be unsuccessful? Was it that he *knew* it would be unsuccessful? viz. by having communicated on the subject with Mr Addington? The latter is a matter of fact which might have been a material object of inquiry, if my time admitted of the making of it. Meantime, of these three interpretations, between which Mr Wilberforce did not look upon it as worth his while to distinguish, one at least supposes that sort of conduct, which, in Sir C. Bunbury's more frank and open estimate, 'would disgrace not only a Minister's secretary but his porter.'

"The uniformly honourable character which, as far as my obscurity would admit of my hearing anything, I had always heard attributed to Lord Pelham—this, added to the marks of candour on his part that seemed to transpire through the debates, would have led me to place as much confidence as my experience of those offices would admit of my placing, in so positive an undertaking on his part as the above, had it not been for his expedition of discovery for 'finding out what steps had been

taken by the Treasury.' What, if anything, had been done there legally and above board, the Minute-book would have shown him at any time in half an hour, out of the week he took to give his answer. The only possible matter of discovery the case afforded, was, any such clandestine and dishonourable, and unavowable and unavowed assurance or assurances as that which had been given to Lord Belgrave. Far from being matter of triumph, it is matter of most serious concern to me, to find those suspicions of mine receive already so much apparent confirmation.

"There are two things I could not get either Mr Long or Mr Hiley Addington (at the conference they entrapped me into, 9th July, 1801) to speak of, as possessed of any the smallest binding force: Acts of Parliament, and the engagements taken by men in office, in consequence: nothing could equal the scorn with which the idea was received. Wilberforce, notwithstanding the probity of his own conduct, seems to have entertained all along a sort of implied notion to the same effect, derived, doubtless, from that practice, which, on the part of Messrs Rose and Long, (and perhaps Pitt,) he must have had so many occasions to observe. I cannot, antecedently to experience, bring myself to think that these notions will find approbation with the public at large. I am sure they do not among *all* placemen. Sir Evan Nepean, at any rate, is an example.

"Next to the setting up of Panopticon, which, if I were to live, might enlarge my opportunities of being of use in one way or other, I cannot think of anything by which I could do more substantial service, than by exposing a line of conduct which seems at present to be endemical and habitual, in such manner as to render it if possible no longer tenable.

"Wilberforce, however, amongst other good advice, preaches passive obedience, and non-resistance for this one session, giving me a dispensation for hostility should this prove fruitless: and in the meantime, recommends that Botany Bay should be exposed in a quiet way, and

\* See Wilberforce's letter in Ch. xiv. of the *Memoirs*.

on the ground of immorality only, I mean without blame to anybody: for which he offers *aid*, which, if I understand him right, is by communication of facts. He, however, knows nothing of the *præmunire*, and the illegalities and tyrannies connected with it. Not that I shall take his advice: my own experience runs uniformly counter to his theories. I have found the principle of terror operate in several instances, and no other principle in any. He is all in a flutter about his friends: he does not himself think they will do as he is convinced they ought to do, and he dreads the seeing them exposed for it. He shuts his eyes against the facts: and then imagines excuses for them incompatible with the facts, which, from the first, so far as they tend to imputation, he has never been able to bear to look at—or at least to own the looking at them. It is natural enough that he should be for laying law and engagement out of the case, because those topics cannot be handled without imputation to his friends: it is equally natural that I should not part with strong ground, and confine myself to weak ground, for the accommodation of those who have made a point all along of keeping me to that weak ground, that they might crush me at their ease. Not that he is indifferent to *Panopticon*, for he talks of it all the while like an enthusiast."

BENTHAM TO DUMONT.

"Q. S. P., 19th October, 1802.

"MY DEAR DUMONT,—I got back here (at night) last Saturday fortnight, the 2d instant. On the next day, (Sunday,) understanding from my brother that Sir Evan Nepean had mentioned his having had two interviews on the subject with Mr Addington, I called to hear particulars. What was said, (or at least what was reported to me as said,) was chiefly on Nepean's part; and consisted principally of testimonies in my favour; added to what he had said, and was ready to say, to Pitt, Long, &c., as to what he thought of *their* conduct in the business. Addington appears to have said little. He

touched upon that article in my 'Proposal,' in which I engage to pay a limited sum in the event of a subsequent offence committed by a convict that had been under my care: he was pleased to term it '*one of my flights*.' In fact, it amounts to no more than a *partial*, not a *total*, deduction of a *profit* that would result to me from the same incident: but this is what few are either able or willing to perceive. In default of all solid objections, it serves people for the shadow of an objection on the score of quackery. In the pamphlet I have sent to the press, (*Panopticon versus New South Wales*, of which afterwards,) I offer full explanation to the above purport, to any one who will vouchsafe to look at it. He concluded with saying that he had not made up his mind on the business, and that it was his intention to turn it over to Mr Vansittart. I wrote accordingly on that same day to Mr V., telling him of what I had heard as above, and apprizing him of my return, which he might not otherwise have heard of: but I have heard nothing from him as yet.

"In addition to the letters mentioned above, I found one from Sir Charles Bunbury, dated 30th September, in which are these words: 'I saw Lord Pelham, and desired he would send to you, and inform you what steps he intended to take in the business of the *Panopticon* prison: he said he would, as soon as he had read through your books, and conversed with the Chancellor and the Judges on the subject.' Looking upon this as an evasion, I considered it as calling upon me, upon the principle of self-preservation, to tell my story to those same personages. I have accordingly sent to the press '*Panopticon versus New South Wales*,' &c., in the form of a letter to Lord Pelham, stating the above intimation of his as the occasion of my taking that method of multiplying copies for the edification of the said personages.

"To return to Nepean—as far as *he* was concerned, nothing could be more satisfactory than the short conference, which was all he could, or at least thought proper to allow me. He gave me to understand, that, for a long time past, he had set down in his own mind as a



contingency not very unlikely to happen, the bringing the business before Parliament: that he had kept himself accordingly in preparation, and was ready at any time to give his evidence. In my above-referred-to letter to Mr Addington, written to him very soon after his accession, and commencing with the averment of its being written with the privity of Mr Nepean, I gave him sufficient intimation that Nepean's evidence, wherever and whenever given, would cover with shame Mr Pitt and his subordinates.

"What made these assurances of Nepean's the more satisfactory, was—that for one and a half year, I had never set eyes on Sir Evan Nepean. He began with explanations in the form of reproaches for my invisibility, &c.—which produced counter explanations on my part, and were followed with the strongest assurances, that, in respect of affections, as well as of opinion, he remained unchanged. What an opportunity for Opposition if they have but the understanding to improve it! Had they ever anything like it before? A man of Nepean's impregnable and popular character, having not the least personal quarrel with either the present people or the past, ready to stand up against both for the pure love of justice!

"One thing I had like to have forgotten—a caution on the part of N. to avoid acting through the very channel through which what was done had been done. His hurry, real or affected, prevented me from getting an explanation of the grounds of this caution, on which he appeared to lay a considerable stress. Public situation, or character, and disposition as towards myself—which of these circumstances had he in view?

"On your part, my dear Dumont, you will not fail to feel the extreme delicacy that attends the communication of a correspondence of such a nature with such a personage. No security can be too great that can contribute to ensure the preventing it from coming round. In fact, you will indeed perceive that nothing could be more guarded, on *his* part as well as mine: armed on both sides *cap-a-pied*. But, in case of a disclosure of this sort of confidential cor-

respondence, how convenient a pretence to the great man for shaking off, and even openly turning against, the troublesome little one!

"Not the least curious incident in the business, is a correspondence on the subject with Wilberforce. I had been used from time to time to send him reports, under the title of *Panopticon Progress*: a little before my trip to Paris, I sent him one on the occasion of the intercourse with Lord Pelham, through the medium of Sir Charles Bunbury. Thereupon, on my return, I found a letter of his of four 4to sheets, half of it taken up with apologies about haste and so forth. Agonies of terror about my threatened narrative: counter threats of utter silence, having the effect of abandonment, on the part of all my friends, (Abbot, for example, by name, and *himself* not excepted,) in the event of my bringing on the matter in any tone of inculcation: recommendation to try this one session, in a quiet way, with nothing but a statement of the bad points of New South Wales, for which he expressly offers materials: consent to my acting hostilely in another session, if nothing comes of quiet proceedings in the next. Short answer—very short—on my part, expressing an intention of profiting by his advice, so far as consists in the making an attack upon New South Wales, and asking him for his documents. Reply from him in a tone of unusual coldness: saying that the communications he meant were *verbal* ones; and referring me to '*conversations in the course of the winter*' for the time: we not being, of late years more especially, in the habit of any such conversations. My notion is, that in the meantime some intimation had reached him, (by conversations, for example, either with my other correspondent or with Addington, &c.,) that I did not mean so far to take his advice as to give up my attack upon his dear friends, for whom he had been expressing his regard to me,—even the Rose of Roses not excepted. In the long letter, piety in abundance on the occasion of Lord Belgrave: and, upon the whole, a not unamusing or altogether unedifying contrast might be exhibited, between the

ardour of his piety and the icy coldness of his love of public justice. He confesses Pitt's procrastination to save him on the score of perfidy: for my part, I shall admit the procrastination, but instead of admitting it as a *disproof* of the perfidy, I state it as the *cause*.

"This same pious gentleman had broken, on a former occasion, as solemn, and deliberate, and spontaneous a promise, as it was possible for one man to give to another: a promise that '*he would not desert me,*' and that he would bring on the Panopticon business in Parliament at any time, and in any shape I would point out. I pointed out in due season a shape so quiet and unexceptionable, as that of a mere motion for the continuation of those accounts from New South Wales, the continuation of which had been so strongly recommended in the twenty-eighth Report of the Committee of Finance: he would neither bring it on in that shape, nor in any other; nor his friend Thornton neither, who was present, and by whom it was my plan that the motion should be made: he having been an efficient member of that Committee. I forbore irritating him by any the least allusion to his promise: at the time of his making it he had not yet quite reconciled himself with Pitt; on whose want of good faith he spoke with great freedom, imputing it to his want of faith in the religious sense.

"A capital object of his alarm, was (I return to his long letter) my including in my narrative a letter I had written to him, (about ten months ago, on the occasion of a conversation of his with Lord Pelham,) written to him, (W.,) giving him an account of a visit I had undergone, a year or two before, from the Duke of Portland, with Billy Baldwin to take care of him. It would cover his Grace,—and for life,—with ridicule ineffaceable. Would it so? quoth I,—*tant mieux*: he shall not catch cold for want of it: though a covering, composed of the four walls in some room in the Tower, would be a further covering not ill suited to his deserts.

λάϊνον ἴσο πιστόνα, κακῶν ἐνεχ', ὅσο ἰσχυας.

"You have read Homer since I did, and can conclude or correct the metre

and the sense. The pleasant part of the story is,—that in the midst of all this concern for the reputation of his Grace, he himself makes no secret of his considering himself under an obligation of bringing before Parliament something on the part of his said Grace, big with enormity, though unspecified: so that *my* attack upon his Grace,—an attack he does not dispute the justice of,—is to be given up for his beautiful eyes: while *his* is to be made, *comme de raison*: from which I infer that he has contrived, or thinks at least that he has contrived, in this attack to keep the *now* again dear Pitts, and Roses, and Longs, out of the scrape. In all this sacrifice of public justice to private connexion, there is nothing very miraculous, upon ordinary mundane principles: but on the pure spiritual ones that breathe through every pore of this epistle, what shall we say to it? What a contrast between this man and Nepean, from whom I have never in the course of the whole business heard a syllable about holiness! Poor, dear, *religious* sanction! what a *bump* it gives to the *beam*, when thus weighed against the *moral*.

"Meantime this crack, '*in a house divided against itself,*'—a sort of a tenement which we are assured from the highest authority cannot stand,—might be not altogether unworthy the ear of Opposition. It is *their* business to *have*, or rather to *have had*, intimation of the cause and particulars of it: and thereupon not to sit still with their arms across, and see it *close* again."

THE REV. BROWNLOW FORD (*Ordinary of Newgate*) TO BENTHAM.

"8th Jan., 1803.

"Your own investigation of the subject will furnish you with many documents, as well as arguments on the subject of *executions*; better calculated than anything I have said to do away the *disgrace* which they are to our country; and from you they will have weight. Pursue them, I beseech you, to the abolishing of executions, and you will deserve ten thousand times more from that country, than ever Howard did. *My* situation

in life is too insignificant to have any attention paid to my opinions. Besides, as one of the Aldermen said, when I expressed some such thoughts as I have now given to you,—‘Pray, be quiet, Doctor, and keep your mind to yourself! If there were no *executions*, there would be no occasion for an *Ordinary*.’ *Verbum sapienti*.—If the enclosed remarks be worth preserving, please to indulge me either with them, or a copy of them, as soon as you can make it convenient.”

The title which Bentham had proposed to give the volume afterwards called “Plea for the Constitution,” was “Constitution Conquered.” Dr Parr liked the title and the preface, and wrote to Bentham urging him not to cast it aside; but Romilly, more cautious, thought differently, and wrote thus:—

ROMILLY TO BENTHAM.

“15th Feb., 1803.

“DEAR BENTHAM,—If my criticism has no other merit, it will have that of frankness. I don’t like your preface. If I were to decide between that and none, should vote for omitting it altogether. There is too much levity in it, especially as it forms a striking contrast with the proposed title. A man who is about to read of the Constitution, not violated only, but conquered,—of enormities committed, and all our most sacred laws broken,—would not expect to be so much amused at the outset as he will find himself when he has read only a few paragraphs of the preface. In truth, it appears to me that the title is too vague, and the preface much too comic. I don’t like your passing from the attempted conquest of America to the attempted conquest of the Constitution in 1767, which, by the by, was long anterior in time to the conquest of America, though not to Lord Chatham’s speech which you allude to, and which related to a different kind of conquest,—a conquest from the French. I don’t like it, in the first place, because, though the forty days’ tyranny was a transaction very properly brought to the recollection of

those to whom you are about to show that the Constitution has been since violated in more important points without any attention being paid to it, yet that forty days’ tyranny is not to be compared in any point of view with the American war: and in the next place, I don’t like it, because the word conquest is applied in its literal sense to America, but is a metaphor when used, either of the transactions of 1767 or the proceedings at Botany Bay. The truth is, that notwithstanding what has been done at Botany Bay, the British Constitution is not conquered, but still remains as it did. It has been disregarded—violated, if you please,—but because ministers have done what is alleged, and nobody but yourself yet knows anything of the matter, I think you would hardly maintain seriously, with the Parliament sitting with its accustomed forms, and your *favourite* juries deciding causes every day, that the Constitution is conquered.”

Again,

“March 5, 1803.

“DEAR BENTHAM,—I had a short conversation to-day with the Attorney-general. Nothing in the preface has given him offence; and on the contrary, he seems to think that you have spoken very civilly of him. But he has been shocked very much by the *title*—the title and the preface are all he has read. I wish I could recollect his words—they were, as nearly as I can remember them, to this effect: ‘If I were disposed to interest myself to have the Panopticon established, and to have him placed at the head of it—and I should really be glad to do it, if I saw a proper opportunity—how could I recommend to a secretary of state, to place in such a situation, a person who had written such things of him or his predecessors?’—Ever and most sincerely yours,” &c.

JOSEPH JEKYLL TO BENTHAM.

“Spring Gardens, March 1, 1803.

“DEAR BENTHAM.—You know I am such an old *jail-bird*, that I am really vexed we have not met, especially as

Sir C. Bunbury says you wished to meet me.

“Your letters to Lord Pelham I have read with care and total approbation.

“But as to any step in parliament—what can we do?—Jupiter Hostis!—at least as far as finance goes, and their own habitual support of a most abominable system,—abominable chiefly because most foolish.”

BENTHAM TO JEKYLL.

“Q. S. P., 6th April, 1803.

“DEAR JEKYLL,—Many thanks for your kind letter of the first of last month. The best return it has been in my power to make for it, I have made; which is to forbear taking advantage of it to plague you to no purpose. The devil tempted me to shoot you flying, during circuit time, with a third pamphlet,\* which I shall now deposit quietly at your house, in company with these presents. The devil tempted me; but your good genius, or geniuses, in the shape of two evil geniuses of mine—Irresolution and Indolence—cried out, ‘Avaunt, Satan!’ and so you escaped.

“What is it that has turned my brain, and thrown me among the Supernaturals? Your ‘Jupiter Hostis,’ I believe. Oh, yes; hostile enough, I warrant him. But have you not heard—when you come to town I suppose you will hear—of a conspiracy among certain *Titans*, to force him in his [Celestial?] Chamber? First Titan, Sir Charles Bunbury. If he has not forgot it, or given it up, it waits, I suppose, for you. *Botany Bay*, which he has an invincible penchant for, and does not like I should say anything against it, was to be connived at; the attack was to be pointed at the Hulks. Wherefore he issued an injunction against the letting off the aforesaid and herewith enclosed squib. He said, ‘Be it so;’ and so it was: whereby you escaped, as above, and your circuit likewise: for my project was, that you should have tied it to the tails of your two Judges, (I don’t know who they are,) and bounced it off at one of your circuit dinners. I

submitted, and with the best grace imaginable: ask him, eh! Prudence is his province. Fortitude and patience mine. But, not to trespass any further upon yours, I conclude with assuring you, that as faithfully as you are mine, I am yours gratefully, &c.

“I am always in the same dog-hole, where I have been kenneling for above these twelve years. I am never out of it: so that if it should ever happen to you to prefer walking to ‘vexation,’ you may be sure to find me.”

BENTHAM TO SIR CHARLES BUNBURY.

“Q. S. P., 2d May, 1803.

“DEAR SIR,—The storming party? What news of it? Any signs of life? Orders—stop the Plea for the Constitution, for fear of giving offence; which, as against the storming party, will serve the Dr for defence. Orders from on high: passive obedience below: allegiance,—but what is to become of the protection that was to pay for it? Visit from Jekyll, who talked of making up a jail-gang at his house. Sir H. Mildmay, whom I have never seen, is notorious as an enemy to the hulks: but his still more notorious friendship for Pitt may perhaps have indisposed him against the ‘Comparative View,’ and the cause in general. Letters and Plea—it is high time they were published, if no good is to be got by forbearance.—Your most obsequious, &c.”

BENTHAM TO WILLIAM WILBERFORCE.

“Q. S. P., 31st May, 1803.

“DEAR SIR,—On the 8th instant, I received from Sir Charles Bunbury a letter, the conclusion of which is in these words:—

“I spoke to Mr Wilberforce, to know whether he would apply with me and other friends to Mr Addington; but he declined; saying he thought you had been used very ill, and could not keep his temper when he talked on the business.”

“The practical determination thus represented as announced, presented itself to me as being in such diametrical

\* Plea for the Constitution.

opposition to the observation on which it is represented as grounding itself, that I should have stood convicted of rashness in my own mind, had I suffered myself to regard the intelligence as correct, without applying to yourself for the confirmation or correction of it.

"It is my misfortune to be a principal in the business: so much so as to have everything at stake upon it. It never yet occurred to me to have the smallest apprehension of not being able to keep my temper in talking about it, much less if I were to go prepared. Silence, at the very worst, would be a sure resource.

"That a comparative stranger, in the ocean of whose public concerns this business is but a drop—a man remarkable (as I have ever understood) for the mildness of his temper too, as well as for so many other virtues—should be so much more affected than the party himself, who has had nothing else to think of for these ten years, seems to me so irreconcilable to the known principles of human nature, that I feel myself quite unable to admit it. At this rate, were a minister on any other occasion to find his convenience in sacrificing the interests of public security and morality—in trampling upon acts of Parliament—in breaking the public faith, to the oppression of an unoffending individual—he would need to but screw up the enormity of his guilt to a pitch sufficiently provoking, and on those terms he might make sure of the acquiescence of Mr Wilberforce. What a lesson! what an encouragement—for the advocates of the Slave trade, for example, were they to hear of this—which, perhaps, they have done by this time—though certainly not from me! Had the proposition been to move for the impeachment of these friends of yours—to move for an inquiry—to move for papers—so much as to stand up and say anything upon the subject in the House, it would be a different case. But, if I understand the matter right, your refusal went not merely to the speaking on the occasion, but the so much as going up to the Minister in his closet, and entering a silent appearance among the approvers of the measure.

"Sir Charles was then on the point of setting out for the country: whether he has returned or no, I know not: for I have not seen or heard from him since. By the date of his letter you will see how far I have been from being forward to trouble you on the subject. But the case is, every now and then, somebody is dropping in upon me, and asking—Well, and Mr Wilberforce, what says he to the business?—a question to which I know not what answer to make, pressed as I am between the apprehension of doing you an injustice, and the difficulty I find in conceiving any incorrectness in the evidence, in a case upon the face of it so simple. Labouring under this perplexity, you will, I flatter myself, forgive the trouble I am putting you to, in thus applying to the only person in whose power it is to relieve me from it.

"Two former letters had in some measure prepared me—as it seemed they were designed to do—for abandonment: but that recollection, far from removing, scarcely so much as lessens, the difficulty I experience in conceiving such a reason to be assigned for it.

"I once considered myself, nor shall anything short of absolute necessity make me cease to consider myself, dear Sir, your much obliged, humble servant."

WILLIAM WILBERFORCE TO BENTHAM.

*House of Commons, June 1, 1803.*

"MY DEAR SIR,—I am very sorry that our friend Sir Charles Bunbury, by reporting to you, (I am sure through mistake,) not very correctly, a few words which I uttered to him very hastily, when my mind was full of other business, on our accidentally meeting in a shop, has occasioned in you any uneasiness, or any misconception of my sentiments and feelings towards you. These are the same which they have long been: such as proceed from a perfect conviction of the great advantages which would result from the carrying into execution of your valuable plan; from a persuasion that you have been most hardly used, from various circumstances, which

I need not particularize; and lastly, from an earnest desire that you may at length overcome all obstructions, and see your ingenious theory realized, and your long labours crowned with success. I shall ever be ready to lend my best efforts, so far as they can properly be exerted, for the accomplishment of this end: you may reckon upon me as steadily possessing these dispositions, and as being always desirous of acting upon them.

"I will also, at any time, see you and confer with you on the business, and with any friends of yours. My being occupied beyond my constitution, and my *having been* ill, has alone prevented my anticipating your application, and attending to your affairs in the early part of the present Session.

"I scribble at a crowded Committee, amid interruption and bustle: you must allow, therefore, for this hasty scrawl; and believe me, always with esteem and regard, dear Sir, your faithful, &c."

There is an hiatus in the documentary history of the Panopticon controversy, from the date of the above till the year 1809, when I find Wilberforce writing as follows:—

WILLIAM WILBERFORCE TO BENTHAM.

"*Kensington Gore, or*

"*New Pal. Yard.*

"*June 1, 1809.*

"MY DEAR SIR,—Though the incessant bustle in which I live during my residence in the neighbourhood of London is such as to render it impossible for me to bestow much thought on any but urgently-pressing business, yet I can truly declare that you, and the treatment you experienced, have been often in my mind; and that the sense of it, which I have formerly so often expressed to you, remains utterly unaltered. But, in truth, I always felt that it was more than could be expected (I might almost say out of nature) for you to think that I had not neglected opportunities of pushing forward your business; and therefore I was impressed with the persuasion, that however your good

nature might prevent your opening your mind to me, you must number me among those who had used you ill, and, consequently, not much relish my society. I therefore satisfied myself with speaking of you, of your merits and cruel sufferings, in the way which justice appeared to me to require, as often as opportunities occurred. At length an occasion arose the other day in the House of Commons for publicly noticing your plan; and some private conversation (though but a few words) with one of the Treasury people, confirmed the opinion which various circumstances had led me to form,—that the present was a favourable moment for carrying into execution your great project, and obtaining for the public all the benefits it is calculated to produce. I have been therefore, ever since, intending to write to you, that I might learn whether you had still the heart to go forward after all your former disappointments. Indeed, I hoped that what I said in the House would have attracted the public attention. But according to the usual treatment which, on principle, I experience from the reporters of our debates, (and which I expect will at length have the effect intended—of ruining me with those of the public to whom I am not personally known,) not one word of what I said on this subject was mentioned in any newspaper I saw; and in one, *The Times*, I was not even mentioned as having spoken at all, though my speech was (I will not say anything of its *quality*) more in quantity than that of any other speaker. I should be glad to confer with you on the business at any time, and would either call on you, or be happy to see you at the hôtel or Kensington Gore. At the former I often am from about three to four o'clock; and at the latter till twelve o'clock in the day from half-past ten, unless the House has sat beyond twelve o'clock the night before, in which case I sleep in Westminster. Excuse the effects of extreme haste; and believe me, with esteem and regard, my dear Sir, yours most truly."

The Report of the Select Committee

on Penitentiary Houses, in 1811, is mentioned above (p. 103) as having been designed for finally crushing the Panopticon project. It is thus alluded to by Romilly:—

ROMILLY TO BENTHAM.

“DEAR BENTHAM,—The Committee made their Report yesterday. I have not been able to see it. It is very long, and, I understand, very unfavourable to your contract. I attended the last day but one, of their meeting, but found it quite impossible to do anything. Except Abercromby, and myself, and Wilberforce, no person friendly to you was present.—Evermost sincerely yours, &c.

“June 1, 1811.”

The part of the Report which bears on the subject is as follows:—

“The 34th Geo. III. cap. 84, reciting that certain lands at Battersea Rise (which are described in the recital, and stated to contain 79 acres and one rood) had been fixed upon by the supervisors appointed in pursuance of the former act, and after being duly approved of under the provisions of that act, had been valued by the verdict of a jury at £6,600, but that penitentiary houses had not been erected, directs the lords commissioners of the treasury to fix upon that spot of ground, or any other equally convenient, and to contract for the erection of a penitentiary house or penitentiary houses thereupon. They were to appoint a feoffee or feoffees to treat for the ground, and accept a conveyance of it; and the usual powers were given to compel a sale by the owners of the spot selected.

“The provisions of the former act, respecting the appointment of a Committee for the superintendence of the establishment, as well as those enactments which related to the treatment of the offenders to be confined therein, were virtually superseded, by the third clause of this statute enabling his Majesty to nominate a governor or governors of such penitentiary house or houses when erected, and giving to such governor or governors the care, management, superintendence, and control of the same, under such powers, directions, limitations, and restrictions, as are contained in the 24th Geo. III. cap. 56, or as should be appointed by his Majesty under the powers of that act; which is an act empowering his Majesty to commit to the care of persons to be named overseers, offenders either under sentence of death and reprieved, or under sentence of transportation, to be fed, clothed, and kept to hard labour, in such places and under such directions as his Majesty shall appoint.

“The 34th Geo. III. appears to have been

brought into parliament with a view to an arrangement which had been for some time in contemplation, founded on an offer made by Jeremy Bentham, Esq., a gentleman of great respectability, to contract with the Lords Commissioners of the Treasury for the erection of a penitentiary house, and the care and custody of the persons to be confined therein, upon a plan described in a paper entitled, “A Proposal for a new and less expensive mode of employing and reforming Convicts,” a copy of which is contained in the Appendix to this Report; and about a month before the act received the royal assent, a sum of £2000 was actually advanced to Mr Bentham, from the treasury, by way of imprest, to enable him to make such preparation as might be necessary for the custody and care of the convicts proposed to be confined in the penitentiary houses intended to be erected. It appears that Articles of Agreement were accordingly drawn up between the Lords Commissioners of the Treasury and Mr Bentham; and the various sums of money to be received or paid by the contractor, in the several cases that might occur under the contract, were settled and inserted in the draft, a blank being only left for the description of the ground; in the selection or purchase of which, the difficulties which have prevented the completion of the arrangement appear to have arisen.

“It does not appear for what reason the site of the intended erection was changed from Battersea Rise, but the ground which had been chosen there, and valued under the former act, was abandoned, before any contract for the conveyance of it had been completed, for a spot in Tothill Fields, where 53 acres of land were purchased for £12,000, and a conveyance of them taken on the 12th day of October, 1799, from the vender to Mr Bentham, as feoffee under the provisions of the 34th Geo. III.

Mr Bentham, who is still in possession of this land, considers himself as entitled to have attached to the Penitentiary House under his contract, such additional quantity of ground as shall make the whole of what is allotted to him, amount to 79 acres, that being the number which he found appropriated to the intended establishment, by the recital in the act of parliament; and he states upon that head, that the portion of such ground, which may exceed the quantity absolutely necessary for the erection of a Penitentiary House, formed a part of the consideration for which he consented to the terms of the original agreement, and that he intended to use the whole for the purposes of the establishment, by employing such of the convicts as were fit for it in agriculture and gardening.

“Mr Bentham having appeared to your Committee to be still desirous that the contract, to which, though not actually signed, he conceives the public faith to be fully pledged, should be carried into effect, with such variation in the sum of money to be paid by

government for the maintenance of each convict as should be deemed equitable, in consideration of the advance of price which has taken place in all articles of consumption since the agreement was framed, and with the exception of such part of the agreement as relates to the erection of the buildings for the Penitentiary House, which he does not now find himself able to undertake; your Committee found it necessary to enter into the consideration of the principles of the contract alluded to, in order to form a judgment on the expediency of its adoption for the management of the Penitentiary establishment recommended in this Report.

“Mr Bentham’s offer, the terms of which appear, in a pecuniary point of view, to be advantageous to the public, was founded, according to the statement contained in his original proposal, upon his having ‘contrived a building in which any number of persons might be kept within the reach of being inspected, during every moment of their lives.’

“The Plan upon which it was his intention to erect this building, may be seen in a paper annexed to the proposal, and entitled ‘Outline of the plan of construction alluded to in the above proposal;’ and models of a Penitentiary House, as therein described, were exhibited to many persons in Mr Bentham’s own house, before his proposals were accepted; but no plan or form of building is referred to in the articles of agreement, and Mr Bentham states himself to be at liberty under it, to place what number of convicts or prisoners he may think fit, in the same cell, and to make them sleep and work in the same apartments; which statement appears to your Committee to be correct, there being no restriction or direction relative to those points to be found in the articles.

“By the agreement, Mr Bentham is to build, within one year after he shall get possession of the ground mentioned therein, fit accommodation for 1000 male convicts or prisoners, certain sums of money being to be paid to him for that purpose by instalments; and he is afterwards to make provision for the reception of supernumeraries, if required, upon certain terms.

“The contract being to continue during the lives of Mr Bentham and his brother, General Samuel Bentham, the building, and the stock and effects used therewith, are to be valued on the decease of the survivor of them, and a deduction being made of the sum of money originally advanced by government, the remainder of the estimated value is to be paid to the representatives of such survivor

“The management of the prisoners is to be vested in Mr Bentham, (or in any fit person or persons to be named by him from time to time, during his life, to exercise the authority and receive the benefits derivable under the contract,) with the appointment of governor, and with such powers as his Majesty is enabled to

grant under the 24th Geo. III., the Act to which the 34th of the King refers upon that head, as has been already stated; and in the event of Mr Bentham dying in the lifetime of his brother, General Samuel Bentham, ‘the same office and powers are to be exercised, and the benefit thereof enjoyed by the said Samuel Bentham, or some person or persons to be named by him, during his natural life.’

“The contractor is to receive a certain allowance for the care and maintenance of each prisoner, and is to be annually paid for 1000 at least, though the persons committed to his charge should not amount to that number. He is also to retain for himself three-fourths of the profit upon their labour; the remainder being appropriated to their own use, payable in part to them immediately, and in part convertible, on the expiration of their respective terms of imprisonment, into annuities for their future benefit.

“The contractor undertakes, on his side, to feed and clothe the prisoners, supplying them daily with wholesome sustenance, composed of bread and meat, and other articles commonly used for human food, and with one suit of clothes yearly, as well as with a clean shirt twice a-week.

“He is also to furnish each a separate bed and bedding, of sufficient warmth, with clean sheets or blankets once a-month; and he engages, that ‘all possible attention shall be paid to the cleanliness of the prisoners in every respect, as far as circumstances will permit; that the Penitentiary House and buildings belonging thereto shall be sufficiently warmed and lighted; and that every proper precaution shall be taken to prevent the same from becoming infectious or unwholesome, to preserve the prisoners in good health.’

“He further engages to provide, at his own expense, a clergyman of the Church of England to live on the spot; a surgeon; and a sufficient number of competent schoolmasters, by whom instruction shall be administered on every Sunday at least, in reading, writing, and arithmetic, to such of the prisoners as shall stand in need of it.

“Subject to these stipulations, every arrangement, in regard to the treatment of the prisoners, as well as the determination of the manner in which they should be employed, of the hours of the day or night in which they should labour, and of the classes or numbers which should either work together, or associate at their meals or times of exercise or recreation, is entirely left at the discretion or will of the contractor; while every officer and servant, connected with the establishment, is to be placed there by his appointment, and removable at his pleasure.

“The system of management here described, appears to your Committee to have been framed with reference rather to the personal character of the party, in whose custody the prisoners were on the first instance to be placed,



and to the favourable opinion entertained of the construction of the building proposed by him, than to the principles upon which prisons have hitherto been conducted in this country. Your Committee are satisfied, that Mr Bentham would enter upon the undertaking, to which his contract relates, with the best intentions; but the prosecution of that measure, together with the benefits derivable under the contract, might, by the terms of the agreement, pass at any time into other hands; and even if that were not the case, the arrangement above stated is too exceptionable on general grounds, in the judgment of your Committee, to be adopted from confidence in an individual.

“Under the 22d Geo. III. c. 64, sect. 8, which prohibits the governor or keeper of a house of correction from having any advantage from the sale of any article used in the house, there is a security for the goodness of the provisions and necessaries sent in on account of the public for the use of the prisoners, arising from the circumstance of their passing under the eye of the governor and his servants, who have no interest in concealing their defects; while the governor is not exposed to any temptation to sanction the introduction of any improper degree of luxury into the prison, with a view to his own profit, or of demanding an undue price for such articles as may properly be admitted there.

“Mr Bentham’s contract contains no provision upon these points. If, however, this objection could be removed by additional articles in the agreement, by the establishment of a fixed table of diet, and by the appointment of resident inspectors, the public could have no reasonable assurance that sufficient attention would be paid to the religious instruction and moral improvement of the prisoners, under a system of management, every part of which is to be formed and directed by a person, whose interest it must be that the prisoners committed to his charge should do as much work as they were competent to execute, and that their labour should be exercised in the manner by which most profit would be produced. If the chaplain should suggest, that individuals, very profitably employed in the same workshop, were unfit, from their characters or other circumstances, to associate with each other, or that any practice in the prison, which might be convenient in a manufactory, operated to retard rather than to accelerate the progress of moral improvement, it cannot be supposed that such intimations would be heard with as ready an acquiescence, and would meet with the same encouragement, when addressed to a governor, whose profits they were calculated to diminish, as if they were communicated to persons having no interest in the produce of the prisoner’s labour.

“Your Committee see much reason to apprehend, that under a system, in which pecuniary advantage is thus made the most prominent

object of attention, the experiment of reformation would not be fairly tried.

“An answer has been supposed to be furnished to this objection, by an article in the agreement, binding the contractor to make compensation for losses occasioned by the future felonies of every person who may have been confined in the Penitentiary House, to an amount varying from £5 to £25, (for the felonies of the same individual,) according to the length of the period during which the offender shall have been under his care; which provision is argued upon as giving a sufficient interest to the governor in the reformation of every prisoner. Your Committee, however, attach very little importance to this article; and it is the more nugatory, as, although its operation must continue during the lives of all those who shall come under the care of the contractor, no funds whatever are provided in the contract, or are now proposed, to answer the contingent payments to become due after the contractor’s death.

“Reliance has also been placed on a provision of the same kind, operating in the nature of a pecuniary penalty, for the preservation of the health of the prisoners; it being agreed in the 17th article of the contract, that the contractor should insure the lives of the persons confined, on such terms, that if more than a certain number shall die within the year, he would be a loser instead of a gainer by the insurance: your Committee observe, that in their opinion the health of the prisoners will be more effectually guarded by the exercise of the judgment of a professional man, not dependent upon the governor, and acting under the direction of other disinterested persons, than by the payment of any sum of money to fall on the governor in the case of the prisoner’s actually dying within the walls of the prison during his confinement.

“It appears to the Committee, that the proposed system affords no sufficient protection to the prisoner, upon any point.

“In a place of confinement, in which the prisoners are compelled to work, and expected to be reformed, something of a more strict discipline may be looked for than in ordinary prisons. It is therefore more particularly requisite, that in a Penitentiary House opportunities of complaint should be frequent, and redress near at hand.

“The most obvious channel of complaint, if the governor be concerned in the supposed injury, is the chaplain, within whose province it lies, as on the one hand to endeavour to reconcile the mind of the offender to the lot which he has brought upon himself by his misconduct: so on the other, to prevent its severity from being aggravated by any hardships or privations which the law did not intend to impose.

“The surgeon is another person, through whom the prisoner may properly complain. But to make these officers of real use in this

particular, they must occasionally confer with the prisoner without the presence of the governor or his servants; they must neither be under strong obligations to the governor, or subject to his power; and they must be in habits of communicating with persons armed with sufficient authority to punish or redress the grievances laid before them.

“The Committee to be appointed under the 19th Geo. III., had full powers at all times for this purpose, and they or any two of them were to examine into the state of the Penitentiary House, at least once in every fortnight, and to ‘see every offender confined there and not disabled by sickness.’

“In the contract, no provision whatever is made for personal inspection: but the governor is to present a comprehensive report in writing, of the whole state of the establishment, to the court of King’s Bench on the first day of every term. And he is to answer, upon oath if required, all questions put to him by the judges of that court, or by any one judge thereof in vacation time, or by any officer of the crown, or by any other person with the leave of the said court, or of any one judge thereof. And he is further to surrender his office of governor, if ordered by the said court, ‘on proof duly obtained as above, or otherwise, of misbehaviour in the execution of the said office.’

“The insufficiency of this article (the only one in the agreement that concerns the superintendence of the establishment) to provide for the redress of grievances, or the correction of any improper practice which may prevail there, is so evident, that it cannot be necessary for your Committee to enlarge upon this point.

“It is obvious that circumstances must frequently occur in a prison, which call for the interposition of higher authorities to censure or control the keeper, without constituting such instances of misbehaviour, as would justify the avoidance of a beneficial contract. To occasions in which an erroneous or indiscreet mode of treating the prisoners should be pursued, from want of judgment in the contractor, or from any cause not falling under the description of ‘misbehaviour,’ the proposed remedy by the authority of the King’s Bench appears to be totally inapplicable; and in the cases in which it does apply, it could only be attained in term time, while the court, which is to make the order, is sitting.

“Mr Bentham supposes, as may be seen in his evidence, that sufficient inspection, and opportunities enough of making complaints on the part of the prisoners, might be afforded, by the admission of the public at all reasonable times into the inspection room in the middle of the building, from whence all the cells would be visible, and which would be accessible to the voice of every prisoner by means of tubes, to be constructed for that purpose; and he seems to lay some stress on the vigilance which the newspapers are to exert in watching his conduct. But your Committee, agreeing with

Mr Bentham in the belief that curiosity would bring many persons to view a Penitentiary House of so novel a construction, do not concur in the supposition, that any intercourse of the description alluded to between such visitors and the prisoners, can supersede the necessity of having persons nominated expressly for the inspection and superintendence of every part of an establishment of that nature, in whom the powers of obtaining information, in regard to any mismanagement, shall be accompanied by sufficient authority for its correction.

“While your Committee state their opinion, of the inexpediency of carrying into execution a contract of the description above stated, they feel themselves called upon to bring under the notice of the House, the strong equitable claims which Mr Bentham possesses to compensation, in consequence of the contract not having taken effect. Your Committee have not gone into a detailed examination of the various circumstances connected with that subject, as an inquiry of that nature might have occasioned an inconvenient delay in their reporting upon the more important matters referred to them; but Mr Bentham has stated, that he was encouraged by his Majesty’s government to take measures preparatory to the erection of the intended establishment; that he has employed much time, and has expended a large sum of money in addition to the £2000 advanced to him in 1794, as mentioned above, in preparations for the execution of his part of the agreement; and that its non-performance was not owing to any default or backwardness on his side. He has, therefore, under these circumstances, a just right to expect, not only that the money so laid out should be repaid, but that a liberal remuneration should be made to him for his trouble and ultimate disappointment (he on his part accounting for any advantage that shall have accrued to him from the lands, of which he has been stated to be in possession as feoffee.) And your Committee recommend, that measures should be taken for the settlement of these claims without delay.

The Second Report of the Committee, as it chiefly consists of a communication from Bentham, follows at full length:—

SECOND REPORT FROM THE COMMITTEE ON THE LAWS RELATING TO PENITENTIARY HOUSES.—*Ordered, by the House of Commons, to be printed, 10th June, 1811.*

The Committee appointed to consider of the expediency of erecting a PENITENTIARY HOUSE, or PENITENTIARY HOUSES, under the acts of the 34th and 19th of his present Majesty; and, in case the adoption of the measure now referred to their consideration

should appear to them to be for the advantage of the public, to report whether any additional legislative provisions will be wanted for that purpose; and what number of persons such Penitentiary House, or Penitentiary Houses, should, in their judgment, be calculated to receive, together with any observations, which they may deem material upon the subject of their inquiry;—and who were instructed to inquire into the effects, which have been produced by the punishment of transportation to New South Wales, and of imprisonment on board the Hulks; and were empowered to report their observations and opinion thereupon from time to time to the House;—Have further considered the matters to them referred and agreed upon the following REPORT:—

Your Committee having received the following letter from Jeremy Bentham, Esq., since their former Report was made to the House, have thought it their duty to submit the same to the consideration of the House; although the observations therein contained, have not made any difference in their opinion upon the matters referred to them.

10th June, 1811.

[Corrected Copy, received 10th June, 1811.] Dated

*Queen's Square Place, Westminster,  
6th May, 1811.*

SIR, — Understanding at different times, from different gentlemen, members of the Committee, that in calling me before them, the object of the Committee has been—not merely to scrutinize into the contract to which I am a party, but also, for the purpose of forming their judgment concerning the most eligible mode of disposing of such part of the convict population of the country as it may not be thought fit to confine in Hulks, or employ in colonizing, to collect any such information as, in any shape, I might be found capable of affording—I take the liberty of submitting in this mode, to your consideration and that of the

Committee, a few suggestions on the subject of the country convicts.

For such of the convicts, whose conviction shall have taken place in London or Middlesex, with or without the addition of a few other counties nearly contiguous to the metropolis, such as those for instance which are comprised in the home-circuit, the provision made by the existing contract may, it seems to be supposed, suffice.

On this supposition, what, in some mode or other of the Penitentiary plan, remains to be provided for, is—that as yet indefinite part of the convict population, which may be expected to be furnished by the more or less distant counties:—say, for example, the five remaining circuits.

For this large remnant of that population the question then is—What is the best mode?

To this question the answer presents three options—

1. Panopticons in the metropolis, over and above the one supposed to be determined upon: viz. in number, one at least, and as many more, if any, as the number of convicts to be provided for shall be deemed to require.

2. Panopticons, upon an equal scale, and consequently in equal number, in the country. These two plans belong alike to what, for distinction's sake, I would beg leave to call the open mode upon a large scale.

3. Penitentiary houses, in the existing mode, one in and for each county; or, in such cases in which the convict population afforded by a single county would be manifestly too small, one in each aggregate of contiguous counties, to be associated together for the purpose.

This last mode I would beg leave to distinguish by the appellation of the close mode upon a small scale.

As to the question between the open mode upon a large scale—viz. the Panopticon mode upon the Panopticon scale, and the close mode upon a small scale—my opinion has been already submitted, and not my opinion only, but the considerations, or the ground on which it was formed.

Management, in every imaginable point, better; expense less: in these few words all those considerations will be found comprised.

On the question between panopticons all in the metropolis, and panopticons one in the metropolis and others in the country, (in each case in the open mode upon the large scale,) neither are the points of distinction so manifest, nor the importance of them so great.

On the whole, however, the result of my inquiry is—that panopticons all in the metropolis present a decided title to preference.

What presents itself to me as the principal reason is, that the metropolis affords beyond comparison the best public. Here whatsoever matter proper for consideration comes into existence, is, with the minimum of trouble, brought instantaneously to the ear, laid open even to the inspection of the eye, of the whole body of constituted authorities: of the members of the administration, of the immediately superintending judicial authority: of every member of the legislature.

Not that objections are altogether wanting; but neither from report nor from imagination, have I been able to collect any, the united force of which seems sufficient to constitute a preponderant one.

1. Danger to the metropolis, from forcible and general eruption, increased.

2. Inordinate accumulation of convicts for whom provision may be to be made after discharge.

3. Remoteness of the convicts from their respective desired abodes, at the time of their discharge.

4. Inordinate expense of conveying the convicts from the place of conviction to the place of punishment.

5. Supposed unsuitableness of the fund, upon which, on this plan, the expense of maintenance, with or without the expense of conveyance, would be to be charged.

These are all the objections which I have been able to discover: and to these I proceed to submit such answers as the nature of the case has suggested.

I. Objection 1. Danger of general

and forcible eruption. Answer. In my own particular opinion it will readily enough be conceived, considering the peculiar guards which the peculiarities of the Panopticon plan provide, this danger cannot appear very considerable in either case.

But, if it be considerable, the metropolis is the spot in which it should naturally appear much less considerable than in any other place: in any other town or towns at least, to which, otherwise, this part of the convict population would be to be consigned.

Millbank and Tothill Fields being, by the supposition, the spot fixed upon already for one panopticon, I see not what should hinder its being made to receive as many others as can be required.

Within a few hundred yards of Tothill Fields is constantly stationed a body of regular troops, to the amount of some thousands: the distance, so small, that, in case of commotion, communication might be made by signals of both sorts: signals not only to the ear, but even to the eye, if an apparatus to that effect were thought fit to be provided.

In Tothill Fields, at one end of Rochester Row, stands, and has stood for (I think it is) about eight or ten years, a military infirmary, in which is constantly stationed a military guard, consisting, as I have just been informed on the spot, of nine soldiers. On one side, the waste called Tothill Fields has for its boundary this Rochester Row, on the opposite side the parcel of ground already purchased for the Panopticon Penitentiary House. On no part of this ground is there any building but what may at present be actually seen from the infirmary just mentioned, and by the guard there stationed.

“On a subject so plain I should never have thought of troubling the Committee with so many words, but for the recollection, that some eighteen or nineteen years ago, at the commencement of my negotiations, to an observation of mine pointing to the military force in the Park as an obvious source of security, the answer returned, by a gentleman then in office, was an inexorable negative. What the objections were, I

inquired in vain: with the gentleman himself they did not originate. Be they what they may, they would now be found, I should hope, no longer in existence. If the Panopticon contained within its lodge an acting magistrate, this military guard, being actually in his view, would, on any such occasion as that in question, be actually under his command. I mean by common-law, to which no order from any war-office, would, I presume, be opposed.

“By the constant sight of a similar guard, stationed, if thought necessary, close to the spot; for example, three or four at the entrance into the Panopticon ground through the walled avenue that leads to the house,—two or three at each of the two elevated watch-houses, which command, each of them, by night as well as by day, the inside as well as the outside of two of the four surrounding walls,—by the constant sight of this small guard, coupled with the knowledge of the arrangements that might so easily be made for instantaneous communication with the great body stationed in the neighbouring park, it would be extraordinary indeed, if, in the imagination of the most refractory prisoner, all chance of success in any such attempt, would not be rendered hopeless,—manifestly as well as constantly hopeless. Further observations on this head, may be seen in Panopticon Postscript, part 2, sect. 15, pp. from 201 to 208. [Works, vol. iv., p. 164-5.]

“Against every danger of this sort, such are the means of security afforded by the metropolis in general, but in a more particular degree by the particular spot in question. In any of the provincial situations, what security comparable to this could be afforded? and that, too, as in this case, without any special allotment of military force for this particular purpose?

“True it is, that spite of military guards, French and other prisoners of war have, from time to time, and but too often, and in too great numbers, contrived to make their escape.

“But against the escape of convict prisoners, the Panopticon plan presents securities in abundance, few of which, if

any, would (I believe) be found employed on any existing plan, in the case of foreign prisoners.

“1. Uniform conspicuously distinctive.

“2. Close dress, in which the concealment of any weapon suited to the purpose of offence or defence, would be impracticable.

“3. Mark, by which, on the mere baring the habitually covered arm, (the other being habitually uncovered,) the condition of the person in question, viz. the fact of his being a person belonging, in the character of a prisoner, to the prison in question, would, for weeks at least after escape, be manifested.

“4. Constant division of the prisoners into small, and those assorted companies.

“5. The prisoners rendered distinguishable at a distance, each of them by a number marked upon his clothing at the back and at the breast.

“6. No outlet for the prisoners into the enclosed area, but through a passage commanded by a guard; and so narrow that no more than one can make his exit at a time, nor then but under a horizontal bar, so stationed, as, by obliging each person to stoop, to render impossible any acquisition of conjunct force by running.

“7. Light kept constantly thrown, by night as well as by day, not only upon every spot to which the prisoners have access within the prison, but upon the whole surface of the four surrounding walls.

“8. For the purpose of inspection, eyes in considerable numbers constantly availing themselves of that light: viz., some in the centre as well as other parts of the circularly polygonal building within the walls, others stationed in the commanding watch-houses above mentioned, on the outside of, and in part above, those walls.

“9. On the top of the walls all round, a range of spikes, iron or wooden, of such slightness, that, in the attempt to set a ladder against them, or throw a rope over them to get up by, they would give way and break, and in either case strike against a range of wires, by which a number of bells would be set a-ringing.

"10. A conversation-tube from the central lodge to each of the exterior guard-houses.

"11. On the outside of each of the surrounding walls, a ditch, the water of which would, on any attempt to undermine the contiguous wall, inundate the miners, and while it betrayed their operations, render an exit, if not absolutely impracticable, at least impracticable without such noise as would give abundant warning to the guard-house.

"12. To each such guard-house a dog or dogs, of the sort of those which in the night are set a-barking by any the least noise.

"In the eyes of the Committee, the enumeration of these several resources may be perhaps the more pardonable, if they should appear, any of them, capable of being applied with advantage to the giving additional security to those modes of confinement of which in the present state of things the inefficiency has so frequently been seen to betray itself.

"To such of the convicts as it might be thought fit to give employment to in the Panopticon ground at large, and thence without the limits of the enclosed area, true it is, that no more than a part of the above securities, nor that the most considerable part, would be found applicable.

"But considering, that the time of day-light would be the only time at which the demand or use for any such employment would present itself; considering that in fact, on the many public works on which convicts have now for so many years been employed, they have been employed in large numbers, and (as supposed) without any particular means of selection or anxiety on that head, and that too under slight guard, and yet, at those times at least, without any instances, I believe, of escape; considering, that the passion by which a prisoner is prompted to seek, by violent means and at the hazard of his life, a relief from durance, is not likely to be found in equal strength in the breast of every individual member, of a society so numerous and so miscellaneous, the members of which may, with less dan-

ger of injustice than anywhere else, be rendered responsible for each other; considering, that in the mode of treatment which is essential to a system of commercial operation conducted upon the plan in question, there is nothing that seems to present a probability of its being productive of any exertion more violent and desperate than in the case of a prison upon any of the ordinary plans: all these things considered, the conclusion may, it is hoped, be, that in a case where by any failure of human prudence the party failing would, as in the present case, be in so many shapes and in so high a degree a sufferer, that same human prudence, on which, in spite of all possible securities of every other kind, reliance must in every case be placed, is not, in the present case, to be considered as destitute of all claim to that sort and degree of confidence, which is so unavoidably bestowed upon it in all other cases.

"To make use of every one of these securities, at all events, and under all circumstances, without any exception in any case, is more than I see any necessity of pledging myself for; nor yet do they constitute a complete list of all the securities, to which it might eventually happen to me to have recourse. Many of them will be attended with an expense which, if incurred without necessity, would be so much waste; but for which the justification, as well on the score of necessity as of good economy, will be the more complete, the larger the scale is on which the establishment is conducted.

"The faculty by which these securities were devised, will not, I presume, be considered as putting an exclusion upon the kindred faculty, by which the decision on the question, how many and which of them to employ, will from time to time be to be pronounced.

"I proceed with the objections.

"II. Objection 2d. Inordinate accumulation of convicts for whom provision may be to be made after discharge.

"Answer. Upon the Panopticon plan, there will be the subsidiary establishment, open to as many as may choose to take the benefit of it. Some will,

some will not; but, whatever may be the proportion of the one number to the other, and whatever may be the sum of the two numbers, the exclusive choice of the metropolis does not, to my apprehension, present itself in the shape of an inconvenience.

“ In the character of a reservoir for the influx in question, the option lies between the metropolis and some country town: some other town within the circuits of South Britain. The metropolis will, it is true, already have to provide for the influx from its own Panopticon. But, taking into the account the magnitude of the influx in both cases, compare the magnitude of the mass of population into which the influx will have to discharge itself in this case, (say in round numbers a million;) with the magnitude of the largest mass into which it can be set to discharge itself in the case of any other such town; say 80,000: by this comparison, all apprehension on this score will, it should seem, be dissipated.

III. Objection 3d. Remoteness of the convicts from their respective desired abodes, at the time of their discharge.

“ Answer 1. Merely for the purpose of facilitating, on the part of the prisoners after their discharge, the return to their places of birth or subsequent settlement, in the open mode on the large scale, it would hardly, I presume, be deemed worth while so much as to build one additional Panopticon as above, much less, as in the close mode upon the small scale, to establish, in each county, or set of associated counties, a Penitentiary House or improved prison, on any other plan or plans. On this occasion, the object ultimately and intrinsically aimed at, would be, I suppose, not the birth-place of each person, nor yet his place of last settlement as such, but the place, wherever it were, of his choice. But, take either of those places of presumed preference, the stain upon his character considered, it might not less probably be the spot, that, of all others, he would be the most averse, than that which he would be most desirous, to fix upon for his residence.

2. The subsidiary establishment, which, under the Panopticon plan, the governor would stand bound to provide for the purpose of making provision for all such as chose to accept of it, has for its basis the supposed non-existence of any such place of former abode, or the unwillingness to fix in it: and the least that this provision does is, to remove from the ground of necessity to that of mere inclination, the demand for means of conveyance to any other spot.

3. Whatsoever be, in preference to employment in the above-mentioned subsidiary establishment, the object of each man's desire, that portion of the earnings of his whole term, which by the contract is secured to him, must be small indeed, if it does not afford him ample means of gratifying such desire.

4. If after all, it were deemed necessary, that to each such discharged convict means of conveyance to the place of his choice, whatever it be, should be afforded at the public charge, a mode beyond comparison less expensive, than providing, though it were no more than a single prison, in this sole view, would be the putting into his pocket a sum of money, under the expectation of its being applied to this purpose. But, as the ascertaining, upon any satisfactory evidence, the spot really desired, would be plainly impossible, the spot assumed could be no other than the spot most distant from the Penitentiary House in question; for, as that most distant spot is the spot that would command most money, that would of course be the declared spot of each man's choice.

But even this maximum—meaning the annual sum of all these maximums—would be a trifle, in comparison of the expense of an additional prison, to be built and kept up on purpose. As to conveyance, the means of loco-motion derived by each man from the bounty of nature, would for this purpose be, I presume, regarded as sufficient: of the maximum in question, the expense would therefore be neither more nor less, than the supposed necessary expense of subsistence, during a journey begun, continued, and ended, in the pedestrian mode.

IV. Objection 4th. Inordinate expense of conveying the convicts from the place of conviction to the place of punishment.

Answer. Supposing the convicts to be conveyed from the several Assize and Quarter Session towns to the metropolis, the expense (it must be acknowledged) could not but be greater than it would be, upon the supposition of a plurality of Panopticons, of which, the number being determined by the largeness of the scale, the situations should be exclusively adapted to this one purpose: say one allotted to each of the three points of the compass—east, north, and west. But—

1. Suppose, that in addition to the one London Panopticon, only two such country receptacles were required,—place these two in any two of the three above-mentioned points of the compass, to the exclusion of the third,—in the east and north only—or in the east and west only—or in the west and north only,—it seems questionable whether any such saving as supposed, even to any the minutest amount, would really take place.

2. Even supposing each of those three points of the compass to have its Panopticon, and thence, in respect of length of journeys and magnitude of travelling expenses, a corresponding saving produced, the advantage produced on this score, would, on calculation, be found (I am inclined to think) so small, as to go but a very little way towards counteracting the disadvantage already indicated as having place, on the more important score, above mentioned.

“Being, as to a more or less considerable portion of it, unavoidable, we have here an expense which as to so much cannot be saved. But that which may be done, and in point of justice (it should seem) ought to be done, is, to equalize it:—to equalize it, I mean, in such sort, that upon a county, the Assize or Quarter-Session town of which is more distant than that of another county from the place of permanent confinement, man for man, the burthen of conveyance may not, on that account, be rendered, or left to be, the heavier, in its pressure on the

first-mentioned county, viz. in the proportion of the distance.

“Now as to the mode of equalization. On the contract plan, whosoever carries on the management of that Panopticon receptacle which is the common reservoir for the convicts of all the several counties in question, in his contract it might be made a condition, that, for a sum certain, he should take upon him the conveyance of the convicts from all the several Assize towns and Quarter-Session towns in the district:—for which purpose, an average would of course be taken, viz. by taking the sum of the distances, and dividing it by the number of the towns:—charge of conveyance, so much per mile.

“V. Objection 5th. Supposed unsuitableness of the fund, upon which, on this plan, the expense of maintenance, with or without the expense of conveyance, would be to be charged.

“To this objection two answers present themselves:

“I. That, for the expense in question, the fund in question is not an unsuitable one: but, on the contrary, a more suitable one, than the fund upon which it would, in the other case, be charged.

“II. That, supposing the rival fund a more suitable one, there would be no difficulty in transferring the expense to that rival fund.

“I. First then, the proposed fund is not an unsuitable one.

“1. The proposed is the common national fund. It is the same fund, on which the expense is charged, in the instance of all that portion of the convict population which is sent to colonize. It is the same fund, on which the expense is charged, in the instance of all that portion of the same population which is consigned to the hulks.

“If, as yet, of that portion which has hitherto been consigned to prisons,—to improved or not improved prisons,—the expense has hitherto been charged on the counties, that is on the contributors to the poor rates, the disposition thus made, had, I should suppose, for its cause,—not any such opinion, as that the poor rates constituted a fund more suitable than the national fund, but



merely this circumstance, viz. that the poor rates of each county constituted the only fund, out of which it was possible to obtain money for defraying the expense of the sort of prison in question;—viz. a prison situate within the county, and appropriated to the use of that county, to the exclusion of every other part of the kingdom.

“To save the trouble and responsibility of making provision, at the charge of the national fund, for an expenditure to a certain amount, a public man would hardly, I should suppose, be desirous of imposing upon this or that class of his fellow-subjects, such as the contributors to the poor rates, an expense, for example, of double that amount.

“But my calculation, as well as my expectations, will have greatly indeed deceived me, should the difference in point of expense between the open mode upon a large scale, and the close mode upon a small scale, turn out to be as little as to the amount of two to one to the disadvantage of the small scale.

“In the case of poor-houses, in the tract entitled ‘Pauper Management improved, &c.,’ published in Young’s *Annals of Agriculture*, in p. 43, [Works, vol. viii., p. 378,] may be seen a calculation, made by a professional and official hand, in which, under the head of construction, for a system of poor-houses on that small scale which then was and actually is in practice in the Suffolk poor-houses, the expense for all England being £10,275,250 money of that time, the expense of the central-inspection plan, on the scale of 2,000 inhabitants to a house, is stated at no more than £2,357,000; considerably less than a fourth part;—amount of saving, 7,918,250:—and upon the official establishment, (an annually recurring expense,) the amount of the annual saving is therein stated at £408,131 5s.—ditto multiplied by 20, (to bring it, like the other expense, to principal money,) 8,162,625.—Number of persons maintained in each such supposed Panopticon poor-house, 2,000: being the exact number of the persons for whom, in the character of prisoners, above eleven

years ago, viz., on the 25th of March, 1800, as stated in a former letter of mine now lying before the Committee, I was ordered to prepare.

“This is the case of poor-houses: and, both being on the Panopticon plan, so far as concerns the influence of magnitude of scale upon expense, no difference will be found between the case of poor-houses and the case of prisons.

“II. But, secondly, supposing the determination should be taken, to charge on the poor-rate fund this third part of that general head of expense, the convict expense, of which the two other thirds are charged on the national fund, on this supposition the transference might without difficulty be made. The average numbers of the convicts, which, for a certain number of years back, the several counties have respectively been in the habit of furnishing, being taken, those numbers would serve for expressing the relative sums with which each such county might annually be charged, towards the expense of the common Panopticon or Panopticons, the station of which is supposed to be in the metropolis: I mean the Panopticons serving in common for the maintenance of the aggregate body of the convicts receivable from those several counties.

“But, any such number as 2,000, would it not (I hear it asked) be an unwieldy number? too unwieldy for good management? Oh yes: on every ordinary plan, too unwieldy by a great deal. Nine hundred was the number of the prisoners, that, on the original and supposed highly-finished Penitentiary plan, as per 19 G. 3, c. 74, were to have been confined in the town that was to have been built for that purpose at Battersea Rise: and, as to houses, nine hundred, (being the number of separate houses, which, over and above such as were to be occupied in common, were to have been included in that town,) was assuredly too great a number for good management: two thousand, consequently, in a much greater degree too great.

“On every as yet exemplified plan of construction and management, the natural and naturally prevalent appre-

hension of unwieldiness has, therefore, very just grounds to stand upon.

"But upon the Panopticon principle, whether it be for paupers or for convicts, for free and innocent men or for prisoners, though the number of the inhabitants be 2,000, the house is but one: and that one house is capable of being pervaded in all directions, pervaded by a single glance, and without so much as a change of posture.

"Of the difficulties which, upon any ordinary plan of construction, for want of that source of simplification, attends the business of management, even in the case of a poor-house, and of a moderate size, an exemplification may be seen in Pauper Management improved, p. 43, [Works, vol. viii., p. 378;] in Panopticon, Letter VI., and in various parts of the postscript; and, in the case of a prison, in the instance of several American prisons, in the tract intitled Panopticon *versus* New South Wales. Letter II. pages from 54 to 61 [Works, vol. iv., p. 238-240.]—I have the honour to be, &c.,

"JEREMY BENTHAM.

"George Holford, Esq.,

"Chairman of the

"Committee on Penitentiary Houses."

In a communication addressed to a noble Lord—probably Lord Sidmouth—Bentham combated the arguments of the Committee. From an impression of the letter made by a copying machine, I extract the following passages, omitting a portion of the argument addressed to the private ear and understanding of the recipient of the letter, and bearing on a view of the arrangements which is supposed to have influenced the Committee in their decision, but is not referred to in the substance of their report:—

"OBJECTIONS TO THE MAKING EXPERIMENT OF MR BENTHAM'S PANOPTICON PLAN OBIATED—VIZ., PARTLY BY ANSWERS, PARTLY BY FRESH OFFERS.

"OBJECTION I.—You will overwork them, (it has been said;)—you will underfeed them, (those by the under-

feeding of whom there is anything to be gained;)—you will overfeed them, (those by the overfeeding of whom there is anything to be gained;)—you will pamper them with luxuries;—you will work them, so that you will not leave time for their receiving any sufficient religious and moral instruction.

"Answer 1.—No tolerably intelligent man, howsoever selfishly disposed, would do so in my place. This is what I had pleased myself with the thoughts of having made tolerably clear, and used to be considered as having done so—viz., in and by the Panopticon Book, herewith submitted to your Lordship, Part II., sect. 2, entituled, 'Management, why by Contract:' from which place honourable gentlemen have taken all their objections, forgetting to say anything about the answers.

"Answer 2.—As to underfeeding them, by terms of the contract I stand bound to give to each man as much as he can eat.

"As to luxuries, I really do not understand what it is that can, so it be paid for, be stated as a *pernicious* luxury, unless it be fermented liquors, which by the contract, at my own solicitation, I stand precluded from giving admittance to, and with such securities against contravention as had never before been so much as imagined.

"Offer.—But if any honourable gentleman in whose view of the matter an *Index expurgatorius* of meats and drinks would, in the situation in question, be an article seriously subservient either to religion or morality, will be pleased to frame one, and obtain the requisite orders, I am ready to pledge myself for its being inviolably observed.

"Answer 3.—As to the neglecting their religious and moral instruction, I should forfeit all my pledges, I should incur reproach, by such neglect, and I could never get anything by it: for I could not work them on a Sunday without a positive breach of the law of the land, such as to persons in abundance besides the prisoners themselves could not but be of the utmost notoriety.

"Answer 4.—I would humbly entreat your Lordship's perusal for at least that

section, together with the antecedent one, entitled, *Leading Positions*: the rather as being applicable to Poor-house as well as Prisoner management.

“*Answer 5.*—My brother and I had a favourite Sunday plan for the combining religious edification with public inspection, and the most perfect and universal facility of complaint: and the architectural design was in a most striking manner adapted to it, as shown in the models, which were seen by members of the Upper House by dozens, and by those of the Lower House by scores.

“Ere I could have suffered that feature of the management to fall into neglect, my character must have been completely forfeited.

“*Offer 2.*—*Answer 6.*—Taking an unknown—taking an average man, were I to give it as my opinion that he would conduct the business as much for the advantage either of the public or the prisoner, for a salary, or without any pecuniary remuneration, as upon the terms of the contract proposed by me, I should utter a gross untruth. But after the perusal of these two sections, should this matter present itself to your Lordship’s mind in a different light, to cut up all such objections by the roots, there shall be an end of the contract; I would conduct the management on account of the public purse without a farthing’s-worth of pecuniary profit in any shape, direct or indirect;—keeping and regularly delivering in accounts upon the plan indicated in my work, intituled, *Pauper Management*, (herewith submitted,) with any additions or other amendments that may be prescribed to me.

“**OBJECTION II.**—Under your contract you were to have had no fewer than 1000 prisoners: all worked under your direction and for your advantage. This is too great a power to be trusted in any individual hand.

“*Answer 1.*—It is no greater nor other power than what by the law of the land every master has over his apprentice.

“As to the number, so far from being increased, the power, as to all purposes

of abuse, is lessened by it. Except his own particular relatives or other friends, when he is fortunate enough to have any, an apprentice has no person engaged by any special tie or interest to look to him with a protecting eye. My prisoners would, by the common and most obvious tie of interest, as well as bond of sympathy, stand engaged to afford to one another this as well as whatsoever other assistance could be afforded against oppression in every shape, at the hands of the common master; and as to persons without doors, each would accordingly have so many friends in the friends of every other.

“*Answer 2.*—In so far as concerns sinister profit, this objection would, together with the preceding ones, be cut up by the roots by the giving up of the contracts as above.

“*Answer 3.*—Independently of all consideration of sinister profit, and danger of abuse on that score, can it be that the magnitude of the power, merely in respect of the number of persons subjected to it, is considered as being so great as to constitute of itself an objection, and that a peremptory one? A colonel of a regiment has as much or more.

“*Answer 4.*—If, numbers being the same, this objection, taken from a supposed excess of power, were conclusive against the Panopticon plan, how much more ought it to be against the new proposed Non-Panopticon plan!

“Under the Panopticon plan, behold the management in the hand of an unseated, unofficed, unconnected, insulated individual, whose blameless life, known to have been for little less than half-a-century devoted to a course of unpaid, yet unremitted, howsoever fruitless, toil, in the service of mankind, has not been able to preserve his rights from being an object of neglect, and himself an object of silent oppression to every Administration for these last eighteen years.

“Under the non-Panopticon plan, the management in the hands of a detachment of the Ministry, rendering no account but to their assured protectors—the body from which they have been detached. Who is there who does not

know, or will think it worth while to affect not to know, that in all these cases the whole power is in the hands of some one individual, in whom the confidence is reposed, and those of an assortment of colleagues, who to each other are a tower of defence: the use in this respect is, by dividing, and by dividing, and dissipating the responsibility, to increase that power which in demonstration they are employed to reduce?

“What is very true, is, that if the prison were a den of devils, so that no mischief that were done in it for the benefit of the tyrant, could be known, the security afforded by his being liable to be dismissed for it if known, could not be very effective.

“But that this should be urged as an objection against the only plan which ever had for its declared object the maximum of publicity, and in proof of the superior wisdom of a plan in which neither in that nor indeed in any degree publicity is so much as professed, seems not very consistent.

“In the one case, one tyrant devil working in impenetrable darkness; in the other a company of guardian angels,—such is the supposition on which, though not declared, everything in the non-Panopticon plan is all along grounded.

“OBJECTION III.—You may profess to desire inspection, and to court gratuitous inspectors; but in these professions of yours, either you are not sincere, or if you are, you will not long be so; and though you should be ever so much so, you might as well be otherwise, for nobody will come.

“*Answer 1.*—On this head at least, as to my sincerity, present, and future probable, after what I have said in my Panopticon book, (to compare minute with great, obscure with illustrious,) with submission, it would be less unreasonable to impute to your Lordship a desire to see Protestantism extirpated and Catholicism towering in its place, than to impute to me the possibility of harbouring any such idea as that of shrinking from inspection. Your Lordship has not professed any such invention as that of an engine for the

universalising of Protestantism in the Christian world. My brother and I have, for these twenty years and more, professed to have invented an engine for the universalising of inspection in a Penitentiary house.

“*Answer 2: Offer 3.*—True it is, that if, in numbers sufficient for the purpose, after all that were done to invite them, people would not come,—let this be supposed, all my sincerity and all the exertions of which it can be productive, would be to no purpose. Well, then, my lord, if my schemes for making people come should all fail, insomuch that, after all, people do not come,—in short, if, in the opinion of the appropriate judges (say the king in council) although no abuse actually appears, yet, for anything that appears to the contrary, there may have been abuse,—then under this case let the experiment, howsoever free from blame on any part, be pronounced to have failed; and on that ground let me be dismissed, and if such be the pleasure of the said judges, let my said supposed inspection plan be put aside; and for remedy, let the plan in which general inspection is not aimed at or so much as professed, be set up in its stead.

“OBJECTION IV.—Well, Sir, if you please, you yourself shall be a well-meaning man; and not only for a moment, but as long as you live: and for the purpose of the argument, even under so corruptive a plan as yours is, an honest manager: all this will not make your plan a good one. You live to commence, and, for a time, carry on the management: be it so. Sooner or later however, there is an end of you: and then, whatsoever be the security afforded by your personal character, there is an end of it.

“*Answer 1.*—If, before the building is finished, I die, there is my brother, on whose plan, if for me and in my lifetime, it will be built: if before that time he dies also, there are others in this town under whose direction a building on this same plan was lately completed, viz. at Petersburg, and the management of a correspondent establishment conducted, and to whom the advantages of it are accordingly well known by expe-

rience: nor for the management would there be any want of persons, to whom the principles of management detailed in the Panopticon book, and in the book entitled *Pauper Management*, (herewith submitted,) are already familiar, and who are perfectly competent to the purpose of applying them to practice.

*Answer 2.*—If for a moment any such supposition be endurable, as that in my management there can be anything worth copying and preserving, the nature of the case affords as good a security as can be reasonably desired, for its being accordingly copied and preserved.

“Yes, my lord, if I am what I ought to be, such as I am, such will my successors be. My rules, my practice according to these rules, will be public: public as I, and the press and open doors can make them. Being public, what there is good in them will be as so many laws to my successors: or, if they are not so, the fault will lie not in me and my successors, but in your lordship and your successors; whenever to any successor of mine, it happens to swerve from these (by the supposition) good laws, out with *him*.

“True it is, that, by wearing out so many years as have been worn out of a life of which four and sixty are already past, honourable gentlemen have given to this argument of theirs a degree of force, as well as to some other of their arguments and expedients, beyond what I could have wished; and seconded by such treatment as it has been my lot to experience at their hands, and to which, unless stayed by the intrepidity of your lordship’s justice, this last measure will have given the crowning stroke, the chances of life and death were certainly in favour of the plan so perseveringly pursued for ridding the powers of high-seated darkness of the incumbrance, for already (as may be seen by the calculation printed in Report 28th of the Finance Committee of 1797-8) it has been my lot to live several years more than according to the Tables I ought to have lived. Yet still, considering the counter-consideration above submitted, this argument will not, I hope, be found to

have so far accomplished its purpose, as to be in your lordship’s account a conclusive one.

“*Offer 4.*—On the non-Panopticon plan, what the space is that is deemed requisite for the 600 prisoners, I do not know. On the Panopticon plan, in case of necessity, I could make less than half what there is serve for the experiment. On that supposition, should there be also a sufficiency for the non-Panopticon system, the two could be carried on together.

“Here, then, if the honour of honourable gentlemen could be reconciled to the idea, the benefit of competition and emulation, a benefit to which, in some cases, (for example, that of the highest courts of ordinary justice,) no small value has been ascribed, might be given to the service.

“For my own part, in so far as all consideration of the public and the prisoners being put out of the question, I myself am alone concerned, were I to choose my competitors, I know not of any whom I would more gladly choose than the honourable gentlemen with whose company in that quality I should in that case be likely to be honoured. Their desire to be rid of me can scarce be stronger than mine would be to possess in that shape the benefit of their assistance; and though my general character were as noted for insincerity as it may perhaps be for the opposite failing in the present instance, my sincerity would be put sufficiently out of dispute by the observations which, in case of necessity, I should have to make on their Report, and the plan of management which it has served to introduce.”

By the Act founded on the Report of the Committee, (see above, p. 106,) the compensation to Bentham was to be fixed by two arbiters, the one chosen by the Treasury, the other by Bentham. On this subject, I find the following from

BENTHAM TO ROMILLY.

“*Q. S. P., 27th November, 1812.*

“DEAR ROMILLY,—Nobody can be more fully or feelingly sensible to any-

thing, than I am to the regard for justice manifested by Mr Vansittart throughout the whole course of this business. *Justice* I call it—*favour* I will not call it; for that would not be to do justice either to his probity or his discernment. What he I perceive is as fully sensible of as myself is,—that if by a Chancellor of the Exchequer, without concert with the individual, the arbitrator to act in a case such as that in question for the public, were to be chosen, arbitration and compensation might in that case be converted into a mere form, since by an arbitrator of *his* choice, nothing could be easier than for a minister in his situation, so to order matters, that of the enacted compensation not a half-penny would ever find its way into the individual's pocket.

“As to any person to whom the nature and history of the Panopticon plan, from the time when it first found acceptance, and so on through the revolutions it was destined to experience, were *not* more or less known,—you seemed as fully sensible as myself how ill qualified in comparison of one to whom those things *were* thus known, a person so circumstanced would be to form any tolerably well-grounded award.

“As to Mr Rose, in addition to a great part of the knowledge I had had of the business, he could not have but had knowledge of a great deal of secret history (of some part of it I received from him some obscure intimations at the time) which it was not permitted to me to know. It was this, added to the confidence which, from his political situation, I could not but presume would be reposed in him by the Treasury, and the hope, that, in his dealings by me, he would be so far mindful of former actings and declarations, as well as of the opinion entertained of the plan and its authors by Mr Pitt and Lord Melville, to whose department the business belonged, as to procure for me some small aliquot part, (which was the utmost I could expect or indeed accept of, and which by the breach of the engagement I have been deprived of,)—it was this that gave birth to the idea of casting myself upon his mercy. From what it has happened to

me now and then to hear from A and B, I had reason to presume, that, in respect of general character, his opinion was not unfavourable to me. As to partiality, whether I had anything of that sort to expect from a man, who, when I have met him in the street, as I have every now and then done, has never appeared to know me, may be left to be imagined.

“After disappointment about Mr Rose, the same principle, viz., the wish of having for my judge a person who, to a presumable absence of hostility or ill opinion, as towards myself, and some acquaintance with the history of the transaction, might, from his situation, be to any such purpose as that in question expected to add the qualification of being regarded as a proper person by the Treasury,—led me to *Lord Glenberrie*. But *once* in my life was I ever in any residence of *his*, and that was at Lincoln's Inn some thirty or thirty-five years ago, when he had chambers there. Not within these twenty years has *he* been in any residence of *mine*, except one morning about eighteen years ago, when he brought some company to see the Panopticon *raree*-show. Since that time, I have never met him in the street but it has been matter of doubt with me, whether I was to know him or no.

“Upon your informing me of the disappointment in regard to him, I forget whether I had sufficiently thought of the matter to mention to you any person in particular to mention to Mr Vansittart. What I do remember (if I did not misconceive you) is,—an intimation from you, that you felt a difficulty about suggesting any person to Mr Vansittart without a previous assurance that a proposal from him would find such person already prepared for signifying his willingness to accept it.

“Casting my eyes around, with this instruction before them, I have thought of two persons, viz., *Sir Charles Bunbury*, and *Mr Moreton Pitt*. Both of them were in its day well acquainted with Panopticon; and it was that circumstance that pointed them out to me. The names of both of them were (by, or with the approbation of, Mr Holford,

&c., I presume,) put upon the late Penitentiary Committee. From that time to the present, I have not had, with either of them directly or indirectly, any the smallest intercourse. Neither of them on that occasion gave me any signs of life. If there could be any need of it, this circumstance would, I suppose, be regarded as sufficient evidence of the absence of any connexion from which partiality might be to be apprehended, even if in other respects their characters had been such as to admit of any such surmise.

“Should Mr Vansittart approve of either of them, *which*, it may be, is to me a matter of entire indifference. Should he indulge me with the option, I would have two strings to my bow; and my first application would be made to the first of them I could get the speech of. With his consent, and with the assurance it would enable me to convey *that* application I could make without difficulty. But, without the power of affording any such assurance, the errand (I make no doubt of your agreeing with me) would be rather an unpromising one; for in that case neither of them could yield to my request without exposing himself to the hazard of knowing himself to be rejected.

“*Mr Moreton Pitt* (I think you informed me) is returned again for Dorsetshire. That being the case, though I suppose he has no house in town, (for I happen to know of his having some time ago parted with the house he had,) some time or other I suppose he will be in town to take his seat. Whether he will or no, is, I suppose, perfectly known to Mr Vansittart. For my part I have not set eyes on him, for I know not how many years,—about ten years ago, I think it is,—that for the last time, I saw him in the street by accident for two or three minutes.

“As to *Sir Charles Bunbury*, on sending, about ten days ago, to his house in town, I learned that he was expected in town, but that at that time no day had been fixed. It is, I think, about two and a half years since I saw him for a few minutes.

“Oh, how grating—how odious to me is this wretched business of *compensa-*

*tion!* Forced, after twenty years of oppression,—forced to join myself to the Baal-peor of blood-suckers, and contribute to the impoverishment of that public, to which, in the way of economy, as well as so many other ways, I had such well-grounded assurance of being permitted to render some signal service. Half-a-year's payment of my permanent compensation-annuity was due last Michaelmas; and reduced as I am, I have not yet been able to bring myself to apply for it. Last Sunday fortnight it was that you called on me, and till now I have not been able to drag myself, or to attempt to drag you to this abominable task. If you mention to Mr Vansittart this about the *arbitrator*, will you have the goodness to ask him about the *annuity*, whether a payment on it will now be made; and if not, at once, at what other time, and how I should apply for it? Whether by memorial, or how.

“After all, besides the breach of public faith—than which surely there never was a grosser one—can such a man as Lord Sidmouth, can such a man as Mr Vansittart, bring himself to put the public to an extra expense of £200,000 plus my miserable compensation, only to make a job for Mr H.? To any such supposition my conception finds itself utterly unable to square itself. Yet, if Lord Castlereagh & Co. insist, how can they refuse. What is it that will be done? Nothing. This is what presents itself to my view as the most natural and least improbable result. Panopticon not gone on with, nor the job neither.

“Howsoever canine, is it impossible to the appetite of the enemy to be satisfied by any less expensive means? A compensation, would it not be more suitable to his case than to mine?—Dear Romilly, yours ever,” &c.

The arbiters finally chosen were Mr John Hullock, on the part of the Treasury; and Mr John Whishaw, on the part of Bentham. They pronounced their award on the 9th July, 1813.

In further illustration of this subject, I conclude with two extracts from the

Twenty-eighth Report of the Finance Committee, (1798.) The one is the Report of the Committee in favour of proceeding with the Panopticon contract: the other is Bentham's evidence before the Committee.

“ PROPOSAL FOR A NEW AND LESS EXPENSIVE MODE FOR EMPLOYING AND REFORMING CONVICTS.

“ It did not escape your Committee, that Mr Colquhoun, in pointing out the errors of the present mode, speaks of an improved system for the employment of convicts, as one of the chief means by which the expenses of the police are to be diminished.

“ Your Committee were therefore induced to inquire whether that gentleman had any particular system in view in making that observation; and they learnt, with considerable satisfaction, that Mr Colquhoun (who appears himself to have submitted a plan to the Secretary of State for this purpose) did allude to a particular system, from which, according to his decided opinion, if adopted and carried into execution, infinite advantages would arise to the public, not only in the diminution of the expense at present incurred, but in the improvement of the morals of the convicts who may be placed under such an establishment; your Committee have therefore annexed to this report a sketch of that plan, contained in a printed paper, intituled, ‘ A Proposal for a new and less expensive Mode for employing and reforming Convicts.’

“ Impressed with the advantages, of which the perusal of the heads of the plan appears to justify the expectation, your Committee were gratified in finding that it had already attracted the attention, and obtained the encouragement of his Majesty's Government.

“ That so long ago as the 11th of June 1794, the sum of £2000 had been actually granted to the proposer, Jeremy Bentham, Esquire, under warrant from the Treasury, ‘ to enable him to make the necessary preparations for the custody of the convicts to be confined in the proposed Penitentiary Houses.’

“ That an act of Parliament received

the royal assent on the 7th July 1794, 34 Geo. III., c. 84, not only authorizing but requiring the Lords Commissioners of the Treasury, as soon after passing the act as conveniently might be, to fix upon ground therein described, or upon any other convenient and proper spot, within certain limits, for the erection of one or more Penitentiary Houses, and giving the usual compulsive powers for purchasing the ground that should be so chosen.

“ That articles of agreement were thereupon drawn up by the Solicitor to the Treasury, and approved by the Attorney and Solicitor General, for the purpose of carrying the proposal into effect, reciprocally binding upon the proposer, and upon the Lords Commissioners of his Majesty's Treasury.

“ That, encouraged by these proofs of confidence and approbation, and by these assurances of support, Mr Bentham had proceeded to the performance of his part of the contract, and had incurred an expense of many thousand pounds of his own money, in addition to that advanced by the Treasury, in consequence of the preparations which he had made; but that his further progress has been impeded, and the contract has remained without execution, from difficulties in regard to obtaining a spot of ground proper for the purpose.

“ Your Committee, however, are informed by the Lords Commissioners of his Majesty's Treasury, that they have always felt a disposition to carry into effect the contract intended to be executed, whenever a proper spot of ground could be obtained; and that the contract intended to have been entered into has been delayed, because an essential part of such contract was to be the giving possession of the land upon which the Penitentiary House was to be erected; but that they are ready to enter into the contract whenever the preliminary difficulties relative to the ground are removed.

“ Upon further inquiry, your Committee find that a spot has been pointed out, which appears well adapted to the object, and against the appropriation of which to a purpose so interesting to the public no solid objection occurs; and



that the preliminary difficulties above alluded to have arisen from the rules and orders of the House relative to bills of enclosure, which are supposed to be applicable to the ground in question. The difficulty is, therefore, one which may be easily removed before the next Session of Parliament; and your Committee were glad to receive from Mr Bentham himself the assurance of his perfect readiness to proceed with his part of the business.

“ It is, in the judgment of your Committee, no small recommendation of the plan alluded to, that the contractor proposes to employ the prisoners on his own account, receiving a proportionably smaller sum from the public for their maintenance.

“ But it must be noticed and remembered, that the great and important advantages which distinguish that plan from any other which has been hitherto suggested, consist in the certain employment and industrious livelihood which it ensures to those whose terms of confinement are expired; in the responsibility which the contractor proposes to take upon himself for the future good behaviour of the criminals intrusted to his care, even when they shall no longer be under his control; in the publicity which is meant to be given to the whole conduct and effect of the establishment, moral, medical, and economical, as well by an Annual Report of its state and proceedings, as by that constant facility of inspection which will in an unusual manner be afforded by the very form and construction of the building, upon which the prompt and easy exercise of the superintending powers of the governor himself principally depends.

“ Your Committee are led to dwell the more on the importance of these advantages, when they contemplate the accounts which have been furnished to them of the periods of enlargement of the several convicts now confined in the hulks, to which they desire to direct the most serious attention of the House, bearing in mind, as they do, the evidence given by an experienced magistrate of the pernicious effects produced upon the unfortunate persons who are

confined in those seminaries of vice; recollecting, too, not only that New South Wales is at the present moment fully supplied, but that it affords no security for the future good behaviour of those who, having outlived the periods of their sentences, may return again to afflict the society from which they have been separated.

“ It appears, that of 1534 convicts on board the hulks, on the 5th of June 1798, 93 will be enlarged in this year, 346 in the next, and 1411 within the period of seven years.\*

“ If a similar progress be made in the enlargement of those who are still confined in the different gaols, the whole number of felons that will be turned loose on the public, will amount to 1791, a discharge at the rate of 254 per annum, continuing for a period of seven years.

“ Of the 2934 unemancipated and unsettled convicts existing in New South Wales and Norfolk Island, on the 22d of October 1796, it is probable from a consideration of the years in which they have been severally sent thither, that the periods of discharge of a still greater number will have expired in the same seven years; and if it could be supposed that the whole or the greater part would endeavour to avail themselves of that circumstance to return to the scene of their former delinquency, the prospect would indeed be dreadful, when viewed through the medium of the experience which the magistracy of this metropolis has already had of the effect of such returns.

“ Mr Colquhoun's testimony on this point is, That all of the delinquents that have returned from these settlements, who have come within his knowledge, are either at this moment thieves on the town, or have been executed for new offences.

“ Your Committee therefore trust, that no further delay will interfere with the execution of the contract above mentioned, not only because any such delay would add to the loss already sustained

\* There is here an evident misprint or miscalculation in the Report.—*Ed.*

by the contractor, and thereby enlarge his claim to compensation, but because it would deprive the public for a longer time of the benefits of a plan which they cannot but look to as likely to be productive of the most essential advantage, both in point of Economy and police. A mode of compensation has indeed been proposed by the contractor, which, so far as it goes, has the advantage of not being attended with any expense to the public, and to which it does not appear to your Committee that any substantial objection can be made."

" June 23, 1798.

" EXAMINATION OF JEREMY BENTHAM,  
Esquire.

" *Question.*—The draught of an intended contract between the Commissioners of the Treasury and yourself, for the confining, maintaining, and employing convicts in Penitentiary Houses to be erected by you, being before the Committee; and it appearing from documents that have been laid before the Committee, that in the year 1794, a sum of £2000 was advanced to you to enable you to make preparations relative to this business, you are desired to state whether you have made any such preparations, and whether you are now in readiness to sign and carry into execution such intended contract.

" *Answer.*—I am in perfect readiness to do my part in the business, and have been so little less than five years. In consequence of a proposal submitted by me in March 1792, and approved of, matters were so far advanced, that in July 1793 I was twice called upon, and both times in the same terms, to 'take my arrangements.' I had at that time, in conjunction with my brother, Brigadier-general Bentham, expended some thousand pounds in bringing to maturity a system of inventions of his for executing by machinery, and consequently as to the greater part of the business without the aid either of dexterity or good-will, the most considerable branches of wood-work, besides many branches of stone-work and metal-work. Upon the repetition of the above orders, in

concert with my brother, I took my arrangements without delay. The system was in such forwardness that we were upon the look-out for a steam-engine. Human labour, to be extracted from a class of persons, on whose part neither dexterity nor good-will were to be reckoned upon, was now substituted to the steam-engine, and the system of contrivance underwent a correspondent change. Being in daily expectation of receiving the sums stipulated for in the intended contract, (the heads of which were settled in what was then the proper office early in August 1793,) and the demand I had made of the spot I had found appropriated to the Penitentiary Establishment, (an appropriation since confirmed by the Statute of the 7th July, 1794,) having been acceded to by a memorandum in my possession in the hand of the Chancellor of the Exchequer, and being under the necessity of keeping the works going on, under pain of suffering the dispersion of a collection of workmen, who in that event would not for a length of time, if ever, be to be replaced, I made shift to keep up my advances under circumstances of great difficulty and inconvenience; and it was in consequence of representations to the above effect that the imprest in question was made to me. In the meantime, cast-iron work had been ordered by me for the frame of the intended building to the amount of several thousand pounds, of which order as much was executed as came to within a hundred pounds of the neat produce of the nominal £2000 advanced to me as above. My expenditure, over and above the £2000 received, does not now, if I include interest, amount to so little as £9000. Of the fruit of this expenditure, some part would now be lost, although the Penitentiary establishment were at length to be set on foot; and if it were not, almost the whole. It is too late now to revert back to the steam-engine; the capital which was to have set it a-going is gone; my brother's whole time is engrossed by his official situation; and at my time of life, and after my experiences, it is now too late for me to return to a manufacturing speculation, into

which no prospect of ordinary advantage would even then have tempted me.

“*Question 2d.*—Do the advances you speak of make any and what difference in the terms you expect?—In the event of the contract’s being carried into execution, or in the opposite event, do you expect anything, and what, by way of indemnification on that score?”

“*Answer.*—In circumstances such as mine, it is natural enough, I believe, for the idea of indemnification to present itself: but as often as I have set myself to consider in what shape, by what persons, and in what manner it was to be brought about, the appearance of feasibility has seemed to desert it altogether. There was a time, if my memory does not deceive me, when the idea of eventual indemnification used now and then to be alluded to on the other side as a matter of course: but this was long ago; and the damage, which might at that time present itself as lying within compass, has since received such an increase, that its very magnitude may, by this time, be considered as having formed a bar to indemnification. An issue which I have for some time been training myself to the expectation of is, that dispositions will remain; that difficulties will accumulate; that this will go on till all recollections are at an end; and that thus execution and indemnification for non-execution will glide away together. After the difficulties I have found in obtaining attention for measures which I could speak of boldly as beneficial to the public, it may be imagined whether I can have confidence enough left for coming forward with claims of a tendency such as I could not myself represent as otherwise than purely burthen-some: And after having, for such a length of time, been permitted to entertain prospects such as those delineated in the plan which the Committee have before them, it is easier to conceive than express the reluctance with which, were it even in my power, I should see myself fastened as a dead-weight upon the public I had hoped to serve. As to terms, mine is not a situation to make terms. Were I to say, ‘I cannot do so and so upon such terms,’ the answer

might be, ‘Then it cannot be done at all.’

“Turning aside from what some in my situation might call ‘Justice;’ considering what, if anything, in the way of compensation, retained a chance of being found practicable, an idea that occurred to me not long ago was, that, in the event of the Penitentiary system’s being proceeded with, there might perhaps be no great objection to the turning over the convicts to me a little earlier than would otherwise be done, to be provided for under the present plan, until the Penitentiary House should be in readiness for their reception. As, since the passing of the act of 7th July, 1794, it was impossible that the persons now occupying the situation in question should not have long ago made up their minds to the parting with it—as they have already retained it so much longer than they could have expected, while I have been kept out of my expected situation so much longer than I had reason to apprehend—as under such circumstances the reputation of the persons in question could not suffer the smallest prejudice, from a transfer made and declared to be made for no other than such a cause—the idea seemed to me to be free from objection on that score. A step would thus be taken, and might be taken immediately, (for no more than three months’ warning is requisite,) which would evidently and declaredly be a step, and that a decisive one, towards the establishment of the Penitentiary system: the opportunity I should have of becoming acquainted with the characters I should have to deal with would be accelerated, and the transition would thus be smoother in many respects, than if persons as well as local situation were at the same time to be comprehended in the change. This idea I have accordingly ventured to suggest, and though it has not yet been complied with, the reception given to it was not altogether a discouraging one.

“As to the annual allowance per head, since the approbation given to my demand of £12, (which was in July 1793,) the allowance to the present contractors on the Hulk plan has through-

out been raised a penny a-day per head, amounting by the year to £1, 10s. 5d.; the rise in the price of provisions having been the evident ground of this allowance, the same indemnification would not, I suppose, be thought unreasonable in my case.

“*Question 3.*—Do you think you should now be able to exhibit vouchers for, or distinct statements of, the expenditure of the £9000 you speak of?

“*Answer.*—I have taken care to preserve vouchers for the money expended in materials for the building itself, to an amount more than equal to what I have received as above; and for the rest, I should think that satisfactory vouchers might be collected, although, the money being my own, and no conception entertained of any occasion for accounting to or with any body on the subject, I had no reason for keeping vouchers as such. In March 1793, on my applying for the £2000, which I did through Mr Nepean, (then Under Secretary in the Home Department,) my brother delivered or produced to that gentleman a hasty sketch of an account, drawn up in obedience to a suggestion made at the moment for that purpose. At that early stage of the concern it contained (I remember) articles to the amount of above £4600, after which it was needless to look out for more. Upwards of £500 of it was for patents, which are become of so old a date, that before I could now make any advantage of the inventions in the proposed Penitentiary house, more than half the terms would be expired.

“After a variety of unsuccessful attempts, in which no inconsiderable part of the money was expended, we had already succeeded in executing by machinery, planing-work; sawing-work, from large timber down to veneers of an unexampled fineness; wheel-work, in the small and in the great; window-sashes (the greater part of the workmanship, and the remainder nearly finished;) sawing and polishing of stone; besides a variety of branches of inferior account; and the number was increasing every day.

“*Question 4.*—What ground is it now

proposed should be purchased for the purpose of the establishment?

“*Answer.*—A part of Tothill Fields, together with such addition from the grounds adjacent (and which may be purchased under the existing Act) as shall be necessary to make up the quantity allotted to the establishment by that act.

“*Question 5.*—The Committee have understood that certain difficulties have attended the choice of the spot;—should these difficulties prove unsurmountable in the instance of Tothill Fields, is there any other spot in contemplation that you think would answer the purpose?

“*Answer.*—I know of no other spot whatever that would answer the purpose in any tolerable degree, and at the same time afford anything near an equal prospect of seeing the choice finally approved. This is the last of four places, each of which at the outset afforded me prospects, which in the three preceding instances proved delusive.

“Nothing could be more decided than the approbation bestowed upon this spot upon the very first mention of it. Legal obstacles, with the existence of which nobody is chargeable, have been unavoidably productive of a part of the delays. As far as I may be permitted to judge, the great aversion entertained to the employing in the present case, or applying for, the compulsive powers regularly granted, as often as land is to be purchased for a public purpose, is, and has been throughout, the only source of difficulty, at least at the fountain-head. I am satisfied in my own mind, that the business would have been despatched near five years ago, if land could have been found that belonged to nobody, and was in no neighbourhood. My own aversion to such powers is not inferior, and would be productive of the same effects, if I saw by what possible means the business could be done upon less unpleasant terms.

“My great comfort as well as my great encouragement at the outset of this business was, the observation of a spot, in the instance of which, as it seemed to me, these difficulties had already been overcome. It was upon the ground of

an Act of Parliament, and of a decision that had been given upon it by a tribunal, of which the twelve judges formed a part—it was upon this ground, coupled with other assurances, that I proceeded at the outset of the business; it was upon the faith of another Act of Parliament, which the Committee have before them, (I mean that of the 7th July, 1794,) that I persevered in it. Had it been said to me in those days, these powers are employed in other cases, but they will not be in yours, my property would have remained undissipated, and the Committee would not have had this trouble.

“Tothill Fields possesses two properties essentially necessary to the execution of my plan; vicinity to the metropolis, and vicinity to water-carriage: In my manufactory, raw materials and finished work are both of the bulkiest kind; and a prompt communication with the market is indispensable. Vicinity to the metropolis is a condition much insisted upon by the original planners of the penitentiary system, (and most of all by Howard,) for the purposes of example and inspection. If a place could exist, of which it could be said that it was in no neighbourhood, it would be Tothill Fields. Two prisons, and four or five poor-houses of different sorts

already in existence, will surely be sufficient to shut the door against objections on the score of neighbourhood. I can say from measurement, that no house of an account superior to a tradesman's or a public-house stands within a quarter of a mile of the intended building.

“The persons principally interested in the character of proprietors have been applied to with that respect and reverence which is their due: a formal or decided consent is more than I have to boast of; but symptoms of acquiescence were manifested, and none of opposition: the opinion of professional advisers was declaredly in favour of the measure.

“To speak with confidence of the disposition of several thousand inhabitants, possessing rather a nominal than a real interest in the character of commoners, will not be expected of an individual by whom they have not been canvassed; but, as far as assurances can be depended upon, from a quarter the best qualified of any for affording such assurances, assistance much more likely than opposition would be to be expected from that source. They had authentic notice long ago, (though from another quarter,) and not the smallest symptom of opposition was then manifested, nor has been since.

AN  
ANALYTICAL INDEX  
TO THE  
WORKS OF JEREMY BENTHAM,  
AND TO THE  
MEMOIRS AND CORRESPONDENCE.

For the accuracy and completeness of the following Index, the writer of the Introduction to the Study of the Works is responsible. It has been prepared on the analytical principle : that is to say, under each department an attempt has been made to give, so far as it was practicable within the assigned space, an outline of what the author has said on the subject. In some instances it would have been impossible to convey a notion of the train of reasoning followed by the author without using his own words ; and in these no attempt has been made to do more than indicate the place where the subject is discussed. In other cases, where it has appeared to the compiler that an intelligible analysis has been made, he may have failed, in his necessarily abbreviated sentences, in embodying the meaning of the original ; but defects of this description are indigenous to Indexes in general. It will not always happen that the head under which mention may be found made of a subject is that under which it is analyzed ; for it has been thought expedient to enter the same subject under *all* the heads which occurred to the compiler as words under which the reader might search for it, while the analysis is generally given under *one* only. Thus, the Provisions for the Courts of Law, in the Constitutional Code, which have the title " Judiciary collectively," are analyzed under that head ; while a reference is likewise made to them under the words " Courts," " Judges," " Tribunals," &c. ; and references to subdivisions of the analysis are made under other heads. In a purely technical work—such as a law-book, the Index may reject whatever is not purely analytical, because the professional reader will at once look for what he wants under its appropriate head : on the other hand, it seems needless to state the reasons why an Index to a collection of works, embracing, like the present, a variety of subjects, should contain as many facilities as possible for discovering what subjects are discussed, and where. It often happens that there is a long train of entries under the same head, scattered over a variety of portions of the works. In arranging these consecutively, the system which seemed most appropriate to each case is adopted : sometimes they are ranged in the order of succession of volume and page ; at others in what appeared to be their order of connexion with each other.

# INDEX.

---

## ABB

- ABBOT—CHARLES**, (Speaker of the House of Commons, afterwards Lord Colchester,) Estimate of, x. 121.
- — His views on Public Account-keeping controverted, v. 384.
  - — Defects in his Finance Report, v. 385.
  - — Anecdote of, x. 284-285.
  - — Account of, in connexion with the Finance Committee, xi. 100.
  - — His mother's marriage with Bentham's father, x. 48.
  - — Letter to, charging Government with illegal transportation and detention of convicts, and with misconduct in relation to the Panopticon Project, xi. 132-139.
  - — Correspondence with, on the advantages of a Register of Real Property, x. 350-351.
  - — Hints on the Population Bill, addressed to, x. 351-356.
  - — Letters to, x. 329-330, 333-334, 335-336, 345.
  - — Letters from, x. 334, 344-345.
  - — Casual notices of, iv. 172; v. 150 n, 343; x. 51, 114, 176, 238, 246, 358, 385, 582; xi. 105, 118.
- Abbot—Farr**—Letter from Bentham to, on his marriage, x. 177-178.
- — Mention of, x. 181.
- Abbot—Mrs**—Her marriage with Bentham's father, x. 48.
- — Description of, x. 61.
- Abbott—Charles**—Lord Tenterden—Noticed, v. 334, 342, 361.
- Abbreviated forms of expression**—Use of, illustrated in Algebra, viii. 37.
- Abbreviation in National Book-keeping**—how far consistent with utility, ix. 251-253. *See* Books.
- Means of, in legislative acts, considered, iii. 594-595.
  - Utility of, in the names of public institutions, iv. 7.
- Abdication**—Criticism on the word, as employed at the Revolution, iii. 508-509.
- Aberrations of expression, and of memory**, vi. 253-254.

## ABS

- Abhorrence**—Nature of, i. 53.
- Detestation, &c., as designative of motives, i. 203.
- Abioscopic Epigeoscopies**—or Mineralogy
- Position of, in the Encyclopedical Sketch of Art and Science, viii. 86-87.
- Ablative facts or events**—meaning of term, vii. 270.
- — Entries regarding, in Demand Paper, ii. 66-70, 71-72.
- Ablative and collative events**, i. 152.
- — — considered as a general title of the Civil Code, iii. 186-190.
- Abolition of imprisonment for debt**—Errors committed by some of the advocates of, vi. 180-181.
- Abridgment of Laws**—Uses of, iii. 596 n.
- of a law—limited use of, viii. 533.
- Abridgments**—belong to transcripts in effect only, vii. 139.
- Abridged Petition for justice**, v. 507-534.
- Abrogation of old laws by subsequent ones**—considerations as to, iii. 245.
- Absconding**—Outlawry as a punishment for, i. 512-513.
- as evidence of guilt, vii. 50-53.
- Absence of party**—Decision in, vii. 246-249.
- of Members of Parliament—Evils of, and remedy, ii. 323-325.
- Absentees**—Protection of the interests of, by unauthorized persons, ii. 51-52.
- Abstract**—as distinguished from concrete, viii. 26-27.
- Abstract generalities**—Uselessness and danger of legislative declarations of, ii. 496-497.
- ABSTRACTION**—Analysis of, xi. 72.
- Illustration of, in the order of invention of the parts of speech, viii. 326.
  - As a mental operation, in connexion with Logic, viii. 225.
  - A faculty necessary to the inventor—not to the learner or teacher, viii. 76.
  - Process of, in rising from classical aggregations to the *genus generalissimum*, viii. 256-257.
- Abstractions**—come after concretions in the progress of the mind, viii. 282-283.



- Absurdity**—none so gross as not to find defenders, vii. 210.
- The more extravagant, the more readily believed, when coming from authority, ii. 466.
- Abundance**—Axioms of mental pathology, as to, iii. 228. Principles on which the legislature should distribute the wealth at its disposal, ib.
- As an end or object of law, iii. 211-213, 224-225.
  - an end of the distributive branch of the law, iii. 293-294.
  - a distinct object of the Civil Law, i. 302-304. Relation to other objects, 302-303. Laws relative to, 304.
  - considered in the Constitutional Code as an object of the Civil Law, ix. 13-14. Sources,—increase of production—decrease of consumption, 13. Means of increase, natural in the course of trade, &c., factitious by operation of law, ib. Latter deprecated, 13-14; same as to consumption, 14.
  - The amount of felicity shown not to increase with the arithmetical ratio of, ix. 15-17.
- ABUSE**—dispenses with regulation, while reform does not, v. 208.
- Definition of an, ii. 483.
  - Those who have an interest in, consulted as to its removal, ii. 13.
  - of authority — general precautions against, i. 570-578.
  - is as much the effect of any arrangement as use is, x. 72-73.
  - Arguing against use from—futility of the common adage as to, i. 566; ii. 469; v. 206.
  - Fallacy of saying an institution is not to be judged of by its, x. 72-73.
  - how supported by the fallacy of screening political offenders, ii. 422-423.
- Abuses**—The age of the creation of, is past —can now only be protected so far as they exist, ii. 476.
- The defence of, by representing them not as obstacles to good government, but as causes of it, ii. 466-469.
  - Interest of members of Governments in the support of, ii. 476.
  - Wisdom of our ancestors made to support, ii. 401.
  - What advantage there may be in attacking any one at a time, ii. 434.
  - Submission to, because there are worse ones elsewhere—a fallacy, ii. 431-432.
  - Fallacies on which delay to remove is founded, ii. 432.
  - The discoverers of, subject to the libel law, v. 106-107.
- Academy**—Royal. Principle of the Institution of The, iii. 41 n.
- Accent**—Opinions on, x. 569.
- Acceptance of Bill.** Ambiguity of the expression, ii. 84 n.
- Accepted Bills**—sale of. Evasion of the usury laws by, iii. 13.
- Accessitive mandate in procedure,** ii. 54.
- Accessibility**—Securing of, in Judicial procedure, ii. 54-55.
- of Party—Securing, by personal attendance, ii. 34.
  - — — Obtaining information for, 43-44.
- Accessaries and Principals, in the Civil Code** —Reference of questions regarding, to contracts, iii. 177.
- Accessaries after the fact**—Lawyers become by the manner in which they defend criminals, vi. 100.
- Accessory offences**—Prohibition of, to prevent their principals, i. 559-561. Instances —game, excise, &c., 560. As against homicide, &c., 560-561. Presume mistrust in the procedure and in the discretion of the judge, 561.
- Accessory words, as distinguished from principal,** viii. 324.
- Accident**—Proposal of reward for services in case of, ii. 231.
- Application of equity judicature to, vii. 301.
  - Absence of provisions at common law having in view, shows the want of codification, v. 487.
- Acclamation**—Defect of, as a form of carrying legislative measures, ii. 370.
- Accomplice**—Difficulty in getting, to give evidence, vi. 156.
- How far statements by, are evidence against another, vii. 43 n\*.
  - Testimony of, not excluded, though uniting interest and improbity, vii. 414-415.
  - Rewards to. The principles that ought to regulate, considered, ii. 223-225.
- Accommodation.** Nature of, as an operation in procedure, ii. 25.
- Accounts in which the public are interested.** Publication of, i. 554-555.
- of contractors for prisons—Publication of, iv. 48.
  - Necessity of the publication of, by all in public situations, with illustrations, iv. 130.
- ACCOUNT-KEEPING**—Public. Essay on, v. 383-386. Defects in the present system, 383. The Italian or double-entry method objected to as a substitute, ib.; unintelligibility to those whose interests are concerned, 383-384; consequence, the removal of the control of public opinion, 384. Speaker Abbot and Sir Henry Parnell controverted, ib. Illustrations of defect, in the difficulty of knowing official salaries, 384-385. Incongruities in the relative position of debtor and creditor, 385. Waste-book—an absurd term, ib. Influence of blind custom, 385-386. Reference to Constitutional Code, 386.

Account suits ; their nature, ii. 87.  
 Account-taking judicatories. Proposal for, ii. 181-182.  
 Accountableness of subordinates to superordinates by Constitutional Code, ix. 228.  
 Accountants in proposed Despatch Court—Regulations as to, iii. 395-406.  
 Accounting—cases of, Jury trial unfit for, ii. 122, vi. 35 n\*, 481 n.  
 — — — impossible to limit the number of witnesses in, vii. 534.  
 — — — Inability of common-law courts to grapple with, vii. 294.  
 — — — Absence of provision for, at common-law, shows the want of codification, v. 487.  
 Accuracy of transcripts—arrangements for securing, vii. 149-150.  
 Accusation, in ecclesiastical-court practice, vi. 493.  
 — False, as improbable as the commission of the offence charged, vii. 117.  
 — Secret—Admission of, considered, i. 573-574.  
 — of criminals—Prejudices and difficulties in the way of, ii. 222-223.  
 — Disproof not passion the right method of meeting, x. 530.  
 Accusation-scarer's device—Imputation of infamy against those who bring charges that are not proved, ii. 429-430.  
 Accused person—Limits of the principle of presuming him innocent, ii. 513.  
 — — in theory treated as innocent, in practice as guilty, ii. 169.  
 — — Falsehood, silence, or evasion in the case of, as evidence of guilt, vii. 24-29.  
 — — Judicial examination of, vii. 39-44. *See* Inculpativ, and Self-inculpativ Evidence.  
 — — how far his statements believed, vii. 389.  
 — — Oath should be tendered to, if employed at all in judicature, vi. 325.  
 — — Criticism on the rules for treatment of, in the French Declaration of Rights, ii. 513.  
 Accuser in criminal cases. Function of, i. 559.  
 — Best means of procuring, iv. 398-404. *See* Informers.  
 Acoustics—defined and located in the Chrestomathic system of instruction, viii. 31.  
 Acquiring—Persons capable of, iii. 193.  
 Acquisition of property—Methods of, i. 326-334.  
 Act—A mischievous—The consequences of, i. 69-76.  
 Acts, as proper subjects of the attributives good and bad, &c., i. 216-217.  
 — or regulations—Provisional—Plan for Judges passing, subject to disallowance by Crown or either House, iii. 367-371.  
 — of a Political Assembly—Principal points to be attended to in the formation of, ii. 334.

Acts of a Political Assembly—necessity for their being passed in the exact terms in which they are proposed, ii. 336.  
 Acts of Parliament. *See* Statutes.  
 — — — Forms of convictions before Justices in, vi. 414.  
 — — — drawing of—Alterations in, by Sir Robert Peel, x. 569-570.  
 — — — Letter to Dundas on the drawing of, x. 292-293.  
 Acts of the Legislature—Duty of the Legislation Minister in the Constitutional Code, as to passing, amending, &c., ix. 430-437.  
 — — — Essay on the Drawing of, iii. 233-283. *See* Nomography.  
 — — — should be recorded and made public, vi. 77-78.  
 — — — Fixation and exposition of, iii. 592-594.  
 — — — Application of abbreviation to, iii. 594-595.  
 — — — Forms of instruments in, iii. 595-596.  
 — — — Uses of appendices to, iii. 596-597.  
 — — — Printing preferable to the French system of registering, iv. 311.  
 Acts—Local and private—Waste of the attendance of the Legislature on, ix. 118.  
 Action—a physical fictitious entity, viii. 200-201.  
 — Nature of, as a simple fictitious entity, viii. 204. Essentially involves motion, ib.  
 — none without motive, vi. 242.  
 — Human, either external or internal, vi. 217.  
 — and negation to act, occasioned by motives, vi. 257.  
 — Civil, manner in which evidence collected for, vi. 467.  
 — in a court. *See* Suit.  
 Action and passion—counter-entities, viii. 204-205.  
 Actions—Human, in general, i. 35-40. *See* Human Actions.  
 — Reasons for considering certain, as crimes, i. 81-83.  
 — Intentionality with regard to, i. 40-43.  
 — must always have correspondent inducements, iv. 398.  
 Active or laborious punishment, i. 437-441.  
 Adam—Robert, the architect. The principle of the Panopticon Penitentiary suggested to, x. 252, 257, 294.  
 — — Family of, x. 55.  
 Adam—William, (Lord Chief Commissioner of the Jury Court in Scotland)—Communication from, of the death of Wilson, x. 487.  
 — — His duel alluded to, xi. 14.  
 Adams—President John—Countenance of libel law in the United States by, x. 512.  
 Adams—President John Quincy—Intimacy with, xi. 39-40.

- Adams**—President John Quincey—Letter to, on his election as President, x. 554-555.  
 — — — Notices of, iv. 470, 479, 531, 532; x. 512; xi. 56.
- Adams against Limbrey**—The case of, cited, v. 357.
- Addington**—Henry (Speaker of the House of Commons—afterwards Viscount Sidmouth)—Letter to, with proposed architectural improvements in the Houses of Parliament, x. 344.  
 — — Proposal to, to prepare gratuitously a Penal Code for England, x. 468-471.  
 — — His opposition to the Panopticon, iv. 172.  
 — — Occasional mention of, ii. 441, 463 n, 582; in. 570 n; v. 109, 116, 117, 329, 331, 372; ix. 141, 607; x. 250, 362, 363, 391-394, 415, 531; xi. 120, 125, 127, 137, 138, 139.
- Addington**—John Hiley—Mention of, xi. 135.
- Addison**—Joseph—His attacks on "bad taste" censured, ii. 254.  
 — — His interview with Milton's daughter, x. 53.  
 — — noticed, i. 56 n\*, iv. 64.
- Addresses**—Electoral—Specimens of, x. 245.
- Adequate-recapitulation principle**—The, in the management of the Chrestomathic school, viii. 50-51.
- Adjectives**—How to avoid ambiguity in the use of, viii. 313-316.  
 — How far a notion of, capable of being given by exposition, between parties having no common language, viii. 244.  
 — Characteristics of, in reference to universal grammar, viii. 347-348.  
 — express entities in the capacity of accessory words, viii. 326.  
 — Whether they have preceded or followed the abstractions into substantives, viii. 348.
- Adjective Law distinguished from Substantive**, ii. 15-22; vi. 7, 205 n.  
 — — Evidence belongs properly to, vi. 205.
- Adjective International law**—War viewed as, ii. 539.
- Adjective branch of the law**—The province of, ix. 25. *See* Procedure.
- Adjournment**. Motions of, in legislative bodies, ii. 366-367.
- Adjournments**—Long, of courts, evils of, vii. 241-245.
- Administration of oath**—Solemnities for, vi. 319-321.
- Administration of effects of a deceased Person**—Provision for, in Constitutional Code, ix. 632-633.  
 — — — Costliness and defects of the English system of, ix. 633.
- Administrational Government considered as a branch of Ethics**, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Admiralty**—Droits of,—Sinister interest created by, in favour of war, ix. 21.
- Admiralty Court**—Affidavit evidence in, vi. 40.  
 — — abolished in United States, vi. 41.  
 — — Jobbing in, vi. 41.  
 — — Mode of extraction of evidence in, vi. 492-499. *See* Extraction.
- Admission of a fact as party evidence**, vi. 277.  
 — — Errors of judicature in not taking more advantage of, vi. 278.
- Admissions**—Interrogation should be essential to their being acted on as confessions, vii. 31.
- Adolphus**—Mr—Testimony of, in favour of the Irish volunteers, viii. 473.
- Adscitious evidence defined**, vii. 120.  
 — — examined, vii. 127-129. Divided into two kinds; the same parties in a different forum—the same forum but different parties, ib.
- — Aberrations of English law regarding, vii. 170-173.
- Adulteration**. Methods for guarding the public against, i. 555-556.
- Adultery**—Connexion of, with the Civil and Penal Codes, i. 356.
- Adverb**—not a simple, as supposed, but a composite part of speech, viii. 356-357.
- Adverbs**. How to avoid ambiguity in the use of, viii. 313-316.  
 — Import of entire propositions in, viii. 336.  
 — The relation of, to prepositions and conjunctions, and the difficulty of forming a proper separate conception of the nature of, viii. 356.
- Advertisements**—Project for facilitating reference to, x. 322-323.  
 — of convictions of offences as a means of punishing with infamy, i. 460.  
 — for assistance to defray expense of evidence, recommended, vii. 376-377.  
 — Forgery of, should be punished, vii. 140-141.
- Advertiser**—Public. Letters to, under the signature Anti-Machiavel, criticising the declaration urging the court of Denmark to break the treaty with Russia, x. 201-211.
- Advice**—The folly of forcing on others, more flagrant than that of not taking, iii. 8.  
 — from the judge—Attendance of party to receive, ii. 34-35.
- Advisedness and unadvisedness with respect to acts**, i. 43-44.
- Advocate**. *See* Counsel; Lawyers.
- Advocate**—Lord, of Scotland—The power of, compared with that of Attorney-General, v. 607.
- Advocates**—parties should be subject to interrogation by their own, vi. 336-338.  
 — Provisions regarding, in the Constitutional Code, ix. 589-597.

**ADVOCATES**—Eleemosynary—Functions of, by the Constitutional Code, ix. 465.

— — Provision for attendance of, in Constitutional Code, ix. 516.

— — to hold office during life, by Constitutional Code, ix. 521-522.

— — not eligible to the bench, by the Constitutional Code, ix. 527-528.

— — Qualification necessary for, by Constitutional Code, ix. 528-529.

— — how appointed in terms of Constitutional Code, ix. 529-532.

— — how displaceable by Constitutional Code, ix. 532.

— — Securities for aptitude of, by Constitutional Code, ix. 537.

— — Special Provisions regarding, in Constitutional Code, ix. 577-579. Functions correlative to those of Judge, 577-578.

Duty to assist whoever cannot procure professional assistance, 578. Deputes, where necessary to have assistance on both sides, ib. Rights and Obligations, ib. Relation to Judge, ib. Directive function, ib. Money-requisitive function, for paying cost of evidence, &c., ib. Super-tutelar function—Inspection of conduct of Guardians in respect to the interest of their Wards, and correspondent proceedings for protection, 578-579.

— — Reasons for appointment of, in Despatch-Court Bill, iii. 310-311.

— — Provision for appointment of, in Despatch Court, iii. 342.

**Advocates**—Government. Functions of, by the Constitutional Code, ix. 465.

— — Provision for attendance of, in Constitutional Code, ix. 516.

— — to hold office during life, by Constitutional Code, ix. 521-522.

— — not eligible to the Bench, by Constitutional Code, ix. 527.

— — Qualification of, by Constitutional Code, ix. 528-529.

— — how appointed, in terms of Constitutional Code, ix. 529-532.

— — how displaceable, by Constitutional Code, ix. 532.

**Advocates**—Government-Immediate—Special Provisions as to, in Constitutional Code, ix. 570-575;—

— — — Fields of Service, ix. 570. Act in cases where the Government a party, viz. Non-Penal, Public Penal, and Public-Private Penal, ib. Examples of these classes, ib. To act at requisition of a Minister, countersigned by Prime Minister, ib.

— — — Relation of, to Judge, ix. 571. Subject, like other persons present in court, to authority of the Judge, ib. But are specially expected to take note of, and give information of, judicial misconduct, ib.

— — — Functions of, in Non-Penal cases,

ix. 571. Litigations as to property of the district Government, &c., ib.

**Advocates**—Government-Immediate—Functions of, in purely public-penal cases, ix. 571-572. In the ordinary case, the sole pursuer, 571. Exceptions, ib. May act along with any private party, 572. Cases where private parties or individuals at large may prosecute, ib.

— — — Functions in publico-private penal cases, ix. 572. Concurrent authority with the person injured, ib.

— — — Functions as to offences against justice, ix. 572. Specially to watch over such cases, and demand pecuniary mulct, ib. Nature of such offences, ib.

— — — Money-Requisitive Function, ix. 572-575. For rewards to persons for giving effect to the law—particularly for procuring evidence, 572-573. When the service unperformed—Instrument of Requisition to Judge, 573. Allowed to be remarked on by opposite party, ib. Proposal of mandate where service performed, ib. Precautions against abuse, 573-574. Benefits and evils of information from *so-cii*, 574. Private parties injured—Removal of the delay, vexation, and expense of proceedings, is of itself an inducement to come forward, ib. Inadequacy of a fixed rate of reward, ib. Evil consequences of reward for pursuit and conviction, 544-545. Adjustment of the system so that no malefactor can calculate on reward, and lead others into crime to obtain it, 575.

— — — Attendance, ix. 575. In all the cases to which his functions apply, ib.

— — — Who locable as, ix. 575. Attendance for certain period in Inspection Gallery as Probationary Lawyer, ib.

**Advocate-General**—Government. Provision for, in Constitutional Code, ix. 575-577. Residence in metropolis, 575. Acts over the whole territory, ib. Functions in regard to other officers, ib. To issue directions to immediate government advocates to prosecute, 575-576. Cases in which he is to do so—Treason, Rebellion, Contrabandism, Forgery as to public money, 576. Inspection visits, ib. Service for life, ib. How dislocable, ib. Journal of Proceedings, ib. Reasons for such an officer—comprehensive view of the local bearings, ib. Reasons for his being appointed by the Prime Minister, 576-577. Registrar attached to his office, 577.

**Advocates**—Official; general reasons for their being attached to tribunals, ii. 22.

**Advocates**—Public, for conducting civil and criminal cases—considerations as to, iv. 384-406.

**Advocate for the Devil in the canonization of Saints**, ii. 220.

- Advocates of a system as distinguished from Supporters, iv. 201.
- Aërostatics—Relation of, to Pneumatics, viii. 31.
- Aerostation, illustrative of the rise of new branches of art and science, viii. 27.
- Affection—Relation of, to pleasure and pain, x. 509.
- Value in, defined, i. 310, 322.
- Value in. Principles of restitution in the case of, i. 374-375.
- Affections of interrogators and respondents towards each other—how far they may be calculated on, vi. 346-347.
- Affiances before marriage—merits of the arrangement of, i. 357-358.
- Affidavit-evidence—Substitute for, in proposed Despatch Court, iii. 422.
- — a device of Technical procedure, v. 9.
- — Expense and complexity that may attend a system of, in. 337 n.
- — an instance of unpreappointed written evidence, vi. 219.
- — Person convicted of perjury not excluded from making, vii. 410.
- — Different kinds of, vi. 462.
- — in what cases it may be advantageously employed, vi. 459-460. Checks necessary for security of, ib.
- — Inaptitude of, as practised, ii. 181 ; vi. 13 n †, 37-40, 389 n, 463, 497 ; vii. 240 n, 245, 252, 365, 471, 494-497, 508, 509.
- — contrasted with interrogative evidence, vi. 38.
- — Carelessness in receiving, though untrustworthy, vi. 39, 40.
- — before arrest for debt, vi. 179.
- — though objectionable evidence, received to the exclusion of the best, vi. 335.
- — the only evidence on which judges will decide, vi. 463.
- — Sinister interest gives occasion to, 464.
- Affidavits for grounding delay on, in absence of a witness, vii. 359.
- for procedure on attachment, vi. 468, 476-477.
- for procedure on information, vi. 467, 468, 477-479.
- compared with depositions, vi. 38.
- in bankruptcy, vi. 432-433.
- Affidavit-witnesses—Cross-examination of, refused though they be in court, vi. 436.
- Affinity—an unhappily chosen term in Natural Philosophy, viii. 141-142 n.
- Affirmation of facts disconformable to the course of nature—motives tending to, vii. 106-111.
- Afflictive—Simple, punishments, i. 413-416 Whipping, 413. Strappado, ib. Picketing, ib. Wooden horse, ib. Ducking, ib. Torture, 414. Examination with refer-  
ence to the properties of punishment, 415-416.
- Afflictive capital punishment as distinguished from simple, i. 442-444.
- Afflictive—Complex, punishments, i. 416-420. Deformation, 416-417. Disablement, 417-418. Mutilation, 418. Examination and comparison of the different kinds, 418-420.
- Affluence—Degrees in scale of—how to be measured for purpose of compensation, ii. 110-111.
- Agasse—The case of, in France cited, iv. 400 n.
- Age—Factitious dignities an usurpation of the respect due to, ix. 86-87.
- of pursuer—to be stated in demand-paper, ii. 66-70.
- suitable for marriage, i. 356.
- as an aggravation of simple corporal injury, i. 164, 167.
- The opinion that aptitude for legislation increases with, combated, ix. 116.
- of witness—effect of, on testimony, vi. 254.
- not a ground for exclusion of testimony, vii. 427-432.
- Influence of, on sensibility, i. 28-29.
- Aged, The—extent to which subsistence provided for, by relations, i. 314.
- Agent—Respondent to bill in equity compelled to speak through, vi. 440.
- Responsibility of employer for the crimes of, i. 384.
- See Attorney. Lawyers.
- Agents—the representative system compared to the choosing of, ix. 98-99.
- Aggravation. Reference to the grounds of, in the Penal Code, iii. 175.
- Sources of, in the character exhibited in certain crimes, i. 77-79.
- Aggravations of simple corporal injury, i. 164-165.
- Aggregates—Process of the mental derivation of, from individual objects, viii. 100.
- An all-comprehensive division of—how created and tested, viii. 102-110.
- Division of, in the scales of logical subalternation, viii. 267-268. See Subalternation.
- Aggregation—The process of, from individual facts, described, viii. 122-124.
- Account of the operation of, viii. 256-258. Precedes division or analysis, 256. Early steps in, ib. Individual and aggregate—Former, of things actually seen—latter, including others supposed to be, ib. Progress through classical aggregates to the *genus generalissimum* existence, 257. The five steps of division of this aggregate by the Porphyrian tree, ib. Operation of aggregation and division very different from the physical operations from which they are described, 257-258.
- Process of the mind in, shown to precede analysis, viii. 265.

- Aggregation**—as a means of enriching a language, viii. 319.
- Logical—Fictitious entities resulting from, viii. 206.
- Agnosto-symbolic mathematics**—a term used for Algebra in the Encyclopedical Sketch of Art and Science, viii. 86.
- Agreement.** See Contract.
- Agreement-regarding service**—Principles of, i. 340-341.
- Agriculture**—Board of, suggested, viii. 426.
- Board of, established, ii. 257 n.
- Board of. Principle of its establishment, iii. 41 n.
- Institutions for the diffusion of, ii. 257.
- Advantage of conducting, on a large scale, x. 374.
- Source of experimental information regarding, in a system of Pauper Management, viii. 426.
- Relation of, to manufactures, ii. 549.
- The colonial system discourages, ii. 547.
- Advantageous employment of capital in, when not interfered with, iii. 68.
- Inquiry into the means of estimating the gross profits of, x. 373-374.
- Effect that an equal division of property would have upon, i. 359.
- Agriculture**—Young's Annals of—Communications to, on Poor Laws and Pauper Management, viii. 361-439.
- Agricultural labourers**—Inability of, to provide for their families from their earnings, viii. 442.
- Agricultural interest**—Prevalence of shown in the corn laws, iii. 99.
- Agriculturists**—would suffer less than others by a general division of property, iii. 607.
- Aid-compelling function,** of Judges, by the Constitutional Code, ix. 487-489.
- Aid-compelling mandate,** to give assistance to officers of the law, iii. 379-380.
- Ainslie**—Sir Robert—Bentham introduced to, in Turkey, x. 152-153.
- mention made of, x. 210.
- Air**—heated—Introduction and diffusion of, as uniting warmth with ventilation, iv. 110-118.
- Air balloons**—Theory of probability illustrated from, vii. 93-94, 100.
- Airing and exercise for Prisoners on the Panopticon system**—Arrangements for, iv. 98-105, 157-160.
- Alacrity**—Excitement to—Useful effects of, ii. 235.
- Alarm as one of the secondary consequences of a mischievous act,** i. 69-70. The kind of mischief productive of it, 73.
- Circumstances influencing the degree of, in case of an offence, i. 76-80. Situation of offender, 76. Ease or difficulty of preventing the crime, 76-77. Ease or difficulty of concealing offender, 77. Character of offender, 77-80. Cases in which there is no alarm, 80. Cases in which the danger greater than the alarm, ib.
- Alarm to society from offences**—Means necessary for the prevention of, i. 371.
- Fallacies invented for the purpose of creating, ii. 413-430.
- Alarms**—Spreading of—satisfaction to persons injured by, i. 375.
- Alchemy**—An instance of a term dropped out of the Nomenclature of art and science, viii. 27.
- referred to, vii. 106.
- Allegomorphic Posology, or the Arithmetical and Algebraic branch of Mathematics**—Position of, in an Encyclopedical Sketch of Art and Science, viii. 85.
- Alembert, D'**—his encyclopedical map of Human Knowledge—its imperfections as a general division of the arts and sciences, viii. 73-82. See Encyclopedical.
- — Reasons why he professed to found his encyclopedical map of Human Knowledge on Bacon, viii. 73.
- — General estimate of the merit of his encyclopedical map, viii. 99.
- — Dugald Stewart's opinion of his encyclopedical map of Human Knowledge, viii. 6-7.
- — His false notions of the operation of analysis, viii. 127 n.
- — Estimate of, as a philosopher, and regrets at the want of an English translation of his works, viii. 127 n.
- — the first to notice the existence of fictitious entities, iii. 286.
- — Correspondence with, on the state of France, x. 87.
- — noticed, i. 10 n; iii. 157; iv. 532; viii. 72, 119, 149.
- Alexander the Great.** His rewards to Aristotle, ii. 203.
- Alexander emperor of Russia.** Refusal of a present from, and the reasons, iv. 508; x. 478.
- — Correspondence with, on codification, iv. 514-528.
- — — Casual notices of, ix. 133; x. 61.
- Alexander**—(claimant of earldom of Stirling) Trial of referred to, vii. 178 n, 193 n.
- Alexander the impostor,** ii. 448; vii. 95.
- Alfred**—King—and the mutual-responsibility system, iv. 164.
- — Retaliation in the laws of, i. 409.
- — Mention of, viii. 405 n.
- Algebra**—What, as distinct from arithmetic, x. 531.
- defined and described; and placed in the Chrestomathic system of instruction, viii. 37-38.
- expressed by Agnosto-symbolic mathematics, in the Encyclopedical Sketch of Art and Science, viii. 86.
- The province of, and the divisions of, viii. 105 n.

- Algebra**—Signs of. The use of, is merely abridgement, viii. 167, 170.
- Inferiority of, to Geometry, as a mental tonic, viii. 173.
  - only understood by the person who employs it, in as far as he can convert the arbitrary signs into language, viii. 175.
  - Need of a general revision of the field of, viii. 177-184. *See* Mathematics.
  - a science involving the predicaments of number, figure, and quantity, viii. 287.
  - The facility learners of, would find in the abbreviations being explained, viii. 171-172.
  - The operations of, divided into two: the abbreviative and effective, viii. 172.
- Algebra and Geometry**—Interconversion of, viii. 184-185.
- — Proposed adaptation to, of the exercises of the Chrestomathic Instruction system, viii. 155-185.
- Algebraic signs**—Analysis of the use of, viii. 85-86.
- Alias**—were it not for its adaptation in criminal law, would be a useful preventive of the ambiguities occasioned by the conjunction *or*, viii. 85 n.
- Alibi evidence**. Suits involving, ranked as complex, ii. 81.
- — Publicity tends to preclude, vi. 378.
  - — Difficulty of fabricating, increased with the number of witnesses, vii. 74.
  - — generally false, vii. 112.
  - — Remedies for the evils of—witnesses to have evidence to character; notice of plea; power to delay cause; acquittance provisional, ii. 60; vi. 379; vii. 113.
  - — as affected by probabilities as to travelling vii. 99.
  - — considered with reference to sources of belief, vii. 111-113. Time and distance with regard to, 112.
- Aliens**—Exclusion of, from the franchise, iii. 541.
- Grounds on which incapacities of, founded, i. 332 n.
- Aliens and Denizens**—Principles of International Law as to the distinction between, ii. 540-544.
- Alienation**—Limitations and modifications of the right of, iii. 183.
- of Land—Obstacles to, considered, i. 323-334.
- All-comprehensive division**—how it may be made, and its sufficiency tested, viii. 102-110
- All-comprehensiveness**—a necessary quality of a body of laws, iv. 537-538.
- Allegation**—Testimony of a party called, vii. 263.
- Allegations and depositions**—False distinction between, vi. 299.
- Allegorical Idols**, or the application of some fictitious entity to men in office, as church to churchmen, &c., ii. 448-449.
- Allegory**—Employment of, to admonitory purposes, iv. 32.
- Allen, Mr**—Lord Holland's secretary—noticed, x. 442, 443, 447, 484.
- Alliance**—offensive or defensive—Not the interest of Britain to have any treaty of, ii. 549.
- Alliance**—The Holy, characterized, x. 539.
- Almsgiving**—Evil effects of, and removal of, a collateral advantage of a proper Poor Law, viii. 401-403.
- Alms-houses**—Limits to the encouragement of, i. 566 n.
- Althorp**—Visit to, by Bentham in his youth, x. 46.
- Alva**—Duke of—Allusion to the cruelties of, i. 448.
- Ambassador**—Grades in the rank of, ix. 228.
- Ambiguity of expression**—The evils of, iii. 244-245. Offensive to taste, 244. Particular practical evils in the case of laws, 245. Modifications, *ib.*
- in language, as distinct from obscurity, viii. 242, 304-305, 308-309.
  - in language—Rules for avoidance of, in respect to words taken singly, viii. 313-316.
  - in the composition of laws—Remedies for, iii. 253-255.
- Ambiguities inherent in language**—Sinister uses of, illustrated in the use of the word "Church," viii. 249-251.
- Ambition**—Nature of, i. 51-52.
- as designative of a motive, i. 199.
  - Character generally given to the motive of, i. 213.
  - Virtuous. Burke's opinions on rewards to incite, controverted, v. 290-291
- Ambuscade** as an aggravation of corporal injury, i. 165, 168.
- Amelioration** as a source of right, iii. 186.
- Ameliorations**—In what circumstances property should be creatable by, i. 328-329.
- Amendment**—in what cases an object of punishment, i. 392.
- of defective measures—Rejection instead of, a fallacy, ii. 471-474.
  - of laws. Meaning of the term, viii. 494.
  - of laws. Arrangements in the Constitutional Code for the inspection of, by a Legislation Minister, for the preservation of uniformity, ix. 430-431.
  - of laws—Method of proposing and embodying, by the Judges, in the Constitutional Code, ix. 504-508. *See* Judiciary collectively.
- Amendments to motions**. Regulating Principles of, ii. 365-366.
- Procedure as to the proposal of, in legislative assemblies, ii. 353-354.
  - Facilities for, in the proceedings of legislative assemblies, ii. 319.
  - Insidious and sarcastic, bad effects of, ii. 366.
  - to bill in equity—Nature of, vi. 445, 484.

Amendments to bill in equity—Delay occasioned by, vii. 216-217.  
 — — — Granting and refusal of, considered, vi. 455-458.  
 America—Proposal for a junction of the Pacific and Atlantic through, by a joint-stock company, ii. 561-571.  
 — Evils of the system of transportation to, i. 490-491.  
 — Abuses under system of transportation to, compared with those under the N. S. Wales system, iv. 184-185 n.  
 — The benefits of civilisation illustrated in, i. 311.  
 — Former power of the British Crown as illustrated in the charters founding the States of, iv. 258-259. Legality of the practice questioned, 259-261.  
 — Account of the coinage of the various republics of, in a letter from Del Valle, xi. 17.  
 America, South. Testimonials from, of Bentham's qualifications as a legislative draftsman, iv. 592-594.  
 America, United States of—a country possessed of a constitution, ix. 9.  
 — — — Method proposed of submitting a code of laws for the adoption of, iv. 458.  
 — — — Administration of the command of the army in, by the President, ix. 363-364.  
 — — — Public frugality in, ii. 201.  
 — — — Smallness of salaries of Judges in, v. 344.  
 — — — Government departments in, cited as an illustration of the single-seated system, ix. 216.  
 — — — Economical army and navy of, ix. 230.  
 — — — Argument that the militia of, a useless expense, ix. 346-347.  
 — — — a memorable illustration of efficacy with economy in administration, ix. 31.  
 — — — Economy in the diplomatic agency of, ix. 228.  
 — — — Commercial navy of, ii. 571.  
 — — — Constitutions of States of, not immutable, ii. 404.  
 — — — The moderate use of victory in, at the Revolution, contrasted with the treason laws of England, viii. 472-473.  
 — — — Defence of Radicalism from the state of, iii. 612-613.  
 — — — Applicability of the Quasi-Jury system to, ii. 151.  
 — — — Folly of any attempt to invade, ix. 347-348.  
 — — — Results of the partition of, from Britain, condemnatory of the colonial system, iii. 56.  
 — — — Secret procedure according to the Roman system abolished in, vi. 41, 501.  
 — — — Extent to which decisions of the English courts adopted in, iv. 461-462.

America, United States of—charged with adopting bad elements of government and law from the practice of Britain, iv. 448, 459, 461-462, 502-504.  
 — — — Blind imitation by, of the vacillations, &c., of the British Parliament, and its mischief, ix. 165.  
 — — — how they are differently situated from Britain in regard to the use of fallacies in political discussion, ii. 481-482.  
 — — — Illustrations from the history of, of the barriers to the pursuit of sinister interest in a democracy, ix. 100.  
 — — — Illustration of Democracy and order united in, iii. 437, 447, 472, 492, 494, 560, 562.  
 — — — How far the tyranny of the rich over the poor may exist in, x. 548.  
 — — — Ingenious method of disbanding the army of, at the termination of the war of 1816, ix. 401-402 n.  
 — — — The protection given by, to infant States, ii. 569.  
 — — — Government of, does not require the protection of libel law, v. 226.  
 — — — Illustration from the position of the President of, of the absence of temptation to reasonable violence in a democracy, ix. 39.  
 — — — President and other officials of, not the less protected, though they have no securities but such as extend to all classes of citizens, viii. 522-523.  
 — — — Extent of legal protection to officials in, i. 121.  
 — — — Freedom of the press and of opinion in, ii. 277.  
 — — — Correspondence as to the existence of libel law in, x. 512-513.  
 — — — State of the law as to libel and sedition in, ii. 277-279 n; v. 246.  
 — — — Conspiracy and seditious libel practically unknown in, ix. 37-38.  
 — — — Information as to the sittings of the legislature of, ix. 648.  
 — — — Practice in, as to military compensation for casualties, &c., ix. 379.  
 — — — Example of, has tended to create prejudices in favour of second legislative chambers, iv. 447-448.  
 — — — Proportion of representatives to electors in, iii. 583-584.  
 — — — Dumont on the proposal of preparing a civil code for, x. 462-463.  
 — — — Letter to the President of, on codification, and proposal to draw up a Pannomion for, iv. 453-467.  
 — — — Address to the citizens of, on the proposal to prepare a code of laws for the use of the States, iv. 478-507.  
 — — — Circular to the Governors of States of, on the codification proposal, iv. 476-477.  
 — — — Testimonials from, in favour of



- Bentham's qualifications as a legislative draftsman, iv. 577-580.
- America, United States of—Applications from, to Bentham, to prepare a code, x. 498-499.
- — Information as to the method of admitting lawyers to practice in, ix. 656-658.
- — Arrogation of purity of motives not necessary to the public men of, ix. 63-64.
- — Proposal for the instruction and improvement of Irish labourers in, x. 500-503.
- — — The Penitentiary system as adopted in, contrasted with the English penal colony system, iv. 212-248. *See* Transportation.
- — — Interest of, in relation to a plan for a communication between the Atlantic and Pacific, and necessity of protection from, for the project, ix. 567-571.
- — — The propensity to duelling in, xi. 13.
- — — Declaration of Independence of; argument that it proceeded on false principles, x. 63.
- — — Declaration of Independence of, animadverted on, i. 154.
- American Confederation—The. An illustration of an International judicature, ii. 552.
- American Revolution—Bentham's early opinions of, x. 57.
- American war—Anecdotes about the, x. 527.
- Amhurst, Mr—on University oaths, v. 196 n, 228.
- Amicable interrogation, accompanied by hostile in the extraction of evidence—effects of, vi. 347-351.
- causes—greater number of, in equity than at common law, vii. 517 n.
- Amity—The pleasures of, i. 18.
- Motive corresponding to the pleasures of, i. 50, 56, 57, 66. A standing tutelary motive, 66.
- Pleasures and pains connected with, with the corresponding interest and motives, i. 200.
- Amotion—Power of, in the case of Judges. How it should be regulated and practised, iv. 358-363.
- Ampliation as a mode of exposition, viii. 248.
- Amsterdam—Use of analogical punishment in, i. 409.
- Amusement and curiosity—A division of arts and sciences classified under, ii. 253.
- Amusements—Public. Effects of, on society, i. 541.
- Amusements—Rational. Effects of, on society, i. 540.
- Analogy—how of service in invention, viii. 276.
- Use of, in throwing light from one branch of knowledge on another; and use of encyclopedical tables for this purpose, viii. 100.
- Analogy—Utility of, in punishments, i. 92-93.
- between crimes and punishments—Nature of, i. 407-409.
- in punishments—Application of, to imprisonment, i. 430-431.
- Examples of the employment of, in punishing offences against honour, i. 381.
- ANALYSIS—as one of the human faculties, viii. 75 n.
- *per genus et differentiam*, i. 96-97 n.
- Fictitious entities created by the operation of, viii. 127 n.
- Specimen of, in an abridgement of the Book of Fallacies, x. 519-521.
- must come after aggregation or synthesis in the chronology of mental operations, viii. 265-266.
- of aggregates in the scale of logical subalternation, viii. 267-268.
- Relation of, to synthesis, viii. 256-258.
- and synthesis—false notions as to their being the converse of each other, viii. 75.
- Analysis predicates a homogenous whole—not so synthesis, *ib.*; generalization the proper converse, *ib.*
- Logical, the history of, in a series of examples—Physical analysis first performed, then aggregation, logical wholes formed by synthesis, and then logical division, viii. 121-126.
- Anapirical Anthroprurgics, or Experimental Philosophy—Position of, in the Encyclopedical Sketch of Art and Science, viii. 88.
- Anarchical Fallacies; Examination of the French Declaration of rights, ii. 489-529.
- — Dumont's translation of, compared with the original, x. 497-498.
- Anarchy. Defined, as the absence coupled with the need, of any of the powers of government, iv. 270.
- a word used along with democracy to bring it into discredit, iv. 448-449.
- Spread of principles tending to, noticed, iii. 146.
- Anatomy—Etymology of, and place in the Chrestomathic system of instruction, viii. 36.
- Ancestors—Fallacies from the wisdom of our, i. 423; ii. 398-401; vii. 90. *See* Wisdom of our Ancestors.
- Ancestry—Pride of; Inquiry into the causes of, and exposure of the fallacies of, ix. 82.
- Ancient deeds—Authentication with regard to, vii. 179, 192-193.
- facts—Admission of transmitted evidence to prove, vii. 157, 167-168.
- Ancient history—Dangerous principles from, inculcated in youth, i. 318.
- Anderson, Dr James. Letter by Bentham to, on his projects as to the Western Fisheries, x. 127-129.

- Anderson, Dr James. Letter from, as to Sir John Sinclair, x. 254.
- — — Letter from, as to a Panopticon in Scotland, Lord Gardenstone, &c., x. 254-255.
- — — Letter to, on the economy of the Panopticon system, x. 256-258.
- — — Letter to, on a law-suit, x. 288.
- — — His opinions against the utility of the colonies, ii. 546 n.
- André, Major—The case of, alluded to, ix. 377.
- Anemistic, or Aeropnctic source of motion—  
— from winds, viii. 133.
- Aneristic administration, or the ordinary exercise of administrative government—  
— Position of, as a branch of Ethics in the Encyclopedical Sketch of Art and Science, viii. 94-95.
- Aneunomothetic, or Administrational Government, considered as a branch of Ethics in the Encyclopedical Sketch of Art and Science, viii. 94.
- — — divided into Eristicoscopic and Aneristicoscopic, or judicature, and administration in its ordinary sense, viii. 94-95.
- Anger—Nature of, i. 53.
- Rules for repressing, x. 517-518.
- Anglo-Saxon laws—The pecuniary retributions of, i. 87 n §.
- Anglo-Saxons. How far felony connected with the institutions of the, i. 504-505.
- — — Popular judicatories among, ii. 151.
- Animal chemistry—defined and located in the Chrestomathic system of instruction, viii. 31-32.
- Animal magnetism characterized, i. 568.
- Animals—Origin of property in, i. 328.
- Humanity to, urged, i. 562.
- Bentham's humanity to, characterized, x. 17.
- Cruelty to—Letter against, x. 549-550.
- Cruelty to, unadverted on, i. 142-143 n.
- Bentham's fondness for, xi. 80-81.
- Animosity—Nature of, i. 53.
- Animosities—Religious and National—Advantages from the suppression of, i. 562-563.
- Anne—Queen. Allusion to her creation of Peers, i. 279 n.
- — — Casual notice of, ix. 108.
- ANNUAL PARLIAMENTS—Reasons for preferring, to triennial, iii. 600.
- — — Answer to the objection that they would turn out permanently reëlective, iii. 512-513.
- — — Ancient practice as to, historically examined, iii. 514-515.
- — — compared, in point of adequacy, with triennial, iii. 521-525.
- — — Objection to, on the ground of insufficiency of time to acquire experience, answered, iii. 522-523.
- — — Conduciveness of, to aptitude of members, iii. 542-543.
- Annual Parliaments—Conduciveness of, to improvement of the higher classes, by enlarging their chances of becoming members, iii. 551.
- — — as an element of Radical Reform, iii. 558.
- — — The main uses of, recapitulated, and objections answered, iii. 561-563.
- — — The old act for, an instance of defective collocation, v. 412.
- — — Notice of supporters of, iii. 458.
- — — Provisions for, in Radical-Reform Bill, iii. 588-591.
- — — An early debate on, quoted, iii. 455-456 n.
- Annuality of suffrage—nature of, briefly explained in Constitutional Code, ix. 106-110.
- Annuitants. The paying off, creates capital, iii. 44.
- Annuity-Note Plan—Correspondence with Sir George Rose on, x. 359-361.
- — — Correspondence and controversy with Mr Vansittart and Dr Beeke as to the practicability and utility of the project for, x. 364-373.
- — — Plan for the transfer of stock into, iii. 105-153. Specimens, and series, Table 1. Introduction, 107-108. Creation, issue, and payment, 108-113. Extension, 113-116. Form—Table 2. Features common to other securities, 116-117. New features, 117. Grounds of expectation of success, 118-123. Financial advantages in reduction of debt, &c. 123-132. Addition to national capital, 132-133. Addition to commercial security, 133-136. Method of dealing with the particular interests affected, 136-139. How to obviate rise of prices from increase of currency, 139-141. Comparison with Pelham's reduction of interest on stocks, 141-144. Moral advantages, 144-145. Constitutional advantages, 145-146. Resumé of the advantages, 146-158.
- Annuities—Deferred. Uses to which they may be converted in the case of the working classes, viii. 409.
- — — Transactions in, as a subject of taxation, x. 304.
- — — Government. The security for, is not the mere fund on which they are ranked, but the stability of the revenue, x. 325.
- Annular well in the Panopticon edifice, substituted for stories of intermediate areas, iv. 66, 69-71.
- Anonymous authorship—Opinion on exacting declarations as to, x. 82.
- Answers—Promptitude of, a security for truth, vi. 383.
- — — in written evidence should be numbered with the questions, vi. 441-443.
- — — False or evasive—how far evidence of delinquency, vii. 24-29.

- Answers—Questions to witnesses should arise out of the, vi. 384-385.
- to bill in equity—Practice as to, vi. 401, 444, 455, 484; vii. 292.
- — — amendment of—Granting and refusal of, vi. 455-458.
- Antactive source of motion—The, or motion from springs, considered among the sources of motion, viii. 139-141.
- Anthropo-plastic Somatics proposed as a nomenclature instead of Natural Philosophy, viii. 284-285.
- Anthropurgic Somatics, or Natural Philosophy. Place of, in the Encyclopedical Sketch of Art and Science, viii. 86.
- — — divided into cœnoscopic and cryptodynamic, 87.
- Antibes—visited by Bentham on his way to Russia, x. 150.
- Anticipative survey of evidence—Purposes to be served by, vii. 230.
- — — as a succedaneum to exclusion, vii. 369-371. Plan recommended, 370. Results, ib. Contrast with special pleading, ib.
- Anti-Machiavel—Letters of—A criticism on Mr Ellhott's Declaration to the Court of Denmark, charging it as an attempt to create war through the dissolution of the alliance between Russia and Denmark, x. 201-211.
- George Third's umbrage at the Letters of, noticed, iv. 172.
- Antipathetic sensibility and bias—Influence of, i. 24.
- Antipathy—Nature of, i. 53.
- Pleasures and pains of, with the corresponding interest and motives, i. 203.
- Punishment suggested by, i. 391.
- Use made of the term as a motive, i. 219.
- Pleasure of exercising, not equal to pain produced—an axiom, iii. 226.
- and sympathy as principles adverse to utility, i. 6-11. See Sympathy.
- the real cause of the exclusion of witnesses on religious grounds, vii. 426-427.
- productive of the evils attributed to vengeance, i. 383.
- Antiquarianism—a resource of aristocracy, x. 583.
- Antiquated constitutions—Letter to the Portuguese nation on, viii. 482-485.
- Antiquity—Source of the Prejudices in favour of—a false analogy between old times and old men, x. 69.
- Anti-rational fallacies, ii. 457-462.
- Antithesis as a mode of exposition, viii. 248.
- Antony—Mark—his increase of the pay of the centurions, ix. 378 n.
- Anxiety of mind as a collateral inconvenience of judicature, ii. 17.
- Aphorisms—Favourite, of Bentham, x. 147.
- Aplodidactic Cœnonesiology, or the informative department of intellectual Philosophy—its position in an Encyclopedical Sketch of Art and Science, viii. 91.
- Aplopathematic Pneumatology, or the Philosophy of pleasures and pains—Position of, in an Encyclopedical Sketch of Art and Science, viii. 89.
- Aplosyncrotic source of motion—by explosion, examined, viii. 136-137.
- Apolioscopic, or Private Ethics—Position of, in an Encyclopedical Sketch of Art and Science, viii. 94.
- Apology for exposure of the technical system, vii. 329-334.
- APPEAL—definition of, vi. 421.
- as a stage of suits, ii. 93.
- Uses of, ii. 165-166. Check to sinister interest, 165. Attraction of public opinion to estimate merits of both judges, ib. Protects against arbitrary judicature, ib. Power to send question of *fact* to be tried over again in another immediate judicatory, 165-166. One stage of appeal, 166. No alteration of decision of Judge appellate without punishing him, ib. No other ground for appellate judicatory to proceed upon, but those which were before the immediate, ib.
- Proceedings before appellate Judge in, ii. 166-167.
- Checks that operate upon the Judge of appellate judicatory, and wherein they differ from those in immediate, ii. 167-168.
- Judge in, to mark his opinion of proceedings of immediate judge, according to certain options, ii. 168.
- Whether evidence discovered after ultimate decrees should be producible in, ii. 168-169.
- Security during, against irreparable punishment or change of bodily condition, ii. 169.
- Tribunals of, considered, iv. 338-353. Errors on the part of a judge, which appeals necessary for correcting or obviating—misdecision, delay, suppression of evidence, precipitation, 338-339. Publicity not perfectly efficacious without appeal, 340. Nor publicity with legal responsibility, 340-341. Productive of inconvenience—especially expense and delay, 342. First remedy in the appellate court having no other grounds for judgment than the immediate court had before it, 342-343. Reasons why this is essential to the nature of an appeal which is for correction of error, ib. Transmission of record without cost, 343. Power to party to take judgment of appellate court in first instance without argument, ib. Like power on a mere written argument subjoined to record, ib. Interdiction of appeals from interlocutory orders, 343-344. Remedies

- for cases which do not admit of the complete record being produced—viz., suppression of evidence, delay, &c., 344. Means of curtailing the cost of appeals,—abolition of law taxes, reduction of fees, clearing the causes, &c., 344-345. Remedies for the prevention of *mala fide* appeals in civil cases, 345-346. The same in penal cases, 346-347. Appeals should, when these impediments are established, be allowed in all causes, 347-348. Importance, difficulty, &c., no reasons for giving one sort a privilege over another, *ib.* Appeals should be taken to a common centre—for the best public, and for uniformity, 348-349. Reasons for having only one appeal—simplicity and promptitude, uniformity, economy, certainty, &c., 350-351. Judges of appeal to be chosen from the inferior courts by popular election, 351. Should be a court entirely distinct from the immediate court, 352. Considerations as to proper number of appellate courts—no greater than absolutely necessary, 352-353. History of the appeal system in England, 353. Number of grades—confusion—feudal origin of the diversity, *ib.*
- Appeal—Delay occasioned by the system of, *vii.* 214-216.
- Recommendation to give effect to judgment during dependence of, *vii.* 215.
  - how far a succedaneum to publicity in keeping the inferior court right, considered, *vi.* 358, 359.
  - Liberty of, in case of weak evidence being founded on, *vii.* 163.
  - Use of judicial registration for the purposes of, *vi.* 330, 409.
  - Use of a scale of probative force for the purposes of, *vi.* 17, 228.
  - Erroneous secrecy of inferior judicature may be remedied on, *vi.* 367.
  - none admitted, properly speaking, in criminal cases, *vi.* 382 n<sup>14</sup>.
  - in case of discovery of new evidence, *ii.* 65.
  - The use of, as a substitute in some measure to the necessity of publicity in courts, *iv.* 329.
  - Reasons for, in the securing aptitude in Judges, by checking incapacity, indolence, or dishonesty, *ix.* 468-469.
  - *ab eodem ad eundem*—nature of, *ii.* 153.
  - Personal attendance of parties not necessary in, *iv.* 329-330.
  - to concurrent judicature in summary suits, *ii.* 153.
  - Transmission of Record or Transcript, for purposes of, *ii.* 103.
  - Inquiry into the constitution of the Privy Council as a court of, *x.* 430-431.
  - A plan for giving jurisdiction in, to a court of Lords delegates, *v.* 55-60.
- Appeal—Gradual promotion of Judges gives confidence in courts of, *iv.* 370.
- Vexations that may be occasioned by cheapness of—how obviated, *ii.* 114-115.
  - Proposal to limit jury trial to cases of, *ii.* 118, 122.
  - Restriction of, in criminal cases, *ii.* 155-156.
  - in criminal cases—Circumstances in the mischief of predatory offences, and the smallness of the chance of erroneous conviction, justifying restrictions on, *ix.* 562.
  - Reasons why there should not be more than one—greater number productive of cost and delay, with uncertainty, *ix.* 469.
  - Difference between, and arbitrary removal of causes from court to court, *v.* 526.
- Appeals—Great number of, in Scotland, *ix.* 469 n.
- from the Scotch courts—how the pressure of, may be mitigated, *x.* 424.
  - Statistics of, show the state of administration of justice, *vi.* 564.
- Appeals and writs of error—Their instrumentality in producing judicial delay examined, *v.* 517, 518-520. Circumstances out of which appeals arise, 518-519. Grades in the common law courts, as described by Blackstone, 519. Question if ever all practised, *ib.* Gradations in equity, *ib.* Appeal from inferiors to Chancellor or Lords, according to the extent to which the party can be pillaged, 519-520.
- Appeal and Quasi appeal—Definitions of, and distinction between, *ii.* 161-162. *See* Quasi Appeal.
- Appeal-providing principle—in the management of the Chrestomathic School, *viii.* 48-49.
- Appearance—Meaning of, as a technicality, *vii.* 284 n.
- Support of an, in the case of official persons—fallacies as to, *v.* 316-318.
- Appellate Judge—Nature and functions of an, *ix.* 466-467.
- Appellate Judicatories—The elementary functions of, *ix.* 482.
- — Outline of system of, *ii.* 22.
  - — Provision for, in the Constitutional Code, *ix.* 585-588 ;—
  - — Who the Judges of, and their fields of service, *ix.* 585. No immediate jurisdiction, except as to complaints of misconduct, or of non-transmission of the Record in its vicious state, *ib.*
  - — Subject-matters of appeal to, *ix.* 586.
- Ordinary, as to the decision, or incidental as to conduct of Judge, *ib.* Misdecision, and Quasi misdecision—as in the not rendering the proper judicial services, *ib.*
- — Grounds of decision in, *ix.* 586-588, with special exceptions, the Record transmitted from the Inferior Court, and arguments on it, *ib.*

**Appellate Judicatories**—The attendance of a Quasi Jury necessary to, as in the the case of a recapitulatory examination in an immediate Judicatory, ix. 587.

— — Optional functions of, ix. 587. The confirmative, reversive, modificative, and substitutive, *ib.* In incidental questions, the mandative, inhibitive, and sistitive, *ib.*

— — Vexation by appeals to, obviated, ix. 587. Appellant compelled to attend, and be interrogated, *ib.* Pecuniary aid to Respondent, *ib.*

— — Where to be situated, ix. 587-588. Reasons for distribution and against agglomeration in the metropolis—Accessibility, Instruments for distributing information, Benefit of migration, Removal from seat of corruption, *ib.* Reasons in favour of agglomeration—The most intelligent Public opinion, Instruction not extensively given by Appeal Judicatories, Economy in expense, 588. In case of distribution, considerations as to its method, in conjunction with the distribution of Sublegislatures, *ib.*

— — Reasons why they are best situated in a metropolis, the exigency for vicinity in the case of immediate judicatories not applying to them, ix. 474.

**Appellatives, implying praise or blame**—Use of, in political discussion, ii. 436-438.

— **Eulogistic and dislogistic**—causes of their application to the springs of action, i. 212-214.

**Appendix**—Use that may be made of, when attached to a code of legislative acts, iii. 596.

**Appetative faculty**—Results of the exercise of the, viii. 279-281. Through it, pleasures and pains, by causing desires, are the source of all mental operations, *ib.*

**Appetite for food**—Equality as between poor and rich in the gratification of, iv. 124 n.

**Application**—Nature of, as an operation in procedure, ii. 24.

**Application—Judicial, in the principles of Procedure**, ii. 33-49. Definition—Various kinds of, as applicable to judicial services, 33. Judicatory to apply to—Domicile, 33-34. Order of making application—Visitors' Gallery, 34. Personal attendance of party, for evidence, security, forthcomingness, communication, &c., 34-35. Who may be applicants—principals, proxies, cointeresses, 35-36. Interestees—*viz.*, on account of themselves, or of others, 36-37. Method of commencing application—investigation by the judge, 37-38. Ordinary application in litigations, 38-39. Extraordinary for consultation, prevention of damage, securing prospective evidence, &c., 39-40. Mode,

oral, and in open court, 40. No oath—inefficacy of the ceremony shown, 40-42. Securing applicant's responsibility, 42-43. Extraction of self-notificative information, name and address, 43. Accessibility secured, 43-44. Causes for dismissal of application, 44. Secret proceedings, *ib.* Modes of deceptive fallaciousness, 44-46. Treatment of applications tending to obstruct justice, 46. Reconciliation of parties as a function of the judge, 46-47. Forthcomingness of parties, 47-48. Evils of English practice, 48-49.

**Application—Initiatory, for bringing parties into court**, ii. 63-64.

**Appointing**—Power of, proposed to be in different hands from that of displacing, i. 572.

— — *See* Location.

**Appointments**—Sarcastic notice of the indifference pretended by the claimants of, v. 286 n.

— Fallacy that it is improper to give, to a party influenced by self-interest, i. 473.

**Apposite-classification principle**—in the management of the Chrestomathic School, viii. 52.

**Appositeness in language**—Elements of, vii. 290.

**Apprehension**—Nature of, i. 69.

— as a mental operation of Logic, viii. 224.

— The evil of, to be estimated in punishment, i. 85.

— as to innovation—Causes of, ii. 418-419.

**Apprentice and master**—Effect of connexion between, on evidence, vi. 160-161.

— — Formalities of contract between, vi. 525, 528.

**Apprentices—Labour of, as a source of pauper revenue**, viii. 369.

— **Pauper. Advantages and encouragements to, under the proposed plan of Pauper Management**, viii. 435-439. *See* Pauper Management.

**Apprenticeship**—Contract of, as a subject of registration, vi. 567.

— necessary for judges, but not for partisan lawyers, iv. 371.

— **parish**—System of, with fees—Pitt's proposal of, criticised, viii. 452-455. Influence in disturbing the natural order of supply and demand, and advantageous to one set of the working-classes only by the injury of the other, *ib.*

— as a branch of Pauper Management, viii. 385. *See* Pauper Management.

**Apprenticeship act**—Evils of the, iv. 49.

**Approbation and disapprobation**—all that is inferred when a word used in a good and in a bad sense, i. 48-49.

**Appropriate evidence as distinguished from indicative**, ii. 57-58.

**Appropriate official aptitude**—Rules for maximizing, ii. 273-274.

- APTITUDE** for the purposes of good government, sinks instead of rising, with the quantity of opulence and power, ix. 110-113.
- is inversely as the amount of factitious advantages possessed, iv. 439-440.
- Aptitude**—appropriate, of members of a legislature—Securities for, as embodied in the Constitutional Code, ix. 191-198.
- — on the part of the Prime Minister—Securities for, by the Constitutional Code, ix. 212-213. *See* Prime Minister.
  - — of Ministers—Securities for, by the Constitutional Code, ix. 316-324. *See* Ministers collectively.
  - — of Judges, and other Judiciary Officers—Securities for, by Constitutional Code, ix. 535-537.
- Aptitude**—official. Rules for maximizing, ii. 273-274.
- — Maximized—Expense minimized, v. 263-386.
- Arabs**—Robberies among the, i. 70.
- Arabian Nights'** Entertainments cited, vii. 94.
- Arbiters**—Consignment of cases to, at assizes, iii. 329.
- Nature of procedure before, vi. 480; vii. 321.
- Arbitrary infringements of Law**—Terms of the French Declaration against, criticised, ii. 510-511.
- Arbitrary power**—Death punishment an instrument in the hands of, i. 448.
- — how created in judges by fiction of law, v. 512.
  - — Exclusion of, as a protection, i. 576.
  - — Exclusion of evidence an instrument of, vii. 339.
- ARBITRATION**—Provisions for, in the Constitutional Code, ix. 552-553.
- Historical notice of the act for sanctioning, v. 203.
  - Defects of the system of, vi. 481 n.
  - as necessitated by defects in judicial procedure—a grievance in Petition for justice, v. 469, 521.
  - Inconveniences attending the system of, iii. 329-330.
  - Causes sent from juries to, ii. 122.
  - Recourse to, necessitated by the state of the law of procedure, v. 35-36.
- Archaic**, as a division of the sources of motion, distinguished from Antactic, viii. 144.
- Archaiology**—Connexion of, with Geognosy, viii. 34.
- Archer**—the name of a fellow-student of Bentham's, x. 40.
- Archer, Mr and Mrs**—connexions of the Bentham family, x. 14-15.
- Archetypal**—the word explained, vi. 122 n.
- Archetypal draught**, or draught for preliminary authentication defined, vii. 186, 194 n.
- Archetypation explained**, as a means of exposition of fictitious entities by paraphrasis from real, viii. 246.
- Operation of, for explaining the nature of a fictitious entity, viii. 126-127.
- Archetype and Type**, or thing signified and sign—Relation between, viii. 331-333.
- Archimedes**—Mention of, viii. 459.
- Architect**—How far imagination necessary to the, viii. 76.
- Architectural arrangements for the public offices**, tending to facilitate the proceedings, and to secure rectitude, &c., ix. 325-333. *See* Ministers collectively—Architectural Arrangements.
- Architecture**—Dependence of good government on the arrangements of, ix. 165.
- Influence of, as exhibited in the Panopticon, iv. 39.
  - Stage it should occupy as a branch of education, viii. 15.
- Arcot**—Nabob of, Question as to the debts of, v. 322.
- Arden, Lord**—Mention of, v. 159.
- Areopagus**—Court of, noticed, vii. 432.
- Arguelles**—Antonio. Efforts of, for the promulgation of Bentham's Works, viii. 491-492.
- Arguelles**—Don Augustin. Letter from, requesting opinion on Jury Trial, iv. 570.
- — — Casual mention of, x. 546.
- Arguelles**—Don José Canga. Letter from, on the proposal to draw a code of Laws for Spain, iv. 570-571.
- Argument**—Description of the use of, in debate, and of the motives that prompt each party to contend for victory, viii. 236-238.
- Feebleness of, to operate against interest, x. 511.
  - The fallacy of diverting attention from, to the motives of the user, iv. 417.
- Arguments**—Truth of, not affected by the character of the person using them, ii. 415-417.
- Arguments**—Fallacious. *See* Fallacies.
- Argumentation**—Character of treatises on the art of, ii. 379.
- ARISTOCRACY**—Creation of an; its influence on society, and the interests that occasion it, and operate through it, examined, ix. 78-92.
- Divisions and Party rivalry in—how far beneficial to the Public, viii. 570-571.
  - their jealousy of the extension of education to the working classes, viii. 20-21.
  - get all the benefit of the system of laudation in biographies, &c., ix. 61-62.
  - more the enemies of the many, than the many are of them, ix. 143-144.
  - Decayed. Plea that they should be supported by the nation, combated, v. 305-307.
  - Opposition of the interests of an, to that of the People, i. 245.

- Aristocracy**—Feelings with which it regards the People, iii. 620.
- Government by. Blackstone's views of the qualifications of, criticised, i. 275-277, 279-280.
  - as coadjutors of arbitrary power, ii. 283.
  - Ascendancy of the interest of, in the constitution, iii. 438-445.
  - Power of the, increased by the Revolution, iv. 446-447.
  - The mendacity license favours, to the prejudice of the poor, ii. 58.
  - not co-equal with a monarch, but his dependants and instruments, ix. 140-141.
  - Nature and effect of an, considered, in the address to France on second chambers, iv. 419-450. *See* Peers.
  - The interest that operates with the members of, in the Public-opinion Tribunal, ix. 43-46.
  - despise honours that are open to competition by merit, ii. 194-195.
  - Partiality of popular electors for the, illustrated, iii. 467-470.
  - Hereditary—Influence of, on the fund for rewarding services, ii. 201.
  - The various kinds of, that naturally exist, and the additions made by a monarchy, iv. 558.
- Aristocracies**—never known to abdicate, as monarchs have done, iii. 527.
- Exemptions of, from punishments, ii. 196.
  - Punishment of death encouraged by, i. 531.
  - have an interest in classes being privileged to commit offences; because being powerful they will secure the privilege to themselves, ix. 44.
  - their influence on the minds of men, through the operation of taste and fashion, ix. 46.
- Aristocratic Privileges**—France happy in the abolition of, iv. 321.
- ARISTOTLE**—Estimate of, as the Father of Logic, viii. 217-218.
- his dictum of the barrenness of money, iii. 16.
  - what he meant by metaphysics, considered, viii. 220-221. Offshoot of Logic, ib.
  - Extent of his inquiries into fallacies, ii. 379.
  - How far the author's work on Logic based on, viii. 218.
  - described as an observer and inventor— inventor of Logic, viii. 76.
  - Casual notices of, i. 237 n; ii. 203, 356 n, 442; iii. 234 n; vi. 239; viii. 83 n, 266, 267, 282, 291; x. 582, 585.
- Aristotelian Logic**—clouded by the want of a knowledge of the difference between real and fictitious entities, viii. 120.
- — Division of causes in, viii. 210.
  - — The influence of, on modern Europe, viii. 217-218.
- Aristotelian Logic**—The dialectic branch pursued in, to the neglect of the tactic, viii. 218.
- — Narrowness of the field of, viii. 220.
  - — Character and nature of the *Præcognita* of, viii. 221.
  - — The definition of, by Sanderson, criticised, viii. 232.
  - — The *utilitates*, or uses of, criticised, viii. 221, 232-233.
  - — The *fnis*, or end of, as separated from the uses, criticised, viii. 233-234.
  - — Functions of, criticised, viii. 234.
  - — Object, matter, and subjects of—the terms criticised, viii. 234.
  - — The predicaments of, examined, viii. 234-236.
  - — Mode of discussion in, compared with the Socratic, viii. 236-238.
  - — How the disputative branch of, has failed to make discoveries, viii. 238-239.
  - — Notions in, as to exposition, criticised, viii. 242-243 n.
  - — An imperfect account of the process of definition in, viii. 251-253.
  - — Mode of logical division by, criticised, viii. 255-256.
  - — does not contain instruments by which the three kingdoms of nature could have been methodised, viii. 269.
  - — The laws of method of, viii. 273-275.
- Redundance and tautology**—imperfect, as not determinate in meaning, 273. *Lex harmoniæ*, ib. *Lex unitatis*, 273-274. *Lex generalitatis*, 274. *Lex connexionis*, 274. Criticisms on Sanderson, and a new reading suggested, 274-275.
- — Imperfect views in, of the nature of a proposition, viii. 337-338.
- Aristotelian Logicians**—Wrong definition of contradictoriness by, viii. 103-104 n.
- — Propensity of, to attribute to the power of formulas what can only be accomplished by observation and perception, viii. 110 n.
- ARITHMETIC**—Analysis of the simple operation of, viii. 85.
- as distinguished from Geometry and Algebra, viii. 37.
  - a science involving the predicaments of number, figure, and quantity, viii. 287.
  - expressed in the Encyclopedical Sketch of Arts and Sciences by Gnosto-symbolic Alegomorphic Posology, viii. 85.
  - Commentary on the remark that there is no eloquence in, iv. 204.
  - Application of, to measure the extent of utility as indicated by the rationale of a code of laws, iv. 540-543.
- Arms, privilege of bearing should be universal in a free country**, ix. 40, 58.
- arrangement for training the people as volunteers, in the use of, ix. 343-348. *See* Defensive Force—Radical branch.

Arms—Maximization of the number of persons bearing, as a protection against, and a means of recruiting the stipendiary force, ix. 339-340.

— Regulations for the use of, adapted to a Mahomedan state, viii. 585-586.

Army—How far a code of good manners can be enforced in the, ix. 308-309.

— How far it is useful that pay should rise with power in; exaggerated views on the subject, ix. 299-300.

— Clause as to the, in the French Declaration of Rights, ii. 516-517.

— Utility of identification marks in the, x. 414-415.

— A stipendiary, created by the advance of civilisation, ix. 334.

— officers of. Attendance of, in House of Commons without votes, iii. 490 n.

— British—Composition and grades of, ix. 419.

— British—Anomalous system of promotion in, ix. 363. *See* Defensive force.

— British—Quantity of supernumerary officers in, ix. 360-361.

— British—The number of high paid grades in, and the costly system of, ix. 230.

— Employment of, for useful purposes, such as guarding exterior of prisons, iv. 164-165.

— Provisions applicable to, by the Constitutional Code. *See* Defensive force.

— Method of registering the stock of stores for the use of, by plans and models, ix. 238-241.

— Profuse expenditure in, incident to a monarchy, ix. 32.

Army Minister—Provision for, in Constitutional Code, ix. 437-438. To give execution to the Army Code, and the orders of the Prime Minister, 437. Functions, and the things that are their subjects, 437-438.

Army—Standing. Increase of the, animadverted on, iii. 443-444.

Arrangement as one of the human faculties, viii. 75 n.

— or methodisation, as a department of Logic, viii. 259-275. *See* Methodisation.

— or methodisation, considered as a mental operation in connexion with Logic, viii. 226-227.

— Methodical, of the laws, advantages of, i. 324.

— of a science—Advantages of a natural, i. 138.

— Technical and natural, distinguished, i. 237-238.

— Considerations regarding, in a code of laws, iii. 161-163.

— Meaning of the word, as politically employed, ix. 223.

Arrangements—Logical, or instruments of invention and discovery, iii. 285-295.

— Unapt, as a defect in the composition of laws, iii. 252-253.

Arrest—Sanctuaries from, considered, i. 432.

— Reduction of evils of, vii. 250-251.

— for debt, v. 491-497; vi. 179. *See* Imprisonment.

— of defendant without warning—Occasional necessity for, vii. 231-232.

— in meane process—Observations on, ii. 63, 104, 169, 178; iii. 351-352.

— — Introduction of oath before, vii. 264 n.

Arrests—arbitrary. Terms of the French Declaration against, criticised, ii. 510-511.

— *See* Imprisonment.

Arrestation of the person—Purposes for which, and conditions on which it should take place, ii. 116-117.

Arrestment in Scotland ranked among complex actions, ii. 81.

Arrogance—Official. How covered by a veil of modesty, ii. 411.

Arsenals—Method of registering, and giving the means of immediate cognition of national stock in, by plans and models, ix. 238-241.

Arson—dangerous nature of the crime, iv. 222.

— Application of analogical punishment to the offence of, i. 407.

Art—Facts belonging to, becoming the subject of evidence, vi. 5 n.

— as contradistinguished from science, predicates practice, viii. 27.

ART AND SCIENCE—Abortive efforts to draw a line of distinction between, viii. 26-27.

— — — The impracticability of a permanent arbitrary division of the field occupied by, vii. 27, 240-241.

— — — Provisions for the cultivation of the various kinds of, i. 317-318.

— — — Relation to utility as a bond of connexion for the branches of, viii. 241.

— — — Reward applied to, ii. 252-260; —

— — — Divisions of, ii. 252-256. Erroneous idea of power to draw a distinct line, 252-253. Division into the amusing and curious, and the useful, 253. Fine Arts in the former, ib. Utility of Fine Arts—dependence on enjoyment from the, 253-254. Innocent recreations, 254-255. Satiists censured, 255. Difficulty of line between those of immediate and of remote utility, 255-256.

— — — advancement of—Method of encouraging, ii. 256.

— — — Diffusion of, ii. 256-260. Professorships and other establishments in central towns of districts, 257-258. Encouragement to reading, 258. Classical learning compared with scientific, 258-260.

— — — How to apply the system of bifurcate exhaustive division to any given part of, viii. 118-121.



- ART AND SCIENCE**—Analysis of the field occupied by, viii. 283-286. Terminations and method of derivation of the technicalities, 283. Somatics and Psychics, 284. Physioplasmic and Anthropoplasmic Somatics, or natural history and natural philosophy, *ib.* Defects of these latter terms, 284-285. Ageledoscopic and Choristoscopic Somatics, 285-286. Branches of Choristoscopic Somatics furnished by the predicaments, place, motion, time, number, figure, quantity, 286-288.
- — — Use of an analysis of, with a nomenclature adjusted to the nature of the divisions, viii. 289-291. Enabling an all-comprehensive survey to be taken, with no omissions, 289-290. Showing mutual relation and connexion, 290. Enabling an estimate to be made of comparative utility, *ib.* The author's system of division and the use of a new nomenclature vindicated, 290. Examination of the Dichotomous or bifurcate division, showing that others may happen to be exhaustive, but this the only one that is so of necessity, 290-293.
- — — Specimen of a new encyclopedical sketch of, with a table, viii. 82-95. *See* Encyclopedical.
- — — Essay on Nomenclature and Classification of, viii. 63-128. *See* Nomenclature.
- — — vulgarly considered fields of exertion distinct, not only in degree, but in kind, from the ordinary business of life, viii. 239-241.
- — — Application of Logic to the advancement of, viii. 241-242. Augmentation of happiness the proper end to be kept in view, 241. Reason to be followed instead of habit, 241-242.
- — — Invention in, with mementos for avoiding and overcoming impediments, viii. 275-279. *See* Invention.
- Arts**—Advantage of having a system of technology in relation to the manual operations of, with a rationale or explanation, viii. 148-150.
- Letter to Adam Smith on projects in, and on the argument that the usury laws discourage projectors, &c., iii. 20-29.
- New. Distress frequently occasioned by, to workmen, viii. 576.
- Cultivation of—Effect of, on society, i. 541.
- The society for encouragement of, characterized, iii. 28.
- Arts**—Fine, waste in national expenditure on, ix. 201, 251.
- Arts and Manufactures**—Technology of, as a branch of Chrestomathic instruction, viii. 38-39.
- Articles**—the Thirty-nine—of the Church of England—Bentham's subscription of, at Oxford, and the influence of the circumstance on his mind, x. 37.
- Articles, the Thirty-nine**—Immorality inculcated by subscription of, at Universities, ii. 210, 264-265.
- — — — Subscription of, the adoption of a code framed in a time of ignorance and violence, ii. 397.
- — — — arrogate infallibility, v. 209-210, 229.
- — — — Effect of, on the legislative duties of the bishops, ii. 468.
- — — — should be called articles of war, not of peace, ii. 265.
- — — — do not enjoin, only permit oaths, v. 220.
- Articles of Faith**—how subscription to any, enfeebles the mind, x. 144.
- — — Effects of subscription to, despotism and profligacy, iv. 382 n.
- — — A claim of infallibility by a church, v. 209-210.
- Articles of Peace** in religious questions—Immorality in, i. 564-565.
- Articles of accusation**, in Ecclesiastical court, vi. 493.
- Articles of War**—The brevity and distinctness of, contrasted with the state of the Laws, xi. 11.
- — — Illustration from, of attempt to enforce code of good manners, ix. 308-309.
- Artillery**—Nature of the, as a branch of the defensive force, ix. 349-350.
- Promotion in the, by seniority, when it ought to be by special skill, ix. 363.
- Artillerymen**—The various kinds of, in use, and their respective efficiency, ix. 398-399.
- Artois**—Duc D', (afterwards Charles X. of France,) Rumours as to intrigues by, x. 216.
- Ascendants**—Succession with regard to, i. 335.
- Ascendency**—Democratic, as a remedy for abuses, iii. 445-451.
- — — Illustration of the Advantages of, in the History of the Irish Volunteers, iii. 613-620.
- Asceticism**—Nature of the principle of, as adverse to that of utility, i. 4-6. Religious and Philosophical growth, 4-5. Not carried to considerable length in the business of government, 5-6.
- Ashburton**—Lord. *See* Dunning.
- Lady, proposed to the author, by Lord Shelburne, i. 253.
- Ashurst**—Truth *versus*—Pamphlet called, v. 231-237.
- Ashurst**—Sir William—his opinions on the law in his charge to the Middlesex Grand Jury, controverted, v. 233-237.
- — — on Exclusion of Evidence, vii. 340.
- Assassination**—Duelling as a succedaneum to, i. 542-543.
- in barbarous times occasioned by oaths, vi. 318.
- Assault**—Multiplicity of actions, and vari-

- ous methods of prosecuting for, ii. 175-176; v. 485; vi. 467.
- Assault**—Places taken by, an exception to the rule that capture should take place only on the property in the hands of the government of the enemy, ix. 382.
- Assembly**—Constituent, of France. Examination of the Declaration of Rights of, ii. 491-524. *See* Declaration.
- National, of France. Draught of a code for organization of judicial establishment, by the Committee of, commented on, with a succedaneum, iv. 285-406. *See* Judicial Establishment.
- — — — — Remarks on the method of procedure in, ii. 330-331 n.
- Assembly**—Legislative. Essay on the Political Tactics of an, ii. 301-373. *See* Legislative Assembly: Tactics.
- — Publication of debates of, vi. 78-79.
- Assemblies of the People**—Tactics of, modelled on those of the legislature, when it is open to the public, ii. 311.
- — — Reasons for liberty to, ii. 281.
- Assemblies**—Provincial, of France. Censure on the method of voting, and proposing and passing motions in, ii. 337-341.
- Assemblies**—Riotous. Proper methods of dispersing, i. 370-371.
- Assertion**—False, wherein it consists, vi. 227.
- and evidence—False distinction between, vii. 266.
- Paradoxical. The fallacies of, ii. 462-466.
- Assessment**—Amount of, and how adapted to amount of means, ii. 110.
- Assessors to Judges**. Employment of Quasi Juries in the capacity of, ii. 141-158.
- the earliest species of juries, v. 69.
- Assets of deceased person**—how far they should be liable in compensation for offences, i. 524.
- Assignees**. Account of provision for, in Despatch Court Bill, iii. 311-312.
- in Bankruptcy. Circulating annuity notes as an investment for funds in the hands of, iii. 144.
- Assistance**—Every one bound to give, in case of danger, i. 164.
- Assizes**—Banding of causes at, vii. 237-238.
- Length of interval between, vii. 243, 372.
- Associates**—Imputations regarding the character of—a fallacy employed in debate, ii. 416.
- Association**—The pleasures and pains of, i. 19-20.
- Effect of, in giving vivacity to an impression, vi. 252.
- or Assembling—Right of, as a means of preserving tranquillity, i. 576-578.
- Association**—Catholic—Subscription to, and opinion of, x. 544.
- Association**—The Irish volunteer—Advantages of democratic ascendancy illustrated in the history of the, iii. 613-620.
- Assumpsit**—Action of, described, vi. 314.
- Assumption**, arrogance, insolence, &c., as designative of motives, i. 201.
- Assurance of lives of convicts by manager of Penitentiary**, i. 498.
- Astrology**—an instance of a term which has dropped out of the Nomenclature of Art and Science, viii. 27.
- Illustrations of judicial absurdities from, vii. 210-211.
- Astronomy**—a science involving the predicament of place, viii. 286.
- Uranoscopic Physiurgics substituted for the term, in the Encyclopedical Sketch of Art and Science, viii. 86.
- Extent to which a knowledge of, may be useful to the working classes, viii. 24-25.
- The doubt whether it belongs to natural history or natural philosophy, an illustration of defective nomenclature, viii. 70.
- one of the studies to which both geometry and algebra of use, viii. 161.
- Asundeton**, as a rhetorical figure, defined, viii. 81 n.
- Ataxiologica**—Tabula, of the several ends of a code of political taxes, and the corresponding inconveniences, ii. 304-305.
- Atheism**—Charge of, when made by lawyers, vi. 149.
- no good ground for excluding a witness, vi. 106; vii. 420-423. Cannot be proved by extraneous evidence, 421. If admitted, shows the witness's regard for truth 422.
- Atheists**—Mischievous effects of rejecting the evidence of, v. 457, 459, 513; x. 582. Invests them with the power of pardon, ib.
- Application of tests to, iv. 383-384. If he swallow the test it fails of its end; if he do not, he shows his superior sincerity, ib.
- Athenians**—The injustice of, no argument against popular power in more enlightened times, iv. 363.
- The—Cultivation of athletic exercises among, ii. 227.
- Athenian Republic**—popular fallacy of its being a Democracy, i. 277 n f.
- Athens**—Respect paid to the literary character of, i. 317.
- Love of public amusements in, i. 318.
- Atlantic and Pacific**—Proposal of a junction of, by the operations of a joint-stock company, ii. 561-571.
- Atmosphere**—The, defined, viii. 32 n.
- Atrocity of an offence**—how far a ground for incredulity, vii. 115-117.
- Attachment**—Personal, Domestic, &c., as designative of a motive, i. 202.
- Procedure by, vi. 468, 476-477; vii. 497, 512.

- Attachment—Motion for—Plaintiff's evidence taken in, vii. 490.
- Attempt by Lord Mansfield to extend the operation of, xi. 62-63.
- of property for debt, &c. Principles that should regulate, iii. 354-355.
- Attachment—Foreign, noticed, iii. 355.
- Attacks upon property—Evils resulting from, i. 309-311.
- upon security—Examples of, i. 318-321.
- Attaint of a jurymen. The punishment characterized, v. 70.
- Process of, is historical evidence of the intimidation applied to jurymen, v. 480.
- Attempts as affording evidence of delinquency, and infirmative circumstances applicable, 20-22.
- Attendance. Adjustment of salaries to the procurement of, ii. 238.
- Constancy of, in the case of police magistrates, v. 336-338.
- and remuneration—Plan for connecting, in the case of members of a legislature, ix. 163-166.
- in Parliament—Securities for constancy of, as an element of reform, iii. 495-511. *See* Parliament.
- in Parliament. Plan for securing, iii. 544-546.
- Constancy of, urged on members of Parliament, iii. 457-458.
- of members of Parliament—Evils of the want of, and means of remedy, ii. 323-325.
- Personal, of parties in courts of justice—Uses of detailed, ii. 34-35.
- Personal, of defendant—Uses of, ii. 78.
- Attention—Nature of, as one of the human faculties, viii. 75 n.
- employed in enabling the imaginative faculties to invent, viii. 76.
- as a mental operation of Logic, viii. 224.
- as one of the mental faculties, viii. 281.
- applied alternately—is comparison, viii. 281.
- held to be at the command of the will, vii. 571.
- Want of, in as far as it may be necessary to truth, should be punished, vi. 296.
- Attestation—Formulary of, enables original to be distinguished from transcript, vii. 147.
- of deeds, vi. 516, 525-526.
- — only certifies recognition, vi. 517 n.
- — Object and proper practice of, i. 551.
- of wills, vi. 538-541.
- — Aberration of English law as to, vi. 542-551.
- Attestative satisfaction, as applicable to certain offences, i. 375-376.
- Attesting witnesses—Authentication by, vii. 176-177.
- — to deeds—Use of, vi. 525-526.
- — should be more than one as an impediment to forgery, vi. 538.
- Attesting witnesses—Considerations as to the evidence of, regarding authenticity of the script, vii. 191-192.
- Attorney—Origin of the functions of, ii. 51.
- Client's communication to, should not be exempted from evidence, vi. 99, 100; vii. 473-479. *See* Client.
- Situation of the interests of, in taking opinion of counsel, vii. 316-317.
- has to bear all the odium incurred by the legal profession, vi. 111; vii. 233, 267.
- Warrant of, its nature, vi. 480-481.
- Attorneys—Procedure by attachment in disputes between, vi. 476.
- would be the chief sufferers by law reform, v. 505.
- Employment of mendacity license by, ii. 58.
- Provisions as to, in Constitutional Code, ix. 589-595. *See* Lawyers.
- Evil of keeping the profession of, distinct from that of counsel, iv. 318-319.
- considered as Judiciary assistants, ix. 461.
- The absurdity involved in their taking an oath to act correctly, iv. 382 n ¶.
- *See* Lawyers.
- Ecclesiastical, uses excommunication as a means of getting his bill paid, i. 515; vii. 425.
- Attorney-General—nature of his office, iv. 404-406. Powerless for good purposes—chief use, instrument of the passions of the ruling party, 404-405. Exertions chiefly directed against liberty of the press, 405. Subject to directions of Treasury Board, ib. His power to stop private prosecutions; a clumsy recourse instead of repealing bad laws, 405-406.
- — Power of, to restore competency of witnesses by confessing to errors in the record, vi. 436-438.
- — Tyranny exercised by, through *ex officio* informations, iii. 416-417 n.
- — His official opposition to claims for dormant Peerages, ii. 220.
- Attributives—good and bad, virtuous and vicious, &c.—Proper application of, i. 216-217.
- Auckland—Lord. *See* Eden, William.
- Auction—Application of the principle of, to all disposals of Crown property, v. 325-328.
- Forms in which sale by, is liable to fraud, ix. 247.
- The Patriotic, by which judicial offices offered to the bidding of qualified persons, for the public behoof, iv. 372-378.
- — *See* Pecuniary Competition.
- Audi alteram partem*—the adage carried out, vi. 341-342 n; vii. 542.
- Audience at Public Offices—Architectural arrangements for facilitating, ix. 328.

**Audit Courts**—Nature of suits in, ii. 88.

- The various kinds of, and the principles on which they should be made exceptional to the ordinary tribunals examined, ix. 457-458.

**Audition**—Judication without, in England, ii. 74.

**Auditor** considered as a judge, ii. 83.

**Auditors of public accounts**—Abuses as to fees of, vii. 200 n †.

**Auditory**—Admission of an, to legislative assemblies, ii. 326-327.

**Aunt and nephew**—Reasons for prohibiting marriage between, i. 350.

**Australian Colonies**—Self-emancipation of, predicted, iv. 418.

**Austria**—Loans to, an illustration of monarchical profusion, ix. 33.

- Despotism and secrecy of procedure in, vi. 504.
- Law of, noticed, vii. 18.
- State of feeling in the army of, ix. 422.
- Circumstances of the abolition of torture in, i. 414.
- Security to Protestants in, ii. 417.

**Authentication** considered at large, in the *Rationale of Evidence*, vii. 174-195 ;—

- Definition of, and connexion with pre-appointed evidence, vii. 174.
- Subject matters of, vii. 174, 175. Application of, to real, oral, and written evidence, ib.
- Modes of, in the case of written evidence, vii. 175-181. Topics of inquiry with regard to, 175, 176.
- Modes of, in the case of private contractual evidence, vii. 176-180. Direct, 176. Circumstantial, 177-180.
- Modes of, in the case of written official and casually-written evidence, vii. 180-181.
- Provisional distinguished from definitive, vii. 183-184.
- Rules for, vii. 185-188. Preliminary meeting of parties, 185. Archetypal draught for provisional decision, &c., 186-188.
- Aberrations of English law regarding, vii. 188-195. No provisional, 188. Exclusion on testimony of parties, 189-190. Witnesses non-attesting excluded, 190-192. Admission of instruments without authentication, 192-193. Plans adopted when document in power of adversary, 193-195. Official evidence, 195.
- of the minutes of courts, vi. 415-419.
- of preappointed evidence, *ab intrá*, and *ab extrá*, vi. 513 n, 515-516. The various kinds of, ib.
- of wills—Aberrations of English law as to, vi. 542-551.

**Authenticity**—Modes of disproving, vii. 181-183. See *De-authentication*.

**AUTHOR**—(for the events of the author's Life, as recorded in the *Memoirs*, see *Bentham*.)

**Author**—Historical Preface of, to the second Edition of the *Fragment on Government*, i. 240-256. Confirmation of his view that Governments only act for the happiness of those who exercise them, 240. Reception of the *Fragment*—reputed authors, 240-241. Principles on which it was founded, 242-244. Principle of Utility from Hume, ib. Adverseness to it, of legal fictions, 243-244. Reason for introducing anecdotes illustrating the effect produced on sinister interest by the appearance of the work, 244. Preparation of a universal code—fundamental principles of the constitutional branch, 244. Notice of Wedderburn, 245-246. Mansfield, 246-248. Acquaintance with Martin, and drawing up agreement about Lord Mansfield's portrait, 246-247. John Lind, 247. His remarks on acts of the 13th Parliament, and the author's contributions to, 247. Ignorance of the effect of influence and party, 248. Visit to Bwood, 248. Lord Shelburne, 248-249. Dumont, Romilly, 249. Lord Camden, 249-250. Dunning, 250. Colonel Barré, 250-251. Attack on deodands, ib. Miss Pratt and Lady Ashburton, 253. General deductions from the conduct exhibited towards him, 254. His work attributed by Blackstone to a Scotsman—probabilities for the presumption, 254-255. Blackstone and Eden's communications on the hard labour bill, 255.

- Obligations to the writings of Hume, and effect of High Church and Tory education on, i. 268 n.
- Dumont's account of his *Principles of the Civil Code*, i. 299-300.
- Dumont's account of the *MSS. of The Theory of Rewards and Theory of Punishments*, i. 388-390.
- His explanations regarding the preparation and subject matter of his *Principles of Morals and Legislation*, i. 1-v.
- List of the works intended to be prepared by him, as preparatory to the body of the law *in terminis*, i. III.
- shocked, when a youth, at the levity with which false affidavit treated, vi. 465.
- Incident observed by, in a Turkish vessel, vii. 94.
- how led to comment on Blackstone, i. 227-229. Digression of Blackstone, and division of the author's work, 228-229. Reason for making war on the Commentaries, 229.
- His experience of Chancery practice in the fictitious attendances, v. 349.
- Allusion to his draught of an act for the Panopticon, and the reception it met with, iii. 251-252 n.
- Anticipation of multitudinous corre-

- spondence regarding Petitions for justice, v. 440.
- Author—Suggestion by, of an invention called The flash pump, viii. 135-136.
- Reasons for his classification of offences, i. 137-139.
  - His attention to the subject of punishments, ii. 512.
  - Details that he would have worked out for the project of extending escheat, had his plan been adopted, ii. 588-589.
  - Communication of, with Sir George Rose, on protest against law taxes, ii. 582.
  - Note by, on the Empress Catherine's scale of Ranks, Dumont's views on Pensions of Retreat, and his own latter opinions on these subjects, i. 191.
  - Date of his address to fellow citizens of France on Death Punishment, i. 525 n §.
  - His instruments of Invention and Discovery, or Logical Arrangements, iii. 285-295.
  - His reasons for making new words, i. 133-134 n \*, 138.
  - His obligations to Adam Smith, in. 20.
  - Adam Smith's acknowledgement to, of erroneous opinion on the Usury Law, iii. 51 n.
  - Advertisement of, to Letters to the Spanish people on Liberty of the Press, i. 276.
  - His change of opinion regarding the sinister designs of rulers, i. 5 n.
  - Account of his Panopticon system, i. 498-503.
  - Panopticon of, referred to, under the head of competition as to rewards, ii. 229.
  - Brief statement of his disappointments in reference to the Panopticon scheme, iv. 171-172. *See* Panopticon.
  - His offer to prepare gratuitously a General Code of Laws for the use of the United States, iv. 453-467.
  - Regret by, that the popularity which has attended his exposures has not produced the removal of the evils, ii. 58.
  - His classification of fallacies, ii. 381.
  - His projected works on the Poor Laws, viii. 361-362.
  - State of preparation of the various departments of his proposed Pannomion, iv. 465.
  - Allusion to a Penal Code in preparation by, iii. 363-364 n.
  - Account of the circumstances under which he prepared "The Mode of Proceeding in a Political Assembly," &c., ii. 330-331 n.
  - Circumstances under which he wrote the Tract on Parliamentary Reform, in. 435.
  - account of the MSS. of his Principles of Judicial Procedure, and of the circumstances under which the Initial Sketch was written, ii. 2.
- Author—Account of the MSS. of his Rationale of Reward and of Punishment, ii. 191.
- Account of the MSS. from which his Book of Fallacies edited, i. 376.
  - Account of the MSS. from which his Principles of International Law collected, ii. 536.
  - Account of the MSS. of his Junctiana Proposal, ii. 561 n.
  - Account of the MSS. of his plan of circulating Annuities, iii. 106.
  - Account of the MSS. of his general view of a complete Code of Laws, iii. 156.
  - Account of the MSS. of his Pannomial Fragments, iii. 211 n.
  - Account of the MSS. of his Despatch Court Bill, iii. 320.
  - Account of the MSS. of his Book of Fallacies, iii. 544 n.
- Authority—Fallacies of, ii. 387-398 ;—
- Analysis of, ii. 388-391. Ingredients which give weight to opinion, 388. Causes of deficiency, ib. Motives—influencing not only expression but opinion, ib. Scientific or professional highest, 388-389. Power, 389. Opulence, ib. Reputation, ib. Increase of power without responsibility weakens, 389-390. Closeness of relation between subject and object, 390. Fidelity of medium, ib. Ignorance of those appealing to the authority increases its influence, 390-391.
  - Appeals to—in what cases fallacious, ii. 391-393. Introduction of, where reasoning could be had, 391. Especially where there is an interest to mislead, 391-393. Persons who thus give up the right of judging for themselves, instead of being humble are overbearing, 392-393.
  - Causes of the employment and prevalence of the fallacies of, ii. 393-394. Idleness, 393. Want of talent, ib. Irresponsibility, 293-294.
  - Remedies against the influence of fallacies of, ii. 394-395.
  - Illustrations of fallacies of, in the opinions of lawyers and churchmen, ii. 395-398.
  - General precautions against the abuse of, i. 570-578. Division and distribution, 570-571. Appointing and displacing to be in different hands, 572. Shifting governors at short intervals, 572. Rotation of governing bodies, 572-573. Secret informations, 573-574. Sovereign who cannot read all applications to him, to select by lot, 574. Publicity to the reasons, &c., on which acts of government founded, 575-576. Exclusion of arbitrary power, 576. Use of fixed forms, ib. Right of association, 576-578.
  - Conflicts of, between administrative departments—Means of terminating, ix. 452.

- Authority**—Checks to, a leading end of the Constitutional Code, ii. 270-271.  
 — Submission to, as an extenuation of crime, i. 79.  
 — Influence of, on matters of law, iii. 16.  
 — Effect of, in producing belief, vii. 109-110.  
 — influence, &c.—Pleasures and pains of, with the corresponding interest and motives, i. 199.  
**Authorities (Political)** The, created in terms of the Constitutional Code, ix. 153-154.  
 — — in a state—Nature and grades of, ix. 96.  
**Authorities (Literary)**—Necessity of quoting in historical works, ii. 364 n †.  
**Authority-begotten prejudice.** A source of fallacies, ii. 478-479.  
**Autobiography, or self-biography**—Egotism necessary in, ix. 5.  
**Authorship**—Anonymous—Opinions on, x. 82.  
**Autograph writings**—Superior advantages of, especially for wills, vi. 535-537. Recommendations as to the mode of making alterations in, 536-537.  
**Autography as a means of authentication** *ab intrá*, vi. 515.  
**Autothetic judicature, (viz., constituted by common or consuetudinary law)**—Position of, as a branch of ethics in the Encyclopedical Sketch of Art and Science, viii. 95.  
**Auxiliary judges, in proposed Despatch Court, to perform the functions of the master, adjust divisions, &c.,** iii. 395-406.  
**Auxiliary verbs**—Employment of, with substantives, for purpose of distinctness, iii. 268; x. 569; xi. 72.  
**Avarice as a motive, i. 50.**  
 — cupidity, &c., as designative of motives, i. 198.  
**Aversion**—Nature of, i. 53.  
 — Synonyms to the word, i. 208.  
 — Source of the existence of, i. 211.  
**Avis**—The family of. Notice of, as connected with the Bentham family, x. 1.  
**Avoidance of justiciability as evidence of guilt,** vii. 50-53.  
**Awards**—Motions on, vi. 480-481.  
**Awkwardness**—The pains of, i. 19-20.  
**Axiom**—The nature of an, ix. 5.  
 — Nature and properties of an, iii. 215.  
**Axioms of mental pathology, iii. 224-230.**  
*See Pathology.*  
**Azooscopic Embioscopes, or Botany**—Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.
- B**
- Bacon, (Francis Lord)**—his tabular arrangement of human knowledge—Dugald Stewart's Remarks on, viii. 6-7.  
**Bacon, the inventor of the art of learning** Natural History and Natural Philosophy, viii. 76.  
 — D'Alembert's Encyclopedical map professed to be taken from, and the reasons, viii. 73. Comparative merit therein of the two philosophers, ib.  
 — His opinion that laws should not be accompanied with reasons controverted, i. 159.  
 — Vestiges of the superstition of his age in, viii. 77-78.  
 — Defects of his Sketch of a Code of Laws, iv. 506.  
 — His apology for himself animadverted on, iv. 340-341 n.  
 — His taking bribes referred to, vii. 216.  
 — Casual notices of, i. 157, 282; ii. 498; iii. 273, 285, 439; iv. 512, 532; v. 26, 27, 71, 113, 341, 375, 590, 606; vii. 88, 556; viii. 99, 110, 127 n, 241, 277, 427, 428; x. 10, 470, 587.  
**Bad**—Impropriety of the application of the term to species of motives, i. 214-216.  
 — Proper application of the term, i. 216-217.  
**Badness in design, character, and motive**—as fallacies employed in debate, ii. 414-416.  
**Bail**—as an operation in procedure, ii. 25.  
 — finding of—Preventive effect of, i. 368.  
 — The finding of, made an instrument of corruption and oppression, v. 496.  
 — Examination of, an instance of a party interrogated, vii. 503-504.  
 — Common, characterised, vii. 283, 284-285.  
 — Holding to for debt, vi. 333 n.  
 — Equivalents for, in friendly bondsman-ship, in Principles of Procedure, ii. 103, 105.  
**Bailing system**—The, animadverted on, iii. 386.  
**Bailly, J. S., President of the French National Assembly**—Mention of, x. 216.  
**Balance**—Criticism on application of the term to the Constitution, iii. 450-451.  
**Balance of Power.** Use of the term as a vague generality, ii. 445-447. Inapplicable to the operations of a government, 445-446. Infers rest, and in this capacity applicable to the intercourse of nations, 447.  
 — — — makes room for more evil than good, ix. 123.  
**Balance of Trade**—The real, consists of the quantity of the produce of labour received over what given, iii. 70.  
**Baldwin, Mr**—mention of, xi. 134  
**Balistics**—defined, and located in the Chrestomathic system of instruction, viii. 33.  
**Balloons**—Theory of credibility illustrated from, vii. 93, 94, 100.  
**Ballot**—The, as a means of securing freedom of suffrage, iii. 453-454.

- Ballot—The. Arguments for, iii. 487-490.
- Bribery would only have the feeble support of gratitude, 487. Poorest, if at the trouble to vote, would do it in direction of general interest, 488. Effect of universal suffrage without the ballot, ib.
- People unprotected *ought* to vote for general interest, but *won't*, 488-489. Difference between its operation in elections and in legislatures—inapplicability to the latter, 489-490.
- The reduction of expense of elections by; no concourse of people, treating, or litigation, iii. 547, 558-559.
  - Objection to the, that electors would vote according to their selfish interests, answered, iii. 547-548.
  - Importance of, as an element in reform, iii. 558-559.
  - Objection to, that voter will tell how he votes, answered, iii. 559.
  - Importance of, though unaccompanied by other reforms, iii. 562.
  - The, with reference to publicity and secrecy of voting, ii. 368-369. Would not destroy influence of mind over mind, 369.
  - The propriety of urging, before the rest of the reform projects, inquired into, x. 601-602.
  - Why the Whigs inimical to the, x. 599.
  - Letter to Sir Francis Burdett on the, x. 494-495.
  - Practice of the, as laid down in Reform Catechism, iii. 540.
  - The. Apparatus for accomplishing voting by, in Radical Reform Bill, iii. 571-574.
  - Form for conducting election by means of the, iii. 577-579.
  - Objection to, as a vague word, x. 587.
  - Secrecy of suffrage a preferable expression to, ix. 107.
  - Vote of juries by the, considered, n. 132.
  - Provisions for judges in proposed Despatch Court being elected by, iii. 333.
  - Casual notices of the, i. 573; ii. 453.
- Banding causes from court to court, vii. 236-239.
- — — — a grievance charged in Petition for justice, v. 473-476.
- Banishment as a punishment, i. 431-435. Nature, 431-433. Extent to which it abridges liberty, 433. Effect of on different professions, ib. Other circumstances influencing inconvenience, 433-434. Compared with relegation, 434. Frugality and exemplarity, 434. Subserviency to reformation, 435.
- Transportation as distinguished from, iv. 276 n.
  - Partial—Preventive effect of, i. 368.
  - liable to be an inequable punishment, i. 91.
  - Circumstances justificative of, ii. 512.
- Banishment—Variability and equability with regard to, as a punishment, i. 403.
- from the presence, as a punishment, i. 436.
  - from presence of injured party—Reasons for assigning, for corporal injuries, i. 167.
  - Wrongful, as an offence, i. 114.
  - Wrongful—Considerations as to, in the transplantation of laws, i. 173-174.
  - Illegal—Securities against, adapted to a Mahomedan State, viii. 587-588.
- Bank of England—Interest of the, with reference to the project of Annuity Notes, iii. 137-138.
- — — Crisis of, in 1797, noticed, iii. 135.
  - — — Opinion on the Restriction of, x. 361.
  - — — Project for the transfer of stock without attendance at the, by circulating annuities, iii. 105-153.
  - — — Directors of the—Their unwillingness to take the proper steps for the prevention of forgery, x. 356-358.
  - — — Effect of operations of, on the currency, iii. 134-135.
  - — — Reports on, noticed or quoted, iii. 111, 133-134 n, 138.
- Banks—Reason why the paper of, circulates more advantageously than that of the Government, iii. 149-153.
- Private—Policy of sanctioning, x. 339-340.
  - Private—Inquiry into the amount of circulation of, in 1799, x. 340.
  - The country—Interest of, with relation to the project of Annuity Notes, iii. 138-139.
  - Savings, or frugality—Plans for, viii. 408-417. See Frugality Banks.
  - — Objection to the creation of, being conceded to the Globe Insurance Company, x. 334.
- Bank notes—Essentiality of a convenient form and material for, iii. 150-153.
- — Forgery of—Correspondence on the best means of preventing, x. 356-358.
  - — The practice of cutting in two, for transmission by post, noticed, i. 536.
  - — See Paper Money.
- Banks—Henry—noticed of, v. 385; x. 111, 112, 118-119, 123.
- Bankers—A proposal to raise revenue by taxing the profits of, ii. 599.
- Limited extent of the loss to, by the diversion of business from them, iii. 138.
  - The London. Interest of, with respect to the project of Annuity Notes, iii. 139.
- Banking should be in the hands of government, x. 338-340.
- Bankrupts—Application of imprisonment to, i. 429-431.
- Secretary of, by the the Bankruptcy Court Bill—nature of the office, v. 566.
- Bankruptcy—Procedure in, vi. 488. Alteration of law, ib. n.

- Bankruptcy causes**—Affidavit evidence in, vi. 42.
- and Insolvency—factitious distinction between, vi. 180; vii. 383 n.
- Petition in—debts proved by bad evidence in, vi. 432.
- Method of accommodating the proposed Despatch Court to procedure in, iii. 428-430.
- National—The evils of a, iii. 610-611.
- National—Frequent occurrence of, in France, i. 319.
- Bankruptcy Court Bill**—Lord Brougham's, criticised, v. 565-610.
- — — Patronage created by, v. 566, 596-599.
- — — The number of appeals created by, v. 568.
- — — Uncertainty of the procedure created by, v. 568-570.
- — — Commissioners and Subdivision Courts created by, v. 569-570, 575-576.
- — — The extent of the fees appointed by, v. 571-572, 583-596.
- — — The Court of Review appointed by, and its duties, v. 573.
- — — Secrecy of judicature in, with its evils, v. 576-577.
- — — Proposed amendments to, v. 578-580.
- — — The patronage gained by, compared with the patronage given up, v. 604.
- Bankruptcy Court**—Proper arrangements for a, in opposition to those of Lord Brougham's Bill, v. 578-580. Commissioners to sit singly, 578. To have deputies, *ib.* Each to have a registrar, *ib.* Appointment of principals by the crown, at recommendation of the Chancellor, *ib.* No fees, 578-579. Order of business to be determined by lot, 579. Official assignees with salaries and power to appoint deputies, *ib.* Appeal from commissioner to judge, *ib.* Power to judge to establish rules and orders, 579-580. Power to Chancellor to disallow them, 580. Rules and disallowances to be certified to both Houses, *ib.* Salaries not to commence till business commences, *ib.*
- — none in Scotland, v. 607.
- Banks**—Sir Joseph—notices of, viii. 148 n; x. 183; xi. 122.
- Baptism**—Registration of, substituted for that of birth, vi. 573. Law altered, *ib.* n.
- Bar**—The, prejudiced in favour of abuses, v. 588.
- — *See* Counsel: Lawyers.
- Barbarians**—reason of the credulity of, vii. 92.
- Barbarism**—The crimes of, more hurtful than those of refinement, i. 536-537.
- Bargains**—Pecuniary—Impolicy of legal restraints on the terms of, shown in defence of usury, iii. 1-29.
- Baring**—Sir Francis—Correspondence with, on private bank paper issues, and on annuity notes, x. 340-341.
- — casually noticed, x. 161.
- Barker**—Mr and Lord Eldon—anecdotes of, v. 358 n.
- Barker**—E. H.—Editor of the *Parriana*—Information regarding Parr and Lind supplied to, by Bentham, x. 55.
- Barker v. Braham and Norwood**—case of, vii. 231-232 n.
- Barking**, a residence of Bentham's father, x. 6.
- Bentham's residence and pursuits at, while a child, x. 17-18.
- Barnard**—Bishop—Notice of, x. 285.
- Barometrical source of motion**, from variations in the weight of the atmosphere, viii. 133.
- Baronets**—Establishment of the rank of, cited as an illustration of factitious dignity, ix. 79.
- Barre**—Colonel—Character of, as a member of Parliament, x. 236.
- — Account of, as a guest at Bowood, x. 104, 105, 107, 112.
- — succeeded by Bentham as the confidential friend of Lord Shelburne, x. 88.
- — Notices of, x. 89, 97, 231, 232, 234, 557, 565.
- Barrington**, (William Wildham, second Viscount.) Illustrations of political profligacy in the life of, *in.* 477-478 n.
- The Hon Dames—Estimate of, x. 121.
- — His work on the Statutes noticed, i. 239 n<sup>es</sup>.
- — Casual notices of, iii. 514, 515; x. 54.
- Barrington**—Canon of Christ Church, noticed, x. 120.
- Barristers**, considered as redundant judiciary assistants, ix. 462-463.
- The limitation of the choice of police magistrates from among—Absence of all reason for supposing them preëminently qualified, v. 331-334.
- Extent to which they would suffer by law-reform estimated, v. 505.
- The profession of, as distinct from that of attorneys attacked, *iv.* 319.
- Provisions regarding, in the Constitutional Code, ix. 589-597.
- *See* Bar, The: Counsel: Lawyers.
- Barrow Green**—Bentham's account of his residence at, and of the families connected with it, x. 425-427.
- Bastards**—Registration of, for decision of the incidence of maintenance, vi. 572.
- Power in respect to the parents of, that should be possessed by the administrators of the Poor Law, viii. 370.
- Bastardy**—Maxim of Law on, i. 473.
- Bath**—Earl of. *See* Pulteney.
- Bathing**—Utility of, especially to the working classes, viii. 436 n.



- Bathing-houses** for prisoners under the Panopticon system, iv. 100.
- Bathing-places**—Indecent exposures prohibited at, vi. 368, 382 n<sup>16</sup>.
- Bathurst**, Lord Chancellor, noticed, vi. 492.
- Bathurst**, Bishop, noticed, x. 40.
- Battalion** in the British army—Composition of a, ix. 419.
- Battersea Rise**, the place pitched upon for the Panopticon project—Remarks on, in the Panopticon correspondence and documents, xi. 101, 148.
- Battle**—Trial by, vii. 115, 202. Instance, 115 n. Repeal, ib.
- Bavaria**—Expense entailed on, by converting it into a kingdom, ix. 89.
- King of—Correspondence with, on proposals to assist in the framing of his new Code, x. 578-581.
- The Penal Code issued by the King of, iv. 456, 514, 544.
- Bayley**—Mr Justice, noticed, v. 331, 354, 356.
- Bayntun**—Sir Edward—a visiter at Wood, x. 92, 97, 112, 139.
- Bayntun**—Mr and Mrs—as visitors at Wood, x. 89, 96.
- Beardmore**—John—The history of, an illustration of the advantages of intellectual instruction to men of business, viii. 9.
- Beattie**—Dr James, noticed, i. 8-9 n, 268 n.
- Beauchamp**—Lord—Anecdote of, x. 108.
- Beaucherk**—Lady Diana—Notice of, x. 91, 122.
- Beaugerard**—M.—Mention of, x. 122.
- Beaumetz**—M. De—introduced to Bentham, x. 286.
- Letter from, to Bentham; his return to Paris, x. 286-287.
- noticed, x. 313.
- Beaumont**—George—The case of, cited, v. 105 n, 112.
- Beausobre**—Curious views of, on population, iii. 75 n.
- Beauty**—Estimate of the influence of, ix. 81-82 n.
- Beccaria**—the Marquis—Derivation from, of the method of valuing pleasures and pains, iii. 286-287.
- Whether he or Priestley first suggested to the author the greatest-happiness principle, x. 142.
- Opinions of, on informers, ii. 224.
- noticed, i. 87, 150 n†, 232, 309, 399, 445; ii. 224; x. 54.
- Beckford**—Alderman—his speech to Geo. III. alluded to, i. 466 n.
- Beckford**, the younger—Anecdote of, x. 285.
- Notices of, x. 91, 97, 107, 122.
- Bedding** for the prisoners on the Panopticon system, iv. 157.
- Beddoes**—Dr Thomas. His opinion that Mathematics is true only so far as useful, vindicated, viii. 162-164. But *see* 162 n.
- Bedford**—Gertrude duchess of—Notice of, x. 115.
- Beeke**—Dr Henry—Estimate of the National Income by, iii. 134 n†, 141.
- Controversy with, on the Annuity-note project, x. 369-373.
- noticed, x. 364, 365.
- Beever**—Sir T.—his letter in Annual Register, iv. 73 n, 96 n.
- Beger** the Jurisconsult—Arrangement pursued by, iii. 162.
- Beggars**—Precautions against the impostures of, i. 553-554.
- Begging**—Abolition of, a collateral result of a system of poor laws, viii. 401-403. *See* Pauper Management.
- Begging** the question, through the employment of epithets conveying praise or dispraise, ii. 436-438.
- Efficacy of, in supporting fallacies, vii. 451-452.
- Being**—The science of. *See* Ontology.
- Belgic Code**—Note on the, by editor of original edition of Rationale of Evidence, vii. 600.
- Belgium**—Hardships caused by its forced union with Holland, iv. 427-429.
- Belgrave**—Lord—Mention of, xi. 135, 140.
- Belief**—Meanings given to the term, vi. 229-230.
- considered with reference to improbable or impossible things. *See* Improbability and Impossibility,
- Difficulty of obtaining, for false statements, vii. 387, 388.
- Extent to which the progress of, may be affected by physical coercion, vii. 108.
- Amount of, conceded to what an accused person says, vii. 389.
- in testimony—Foundation or cause of, vi. 235-244. Propensity to believe, 235. Interest to believe, 236. Experience the foundation, ib. Conformity of experience, 236. Cause and effect, 237. Impossibility of tracing sources of belief farther than experience, 237-238. Objections to the principle of experience answered—principles of common sense, the moral sense, &c., 238-243. Note on Price's theory of probabilities, 243. Farther note by the editor, 243, 244.
- Declarations of, may be bought to any absurdity, because cannot be proved false, vi. 557.
- The merit of the greater, the greater the absurdity, ii. 466.
- in phenomena—Influence which the extent of knowledge in the individual must have on, vii. 91-98.
- in facts disconformable to the course of nature—Motives tending to produce, vii. 106-111.
- and trustworthiness—Connexion between, vi. 17-18.
- Effects of coercion upon, i. 564-565.

- Belief**—Effect of subscription to matter of, ii. 260-262, 265-266.
- Bell**—Dr—his Elements of Tuition—Principles of school management illustrated from, viii. 46-54.
- — Elements of Tuition—Estimate of, x. 484.
- — Absence of corporal punishment a feature of his system of education, viii. 15-16.
- — noticed, viii. 25, 41.
- Bell's System of Deeds** quoted, vii. 222.
- Belsham**—William—Character of, as a historian, x. 569.
- — his observations on the Bishop of London's charge referred to, iii. 466.
- Bench**—Provisions as to, in the Constitutional Code. *See* Judiciary collectively.
- *See* Judges.
- King's. *See* King's Bench.
- Benevolence**—The various fields of the exercise of, x. 511.
- Imperfection of legislation for enforcing the rules of, i. 147-148.
- Benevolent disposition** distinguished from mischievous, i. 61.
- Benevolent**—mediation Function, of the Local Headsmen in the Constitutional Code, ix. 620-621.
- Benefit of Clergy**—History of, i. 505-509.
- — — abolished, vii. 165 n.
- Benefits**—Principle of the distribution of, by the civil code, ix. 19-21. Proper object that the sum be as great as possible, 19. Capable of producing mischievous effects, ib. Insurances, wagers, &c., ib. Foundations—rise of the influence of priestcraft through, from the priests professing to be able to dispose of eternal felicity, 19-20. Illustrations of interest in maleficence, 20. The tutelary sanctions, and their influence in counteraction, 20-21. Droits of the admiralty, and their effect in producing war, 21. Benefits the counter-parts of burthens, ib.
- Benevolence**—Nature of, i. 53, 56-57.
- Enlarged, distinguished from confined, i. 62.
- The pleasures of, i. 18.
- or sympathy—The pains of, i. 20.
- Cultivation of, as a precaution against crime, i. 561-563.
- manner in which it is attributed to the Deity, i. 58.
- Bengal**—Transfer of English laws to, taken as a standard from which to argue regarding the transplantation of laws, i. 172 *et seq.*
- Bentham**—Brian—Jeremy's great-grandfather—Notice of, x. 1.
- Bentham**—George—his outline of a new system of logic, viii. 214, 219 n.
- Bentham**—James, of Dorsetshire, noticed, x. 3 n.
- Bentham**—James Fitch—noticed, x. 3 n.
- Bentham**—Jeremy, (Jeremy's grandfather)—Notice of, x. 1, 6.
- — His Jacobitism, and hoarding of money, x. 1-2.
- Bentham**—Jeremy—father of Jeremy—his birth, x. 1.
- — His son's opinion of him, x. 4.
- — His phraseology, x. 4.
- — His motto, x. 4-5.
- — His estimate of his son's character, x. 5.
- — His first marriage, x. 5.
- — His Journal of expenses, x. 5, 7, 36.
- — His ambitious views as to his son, x. 21, 31-32.
- — His account of his entering his son at Queen's College, Oxford, x. 35-36.
- — His misapprehension of his son's character, x. 44-45.
- — takes a tour in the north of England with his son, x. 46.
- — visits France with his son, x. 47.
- — marries Mrs. Abbot, x. 48.
- — His possession of Milton's house and portrait, x. 51-53.
- — His connexion with John Lind, x. 55-56.
- — Letter from his son to, while preparing the Introduction to *Morals and Legislation*, x. 77.
- — His disappointment at his son's method of treating the profession of the bar, x. 78.
- — His conduct on his son's communicating to him the authorship of the *Fragment on Government*, x. 78.
- — Characteristic extracts from his diary, x. 86-87.
- — informed against for wearing unlawful buttons, x. 87.
- — Letters to, from his son at Bowood, x. 96-98, 110-112.
- — His feeling on Lord Shelburne noticing his son, x. 117.
- — His habits as to his son's letters, x. 172.
- — Letter of, to Lord Lansdowne, with a portrait of Bentham, and Lord Lansdowne's reply, x. 224-225.
- — His death, x. 279.
- BENTHAM, JEREMY**—Analysis of the *Memoirs and Correspondence of* :—
- — *Chap. I. 1748-1759. Infancy and boyhood.* x. 1-26. Birth, 1. His great-grandfather Brian, ib. His grandfather Jeremiah, ib. The *Avises*, ib. His father Jeremiah, ib. Propensity to Jacobitism in the family, and the effect on his mind of early associations with royalty, 2. Patronymics—his father's cousins, 2-3. Maternal ancestors, 3. Mrs Tabor, ib. Mr Ray, ib. His mother—her birth and family, 3. The Groves, and their residence at Browning Hill, 3-4. His own opinions of his father and relations—ob-

jection to the principle of *de mortuis nil nisi bonum*, 4. His mother, 5-6. Circumstances of his family, 6. Illustration of sensibility of temperament, 6-7. Precocity—*anecdote*—Perusal of Rapin's History, 7. Latin and Greek, 7-8. Recollection of early incidents—examples, 8. Attachment to Browning Hill, *ib.* Writing, *ib.* Music, 8-9. Visit to a king's valet, 9. Habits at table, *ib.* French lessons from M. La Combe—*anecdote*, 9-10. Fairy tales, 10. Influence on his mind of the perusal of Telemachus, 10-11. Voltaire's Works, 11. Exclusion of amusing books, 11-12. Burnet's Theory of the Earth, Cave's Lives of the Apostles, Lockman's History of England, Churchill's Voyages, Phædrus' Fables, Swift, 12. English History—Edward III. and France, 12-13. Religious books—Dr Johnson, 13. Early companions and visitors, 13-15. Observation of nature, 15. Sensitiveness to censure and punishment, *ib.* Sir Thomas Sewel and his family, 15-16. Country excursion and adventures, 16-17. Accuracy of recollection of early events, 17. Humanity to animals—illustrations, *ib.* Visits to Barking, 17-18. Tricks played on him to create superstitious terrors, and their effect on his nerves, 18-19. Exhibition of Punch—excited dreams, 19-20. Imitations and recitations, 20. Illustrations of sensitiveness, 20-21. His father's ambitious views, 21. Readings in fiction, 21-22. Studies and pursuits at Browning Hill, 22-23. His cousin Mulford, 22-24. State of society, 24. Flowers and gardening, 24-25. Character and habits of his great-aunt, 25. The Rays, *ib.* General character of his early life, 25-26. Death of his mother, 26.

Bentham (Memoirs) *Chap.* II. 1754-1763. *School and College*, x. 26-45. Dr Markham—discussion on genius, 26-27. Specimen of Latinity when eight years old, 27. His boarding-house companions—Cotton and Mitford, 27-28. Dr Markham, Mr Cox, 28-29. Pocket money—a school *anecdote*, 29. Westminster school—Reminiscences of companions, 30. Ode to Dr Markham, *ib.* Duke and Duchess of Leeds, 31. Instruction in dancing—feebleness of frame, *ib.* Instruction in drawing, 31-32. Music, 32. Latin and Greek verses—specimens, 32-33. Opinions on pastimes—fishing, cricket, 33. Acquirements in French, 33-34. The fagging system, 34. General opinion of the system at Westminster school, *ib.* The masters, *ib.* The Scrivener's Company and the Rainbow Coffee-house, *ib.* Progress of Greek and Latin—Preference of Greek, 35. The life of Constantia Philips—The picture it gives of the administration of the laws,

and the influence of the exhibition on Bentham's mind, *ib.* Entered as a Commoner of Queen's College, 35-36. The oaths—Regard for truth, 36-37. Subscription to the Thirty-nine Articles, 37. Jacob Jefferson his tutor, 37. Dr Fothergill, 37-38. Paternal allowance—Personal appearance and habits, 38. Latin verses, *ib.* Companions, 39. The Hell-fire Club, *ib.* Incidents, *ib.* His amusements, 39-40. His companions, 40-41. Ode on death of George II. and accession of George III., 41. Johnson's commendation, *ib.* Circumstances in which the ode was written—The coronation, influence of royalty, 42. Letter to his father—A college declamation, 42-43. Oxford *anecdotes*: specimens of Latinity, *jeux d'esprit*, 43-44. Bachelor's degree, 44. His father's want of appreciation of his character, 44-45.

Bentham (Memoirs) *Chap.* III. 1763-1770, *Æt.* 15-25. x. 45-67. Takes his seat as a student of King's Bench, 45. Lincoln's Inn, *ib.* Blackstone's Lectures, *ib.* Wilkes' trial, 45. Early admiration of Lord Mansfield, 45-46. Excursion in the north—Matlock, Buxton, Liverpool, Chester, Ross, Monmouth, Bristol, Bath, &c., 46-47. Visit to France—Chantilly, Paris, 47. *Anecdotes* and reminiscences, 47-48. His father marries Mrs Abbot, 48. Master's degree, *ib.* Intercourse with the Mackreth family, and their history, 48-50. Propensity to involuntary laughter, 49-50. Leaves Oxford—General impression from it, *ib.* Reminiscences and conversation, *ib.* Hogarth, *ib.* Local recollections, 50-51. Sir John Hawkins and Dr Hawkesworth, 50-51. Moreton Pitt, Lowndes, Sir William Jones, 51. Sketch of Chamberlain Clark, *ib.* Milton's house, *ib.* Authentication of a portrait of Milton, 51-53. Pierre Vrillon, and Peter Noailles, 53. Equestrian tour—Stratford-on-Avon—Leicester, 53-54. Electioneering visit from the Archbishop of York, 54. Pedestrian excursion to Oxford, Farringdon, &c., *ib.* Gives an account of John Lind and Nathaniel Foster for Barker's Parriana, 55. Origin of connexion with Lind, 55-56. Assistance to Lind's publication on the acts of the thirteenth Parliament, 56-57. Mansfield, 57-58. Social intercourse with Lind, &c. 57-59. Recollections of Wedderburn, 59-60. Sees Franklin, on the occasion of the attack on him, in the Privy-council, *ib.* Present at Lind's marriage, *ib.* Assistance to Mrs Lind in getting payment of her pension, 60-61. Account of his residence at Oxford, and his first meeting with Mr Forster and Mrs Abbot, afterwards his step-mother, 61-62. Meets

with Dr Parr, 62. Assistance given to Lind in his work on the colonies, 62-64. Notice of a visit to his chambers in Oxford, 64. Wish to go to America as Secretary to Governor Johnstone, *ib.* Impressions from the dispute between Wilkes and George III., 65-66. Opinions on duelling, *ib.* Visit to Paris, 66. Mr John Forster 67.

Bentham (Memoirs) *Chap.* IV. 1770-1780. *Æt.* 22-32. x. 67-88. His first composition that appeared in print—a defence of Lord Mansfield, 67-68. His style, and his early endeavours to improve it, 68. His rules of composition, *ib.* Memoranda—On the prejudice in favour of antiquity from a false analogy between old times, and men of age and experience, 69; Errors which the uneducated are liable to in politics, *ib.*; Origin of the vindictive principle in punishment, 69-70. Stray thoughts,—Digest of the Laws, Principles of Education, &c., 70-71. Verses on the erection of barracks in Milton's Garden, 71. Horror of flogging in the army, 71-72. Extracts from *Commonplace Book*, 72-77. Letter to his father on the preparation of the Introduction to *Morals and Legislation*, 77. Publication of *Fragment on Government*, *ib.* Train by which he was led to the opinions there expressed—Preparation for the bar, and experience at it, 77-78. Acknowledgment to his father of writing the *Fragment on Government*—Sensitiveness as to the authorship becoming known, 78-79. Diminution of interest in the book on its being known to be from an obscure person, *ib.* Priestley's mention of "the greatest happiness of the greatest number," 79. How the doctrine found its way into Bentham's mind, 79-80. Expectations that the doctrine would be generally accepted disappointed, 80. The discovery and pursuit of the doctrine of self-preference, and the callousness to improvement of those in power accounted for from it, 80-81. Sinister interests thus leagued against reform, 81-82. Persons to whom the *Fragment on Government* was ascribed, 82. Opinions on anonymous authorship, *ib.* The *White Bull*, 82-83. State of mind and habits while in *Lincoln's Inn*, 83-84. *Commonplace Book*, 84-85. Translates *Marmontel*, 85. Publication of the *Remarks on the Hard Labour Bill*, 86. Characteristic extracts from his father's diary, 86-87. An instance of common informers—Opinion on them, 87. Correspondence with D'Alembert, Morellet, Castellux, &c., *ib.* Franklin and Swediaur, 88.

— *Chap.* V. 1781.—*Æt.* 33. x. 88-115. Call from Lord Shelburne, 88. Letter from him, 88-89. Visit to Bowood, 89.

Letters to George Wilson—Camden, Barré, Blanket, Hamilton of Bath, Mr Bayntun—account of his journey to Bowood, 89-90. The *Bowood Ladies*, 90. The miscellaneous guests, 91-92. Allusion to the tendency of his own pursuits, 92. Manners of Lord and Lady Shelburne, *ib.* Court scandal, *ib.* Lord Bristol, 93. Sir James Long, *ib.* Conversation—Bishoprick of Derry, *ib.* Necker, Turgot, Maurepas, and French politics, *ib.* Anecdotes and illustrations of the politics of the times, 94. Characters of guests, 95. The anti-Catholic riots, 95. American and French politics, 95-96. Letter to his father about the guests, and way of living at Bowood, 96-98. Letters to Wilson—new guests, 98. The ladies of the family, 98-99. Conversations, 99. Lord Chatham, and his brother William Pitt, 100. Music, *ib.* Political small-talk, 100-101. Lord Shelburne's politics, 101. Foreign politics, 101-102. Relation of an overture from Lord North to the Rockinghams, 102-103. The Tracton family, the Pratts, &c., 103-104. Departures and arrivals, 104-105. An incident—chess, 105-106. The ladies of the family, 106. East India affairs, &c., 107. American politics, 107-108. Notices of political negotiations and jobs, 108. Politics of the war, 109-110. Miss Pratt, 110. Letter to his father, 110-112. Letters to Wilson resumed, 112-114. Letter to Lord Shelburne, 114-115.

Bentham (Memoirs) *Chap.* VI. 1781-1785. *Æt.* 33-37. x. 115-147. Attachment to Lord and Lady Shelburne, 115-116. Reminiscences of them, and of the guests at Bowood, 116-117. Consulted by Lord Lansdowne on Hastings' trial, 117-118. Bentham's affections engaged at Bowood, 118. Visit to Streatham, 118. A practical joke played on him by Pitt and others—susceptibility, 118-119. Intercourse with Lord Camden, 119-120. Farther recollections of remarkable people, 120-123. Writes the Introduction to the *Principles of Morals and Legislation*, 123-124. Memoranda, 124. Journey to the north of England, *ib.* Instructions for the harpsichord, 124-125. Study of composition, 125. Rayneval and the Viscount to Vergennes, 125-126. Letter to Lord Shelburne on the Corsican Code, &c., 126. Letter to Dr Anderson, on his schemes as to the Western Fishery, 127-129. Letter to Mr Stewart, on the number of convictions for offences in Scotland, 129-131. Letter to, from George Wilson, 131. Intercourse with Francis Wilton, 131-132. Account of George Wilson and James Trail, and Bentham's friendship for them, 133-135. Letter from Trail, 135. Letter

- from Wilson, 135-136. Dr Swediaur, 136. Letters from Trail—Voltaire's Memoirs, Lunardi's balloon, 136-138. Letter from Dr Symonds, 138-139. Letter to Joseph Townsend—Preparations for projected tour to Russia, &c., 139-140. Townsend's reply, 140-141. Extracts from *Common-place Book*, x. 141-147.
- Bentham (Memoirs) *Chap. VII.* 1785-1787, *Æt.* 37-39. x. 147-179. Preparation for tour in Russia, 147-148. Nature of his brother's position there, *ib.* Letters and advice from Lord Lansdowne, 148-149. Journey through France, Italy, and the Mediterranean, to Smyrna, 150. Adventures and characteristic incidents in a Turkish vessel, 150-151. Landing at Mytilene—Botanical researches, love of flowers, 151-152. Farther adventures—arrival at Constantinople, 152. Persons met with, 152-153. A Turkish entertainment, 153-154. Sketch of Bentham's habits and appearance during his residence at Constantinople, and of incidents that occurred, 154-156. Letter to Lord Lansdowne about sending Angora goats, sultanna raisins, &c., 156-157. Journey through Bulgaria, 157-158. Bucharest, 158. Passage through Poland, 158-159. Arrival at Ovidiopol, 159. Sketches of manners—gambling, the army, dinner parties, 159-160. His brother, 160-161. The establishment at Crichoff, 161-162. Letter from Chamberlain Clark with the home news, 162-163. Letter from George Wilson—Paley's Moral Philosophy, &c., 163-164. Letters to Wilson—the preparation of the work on the Panopticon, 165-166. His brother's inventions in naval architecture, 166-167. Hints of preparation of *Defence of Usury*, 167. The Code, *ib.* Description of one of his brother's inventions, for the procurement of a patent, 168-170. Preparation of Panopticon, *Rationale of Reward*, and *Defence of Usury*, 170. Habits of life, and query whether he would have so much leisure if he returned to England, *ib.* A Progress by the Empress, 170-171. Letters from Wilson and Trail urging return, 171-172. Letter from Wilson—the impracticability of publishing his Panopticon in England—further inducements to return, &c., 172-174. Letter to Wilson—sends *Defence of Usury*, 174. Proposed dedication, 174-175. Letter to Wilson farther urging the publication of the *Defence of Usury*, 175-176. Reception of the *Defence of Usury*, 176-177. Letter to Farr Abbot on his marriage, 177-178. List of plant seeds brought over from Crichoff, 178-179.
- *Chap. VIII.* 1788-1789.—*Æt.* 39-41. x. 179-212. Leaves Crichoff—Difficulties and adventures on the way, 179-180. Warsaw, Berlin, The Hague, Hanover, 180. Chemistry—Translation of Bergman, 180. Letter to his brother, describing his journey home, and his reception, 181-183. His father, 181. Lord Lansdowne's proffers of patronage, and attentions, 181-182. His brother's projects, 182. Success of *Defence of Usury*, *ib.* Takes a farm-house at Hendon for retirement, *ib.* A harpsichord, *ib.* His occupations, 182-183. Letter from Lord Lansdowne, 183. Notices of acquaintance—Baron Maseres, the members of a club, the Fordyces, 183-184. Lord St Helens, Stone, and Fitzherbert, 184. Introduction to, and Reminiscences of Dumont and Romilly, 184-186. Later opinion of Lord Lansdowne, 186-187. Letters to a lady, 187-189. Satire on Label Law, 189-190. Letter from France on the state of affairs before the Revolution, 190. Reminiscences and opinion of Brissot and his wife, 190-191. Letters from Brissot, 191-192. Brissot's opinion of Bentham, as expressed in his Memoirs, 192-194. Letter from Wilson on the Introduction to the Penal Code, with recommendations to Bentham as to his subjects, 194-195. Letter from Romilly, 195. Letters from Lord Lansdowne on Bentham's intended support of the Liberals in France, his leaning to Republicanism, &c., 195-196. Letter to Lord Wycombe, with request to introduce the work on Political Tactics in France, 196-197. Letter from Lord Lansdowne on the proceedings of the King of Sweden, 197-198. Letter to the Abbé Morellet with suggestions and proposals for getting the work on Political Tactics published in France, 198-199. Morellet's answer, 199. Letter from Wilson, with his, Romilly's, and Trail's opinion on the work on Political Tactics, 199-200. Bentham's answer, 200-201. The letters of Anti-Machiavel on the attempt to detach Denmark from the alliance with Russia, and the answer of Partizan, 201-211. Lord Lansdowne's conversation on them, and belief that the answer was written by George III., 211-212.
- Bentham (Memoirs) *Chap. IX.* 1789-1791. *Æt.* 41-43. x. 212-250. Events in France—Letter from Wilson on them, 212. Letter to Wilson, in regard to complaints about Bentham having admitted that Trail and Wilson assisted in preparing Romilly's account of the method of proceeding in Parliament, 212-214. Memorandum of a conversation with Lord Lansdowne about his past political schemes and alliances, 214. Letter from Lord Lansdowne, 215. Letter from Wilson about a copy of Gregory on Liberty and Necessity, 215-216. Answer—General remarks on the unprofitableness of such inquiries, and the sen-

sitiveness of people about their favourite subjects, 216-217. French politics, 216-217. Letter introducing Lord Wycombe, to his brother, 217. Paper on the state of France prepared by Benjamin Vaughan, submitted for inspection, 217-219. Letter from Dumont, 219. Letter from Lord Wycombe, *ib.* Fictitious portrait of himself, 219-221. Visit to Oxford, 221. Letter from his brother at Tobolsk, 221-223. A portrait of Bentham in Dr Bowring's possession, with a character attached to it, 223-224. A letter from his father to Lord Lansdowne, with a portrait, and Lord Lansdowne's reply, 224-225. Style compared with Romilly's, 225-226. Letter to Brissot on the Panopticon, 226. Estimate of Bentham by Lord Lansdowne in a letter to the Duke de Rochefoucauld, 226-227. Letter to a lady, 227-229. Letter to Lord Lansdowne, charging his lordship with having virtually promised to bring him into Parliament, and not performing the promise—Lord Lansdowne's general proffers of patronage, and Bentham's feelings in regard to them—His objection to any sort of office—The promise of independence of position in Parliament, &c., 229-242. Answer from Lord Lansdowne—explanatory, and maintaining that he did not definitely promise Parliament, 242-243. Reply, admitting the justice of Lord Lansdowne's statement, 243-245. Lord Lansdowne's rejoinder, expressive of confidence in Bentham's integrity, 245. Sketches of addresses to electors, 245. Letter to his brother—The Defence of Usury, Judicial Establishment, controversy with Lord Lansdowne, 246. Letter from Dr Price—Annuity Tables, &c., *ib.* Letter to Wilson on advice to write readable books, 246-247. Letter from Benjamin Vaughan, 247. Letter from Lord Lansdowne, with queries for the king of Poland, 247-248. Letter to the Bowood ladies, 248. Letter from Vaughan, *ib.* Letter to his brother—His way of life, and how his brother will find him on his arrival, 248-249. Another letter to his brother—Notes from Vaughan on the state of France, 249.

**Bentham (Memoirs) Chap. X. 1791-1792.** *Æt.* 43-44. x. 250-279. Hopes and disappointments about the Panopticon Penitentiary Plan, 250-251. Mr Revely the architect, and Mrs Revely, 251-252. Letters to his brother, making arrangements for the latter's arrival, 253-254. Letters from Dr Anderson—Sir John Sinclair—Panopticon, 254-255. Letters from Vaughan, 255-256. Letter to George III. about his brother's invention in naval architecture, and the Panopticon, 260-261. Letter from Lord

Lansdowne, 261. Conjoint letter with his brother to Lord St Helens, 261-262. Letter from Lord Lansdowne—State of Europe, 262. Invitation from Pole Carew, *ib.* Letter to his brother—Sir Samuel's mechanical inventions—the Panopticon, 263-264. Letter from Romilly, 264. Letter from Vaughan, 264-265. Playful letters to ladies, 265-267. Opinion of Burke, 267. Letter with copy of Panopticon, 267-268. Draft of letter from the French in Dumont's hand, offering services of Law Reform to France, 268-269. Correspondence with Garran on the Panopticon, 269-270. Procès Verbal as to the Panopticon, 270. Letters to ladies, 270-277. A characteristic letter, 277-278. Letter to Brissot on the Panopticon, 278-279. Father's death, 279.

**Bentham (Memoirs) Chap. XI. 1792-1795.** *Æt.* 44-47. x. 279-308. Letter from Lord Lansdowne—allusion to an entertainment in Queen's Square Place, 279. Letter to Lord Lansdowne—the Panopticon, hospitality to French refugees, 279-280. Made a citizen of France, 280-281. Official communications on the event, 281-282. Answer to the communications, with censure of the treatment of the Royalists, 282-283. Letter from Dellessert on the politics of Holland, France, Russia, and Prussia, 283-284. Anecdote of Abbot, 284-285. Notices of contemporaries, 285. Letters from Liancourt and Dumont—death of the Duke de Rochefoucauld—Dumont's opinion on the Penal Code MSS. 285-286. Letter from Gallois, introducing French refugees, 286. Letter from Sir G. Staunton—state of Madeira, *ib.* Notes from Beaumetz, Romilly, Vaughan, and Dumont, 286-287. Invitation to Thomas Law and answer, 287-288. Letter from Romilly on the publication of *Truth versus Ashhurst*, 288. Letter to Dr Anderson, 288. Letters to and from Mr Law, 288-289. Intervention in favour of the husband of a servant, a French refugee, 289-290. Letters to and from Mr Law, 290-291. Letter to his brother, on the Panopticon—Proposal of Pitt and Dundas to inspect the model, 291. Letter to Dundas on the drawing of Acts of Parliament, 292-293. Note from Vaughan, 293-294. Hopes about Panopticon, 294. Letter from Romilly, with an account of the Edinburgh Bridewell, 294-295. Letter to Philip Metcalf—state of Panopticon—Jacobinism in France, 295-296. Letter to a person requesting the employment of his influence at the Admiralty, 296-297. Letter addressed from Dresden, on the war and the state of Europe, 297-300. Letter from Trail in Ireland, 300. Dumont, *ib.* Sir John Sinclair, 300-301.

Letter to Philip Metcalf—disappointments about the Panopticon, 301-302. Correspondence with Arthur Young—inquiry into the real and personal property, and the population, of Britain, 302-303. Letter to Mr Long, with resumé of financial projects—escheat: monopoly of, or taxation on, the right to traffic in money: and tax on commercial facilities and privileges, 303-304. Letter from Trail—opinion on the escheat project, 305. Letter from D'Ivernois, *ib.* Letter to Lord St Helen's, with D'Ivernois' history, and remarks on the French Revolution, 305-306. Letter to Lord Lansdowne, and answer, 306. Letter to Lord Lansdowne on official procrastination as to the Panopticon, and the success of his brother's inventions in baggage wagons and naval architecture, 306-308.

Bentham (Memoirs) *Chap.* XII. 1795-1799.

Æt. 47-51. x. 308-341. Correspondence with Dumont, and interchanges of opinion and criticism, 308-309. Letter from Lord Wycombe at Naples—Neapolitan politics—The court—The Danish and Russian Ambassadors, 309-312. Letter to the Duke de Liancourt at Boston—Anxiety for the progress of the Panopticon Contract—Prison discipline—State of France—Sir Samuel's inventions—Probability of their being adopted in the Navy—Inquiries as to the market for machinery in America, 312-313. Letter to Lord Lansdowne requesting a temporary refuge for a cook Bentham cannot afford to keep, 313-315. Letter to Wilberforce proposing to give assistance to a pacific embassy to France of persons whose opinions would be popular there, 315-318. Wilberforce's answer, 318-319. Letter from Lord St Helens on the same subject, 319-320. Observations on the Treason Bill, addressed to the *Morning Herald*, 320-322. Metaphorical and humorous letters, 322. Project for facilitating reference to newspaper advertisements, 322-323. Letter to Mr Lindegrave—Account of residence at Hendon—Panopticon, 323. Letter to Sir R. P. Carew on financial projects—Difference of opinion on the facilities for obtaining loans and selling annuities, and on the effect of taxation, in decreasing expenditure—Anxiety to publish the conflicting views together, 323-327. Answer declining, 328-329. Letter from Patrick Colquhoun, and notice of him, 329. Letter to Abbot—Colquhoun and the proposed union of the Thames and Shadwell Police, 329-330. Heads of Thames Police Bill, 330-333. Abbot—The Thames Police Bill and the Globe Insurance, 333-334. Letters to Abbot, Rose, and Wilberforce, on the Globe Insurance, 334-335.

Letter to Charles Abbot—The Thames Police Bill—The Treason Bill, 335-336. Hints for a plan for new modelling the Westminster Magistracy, 336-338. Letter to Colquhoun—The Banking Question, 338-340. Letter to Sir Francis Baring on the same, and answer, 340-341. Correspondence with Sir Francis Baring—Amount of the paper of the country banks—Inquiry as to a proposed plan for stock-notes, 340-341.

Bentham (Memoirs) *Chap.* XIII. 1800-1801.

Æt. 51-53. x. 342-377. Letter from Dr. Roget on the preparation of Nitrous Oxide Gas, 342-343. Letter to Mr Nepean, 343. Letter to Dumont, 343-344. Letter to Speaker Addington, with suggestions for improved architectural arrangements of the houses of Parliament and tables of motions and rules, 344. Letter from Abbot on the Motion Table, 344-345. Answer: the same subject, and the Records, 345. Letter to Moreton Pitt—The Finance Reports, 345-346. Correspondence with Roget on the project of a Frigidarium for the preservation of fruit, vegetables, butcher meat, &c., 346-350. Correspondence with Abbot on the advantages of a Register of Real Property, 350-351. Hints on the Population Bill, and the best means of taking the Census, 351-356. Correspondence with Dumont and Colquhoun on the best means of Obviating Forgery of Bank Notes, 356-358. Exertions to get Mrs Lind payment of her pension from King Stanislaus—a Latin letter, 358-359. Correspondence with Sir George Rose on the Annuity-note scheme, 359-361. Letter to H. J. Pye on Bank Restriction, 361. Applications through Mrs Romilly by a French lady for a Draft of a Code, 361-362. Letter to Lord St Helens on his marriage and the prospect of an embassy to France, 362. Letters to Vansittart on the Annuity-note scheme, 363-366. Letter from Vansittart with objections, 366. The objections with answers, 366-369. Objections communicated to Vansittart by Dr Beeke, and answers to them, 369-373. Inquiries of Arthur Young as to the profits of agricultural capital, and answers, 373-374. Letters to Vansittart on the Globe Insurance, 374-376. Letter to Dumont—The Annuity-note currency, 376-377.

— *Chap.* XIV. 1801-1802. Æt. 53-54.

x. 377-403. Letter to Dr Robert Watts, on the information on prices furnished by the sermons preached before the Society for the Propagation of the Gospel, 377-378. Letters from Dumont—Progress of Bentham's Opinions in France—the preparation of the Codes, 378-381. Letter to Dumont—Sir Samuel's Inventions, &c.,

381-382. Letter to Dumont—Complaints of unanswered letters—books wanted, &c., 382-383. Letter from Dumont, with account of the progress he is making with the French edition of the works, 383-384. Letter to Dumont—wish for the printed part of the French edition, &c., 384. Letter to Sir William Pulteney, asking if he will bring a charge for unconstitutional ministerial conduct in regard to the Panopticon, 384-386. Pulteney's answer, 386. Letter from Dumont as to the publication of the *Traité de Législation*, 386-387. Letter to Wilson, on colonies and Sir W. Grant's speech on them, 387. Wilson's answer, ib. Letter to Dumont on miscellaneous subjects—Lawyers; the copy of the *Traité*; Dumont's dispute with Morellet and Garnier; Gallois; Vote for Napoleon being first consul for life; Thornton on Paper credit; Sir Samuel Bentham; the proposition to make Bentham a member of the Institute; Cuvier; the word "Benthamite"; Dumont's return; the Tract on the influence of place and time in matters of legislation; Codes for foreign states; a German critique on the *Traité*, &c., 387-390. Letter from Wilberforce on the disappointments in the Panopticon scheme, and the proposal of an exposure of the ministerial conduct regarding it, 391-395. Letter from Sir F. M. Eden on Dumont's Traductions, 395. Letter to Sir F. M. Eden—an account of Dumont—the state of the Panopticon question, &c., 395-397. Letter from Eden—The same subjects—The Globe Insurance Company, 397-398. Letter from Garnier, 398-399. Visit to Paris, 399. Letter to Dumont, ib. Letter from Romilly on the proposed attack on the Duke of Portland's administration as to the Panopticon, 399-400. Answer, 400. Letter to Sir Thomas Trowbridge on the absurdity of the rule against accused persons being allowed to criminate themselves, 400-401. Letter to David Collins—Miscellaneous remarks on N. S. Wales—Panopticon, &c., 401-403.

Bentham (Memoirs) *Chap. XV.* 1803-1807. *Æt.* 54-59. x. 403-427. Habits as to Society, 403. Letter to Dumont—Proposal to have Dr Parr to meet Mackintosh and others, 403. Letter from Romilly, 403-404. Letter from Dr Parr, 404. Estimate of Horne Tooke, ib. Letter to J. Mulford about farm-house bread, ib. Letter from Parr, 404-405. Dumont in Russia—his notices of the Progress of Bentham's opinions there— anecdotes, &c., 405-410. Letter from Dr Parr, 410-411. Letter to Dr Parr—proposed visit to Hatton, 411-412. Letter from General Sabloukoff to Sir Samuel Bentham about a Code for Russia,

412-413. Letter to Dumont—Russian Translation of the Works—Progress in Political Economy, 413-414. Letter to Sir R. P. Carew on personal-identification marks—Their use in the army and navy—part of the arrangement for the Panopticon—Bentham's intention to show an example himself, 414-415. Letter to Mulford—fall of the Addington Ministry, 415. Letters from Dumont—article on Bentham in the *Edinburgh Review*, &c., 415-416. Letter from Dr Parr, 416. Speranski and the Russian edition of the works, ib. Letter from the Rev. John North about flowers, ib. Letters from Dr Parr, 417-418. Letter from a friend on the Panopticon, 418. Letter from Dr Parr, ib. George III., 418-419. Lord Lansdowne's death, 419. Mordvinoff's opinion of Bentham, ib. Answer to Bentham's offer of marriage, 419-420. Note from Romilly, 420. Letter from General Sabloukoff, 420-421. Letter from Romilly, on the reform of the Courts in Scotland, 421-422. Reasons for declining consultation with Lord Grenville on the subject, 422. Letter from Dumont, ib. Letter from Hutton of Birmingham, 422-423. Letter to Sir Samuel Romilly on the proposed reforms in the Scotch Courts—the uselessness of attempting to reconcile large measures of reform with those projected, 423-425. Letter to Mr Mulford—account of residence at Barrow Green, and of the families connected with it, 425-427.

Bentham (Memoirs) *Chap. XVI.* 1807-1810. *Æt.* 59-62. x. 427-455. Letters from Dumont: The Penal Code: Evidence: Procedure, 427-428. Letter to Sir James Mackintosh—Parr, Fox, Mackintosh's Lectures, 428-429. Letter to Lord St Helens: The proposal of a Court of Lords delegates: Inquiry as to the method of summoning members of the Privy-council, 429-430. Answer, with information as to the Judicial Committees, 430-431. Letter from Mr Whishaw on reversals in the House of Lords, 431. Letter from Romilly—opinion on the plan of Lords delegates, 431-432. Letter from Romilly on the proposal to prepare a Code for Scotland, 432. Acquaintanceship with Col. Burr, ib. Dumont's account of Burr, and of his appreciation of Bentham's Works, 433. Burr invited to Barrow Green, ib. Efforts, along with Dumont, Lord Holland, and Lord H. Petty, to arrange a system of debating for the Spanish Cortes, ib. Letter from Dumont on the subject, 433-434. Letters from Colonel Burr with his adventures, 434-437. Application from the Dean and Chapter of Lichfield to blazon the arms of Bishop Bentham, 438.



- Letter from Colonel Burr, on the Spanish Cortes, *ib.* Letter from Dumont on the best means of instructing the Cortes, 438-439. Letter to Lord Holland, requesting his influence to facilitate a project for living in the Table Land of Mexico—Privacy and opportunity of working, and benefit to health, the motives—Influence with Jovellanos requested—Assurance of not interfering in politics—Introductions and other facilities ranged under the classes indispensable and desirable—Books requisite to be taken, &c., 439-444. Letter to Mulford—State of health and habits—weakness of eyes—prospect of going to Mexico, 444-446. Letter from Francis Horner on Mexico, 446-447. Lord Holland's answer to the application, 447. Letter from Jovellanos introduced by Lord Holland, 448. Anonymous offer to Cobbett of Remarks on Libel Law, 448-449. Letter from Dumont, 449. Letter to Mulford, *ib.* Intimacy with James Mill, and account of him, 449-450. Letter from Mill on Libel Law, 450. Fears of the booksellers to publish the Art of Packing Juries, *ib.* Romilly's advice against publishing, and Mill's in favour, 450-451. Letter from Dumont on the difficulties of translation, 451. Letter from Colonel Burr, 451-452. Letter from Mill—Deferred visit: Review on Bexon's application of the Theory of Legislation, 452. Letter to Mill on the Review, *ib.* Letter from Mill on the same subject, 453-454. Letter from Brougham on the same subject: Bentham's Noology, 454. Letter from Mill, with the strictures of a friend on Bentham, 454. Letter to Mulford, 454-455. Letter from Dumont, 455.
- Bentham (Memoirs) *Chap.* XVII. 1810-1813.—*Æt.* 62-65. x. 456-476. Correspondence with Blanco White—Affairs of Spain—Liberty of the press, 456-457. Letter from Dumont—Forthcomingness of evidence, 457. Letter to Mulford—Design of going to Mexico given up—Proposal to go to Venezuela—Influence of Miranda, &c., 457-458. Letter to Cobbett on the Reform Catechism, 458-459. Letter from Dumont, on the proposal of impartial newspapers, 459. Brougham and Mill on prize-money, and the droits of the Admiralty, 459-460. Letter from Dumont, 460. Letter from R. B. Nickolls, *ib.* Letter to Sir Francis Burdett on Chancery delays, 460-461. Brougham to Mill on the Papers on Codification and Public Instruction, 461-462. Naval reform, 462. Dumont on a Civil Code for America, 462-463. Letter from Major Cartwright—Three free settlers from New South Wales with complaints of grievances, 463. Answer, denot-
- ing subjects for inquiry from the settlers, 463-465. Letter from Major Cartwright—farther information on Colonial grievances, 465-466. Letter from Colonel Burr, 466-467. Letter from Dumont, 467. Letter from Lord Holland—Proposal to call the United Kingdom Brithibernia, 467. Madame de Staël and Benjamin Constant, *ib.* Avoidance of unsatisfactory disputes, 467-468. Letter from Mill—expected change of Ministry, 468. Suggestions for extending the Jury system to India, *ib.* Letter from Miranda, *ib.* Proposal to Lord Sidmouth to prepare gratuitously a Penal Code, 468-471. Letter detailing to Mulford his social habits and friendships—Opinion of Burdett, Brougham, Cobbett, &c.—State of the court—The Prince Regent and Princess Charlotte, 471-472. Letter from Mill about his son, 472-473. Letter from Sugden, 473. D'Ivernois to Dumont on the progress of Bentham's opinions in Russia, *ib.* Articles of Faith of the Scottish Clergy, *ib.* Letter to Mr Mulford—Family history—Case of the Princess of Wales, 474. Account of Lieut. Blaquiere, 474-475. Letter from him, 475-476. Letter from Mackintosh on Swear not at all, 476.
- Bentham (Memoirs) *Chap.* XVIII. 1813-1817. *Æt.* 65-69. x. 476-489. Joins Owen's establishment at New Lanark, 476-477. Letter from Lord Holland, with a bust of Jovellanos, 477. Answer, *ib.* Letter to Admiral Tchitchagoff, with suggestions for his History of the Russian campaign, 477-478. Death of Mulford, 478. Progress of Bentham's opinions in Russia—Refusal of the Emperor's present, *ib.* Residence at Ford Abbey—Description of the place—Occupations there, 479-481. Letter from Mill proposing a temporary separation, for the purpose of preserving their friendship, which is represented as likely to suffer from collisions of temper, 481-482. Account of Mill and his family, 482-483. Letter, with an account of manners and morals at Cambridge, 483. Letter from Rome, attributed to Lord Holland, 483-484. Letter to J. H. Koe—Clarkson and the Abolition of the Slave Trade, 484. Code of Judicature of the Hudson's Bay Company, *ib.* Leaves Ford Abbey—Search for another country-house, 484-485. Letter to Mr Koe—Duke of Clarence's marriage—Prospects of France, 485. Letter from Admiral Tchitchagoff, *ib.* Letter from Say—The Chrestomathic Tables—French politics, &c., 485-486. Letter from Jekyll, 486. Letter from Madam Gautier on the state of France, 486. Letter from Admiral Tchitchagoff, *ib.* Recommendation to Tchitchagoff to write his own memoirs, 486-487. Letter

from Dumont—The Book of Fallacies—State of Geneva, 487. Death of George Wilson, *ib.* Death of Miranda, 487-488. Answer to an application from the Mutual Improvement Society to become their President, 488-489.

**Bentham (Memoirs) Chap. XIX. 1817-1819.** *Æt.* 69-71. x. 489-512. Application to be allowed to publish a popular version of the Reform Catechism, 489-490. Mr Wooler's version, 490. Letter from Dumont—Law Reform in Geneva, 490-491. Letter to Burdett in answer to an application to draw up a Parliamentary Reform Bill, 491-492. Mr Bickersteth's paper in favour of a union between Bentham and Burdett, 492-493. Letter from Burdett—Gratitude for the promises of assistance, 493-494. Letter to Burdett urging the Ballot, 494-495. Resolutions prepared by Bentham, and moved by Burdett, on Parliamentary Reform, 495-497. The anarchical fallacies, 497-498. Opinion of Ricardo, 498. Letter to him, *ib.* Applications from the United States for a Code—Letter from T. W. Gilmer, 498-499. Vote of thanks of the householders of Westminster, 499. Letter from Dumont—the Quarterly Review, *ib.* Letter from J. B. Say—the state of France, 499-500. Proposal for instructing and improving Irish labourers in New York, 500-503. Letter from Governor Plumer, 504. Letter from Say, *ib.* Death of Romilly, *ib.* Letter declining a request by the Mutual Improvement Society to preside at their dinner, 505-506. Letter to Mr W. Thompson of Cork on the Chrestomathic education system, 506-507. Domestic arrangements, 507. Letter from Major Cartwright on the restoration of the Saxon Constitution, &c., 507-508. Letter to Burdett, 508-509. Extracts from the Memorandum-Book, 509-512.

— *Chap. XX. 1820-1823.*—*Æt.* 72-75, x. 512-539. Correspondence with Richard Rush on the extent to which Libel Law exists in the United States, x. 512-513. Recommendations to the Jury on the trials of Wolsley and Harrison, 513. Letter to Rivadavia on the separation of the American colonies from Spain, 513-514. Blaquiere, and the progress of Bentham's opinions in Spain, 514. Letter to Blaquiere on the Spanish Revolutionary Constitution, 515-516. Intimacy with Dr Bowring commences—its character, 516. Letter to Dr Bowring, *ib.* Character of Townsend the traveller, 517. Italian translation of Political Tactics, *ib.* Gontier's Synoptic Table of Bentham's works, *ib.* Notes in Memorandum-Book, 517-519. Analysis of the Book of Fallacies, 519-521. Fallacies added, 521-522.

Named one of the Guardians of Constitutional Reform—urged by Cartwright to accept—answer, 522-523. Letter to Hobhouse on the Catholic claims and the veto, 523-525. Letter from Dumont, 525. Reception of Bentham's works in Portugal, *ib.* Letter to Cartwright, *ib.* Letter from Say, 525-526. Letter and anecdotes from Miss Frances Wright, 526-527. Letter and subscription to Carlyle in prison, 527-528. Discussion with Dr Bowring on reëligibility of representatives, 528-530. Extracts from Memorandum-Book, 530-532. Distribution of the seeds of plants, 532-533. Invitation of a dinner party, 533. Letter to Rush, 533-534. Exertions on Dr Bowring being arrested in France, 534. Letter to Sir Samuel Bentham—Mirza Mohammed and Hassuna De Ghies, 534. Letter to Dr. Parr on a Code for Greece, in English and Greek, and his own (Bentham's) portrait, 535-536. Dr Parr's answer, 536-537. Letter from Cartwright, 537. Letter from Dr Parr—Hume's church-property motion, 537-538. Letter to the Greeks recommending them not to appoint a king, 538-539. Requestion from the Portuguese Cortes, 539-540.

**Bentham (Memoirs) Chap. XXI. 1823-1827.**—*Æt.* 75-79, x. 540-568. Establishment of *The Westminster Review*, 540-541. Letter to W. E. Lawrence—Purchase of an organ—the *Review*, &c., 541. Observations on the statement in *The Quarterly Review*, that he was a disappointed man, 541-542. Letter to Mordvinoff—Preparation of Constitutional Code, 542-543. Letter from Burdett, and answer—Constitutional Code, 543-544. Subscription to Catholic Association, 544. Correspondence about a Greek boy, whose education he had undertaken, being taken on a visit to a nobleman—opinion of the bad influence of aristocratic company, 544-547. Extracts from Memorandum-Book, 547-548. Enumeration of works translated from the French edition, 548. Letter to Joseph Parkes, *ib.* Letter on the fallacy of George III. having made a personal sacrifice for justice, and having made the judges independent, 548-549. Letter against cruelty to animals, 549-550. Correspondence with Burdett on Law Reform, 550-551. Visit to Paris, 551. Recommendations of Dumont to devote himself to wide questions, 551-552. Letter to Dumont—Change of nomenclature between the proposal for judicial establishment in France and the Constitutional Code—State of health, 552. Suppression of Bentham's Works by Bolivar, 552-553. Reintroduction in New Granada, by Santander, 553-554. Letter to

- John Quincy Adams, elected President of the United States, 554-555. Visit from John Neal, and account of him, 555-556. Letter from Governor Plumer, 556-557. Account of Bentham's early attachment, 556-557. Letter to the object of it, 557. Letter from José del Valle, 558-559. Observations on Kent's Commentaries, 559-560. Letter from Sidney Smith, 560. Analysis of logical arrangements, 560-561. Visit to Mr Hill's School at Bruce Castle, and to the Grotes at Hendon, 561-562. Specimens of familiar conversation, 562-564. Experience of Lord North, Fox, Wedderburn, Mansfield, Bolivar, Lord Lansdowne, &c.—Farther specimens of familiar conversation and illustrations of habit and manner, 566-568.
- Bentham (Memoirs) *Chap. XXII.* 1827-1828. *Æt.* 79-80. x. 568-606. Opinions and practice in regard to style, collocation, and accent, 568-570. His Nology, 570. Opinions on contemporaries, 570-572. His Secretaries, 572-573. Letter from Neal, 573-574. Correspondence with Brougham as to Law Reform and a Commission of Inquiry, 574-576. Letter to Colonel Young—Lord William Bentinck and the Panopticon, 576-578. Letter to the King of Bavaria with the printed part of the Constitutional Code, and other works on Codification, specimens of manifold writing, &c., 578-581. The King of Bavaria's answer, 581. Notes of conversation and memoranda on various subjects, including his habits of thought and composition, 581-588. Opinion of Brougham's Law Reforms, 588-589. Letter to Rammohun Roy—State of India—Mill's exertions—Constitutional Code—Panopticon, 589-592. Letter to Burdett, 592. Lines by Dr Bowring, *ib.* Plan for uniting Catholics and Dissenters for the furtherance of religious liberty, 592-594. Letter to O'Connell on Law Reform, and his (O'C.'s) declaring himself a Benthamite, 594-596. Letter, requesting a visit from O'Connell, 596-597. Letter from O'Connell, 597. Letter to him on Parliamentary Reform, Radical and Constitutional—The Ballot, and Law Reform, 598-600. Dislike of Partings, 600. Friendship with Bodin, *ib.* Letters to O'Connell, Hunt, and Cobbett—O'Connell's political creed, 600-601. Letter to the same on the question, Whether the Ballot should take precedence of other reforms? 601. Letter on his attacks on Hunt, 602. Letters from O'Connell, 602-603. Letters to O'Connell on miscellaneous subjects, the spread of the Utilitarian opinions abroad, &c., 603-605. Letter from O'Connell, and answer, 605. Letter to Chamberlain Clark—Habits of life, 605-606.
- Bentham (Memoirs) *Chap. XXIII.* 1823-1829. *Æt.* 80-81. xi. 1-30. Letter to Lafayette—Progress of Utilitarianism abroad—French politics, 1-2. Letter to Say, introducing Colonel Young and Colonel Stanhope, 2-3. Anonymous letter to Henry Hunt, on the disputes between him and O'Connell, 5-7. Letter from Colonel Young—State of India—Rammohun Roy—Lord William Bentinck, 7-9. Letter to the Duke of Wellington on Law Reform, 9-12. Letters to O'Connell, 12. Letters to the Duke of Wellington on his duel with Lord Winchelsea, 12-15. Letter from O'Connell on the Despatch Court Bill, 15-16. Letter from General Miller, with an account of the position of the South American States, 16-17. Letter from Del Valle, with an account of the coinage of the various American Republics, and complaints of inaptness, 17-18. Answer to Del Valle—Coinage—Liberty of the press—French politics, 18-19. List of editions of Bentham's works that had been published in the Peninsula, 19-20. Letter from O'Connell, 20. Letter to O'Connell—rent for buying seats in Parliament—Preachers of Law Reform—Despatch Court Bill, 20-21. Letter from O'Connell, 21-23. Letter from Livingston—Preparation of his Code—Anxiety to have the use of the Rationale of Evidence, 23. Announcement of Dumont's death, 23-24. A letter written by Dumont immediately before his death, with an estimate of Bentham's writings and character, 24. Letter from O'Connell, on the proposal of a Code, and in answer to remarks on the public-house licensing system, 24-25. Distress on account of O'Connell's habit of personal attack—anonymous letter to him on the subject, 25-26. Letters bearing on the same subject, 28-29. O'Connell's Reply, 29. Rejoinder, 30.
- *Chap. XXIV.* 1829-1830 — *Æt.* 81-82, xi. 30-48. Attempt to organise a Law Reform Association, 30. Apprehension of blindness, 30-31. Disturbed sleep, 31. Letter on the disposal of offices by pecuniary competition, 31-32. Letter to O'Connell, 32-33. Letter to Mordvinoff, with account of General Santander and his disputes with Bolivar, 33. Letter to Brougham—Law Reform, 33-34. Letter to Jabez Henry on International Law, 34. O'Connell's expression of his opinion to C. S. Cullen, 34-35. Answer to Livingston's letter, 35-36. Letter to Brougham, 36-37. Letter to O'Connell, and Proposal to move the printing of Livingston's Code for Louisiana in the House of Commons, 37-38. Letter to John Smith, M.P.—Estimate of Dezman—Difference with

- him, relative to the exclusion of evidence on the ground of interest, 38-39. Letter to President Jackson—congratulations on his election, criticism on his opening Message, and on the state of the judicial system in the United States, as exhibited by it—French politics, 39-42. Letter to M. Humann—New edition of Dumont's Redactions, 42-43. Correspondence with the Rev. Humphry Price, on his being imprisoned in consequence of a conviction for a libel written in the cause of the carpet weavers of Kidderminster, 43-48.
- Bentham (Memoirs) Chap. XXV. 1830-1831. Æt. 82-83. xi. 48-71.** Letter from José Del Valle—Earthquake in Guatemala—Establishment of a society of the friends of the State—Prevalence of Bentham's Philosophy, 48-49. Jeux d'esprit, 49-50. Letter to Burdett, wishing him to bring the Codification Petition before the House, 50-51. Letter from Sir James Graham, on the tracts, "Official Aptitude Maximized, &c.," 51. Letter from Livingston, 51-53. Invitation to Santander, describing the way to the house in Queen Square Place, 53. Letter from Santander, *ib.* Receives a copy of Montrol's Memoirs of Brissot, 53-54. An incident of internal evidence of their authenticity noticed, 54. Note on one of the letters, 54. Letter to the Duke de Broglie, asking if he will cooperate in Law Reform in France—Imprisonment for debt—Courts of conciliation, &c., 54-56. Letter to the French people on the Revolution of 1830, 56-58. Rammohun Roy introduced—The letter of introduction, 58-60. Letter to La Fayette, 60. O'Connell's conversion to the opinion against second Chambers, 60-61. Letter to Brougham, 61. Brougham's answer, 62. Memoranda, *ib.* Letter to O'Connell on Libel Law, 62-63. O'Connell's answer, 63-64. Rejoinder, 64. Paper on the Repeal of the Union called, "Pacifcus against the conquest of Ireland," 64-66. The Parliamentary candidate society, 66. Refutation of false reports against Bentham—Parry's slanders, fear of death, fear of ghosts, 66-67. Letter to Tait, 67-68. Letter against prosecuting Cobbett, 68. Memoranda of topics of conversation for visitors, 68-69. Correspondence with Archibald Prentice on his trial for libel, 69-70. Letter from Del Valle, 71.
- *Chap. XXVI. 1831. Æt. 83. xi. 71-76.* Breaking up of his constitution, 71. Hudibrastic attack on Brougham, *ib.* Extracts from Memorandum-book—Notes as to the state of his mind and health, &c.—His ambition—His projects for benefiting mankind, 71-74. Last memorandum, 74. Reminiscences of early acquaintance, in a letter to his bankers, *ib.* Letter from Burdett, 74. Meeting with Talleyrand—Letter and visit from him, 74-75. Anticipation of death, 75-76. Letter written to Dr Bowring in expectation of it, 76. Death, *ib.*
- Bentham (Memoirs) Character, mind, and personal habits, x. 76-95.** Foundation of his Philosophy, 76-77. Opinion of human nature, 77. Critical and analytic powers, *ib.* How far influenced by the writings of others, *ib.* Social feelings, 77-78. Value of time, 78. Personal similarity to Franklin—Comparison of characters, *ib.* Industry, *ib.* Manners, 78-79. His Table, *ib.* His pecuniary circumstances, 79. His followers, *ib.* Bashfulness, *ib.* Avoidance of visitors, *ib.* Music, *ib.* Circulation of his writings, 79-80. Dress, 80. Fondness for animals, 80-81. Reception of visitors, 81-82. Personal habits at home, 82-83. Dr. Southwood Smith's account of his Philosophy, and estimate of his character and mental powers, 83-95.
- — History of negotiations regarding the Panopticon Penitentiary, and the disappointments incurred, with the correspondence, xi. 96-170. *See Panopticon*
- Bentham—Jeremy—**For the personal allusions to him, in the course of the works, *see Author.*
- Bentham—Sir Samuel, (brother to Jeremy.)**  
—his geometrical pursuits, x. 77.  
— — — Nature of his employments under Prince Potemkin, x. 147-148, 160-161  
— — — An invention in ship-building by, called the Vermicular, x. 166, 168-170  
— — — Letter from his brother to, with an account of his return from Russia, x. 181-183.  
— — — Letter from his brother to, introducing Lord Wycombe, x. 217.  
— — — Letter to his brother, descriptive of his way of life and projects at Tobolsk, x. 221-223  
— — — Letter from his brother to—Progress of his works, controversy with Lord Lansdowne, x. 246.  
— — — Letters from his brother to, on his (Sir S.'s) returning home, x. 248-249, 253-254.  
— — — His suggestion of the Panopticon plan, x. 250, 262.  
— — — Letter on his naval architecture invention, to George III. from his brother, x. 260-261.  
— — — Letter from, to Lord St Helens, x. 261-262.  
— — — Letter from his brother to, about his invention, &c., x. 262-264.  
— — — Letter from his brother to, on the Panopticon, x. 291.  
— — — Characteristics of, x. 300.  
— — — Disappointments to, from the delay of the Panopticon, x. 301-302

- Bentham—Sir Samuel, (brother to Jeremy,) — His baggage wagons—their inspection by the Duke of York, and prospects of employment held out in the Admiralty, &c., x. 307.
- — — Letter from his brother to the Duke de Liancourt about—Inventions in the making of wheels—Employment by the Admiralty—Enlargement of Portsmouth Dock, x. 313.
- — — Letter from his brother to Dumont on his inventions of fire-irons, wheel-turning, &c., x. 381-382.
- — — Letter to, with account of a young Persian and Tripolitan, x. 534.
- — — Account of his services to the Panopticon Penitentiary Plan, and his inventions for the furtherance of it, xi. 97-98.
- — — His visit to the military school at Paris, supposed to have suggested the inspection principle, iv. 63.
- — — Casual notices of, x. 114, 258-259, 267, 334, 389, 407, 412-413, 425, 444, 446, 457, 462; xi. 119, 128, 132.
- Bentham—Thomas, Bishop of Lichfield—Notices of, x. 3 n, 438.
- Bentham—William, the antiquary, noticed, x. 3 n.
- Bentham—Dr—Subdean of Christ Church, noticed, x. 35.
- Bentham—Mrs. (Jeremy's mother.) character and traits of, x. 5-6.
- — — Death of, x. 26.
- Bentheim—Castle and Earldom of, in Germany, x. 3 n.
- Bentinck—Lord William—Views of, on his departure as Governor-general of India, x. 576-577.
- — — Letter from Bentham to Rammohun Roy, about, x. 589-592.
- Bequest—Origin of the right of, in England, ii. 596-597.
- Latitude that should be given to the power of, ii. 586.
- Bergman on the usefulness of chemistry—translated by Bentham, x. 180.
- Berkeley—Bishop, noticed, viii. 119 n<sup>+</sup>, 321.
- Berlin—Visit to, by Bentham, on his return from Russia, x. 180-181.
- Berne—Convict system at, i. 441
- Absence of taxes in the Canton of, iii. 204 n\*.
- Berry—Forms of the provincial assembly of, noticed, ii. 333, 334 n\*, 347, 348.
- Berthélemi—Case of, cited, vii. 126.
- Best—W. D., Lord Wynford—Letter from, xi. 62.
- Bexley—Lord. *See* Vansittart.
- Bexon—The Bavarian code of, iv. 514.
- His application of the Theory of Legislation—Correspondence on a Review of, by Mill, x. 452, 453-454.
- Bezenvall—Memoires de, quoted, vi. 448 n.
- Bias—Meaning of the expression, vi. 249-250.
- Bible—Evidence for the, an illustration of transmitted evidence, vii. 158 n.
- Bible—Halley on the authenticity of the, considered, vi. 243.
- Bickerstaff—Isaac, noticed, x. 124.
- Bickersteth—Henry, (afterwards Lord Langdale,) Paper by, recommending union of Bentham and Burdett, x. 492-493.
- — — Mention of, xi. 21, 39.
- Biennial Parliaments—Opinion expressed on, to the Portuguese people, viii. 485.
- Bifurcate Division—Use of, in an Encyclopedical Sketch of Art and Science, viii. 95-96. The thing divided being a substantive, each of the condividends having that substantive with an adjective, are opposed to each other as counter definitions, and their difference manifested, ib.
- — — the only sort of division that is at once all-comprehensive, distinct, and instructive, viii. 107-110.
- — — How the author's notions of, suggested, viii. 110-112.
- — — Sanderson's views regarding, criticised, viii. 114.
- — — Watts' vague ideas on, viii. 114-115.
- — — Reid and Kaimes' misapprehension of the power of, viii. 115-116.
- — — Considerations as to the length to which it may and should be carried, viii. 116-117.
- — — considered as a subdepartment of Logic, viii. 253-255.
- — — The system adopted by D'Alembert a contrast to the certainty and precision of, viii. 78-79.
- — — Its effect in throwing special light on one of the condividends, viii. 268 n.
- — — The course to be adopted in framing a system of encyclopedical nomenclature, in connexion with, viii. 71-72.
- — — The system of, applied to the sources of motion, viii. 144-146.
- Bigamy—First wife's evidence not taken in a prosecution for, vii. 483 n.
- Bigotry, superstition, &c., as designative of motives, i. 201.
- Bill—Finding of by grand jury, once serviceable, now an evil, vi. 472-473.
- Bill in Equity—Method of procedure on, vi. 444-445; vii. 274, 292, 499, 530.
- — — Amendment on—when granted, vi. 455-458.
- — — considered as furnishing evidence, vi. 70, 431 n.
- — — acts as examination of defendant, vi. 436.
- — — compels self-disserving evidence, vii. 471-472.
- — — The mendacity of, vi. 308, 482-483; vii. 229 n, 267, 364, 365, 493.
- — — Degree of conviction to be expressed in answer to, vi. 232; vii. 266.
- — — Delays in procedure on, vii. 216-217, 515-516

- Bill in Equity—Substitution of Instrument of demand for, vii. 270-271.
- — Testimony of co-defendants as regards one another, in procedure on, vii. 512-517.
  - — for the production of evidence—List of kinds of, vii. 299 n.
  - — The mendacity caused in the procedure on, charged as a grievance in the abridged Petition for justice, v. 510-513.
  - — Fraudulent detention of property by means of, iii. 410.
- Bill—Cross in equity, vi. 485.
- Bill of exceptions—Nature of, vi. 418-419.
- Curious procedure on, with regard to the judge whose charge is excepted against, ib.
- Bills—Exchequer: Criticism on the form and materials of, iii. 152-153.
- — Relation between the Annuity-note project and, iii. 109 *et seq.*
  - — as a means for temporarily employing money, compared with the Annuity-note project, iii. 120.
  - — Reasons why they do not circulate on such advantageous terms as bank paper, iii. 149-153.
  - — Method of improving the arrangements as to, iii. 147.
  - — clumsiness of, as convertible securities, x. 368.
- Bills of Exchange—Questions as to, ranked as complex suits, ii. 81.
- Bills—Drawing and redrawing, and sale of accepted—Virtual usury in, iii. 13.
- Bills, Parliamentary—Practice of. Proposal of dispensing with leave till bill presented, ii. 353.
- — Proposal for the publication and sale of, ii. 353.
  - — Advantage of the three readings of, ii. 353.
  - — Members proposing should not be entitled to abandon, ii. 354.
  - — Rules for the drawing of, ii. 354-358.
  - — Reasons why they should contain the law *in terminis*, and practice of allowing blanks in, ii. 357-358.
  - — Practice as to blanks in, iii. 564 n.
  - — The practice of leaving sums blank in, to be filled in by Committee, v. 568.
  - — Practice of reading before King's Speeches, considered, ii. 335.
  - — Formula of Royal Assent to, ii. 373.
  - — Complaint of the sections in, not being numbered, vii. 441 n.
  - — Specimen of the heads of, as illustrated in the Thames Police bill, x. 331-333.
  - — Method of giving abbreviated conversational names to, recommended for mutation, viii. 46.
  - — Consideration of, in Committee of the whole House, ii. 373.
- Bills—Local—Considerations as to the means of adjusting the value of private property in the case of, iv. 11.
- Bill—Money—Instance of a, commenced in the Lords, v. 567.
- Bill of Rights—Violation of, charged on the method of governing New South Wales, iv. 280-282; xi. 129.
- — precludes the King having either a separate army or a separate purse, iv. 267-268.
  - — The regulations of, as to Juries, infringed in the Special Jury system, v. 176-177.
  - — Mischievous vagueness in the framing of, attributed to treachery, v. 176.
  - — has done good though infringed, viii. 593; ix. 122.
- Bill—Pitt's Poor-law, criticised, viii. 440-461.
- Bill—The Hard Labour. View of, iv. 1-35.
- Bill—Despatch Court. Account of, iii. 305-315.
- — — in terminis, iii. 319-430.
- Bill—Radical Reform, iii. 558-597. *See* Reform.
- Bill—Parliamentary Reform—Correspondence with Sir Francis Burdett about drawing, x. 491-495.
- Bill—Lord Brougham's Bankruptcy Court, criticised, v. 565-610.
- Billeting of soldiers—The principle of, ix. 386.
- Bingley—The case of, cited, xi. 62-63.
- Biographical Chronology—defined and located in the Chrestomathic system of instruction, viii. 29, 33.
- Biography—Evil influence of the spirit of laudation in, ix. 61.
- Bipartition—in Logic—The system of, explained and supported, i. 96-97 n. *See* Bifurcate; Division.
- Biren—Allusion to the cruelties of, i. 448.
- Birmingham—Adam Smith's notice of, as a projecting town, iii. 27.
- Biron—Marechal de—Mention of, x. 93.
- Birth—Number of children at. Inquiry regarding, with relation to evidence, vii. 88.
- — Extent to which it is a criterion of the relation of sovereign and subject, ii. 542-543.
  - — Distinctions of. Article in the second French Declaration as to, criticised, ii. 525-526.
- Births as a subject of registration, iii. 83; vi. 63 n, 567, 570-574. *See* Genealogical facts.
- — Registration of baptisms substituted for, vi. 573. Amendment of the law, ib. n.
  - — Plan for a register of, in the Constitutional Code, ix. 630. *See* Registrars.
  - — Table of, to be exhibited by local Headman in terms of Constitutional Code, ix. 624.
- Bishops—The, as Lords Spiritual, characterized, iv. 438; vi. 273.

- Bishops**—Use of, questioned, ii. 449.  
 — their acquisition of consistorial jurisdiction, vii. 294.  
 — The qualifications of the, i. 279 n.  
 — represented as a cause of, instead of as opponents to, good government, ii. 467-468.  
 — the reasons of their so seldom speaking in Parliament, ii. 468.  
 — The Irish—Oath of, to erect schools, broken, v. 456.
- Blackburne**—Mr—his system of mural fortification, iv. 107-108.  
 — — his plans for the National Penitentiary, iv. 119 n, 162 n; x. 257; xi. 112.
- Blackstone**—Sir William—Remarks on what said by, on Government, in the Introduction to his Commentaries—viz. Fragment on Government, i. 227-295. Blackstone an enemy to reformation, 227. Reason for directing the comment against the Introduction, 227-228. Digression in the definition of municipal law, 223. Author's reasons for waging war, 229. Not the expository, but the censorial part, that has called for criticism, 229-232. Criticisms on various isolated passages, 232-236. His merits, 236-239. Impeded by technical nomenclature, ib. Breach with Lord Shelburne, &c., 249. Attributes the Fragment to a Scotsman, 254-255. Connexion with the Hard Labour Bill, 255. His views on the formation of Government, the original contract, &c., 261-272. On forms of Government: Monarchy, Aristocracy, and Democracy, 272-277. His proof of the perfection of the British constitution, 277-283. His remarks on the right of the supreme authority to make laws. Views of its limitations, 283-292. On the duty of the supreme power to make laws, 292-295.  
 — — Bentham's reminiscences of his lectures, x. 45.  
 — — His reception at Oxford by Vice-Chancellor Browne, ix. 612 n.  
 — — Estimate of the writings of, in Bentham's *Commonplace Book*, x. 141.  
 — — Opinion of, on the Usury Laws, criticised, ii. 14-15.  
 — — his views on succession, wills, and disinheriting, noticed, ii. 597-598.  
 — — Compurgation denounced by, vi. 315-316 n.  
 — — his definition of retaliation considered, i. 409.  
 — — his views on forfeitures criticised, i. 485.  
 — — his commentary on the Union criticised, ii. 405-406.  
 — — casually noticed or quoted, i. 504, 506, 509, 510-511 n; ii. 110, 393, 401, 443, 586 n; iii. 14, 158, 273, 292, 372 n, 440, 441, 490, 491, 509, 590 n, 592 n; iv. 199, 423, 447, 448, 483; v. 25. 92, 128 n, 133, 143, 145, 160, 186, 234, 236, 285, 366, 389, 392, 449, 451, 467, 479, 489, 539; vi. 62 n, 99 n, 100, 148, 323, 469, 470, 481 n, 492 n; vii. 90, 198, 241, 242, 243, 270 n, 273 n, 283, 285, 295, 319 n, 330, 440, 504, 517, 518, 550; viii. 467, 481; ix. 24, 64; x. 35, 86, 98, 100, 116, 127, 174.
- Blagden**—Dr—Secretary to the Royal Society, noticed, x. 274.
- Blandy**—Mary—case of, cited, vii. 55.
- Blank verse**—Application of Melodiousness as a property of language to, viii. 306.
- Blankett, Captain**—a friend of Lord Shelburne's, notices of, x. 88, 89, 90, 91, 95, 98, 116, 232.
- Blaquiere**—Lieutenant—Account of, x. 474-475, 514-515.  
 — — Letter from, x. 475-476.  
 — — Letter to, x. 514-515.
- Blasphemy**—Punishment of, vii. 423.  
 — Classification of, in the Penal Code, iii. 171.  
 — should only be treated as an offence when it is so far public as to do injury to feelings, viii. 546-547.
- Bligh**—Governor of N. S. Wales, notice of, x. 465.
- Blind**—Appropriate additional comforts to the, under Pauper management, viii. 433.  
 — Appropriate establishments for the, as a branch of Pauper management, viii. 394-395.
- Blind arrangements of procedure**—Exclusion of evidence occasioned by, vii. 537-542.
- Blind fixation of times for judicial operations**, vii. 239-240.
- Blondeau**—M.—Jurisprudential lecturer—mention of, x. 604.
- Blondel, Madame**—notice of, x. 93.
- Blood**—Corruption of, as a punishment, considered, i. 480-482; vii. 436-437.
- Boa Constructor**, or Lord Brougham displayed, v. 549-612  
 — — the proposed absorption of the Vice-Chancellor's and Roll's Court in the Chancery, illustrated by, v. 553-563
- Board for the children of the labouring classes**—Plan for a beneficial connexion of, with the Poor-law, viii. 421-424.
- Boards**—Their incapacity to carry through great systems of legislative improvement, considered especially with reference to a Code of Laws for Russia, iv. 516-528.  
 — Election of members of, generally so managed as to give a choice of only the same person over and over, ix. 173.  
 — Comparison of the system of, with the proposed single-seated system in the Constitutional Code, and the practice of the United States, ix. 216-217.  
 — The branches of service most essential

to the comfort and luxury of the monarch not put into the hands of, because they would be mismanaged, ix, 29.

**Boards**—Irresponsibility of members of, with its causes, iii, 571 n; vi, 557-558.

**Board management**—inimical to responsibility, economy, and efficiency—superiority of single-handed, especially contract, iv, 125-134; v, 17-18.

**Boasting of iniquity**, considered as evidence of guilt, vii, 33.

**Body**—Existence of, in two distinct places, an instance of what is considered incredible, yet is believed in, vii, 81, 82.

**Body**—A dead, rules for disposal of, vi, 571 and n.

— rule, that it must be found, to convict of murder, considered, vii, 68-69.

**Body Politic**—Use to which the term is applied, ii, 306.

**Bodies**—Public—Want of responsibility in, iii, 571 n; vi, 557-558. *See* Boards.

**Bodies**—Political, in general—Analysis of, ii, 306.

— Permanent—Analysis of, ii, 306-307.

**Bodies**—Legislative. *See* Legislative Assemblies.

**Bodin**—Felix—Notice of, x, 600.

**Bolingbroke**—(Henry St John, Viscount) his method of philosophically viewing Law and Legislation, iii, 285.

— His patriot king criticised, x, 72.

— Incident to, noticed, vii, 45 n.

— Casual mention of, x, 532.

**Bolivar**—Character of, ii, 568.

— Opinion of, x, 565; xi, 33.

— His proscription of Bentham's works, x, 552.

**Bolton & Watt**—Copying machine of, vi, 576 n.

**Bondage**—added to transportation by the contract system, i, 490-491.

**Bondsmanship**—Friendly. Provisions for, in Principles of procedure, ii, 103-105.

**Bonnets**—The, a French refugee family; their acquaintance with the Benthams, x, 15.

**Bonorum**—*Cessio*, in Scottish law, vi, 181-182. Reform in, 181 n.

**Books**—Extracts from, refused as evidence, vi, 389-391.

**Books for recordation of the operations of the several official departments**, according to the Constitutional Code, ix, 232-253.

**Books**—All, the general uses of, ix, 232-236. General object, 232-233. Enumeration of topics for consideration, 233. Ends in view—maximizing appropriate good—minimizing evil, ib. Subject matters of registration, ib. Times to which it is applicable—entrance, continuance, exit, 233-234. Entries, or form of registration, 234. The Books themselves divided into Service Books (including Outset and Journal Books) and Loss Books, ib. Uses of Service

Books, 233-234. Uses of Loss Books, and list of the causes of loss, 235-236.

**Books**—Original outset, ix, 236-242. *First*, Specific Book—Personal Stock Book, 236. Heads of entry, ib. Uses of entries, 236-237. Subdepartments in which its application to the personal stock prominent—army, navy, &c., 237. *Second*, Immoveable Stock Book—heads of entry, and uses, ib. *Third*, Moveable Stock Book—heads of entry, 237-238. Mimnographic mode of registration, by means of models and plans, 238-241, (*See* Mimnographic.) General heads for the aggregate of the moveable stock of all the departments, 241. *Fourth*, Money-Stock Book—heads of entry, 241-242.

**Books**—Journal, ix, 242-246. Relative portions of time to be kept in view in relation to the matters entered—time of entrance, time of continuance, and time of exit, 242. Specific books—Personal, Immoveable, Moveable, and Money stock, ib. Subspecific books of Personal stock, or Individual service-book—Entrance, Application, and Exit books, 242-243. Uses in the way of check on functionaries, 243. Subspecific books of the Immoveable stock-book—Entrance, Application, and Exit books, 243. Heads of entry an occasion of addition to the Immoveable stock, 243-244. Subspecific books of the moveable stock-book—Receipt, Application, and Issue books, 244-245. Subspecific books of the money stock-book—Receipt, Application, and Issue books, 245-246. Exterior occurrence-book, 246.

**Books**—Loss, ix, 246-251. Subject matters of loss—Personal service, Immoveables, Moveables, and Money, 246. Efficient causes—Human, Natural, and Mixed, ib. Modes of loss of personal service—non-attendance, &c., 246-247. Examples of loss to immoveables—lands, houses, &c., 247. Modes to moveables, ib. Considerations as to fraudulent depreciation, ib. Departments where fraud liable to be committed in sales, even if by auction, 247-248. Modes of spontaneous deterioration and destruction, 248. Things considered according to their scale of durability, ib. Effect of age on value, and how far entries should be made in relation to it, ib. Things considered with reference to the length of use they are capable of, 248-249. Modes of loss with regard to money, 248. How loss guarded against by arrangements as to the custody in which articles are to be placed on receipt, &c.—the Individual-responsibility principle, 250. Notanda to accompany entries of loss, ib. Security for regular entries, ib. Causes of loss by human agency—incidental and permanent ex-



- penditure, 251. Incidental—wars, colonies, fine arts, &c., *ib.* Permanent expenditure—sinecures, *ib.* Stock-in-hand books—for showing balance of stock in hand, applicable to the services of each day, *ib.*
- Books—Subsidiary, ix. 251. Retro-acceptation, and retro-transmission books, *ib.*
- Abbreviations in, considered, ix. 251-253. Saving of time and labour in favour of the practice, 251-252. Disadvantage in impediments to public consultation, 252. Compromise in making the signs contractions of the words, and having a key, *ib.* Rules, *ib.* Correctness, clearness, and comprehensiveness as the properties that should be possessed by entries, 253.
- Allusion to the Greek adage concerning, vi. 5.
- Merchant's, as makeshift evidence, vi. 58; vii. 151, 167, 525.
- Rare—Protest against taxing the poor for indulging the rich with collections of, ix. 451.
- Book of Fallacies.—The, ii. 375-487.
- — analysis of, x. 519-521.
- Book—Entrance and departure, for testing attendance of representatives, ix. 163.
- Book—Non-attendance, as a check on representatives, ix. 163.
- Book-keeper—Evidence of, to charge a customer, vii. 123, 525.
- Book-keeping, as a branch of the Chrestomathic instruction system, viii. 39-40.
- — as a branch of Pauper management, viii. 391-394. *See* Pauper Management.
- — Source of information on, in a system of Pauper management, viii. 427.
- — by the Italian method—The author's system of national book-keeping compared with, ix. 253 n.
- — by the Italian method—Objections to, v. 383-386.
- — Judicial—System of, vii. 63, 64, 595-596.
- — National—Plan of, proposed, v. 383-386.
- Boosey—Mr—an Overseer of the Poor—anecdotes of, x. 55.
- Boroughs—Rotten—Dilemma of the proprietors of, x. 141.
- Borrowed, or adscititious evidence, vii. 127-129.
- Borrowers—Popular prejudices in favour of, as compared with lenders, in. 17.
- Borrowing and repaying—Effect of, on national wealth, iii. 76, 80.
- Method of, adopted by prodigals, iii. 6.
- Bossuet. His opinion on hereditary professions, ii. 229 n.
- noticed, viii. 543.
- Boswell, James. His discovery of a breach of the Union in judicial reform, n. 406-407
- Botany—Bentham's liking to the study of, x. 152, 178-179.
- defined, and located as a branch of instruction in the Chrestomathic school, viii. 28.
- Azooscopic Embioscopes substituted for the term in the Encyclopedical Sketch of Art and Science, viii. 87.
- Advantage of nomenclature to, vi. 442.
- Illustrations of logical aggregation, and analysis from, viii. 121-126.
- Connexion of the science of, with the pursuits of the labouring classes, viii. 24.
- The exhaustive mode of division illustrated in, viii. 254-255.
- Professorship of, in central towns, recommended, ii. 257.
- Botany Bay—Transportation to, i. 491-497. *See* Transportation.
- — The system of transportation to, compared with the Panopticon Penitentiary System, iv. 173 *et seq.* *See* Panopticon.
- Bottomry and Respondentia—Virtual usury sanctioned in, iii. 14.
- Boughton—Sir Theodosius—Trial of Captain Donnellan for the murder of, noticed. *See* Donnellan.
- Boundaries—Questions as to, ranked as complex suits, ii. 81.
- Provision for marking those of the state to which the Constitutional Code applies, ix. 147-150.
- of states—Questions regarding, as sources of war, ii. 539, 544.
- Bounties—Commercial—Mischievousness of, ii. 549.
- on Production considered, iii. 59-61. The necessity for giving them, proves the failure of the project, 59-60. Absurdity chiefly in the case of new branches, when the difficulty must be overcome before the encouragement comes, 60; cost increases with success, *ib.* Make tax-payer pay for consumer, 60-61. Do not increase produce—only shift payment for what produced, 61.
- on Exportation more disadvantageous than on production, iii. 62-63. A direct tribute to the foreign purchaser, *ib.*
- on projects, have the effect of converting income into capital, iii. 57-58.
- on fisheries—Deductions from the matter of national wealth for the purpose of defence, iii. 42.
- Bouverie—Mr—a visiter at Bowood, x. 98.
- Bowdler—Mr—mention of, xi. 110.
- Bower. The name of a fellow-student of Bentham, x. 40.
- Bowles—Oldfield—a college companion of Bentham, x. 38-39.
- Bowood—Visit to, by Bentham in 1781—Reminiscences of, and Letters from, x. 89-125
- Bowring—Dr—Introduction to Bentham,

- and origin and continuance of the friendship, x. 516.
- Bowring—Dr**—Letter to, on Law Reform in Spain, x. 516.
- Letter from, on reëligibility of representatives, x. 528-530.
- imprisoned in France, x. 534.
- Editor of the political department of the Westminster Review, x. 540-541.
- Verses by, addressed to Bentham on his reaching his 80th year, x. 592.
- His minuting the particulars of Bentham's life, alluded to in a letter of Bentham's, xi. 42.
- Letter from Bentham to, in anticipation of death, xi. 76.
- Note to, by Bentham in reference to the Panopticon Scheme, iv. 171-172.
- Preface by, to "Restrictive and prohibitory commercial system," iii. 86-88.
- Letter from Bentham to, on John Lind, and Nathaniel Forster, x. 55-65.
- casual notices of, viii. 489, 544-547, 551, 576, 591; x. 56, 67, 68, 75, 604, 605.
- Bowstring**—The, as a punishment, i. 442.
- Boyd, Mr**—His Essay on the Bank Restriction, x. 361, 364, 366.
- Bradford, Judge**—quoted as to the Philadelphia Penitentiary, iv. 213, 243.
- Bradford—Jonathan**—Case of, cited, vii. 22 n †.
- Brady—Dr Robert**—quoted on Parliamentary History, iii. 515 n.
- Bramin**—Curious rules of evidence regarding, vi. 272.
- Brancaas—Duke de**—Notice of, x. 399.
- Brand, Hon. T.**—His projects of Parliamentary Reform noticed, iii. 517, 518 n, 519, 522, 523, 532, 535.
- Branding as a punishment**, i. 416.
- of convicts—Considerations as to, iv. 20-21.
- Bravery**—The rewards for, of barbarous nations, ii. 197.
- Brazier**—Case of, cited, vii. 428.
- Breach of the peace**—Vague use of the term in law, for sinister purposes, v. 258-259.
- Breach of trust**—Nature of the offence, i. 105-113.
- Bread**—Nature of a tax on, ii. 573.
- Advertisements of convictions of short weight in selling, i. 460 n \*.
- Brevity**—Utility of, in the language of the laws, iii. 203.
- in legislation—Means of acquiring relative, by giving in *terminis* to individuals those parts only in which they are interested, iii. 256-258.
- Bribes**—none directly taken by judges, vii. 204.
- Bribery**—Impracticability of, with regard to English judges, ii. 75.
- Publicity the great safeguard against, in English judicature, v. 341, 355.
- Bribery**—as an offence—Nature of, i. 113.
- in the form of official salary—Operation of, iii. 492.
- at elections—Motive leading to, i. 51.
- at elections—Nature of the operation of, iii. 478-482.
- at elections compared with terrorism, iii. 482-485.
- at elections. Analysis of the operation of, and means of defeating, iii. 453-454.
- Affectation of those who are most corrupt, professing to legislate against, iv. 435.
- Protected by being made not proveable by one witness, vii. 526.
- Bridges**—under the superintendance of the Interior Communication Minister, by the Constitutional Code, ix. 441.
- Brissot**—Character of, x. 190-191.
- Letters from, to Bentham, x. 191-192.
- His opinion of Bentham, as expressed in his Memoirs, x. 192-194.
- Letter to, from Bentham, against Declarations of Rights, x. 214-215.
- Letters to, on the Panopticon, x. 226, 278-279.
- his wish to get Bentham returned to the French Convention, x. 316.
- Memoirs of—Copy of, received by Bentham, and his remarks, xi. 53-54.
- conjunctly with George III., has the responsibility of the French revolutionary war, iv. 432.
- Bristol**—(Frederick Hervey, Earl of,) noticed as a visiter at Bowood, x. 93, 95, 97, 108.
- Britain**—Peace and war generally in the power of, ii. 556.
- Prosperity of, produced by the enterprise of projectors, &c., iii. 23.
- and France—The interest of, in propositions which would lead to a perpetual peace, ii. 546-560. *See* Peace.
- and France—Agreement of, would remove the principal difficulties to a general pacification, ii. 550.
- and France—Disarming treaty between, as preparatory to a plan of perpetual peace, i. 550-552.
- Brithibernia**—Proposal that the United Kingdom should be called, x. 467.
- British Constitution.** *See* Constitution—British.
- British India.** *See* India—British.
- British Liberty**—Seeds of, in the forms of Parliament, ii. 332.
- Britton**—Chief-justice, quoted, vii. 460.
- Brogie**—Duke de. Letter to, with proposals of Law Reform for France, xi. 54-56.
- Brooke—Mr**—a visiter at Bowood, x. 106.
- Brooksbank & Beltz, Commissioners** on the public accounts—The opinion of, on the Italian system of book-keeping, v. 384.
- Brougham—Henry (Lord)**—regrets at com-

- ing to the opinion that he is opposed to Law Reform, v. 553.
- Brougham—Henry (Lord)—His proposal of moderate reform criticised, ii. 458.**
- — Letter from, to Mill, on Bentham's noology, &c., x. 454.
- — Information from, on Prize-money, and Droits of the Admiralty, x. 459-460.
- — Letter from, to Mill, on the Papers on Codification and Public Instruction, x. 461-462.
- — Bentham's opinion of, and notices of, x. 471-472.
- — Jeux d'Esprit on, xi. 50.
- — Displayed, including Boa Constrictor, alias Helluo Curiarum, and Observations on the Bankruptcy Court Bill, v. 549-612.
- — His Bankruptcy Court Act noticed, vi. 468.
- — His remarks in Parliament, on Bentham's Plan of Parliamentary Reform, iv. 566-568. His misstatement of Bentham's views on the Suffrage, 567. Correction, 568.
- — Correspondence with, as to a Commission of Inquiry into the state of the Common Law, x. 574-576.
- — Opinion of his projects of Law Reform, x. 588-589.
- — Letters to, xi. 33-34, 36-37, 61.
- — Letter from, xi. 62.
- — His opinion on paying judges by fees criticised, v. 583-589.
- — His tribute to the Author, in his remarks on the evils of vacations, v. 563-565.
- — Speech of, in the Court of Chancery, on the absorption of the Rolls and Vice-Chancellor's Court, v. 550-552.
- — Bentham's opinion of, x. 571.
- — Hudibrastic verses on, xi. 71.
- — noticed, iii. 469, 489, 562; iv. 370, 467, 530, 577; x. 462, 473, 533, 567, 604; xi. 37.
- Browbeating witnesses, vi. 33, 338, 406-408, 426.** Extent of license that should be allowed to deportment, 406. Timidity of witness may make him appear dishonest, 407. Throws unwarranted imputation on witness, ib. Decline of browbeating in practice, 407 n. Judge should interfere, 407. Motives which prompt the advocate, ib. Judge should express his opinion of witness's probity, if apparent, 407-408. Witnesses retaliating, 408 n. Appeal to the public, 408.
- Brown—Robert, the botanist—Notice of, x. 465.**
- Browne—Dr—Vice-Chancellor of Oxford.** His conduct to Blackstone, ix. 612 n.
- Browne—Dr—his Admiralty practice quoted, vi. 491, 496-497.**
- Browne—Sir Thomas.** His Vulgar Errors characterized, ii. 380 n.
- Browning Hill—The residence of Bentham's maternal relations, x. 3-4.**
- — Bentham's attachment to, x. 8-9.
- — Bentham's studies and pursuits at, x. 22-23.
- Brunel—Mr—Copying machine of, vi. 576 n.**
- Bryant—Jacob—Notice of, x. 285.**
- Bucharest—Bentham's visit to, on his way to Russia, x. 158.**
- — Incidents noticed by Bentham on his visit there, x. 56.
- Buckingham—(George Villiers, 1st Duke of)** Illustration from the murder of, i. 38-39.
- — (George Villiers, 2d Duke of.) His "Rehearsal," and its effects, noticed, ii. 254.
- Buckingham—John Silk, noticed, x. 589.**
- Buenos Ayres—Tactic Code of.** Correspondence with Provisional Government of Greece, as to, iv. 583-585.
- — Letter to Rivadavia, on the emancipation of, x. 513-514.
- — Account of the Constitution of, by General Miller, xi. 16.
- Buildings for facilitating the proper performance of duties at the public offices—arrangements as to, ix. 325-333.** See Ministers collectively—Architectural Arrangements.
- Building—The kind of, suitable for a numerous assembly, ii. 317.**
- Bulgacow—The Russian minister in Turkey, x. 152-153.**
- Bull—Mr—a visiter at Bowood, x. 106, 107, 123.**
- Bull-baiting—Cruelty of, i. 562.**
- Buller—Mr Justice, noticed or quoted, v. 22, 126 n; vi. 140, 175, 184, 391, 418-419; vii. 423, 425, 473, 484 n.**
- — on exclusion of evidence, vii. 340.
- Bum-boat act—The, referred to, vii. 506 n.**
- Bunbury—Sir Charles—Letters to, on the Panopticon, xi. 120-121, 123-127, 145.**
- — Letters from, on the Panopticon, x. 127.
- — Notices of, ix. 346 n; x. 112, 131, 139, 250, 385, 396.
- Bunce—Mr—Architect to the naval works—reference to, x. 347.**
- Bunce—Mr—Attorney. Account of, x. 426.**
- Buonaparte.** See Napoleon.
- Burden—Supply without, through the extension of the principle of Escheat, ii. 585-598**
- — of proof—On whom should it lie? vi. 136-139, 213-214. How arranged according to natural procedure, 136-137. In English equity courts, 137-138. In common-law courts, 138-139.
- Burdens—National—Argument, that the great extent of, is a reason for not removing small portions, combated, v. 303-305.**

- Burdens on property**—Use of registration for exhibition of, vi. 575.
- Burdett**—Sir Francis—Letter to, about Chancery delays, x. 460-461.
- — — Bentham's opinion of, x. 471.
- — — his application to Bentham to draw up a Reform Bill, and correspondence on the subject, x. 491-495.
- — — Union of, with Bentham, recommended by Bickersteth, x. 492-493.
- — — Letter to, on the Ballot, x. 494-495.
- — — moves Resolutions on Parliamentary Reform, drawn up by Bentham, x. 495-497.
- — — Correspondence with, on Law Reform, x. 550-551, 592.
- — — Letter to, on the Codification Petition, xi. 50-51.
- — — His opinion on Bentham's Plan of Parliamentary Reform, as delivered in Parliament, iv. 566-568.
- — — His views on Parliamentary Reform, iii. 458, 461.
- — — noticed, ii. 399 n; iii. 469, 472-473 n, 538; viii. 470; x. 404, 464, 498, 507, 522.
- Burgoyne**—General—Notice and anecdotes of, x. 260, 527.
- Burials**—Method for preventing, before the extinction of life, vi. 571 n.
- Burial-grounds**—Authority of the Health Minister regarding, by the Constitutional Code, ix. 445.
- Burial service**—Exclusion from the benefit of, by excommunication, i. 514.
- Burkarti**—The nominal resident Minister of the King of Poland, noticed, x. 58.
- Burke**—Edmund—Defence of Economy against, v. 278-301.
- — — His objects in his Bill, and speech on Financial Reform investigated, v. 282-284. To get the praise of frugality and probity for the little he removed—of candour for the much he left, ib.
- — — His opinions controverted on the application of public money to rewards, v. 283-287.
- — — on the proper title to public rewards, v. 287-290.
- — — on the means of inciting a virtuous ambition, v. 290-291.
- — — on the duty of public men to their party, v. 291-292.
- — — on ministers founding fortunes from their self-awarded salaries, v. 292-294.
- — — on the profligacy of gratuitous public service, 294-297. Quotations, 294-295. Members of Parliament cited as illustration against, 295. Greatest benefactors of their race have acted gratuitously, 296-297.
- — — on the necessity that power will draw the wealth of the country to itself, v. 297-298.
- Burke**—Edmund—His character as a statesman and as a writer—his East India Bill and Economy Bill, v. 298-300.
- — — His opinion on the application of the principle of competition to official services, v. 300-301.
- — — Reasons for writing the Defence of Economy against—his praise of Peculation, v. 301.
- — — Commended for not declaring whether he was or was not the author of Junius, x. 82.
- — — His reform in the payment of public officers, ii. 198-199.
- — — His remark, that giving up emolument shows profligacy, criticised, ii. 464-465.
- — — Account of an interview with, x. 564.
- — — Bentham's opinion of, x. 267.
- — — Casually noticed or quoted, i. 250; ii. 219, 453 n; iii. 435, 443 n, 591 n\*; iv. 267, 372, 379 n†, 383 n\*; v. 268, 339; viii. 313, 469; ix. 291; x. 255, 259, 510; xi. 50.
- Burlamaqui** noticed, i. 150 n† 341; iii. 158.
- Burleigh**—The name of a fellow-student of Bentham, x. 40.
- Burn**—Dr—(author of the Justice,) noticed or quoted, i. 515; iv. 264 n; vi. 494 n.
- Burn's Justice**—Illustration of Abbreviation from, iii. 595.
- Burnet**—Bishop, noticed, i. 279 n; v. 120.
- — — History of his own Times—Impression on Bentham from the perusal of, in boyhood, x. 22.
- Burnet's Theory of the Earth**—Perusal of, by Bentham in childhood, x. 12.
- Burning of the hand in felonies**—Exposition of the origin and application of, i. 510-511.
- — — a restorative of the competency of a witness, vii. 434-435.
- Burr**—Col. Aaron—Bentham's account of, x. 432.
- — — His duel with Hamilton characterised, x. 432.
- — — Account of, by Dumont, x. 433.
- — — Letters from, with his impressions of the persons and society met by him in England, and his adventures in travelling, x. 434-437, 451-452, 466-467.
- — — Letter from, on the state of the Spanish Cortes, x. 438.
- — — Attempts of, on American independence, an illustration of the impossibility of serving sinister interest in a democracy, ix. 100-101.
- — — noticed, iv. 469; viii. 515; ix. 361 n.
- Burridge**—The case of, cited, v. 141 n.
- Burrow**—Sir James—noticed, v. 20.
- Burthen of cost**—Minimization of, ii. 112-114.
- — — of expenditure—should be borne where benefit reaped, ii. 243-244.
- Burthens and benefits**—General division of the law founded on, ix. 8.

**Burthens**—Principle of the distribution of, by the civil code, ix. 21-22. Counterparts of benefits, 21. According to greatest-happiness principle only imposed for preponderant benefit, *ib.* The benefit often overlooked, *ib.* Imposing a burthen on one for the benefit of another, creates a service, 22. Divided into pecuniary and non-pecuniary, *ib.* Contract and Coercion, *ib.*

— to be deducted in estimating one's means, ii. 110.

**Burton**—Dr—noticed, x. 565.

**Burton**—Mr—a solicitor, noticed, x. 16.

**Burton**—J. H.—Notes and Elucidations by, ii. 110, 196, 316, 351, 579, 589; in. 2, 13, 48, 72, 83, 86, 232, 273, 352, 603; iv. 171, 452; v. 18, 24, 29, 49, 51, 105, 163, 175, 188, 202, 265, 266, 388, 454, 533, 578; vi. 122, 134, 173, 181, 226, 297, 304, 313, 314, 316, 334, 362, 404, 515, 517, 530, 531, 567, 571, 573, 579, 581, 584, 585; vii. 22, 35, 61, 70, 74, 93, 101-102, 178, 182, 187, 193, 196, 214, 221, 224, 234, 237, 253, 257-258, 321, 333, 396, 419, 440, 580; ix. 8, 82, 98, 112, 151, 192, 199, 214, 218, 232, 235, 236, 252, 259, 262, 274, 290, 294, 298, 301, 302, 309, 313, 323, 338, 348, 358, 400, 408, 410, 417, 441, 465, 543, 555, 560, 571, 583; ix. 97, 142, 407, 409, 433, 469, 524, 625-626, 630, 649.

**Business**—Arrangement of hours for, in Legislative Assemblies, ii. 322-323

— Intellectual instruction affords the best means of relaxation from, viii. 8-9.

— The mind would be strengthened for, by the adoption of the Chrestomathic system of education, viii. 11-12.

— Factitious creation of, by lawyers, viii. 201-204. *See* Interest, sinister.

— Motion—considered, vii. 245-246.

**Busts** as honorary rewards, ii. 219.

**Butchers**—Fallacy of their exclusion from juries, vii. 61 n, 416.

**Butcher-meat**—Plan for preserving, in ice, x. 346-350.

**Bute**—(John Stuart,) Earl of, making peace the great crime imputed to, ii. 555.

**Butler**—Charles—noticed, x. 250-251, 524.

**Buxton**—Visit to, by Bentham in his youth, x. 46.

## C

**Cabell v. Vaughan**—Case of, cited, vii. 190 n\*.

**Cabinet**—The British—Increase of the number of members of, since the eighteenth century, ix. 217-218 n.

— Influence of, favoured by non-attendance of Members of Parliament, iii. 500-502.

— *See* Ministry.

**Cacothetism**—extent of its connexion with the Penal Code, iii. 171.

— an improper ground for exclusion of a witness, vi. 106; vii. 423-427. Catholics, 424. Quakers, 425. Persons excommunicated, *ib.* Antipathy the real cause of such exclusion, 426-427.

**Cadiz massacre**—The, of 1820—Observations on Hermosa's Vindication of Delay of Justice in the case of, viii. 474-482.

— — characterized, viii. 470-471.

**Caducity.** *See* Superannuation.

**Cæsar**—raised the pay of officers to gain partisans, ix. 378 n.

**Calamity**—Institution of a Minister for protecting the public against, by the Constitutional Code, ix. 439-441.

— Judicial measures for prevention of, ii. 39-40.

**Calamities**—The losses by, which should be refunded by the State, i. 387.

— Semi-public offences operating through, i. 100, 115 n.

— Physical—List of, iii. 168.

— Services of statistical information as to, ix. 627.

**Calas**—The case of, noticed, i. 448; vii. 17.

**Calatrava**—His eulogium of Bentham in the Spanish Cortes, viii. 554.

**Calculation**—How far employed by offenders in balancing crimes and punishments, i. 402.

**Caledonian Canal**—The, as an illustration of an effort by Government to increase national wealth, iii. 41 n\*.

**Calendars** for preserving a record of the services of judges—Plan for, in Constitutional Code, ix. 526-527.

**Calendar**—Periodical Amendment, for giving a view of the legislative operations of the Legislature, in the Constitutional Code, ix. 436.

**Call of the House.** Nature and effect of, ii. 325.

— — — a partial and inefficacious remedy for non-attendance, iii. 508, 509, 510.

**Calumny**—Considerations as to whether a preventive to, may be established consistently with the liberty of the press, ii. 516.

— Satisfaction for injury by, i. 375-376.

— Without publicity, judges would be a prey to, vi. 355.

— Character-evidence gives an opening for, vii. 57.

— Oath of, vi. 322, 323.

**Cambridge**—Letter on the state of, x. 483.

— Oaths at, corruption of national morals and understanding from, v. 213-219.

— and Oxford—Difference in the respective Constitutions of, and the historical cause, v. 215.

**Cambridge**—Owen—Notice of, x. 182, 235.

**Cambronero**—Notice of, x. 500.

- Camden—(Charles Pratt, Earl) Estimate of, and comparison with Mansfield, x. 119-120.
- Account of, as a visiter at Bowood, x. 104, 107, 111, 112, 113, 118, 119.
  - The author's intercourse with, at Bowood, i. 249-250.
  - His opinion on the Principles of Morals and Legislation, i. 252
  - His personal conduct to the author, i. 253.
  - His observation about a forty-days' tyranny, ix. 391 n.
  - Fragment on Government attributed to, i. 240; x. 82
  - Hostility of, to Law Reform, i. 241-242
  - Confessing to a bill of exceptions, vi. 418.
  - His conflict with Lord Mansfield, vi. 145-148, 534.
  - noticed, i. 248; ii. 209-210 n; v. 89, 116, 143 n, 218, 315, 342, 358; vi. 492; x. 64, 97, 557; xi. 63
- Camden's Britannia—Bentham's reminiscences of reading, in his boyhood, x. 21.
- Campbell—Dr. His imperfect definition of Rhetoric, vii. 93 n.
- Instance of scantiness in his Philosophy of Rhetoric, vii. 271-272 n.
- Campbell—Sir Hlay. Circumstances of the resignation of, noticed, iii. 373 n.
- Campbell—Mr, contractor for the custody of prisoners in the Hulks, xi. 117.
- Campbell v. Hall, the Grenada case, cited, iv. 266-269.
- Campe—J. C., made citizen of France, x. 281.
- Can, and cannot—Evil effects of the use of, in declarations as to laws; proposal to substitute *ought* and *ought not*, ii. 495, 499, 500, 510, 512, 524, 530.
- Canada. How far it is supposed to be a good field for transplanting English laws to, i. 171-172.
- Canals—Utility of, iii. 67.
- under the superintendance of the Interior Communication Minister by the Constitutional Code, ix. 441.
- Candidates for office—Method of ascertaining the qualifications of, by Constitutional Code, ix. 271-283.
- Candour—Want of, Libel inferred from, in English practice, v. 110.
- Canning—Elizabeth—Case of, quoted, v. 31, 521; vi. 304-305; vii. 87, 570 n.
- Canning—George—Notice of, as a student at Oxford, x. 221.
- talking of the conduct of the war department as a matter to be accommodated to Lord Castlereagh's feelings, v. 143 n.
  - His dictum "infamy must rest somewhere," criticised, ii. 429.
  - noticed, v. 301, 316; x. 468, 483, 531, 534, 570, 588.
- Cannon compared with rockets as an instrument of destruction, ix. 349-350 n.
- Canon Law, as a classification of Law, considered, iii. 158.
- Canonphantic exercise—The, in schools, explained, viii. 45.
- Canonization of Saints—Practice connected with, ii. 220.
- Capacity—Indications of, for public employment, how elicited, ii. 195
- Capias—Absconding after a writ of, vii. 50 n<sup>a</sup>.
- Capital—Definition of, iii. 36 n
- Employment of, in the manner most conducive to wealth, iii. 68-69. Land the most advantageous, but only so when nothing done for its encouragement, ib. Manufactures sold in the country, next, 69. Those sold abroad, next, ib. Carrying trade, last, ib. The scale, Adam Smith's, ib.
  - How diminished by taxes, iii. 76.
  - Effect of national loans, and their repayment, on, iii. 76.
  - Advantages of large, iii. 79.
  - National—Effect of employing taxes in liquidating debt on the, iii. 80-82.
  - Bounties a compulsory increase of, iii. 57-58.
  - Diversion of from one subject to another—mistaken notions as to evils from, iii. 519-550.
  - Prohibition to dispose of property by will impedes the accumulation of, i. 338
  - Accumulation of, nourished by the unlimited right of testating, vi. 531 n.
  - How it may find its way to a barbarous country when life and property are made secure, vii. 597-598.
  - The usury laws prevent accumulation of, by suppressing projects, iii. 20-29, 47-50.
  - The usury laws tend to reduce, iii. 47.
  - Effect of machinery on the employment of, on labour, iii. 39.
  - The quantity of productive labour that can be employed, or trade carried on in any direction, dependent on the amount of, iii. 43, 54, 79.
  - Income resolved into, through the instrumentality of taxation, iii. 44.
  - Advantage of exportation of, to persons of fixed income, iii. 52 n.
  - Relative amount of, to that of labour, fixes wages, iii. 61.
  - should be employable in trade, without producing the responsibility of partnership, iii. 48.
  - Increases of the mass of, with relation to the amount of money and commodities, iii. 69-70.
  - Inquiry into the profits of, when employed in agriculture, x. 373-374.
  - Trade the child of, iv. 4, 11.

- Capital—Profitable industry limited by the amount of, ii. 547.
- Limitation of production by—Importance of the aphorism, iii. 295.
- National. Advantage to, of the project of conversion of stock into Annuity notes, iii. 132-133.
- Effect of a general equalization of property upon, i. 360.
- How a joint stock for a junction of the Atlantic and Pacific would become a safe investment for, ii. 568-570.
- Capital Punishment—Inefficiency of, even in the way of example, in comparison with the Penitentiary system, iv. 244.
- — Reasons for the former frequency of, in England, v. 534.
- — discussed, i. 441-450. Division into simple and afflictive, 441-444. Merits examined, 444-450. *See* Death-punishment.
- — laid on because criminals escape through quibbles, vii. 453.
- — casually noticed, vii. 44, 58, 67.
- — *See* Death-punishment.
- Capitalists—would suffer less than labourers by a general partition of property, iii. 608.
- frequently profit by new inventions, when artisans suffer, viii. 576.
- Caprice—Legal maxims dictated by, i. 6-7 n\*.
- Caprices—Popular, against punishments, i. 411-413.
- Capture. Reasons why it should be in the general case confined to articles in the hands of the Government of the enemy, ix. 381-382. Exception in places taken by assault, and the reasons, 382.
- Caraccas—The; Bentham's proposal to emigrate to, x. 457-458.
- Card-playing—Innocent and pernicious resort to, ii. 255.
- Carew—Sir Reginald Pole—A letter from, to Bentham, on Mr Adam and the Panopticon, x. 252-253.
- — Correspondence with, on his financial opinions, and proposal to publish them along with a comment by Bentham, x. 323-329.
- — Letters from, x. 259.
- — Letter to, x. 414-415.
- — noticed, x. 263.
- Carew—Thomas. His motion for Annual Parliaments, iii. 455-456 n.
- Carlhde—Swedish Envoy to France, noticed, x. 317.
- Carlsle—Richard—Letter to, on his imprisonment, x. 527-528.
- Carmarthen—Marquis of. A school-fellow of Bentham's, x. 31.
- Carmer—Von—Attempt of, at codification, ii. 229.
- Carnot—noticed, x. 485.
- Caroline—Queen. Allusion to the trial of, ii. 136.
- Caroline—Queen. The case of, commented on, x. 474.
- Carr against Hood and Sharpe—The case of, cited, v. 162 n.
- Carr—Lady. Notice of, as a visiter at Bwood, x. 117.
- Carriage—Diminution of expense of, as a means of augmenting the efficacy of labour, iii. 67.
- Carrington—Lord—Mention of, x. 106.
- Carrying Trade—The least advantageous employment of capital, iii. 69.
- Carter—Sir John—Mention of, xi. 120.
- Cartwright—Major—Correspondence with, as to the complaints by settlers in New South Wales of abuses by the Government, x. 463-466.
- — urges Bentham to allow himself to be made one of the Committee of Guardians of Constitutional Reform, x. 522-523.
- — Letters from, x. 507-508, 537.
- — Letter to, x. 525.
- — Notices of, iii. 469, 481 n; iv. 567; viii. 470; x. 490, 522, 563.
- Carysfort—Lord, noticed, x. 170.
- Cases—Utility of, as a groundwork for statutes, vii. 310 n.
- Cases of nouns—Nature of, viii. 345-346. For expressing relation, 345. External mode by a separate word—internal, by an alteration, ib. Latter more convenient as it may be uniform—evil of varieties of declension, 346.
- Cass—Sir John—a connexion of the Bentham family, x. 1.
- Cassini—Trigonometrical Chart of, noticed, v. 429.
- Castella—Don. A visiter of Bentham's, x. 446.
- Castellux—Chevalier de—Correspondence of, with Bentham, x. 87.
- Castes in India—Effects of, in narrowing the field of competition, ii. 227.
- Castle—That a man's house is his—The saying criticised, ii. 511 n.
- Castlereagh—(Robert Stewart, Lord, Marquis of Londonderry)—Allusion to the death of, ii. 41.
- noticed, ii. 441, 443; iii. 443; v. 108, 143 n, 315, 372; x. 531.
- Casual evidence—Value of, considered, vi. 173.
- Casually-written evidence—Analysis of, vi. 164-165; vii. 121-126. Applies to letters and memoranda, 121. Characteristic fraud of, ib. When, and under what precautions to be admitted, 122. Not to be admitted in place of interrogation of witness when that can be got, ib. Case of a party demanding the script of another, 123-124. Of a party offering his own, 124. Precautionary regulations, 125.
- — Testimonial in some respects inferior to, vii. 126.

- Casually-written evidence—Authentication in the case of, vii. 180-181.
- — — its chance of superiority to oral, from nearness to the event, vii. 138.
- — — Real evidence transmitted through, vii. 152-154.
- Casuist—Definition of a, ii. 261.
- Cats—Bentham's fondness for, xi. 80-81.
- Catanomothetic Judicature, (viz. Legislative,)—Position of, as a branch of Ethics, in the Encyclopedical Sketch of Art and Science, viii. 95.
- Catastatio-chrestic Physiurgics, or Technology—Position of, in the Encyclopedical Sketch of Art and Science, viii. 88.
- Catechism of Parliamentary Reform—or outline in the form of question and answer, iii. 539-552.
- — — Introduction to, iii. 435-538.
- Categorical—the proper form of enactive propositions, iii. 277 n.
- Categories—The, of the Aristotelians—Commentary on, viii. 234-236.
- Catherine II. of Russia—Civilizing efforts of, i. 568, 569, 571.
- — Skillfulness displayed in her management of national prejudices, i. 182.
- — Her publication of rewards, ii. 204.
- — Her exemption of the nobles from corporal punishment, ii. 196.
- — Moral effect of her submitting to inoculation, i. 564.
- — Her reform as to prizes, ii. 537.
- — Her scale of ranks animadverted on, ii. 191, 194.
- — Her scale of ranks, and its military principle: a few good effects, and many bad from, ix. 300.
- — The strength of the Government of discussed, in the letters of Anti-Machiavel against the severance of Denmark from Russia, x. 201-211.
- — Notice of a progress by, through her dominions, x. 170-171.
- — Casual notices of, iv. 317; ix. 133; x. 214, 524; xi. 97.
- — Notices of, by Dumont, x. 409-410.
- Catholics—Roman; Sensibility of, with regard to religion, i. 174.
- — Restrictions on, i. 437.
- — Treatment of testimony of, by English law, vii. 424.
- — Providing for the religious observances of, in prisons, iv. 24, 176 n.
- — Absence of religious instruction for, in the penal colonies, i. 494.
- — Fallacy of the identity of denomination on which they are persecuted, ii. 417.
- — Cruelty of—The term examined as an instance of the fallacy of sweeping classification, ii. 440-441.
- — and Dissenters—Project for the union of, for the promotion of religious liberty, x. 592-594.
- Catholics of Ireland—Finessing of Government as to relief of, iii. 619-620.
- Catholic Association—Bentham subscribes to, and expresses his opinion about, x. 544.
- Catholic Church—Doctrines of, as to Simony, ii. 248.
- Catholic Claims—Letter to Sir J. C. Hobhouse on the, x. 523-525.
- Catholic countries—Saints' days in, productive of idleness, iii. 68.
- Catholic religion—Exercise of would be prevented, by judicial disclosures of confession, vi. 98, 99; vii. 367.
- Catholic relief—George III.'s resistance to, on the ground of his oath, v. 193, 208.
- Caulfield—James. See Charlemont—Earl of.
- Causation—Idea of, involved in those of action and passion, viii. 200.
- Cause—as generally used, the name of a fictitious entity, viii. 130.
- Cause and Effect—Relation between, vi. 237.
- — — Evidence from, in the deducing of prior events from posterior, and *vice versa*, vii. 62-64.
- — — Fictitious entities appertaining to relation as between, viii. 206-210. Motion involved in the idea of causation, 206-208. Motions analysed, ib. General division into productive and unproductive, 208. Ambiguity of the word cause—an operation, and the author of it, ib. Confusion in the term, "The cause is always proportioned to its effect," ib. Use of the preposition *the* before cause, work, effect, &c., tends to confusion—used when there is an unknown multitude of causes, 208-209. No causes in operation without circumstances promotive or obstructive, 209. Hence false or imperfect conclusions in science, ib. Considerations as to the degree of security for accuracy in the different sciences, ib. Peculiar difficulty in Politics, and other branches of Ethics, from the sources of illusion, 209-210. The Aristotelian arrangement of material, formal, efficient, and final causes explained, 210.
- — — Sciences involving the relation of, belong to the more abstruse branches of education, viii. 26.
- Cause and obstacle confounded, in the support of abuses—a form of fallacy, ii. 466-469.
- Cause—a term improperly applied to a suit, ii. 33.
- Causes in Courts of Justice—Considerations as to an undeviating order of precedence for, iv. 322.
- — — What constitutes importance in, iv. 347.
- — — Appropriation of different sorts



- of, to different courts, considered, vii. 289-290.
- Causes in Courts of Justice—Banding of, from court to court, vii. 236-239.
- — — See suits.
- Causes celebres* quoted, vii. 75 n.
- — Average duration of, vii. 51 n.
- — Minute sifting of transactions in, vii. 467.
- — Want of interest in, from everything being reduced to form, vi. 441.
- — Frequency of contradictory testimony in, vi. 499.
- Cautionary instructions for the use of the judge in weighing evidence, vi. 151-175; vii. 563-598. Propriety of such instructions instead of unbending rules, vi. 151-152; vii. 563-567. Considerations in weighing evidence, vi. 153-155. Improbability as a cause of suspicion, 153-154. Interest, 154-156; vii. 567-573. Pecuniary interest in particular, vi. 156-160; vii. 573-575. Effect of situations in life on evidence, vi. 160-164; vii. 575-577. Interest from the sexual connexions, vii. 577-581. Interest from situation with respect to the suit, 581-584. From improbity, 585-591. Cautions as to casually written evidence, vi. 164-165. Hearsay, 165. Evidence collected, not in the best mode, 165-166. Scale of trustworthiness, 167-168. What is the best evidence, 168-169. Scrutinizing—effect of it, 169. Written and oral evidence compared, 170-171. Original and transcriptious, 171-174. Primary compared with hearsay, 172. Preappointed compared with casual, 173. Official compared with unofficial, ib. Scale of trustworthiness according to English law, 175. See Instructions.
- Cautiousness, prudence, &c., as designative of motives, i. 204.
- Cavalry as a branch of the defensive force—The various species of, ix. 349.
- See Dragoons.
- Cave's Lives of the Apostles—Perusal of, by Bentham, in childhood, x. 12.
- Celibacy—no evil in the case of idle consumers, iii. 74.
- of the Catholic clergy noticed, i. 549.
- forced—Circumstances producing, i. 544.
- Cells—Use of, in prisons, considered, iv. 10-11.
- Plan and use of, for Panopticon Inspection-house, iv. 41-47. Farther particulars and alterations, 67-76.
- Double, in Panopticon, to mitigate abstract solitude, iv. 71-76.
- Censor of law distinguished from expositor, i. 229.
- Censorial function of the Public-opinion Tribunal, ix. 158.
- Censorship of the press — Evils of, i. 538, 575.
- Census—Suggestions as to the best means of taking the, x. 351-356.
- Central Criminal Court—Money paid for admission to, vi. 382 n<sup>17</sup>.
- — — Shorthand writer in, vi. 414 n.
- Ceremony of an oath, vi. 309. See Oath.
- Cernichef—Count, noticed, x. 111.
- Certainty—Nature of the quality of, as a fictitious entity, viii. 211.
- of punishment—Effect of, i. 401-402.
- or uncertainty, in the measurement of pleasure or pain, i. 16.
- and uncertainty, as applied to evidence, defined, vii. 78, 79.
- Certificate—Vote-making. Provisions as to, and form of, in Radical Reform Bill, iii. 564-565.
- official—Authentication by, vii. 178.
- Certiorari—Nature of writ of, ii. 103.
- Origin and operation of, iii. 331 n.
- Proceedings by justices quashed on, vii. 314 n.
- The mischievous uses of, v. 529.
- Cessio Bonorum in Scotland, vi. 181-182.
- Cestuy que trust—Criticism on the expression, i. 106 n\*.
- — — Unintelligibility of the term, ii. 35 n.
- Cette—visited by Bentham on his way to Russia, x. 150.
- Ceylon—Letter from Sir Alexander Johnston on the introduction and practice of Jury Trial in, ii. 185-188.
- Chaillet—M., a wine-merchant—Notice of, x. 131-132.
- Chain of evidence—The ordinary meaning of, distinguished from the author's, vii. 65 n.
- of presumptions in evidence, weakened by length, vii. 65.
- Chains of principal and evidentiary facts, vii. 2.
- Challenge—*malá fide* of authentic writings, vii. 184.
- Challenging of Jurors—Principle of, and reason why not to be extended to Quasi Jury, ii. 144-145.
- in schools—System of, recommended, iv. 63.
- in schools—Emulation encouraged by, ii. 198.
- Chambers—Legislative. Upper. Letter to citizens of France against, iv. 419-450. See Peers.
- Two—Division of legislative bodies into, considered, ii. 307-310.
- Chambers—Ephraim, noticed, viii. 74, 99.
- Champerty—Hardship and injustice of the law as to, iii. 19-20.
- casually noticed, vii. 376.
- Chance—Application of, to the choice of subjects of examination of candidates, as a means of testing average qualifications over a wide field, ix. 279-282.

- Chance—Application of, to the allotment of benefits too minute for distribution, and of burdens, ix. 282-283.
- Instances of Jury referring verdict to, vi. 226 n\*.
- Chancellor—The term, an illustration of barbarous nomenclature, viii. 71 n.
- The Lord—Origin and progress of the various jurisdictions of, v. 482; vi. 422-423; vii. 294-295.
  - Sketch of a, vi. 137.
  - Issue directed by the, vi. 40, 71, 463 n†, 488.
  - The duties of, too much for one man preserving his health, and therefore neglected and abused, ix. 519-520.
  - The emoluments of, compared with the attendance and duties, v. 378-382. Lord Eldon's defence on the subject examined, ib.
  - The emoluments of, from bankruptcy business, v. 595-596 n; vi. 42 n.
  - Animadversions on the practice of his being a political partisan, iii. 493.
  - Evil effect of his having a seat in the House of Lords, iv. 380-381.
  - a bad depository of patronage, v. 345, 426.
- Chancery—Court of—Delays in, vii. 216-221;—Bill in Equity, 216-217. Three warrants for attendance on masters, instead of one, 217. Secrecy of master's office, 218;—Countenanced by the superior judges in Chancery, 217-218.
- Examination of witnesses in cases before, vi. 487.
  - — Gilbert's reason why the proceedings of, are not of record, vi. 185.
  - — Profligacy of practice in, ii. 48-49.
  - — The manifest superiority of, when not in commission, but under a single judge, v. 18.
  - — On the proposed absorption of the Vice-Chancellor's and Roll's Court in the, v. 555-563.
  - — Abuses in, as to fees of masters, &c.; their existence at Lord Eldon's accession, and increase under him, v. 349-370. History of Lord Erskine's order, and Lord Eldon's conduct regarding it, 351-357. Mr Lowe's exposure, 357-359. Salisbury's case, 359-362. The abuse legalized by act of Parliament, 362-364. The term Swindling applied to fees for fictitious attendances, 364-367. The abuse compared to ship-money, 367. Its danger tested by its application to other departments, 367-368. A partnership for plunder, 368-369. Dispensing power, 369-370.
  - Letter to Sir Francis Burdett on delays in, and the proposed appointment of an additional judge, x. 460-461.
  - — Arrears in—Proposal for disposing of, by a Despatch Court. See Equity Despatch Court.
- Chancery—Wards of—Practice as to, criticised, iii. 386-387 n.
- Chancery—Masters in—Origin and duties of, vi. 423.
- Change—The dread of, as expressed in the argument against innovation; its causes, ii. 418-419.
- cannot take place without being accompanied by motion, viii. 142.
  - always produces inconvenience, and must be justified by the removal of greater, v. 170.
  - How far the horror of, interferes with improvements in the army and navy, ix. 407.
- Chapel of Panopticon—Plan and construction of, iv. 43.
- Proper nature of, for a Panopticon Penitentiary House, iv. 76, 78-79.
- Chapelier—M., on the Parliament of Brittany, iv. 375 n.
- — Notice of, x. 287.
- Chaplains—of lords mayor and of judges who are Peers—Proposal that oaths be administered by, vi. 320 n.
- Chapman—Sophia, Case of cited, ix. 649-650.
- Chappé—The Abbé. Anecdote of, i. 439.
- Character of offender as influencing extent of alarm in case of crime, i. 77-80. Derived from the symptoms of the offence, 77. Kind exhibited where weakness oppressed, ib. Where distress aggravated, ib. Where respect to superiors disregarded, 77-78. Gratuitous cruelty, 78. Premeditation, ib. Conspiracy, ib. Violation of confidence, ib. Falsehood, 78. Grounds of extenuation, 79-80.
- of official persons—Propriety of sanctioning inquiries into, ii. 423-427.
  - The tincture it receives from occupation, iv. 387.
  - National—Revolutions that have taken place in, alluded to, i. 177.
  - Good or bad. Practice of inferring exclusively from individual actions, i. 487-489.
  - Bad, as an imputation employed in debate, n. 415.
  - Offences against—Satisfaction as applicable to, i. 375.
  - Punishment by loss of, i. 455. See Moral Sanction.
  - Effect of regard for, in favour of truth of testimony, vi. 159.
  - of an accused person, how far evidence, vii. 56-60. Difficulties attending the consideration, 57. Tediousness of inquiry, ib. Opens a door for calumny, ib. Rules—no such evidence without power to judge to allow time for counter-inquiry; limitation on the evidence of bad character, &c., 58-59. Should be registered, 59. List of facts for registration, 59-60.

- Character of a witness—Rules for admission of evidence for or against, vii. 60.
- of a witness—Offences which affect the, 60-61.
- of a witness should not be ground of exclusion, vi. 106. *See* Improbability.
- Character-evidence—defects it is liable to in criminal cases, vi. 373 n.
- — Recourse to, to be avoided, ii. 59-60.
- — In what cases to be received, ii. 61-62.
- — Suits involving, reckoned complex, ii. 81.
- Characteristicalness as a property of punishment, i. 403-404.
- Charge necessary to support interrogatory in bill in Equity, ii. 49; vi. 483-484.
- Chargé d'Affairs—Rank of, as a diplomatic minister, ix. 228.
- Charity—Voluntary. How the aberrations of, may be rectified by a good system of Pauper management, viii. 428-430.
- Voluntary—Effect of, examined, i. 315-316.
- Procuring justice to the indigent an important exercise of, vii. 376.
- Evils of misdirected, ii. 211.
- Extent of, in England, i. 562.
- Proper direction of, i. 563.
- Charity-Inquiry Commission—Operations of the, examined, v. 608.
- Charity schools—Information on fluctuations in the expense of clothing, derived from, x. 377-378.
- Charlemont, (James Caulfield earl of.) The Liberal interest in Ireland betrayed by, i. 251.
- His treachery in the breaking up of the Irish Volunteer Association, iii. 618-620.
- casually noticed, x. 122.
- Charles I.—Reign of, characterized, ii. 444.
- — Author's early feelings regarding, i. 268-269 n.
- — Condemnation of, considered as an act of the Public-opinion Tribunal, viii. 562.
- — Notices of, iv. 283 n, 367, 368; viii. 557; x. 495.
- Charles II.—Reign of, characterized, ii. 444.
- — His attacks on the corporations, i. 483.
- — The shutting of the Exchequer by, commented on, v. 286 n.
- — His intrigues with France noticed, ii. 245.
- — Bribery of, by France, noticed, i. 549.
- — His sale of Dunkirk, ii. 537.
- — called by the Church a most religious king, ix. 133.
- — Casual notices of, v. 453; ix. 291, 293.
- Charlotte—The Princess—Notice of, x. 472.
- Charter by a monarch to his people—Con-
- siderations as to the efficacy of, as a security against misrule, viii. 575.
- Charters—Restrictive—how beneficial in bad governments, ix. 122-123.
- to colonies. The nature of, examined, iv. 258-263. Shown that a charter containing legislative powers is illegal, 258-261. Charter presumes giver and receiver, and not applicable to ordinances for a colony after its constituted, 261-263.
- Charteris—Colonel, noticed, iv. 373.
- Chase—Right of. Considerations regarding, i. 329-330.
- Chatelet—Duc de, noticed, x. 216.
- Chatham—William first Earl of. *See* Pitt.
- Chatham—The second Earl of. Account of, as a visiter at Bowood, x. 100, 104, 105.
- — — noticed, v. 315 n; x. 296.
- Chauvelin—M., noticed, x. 282, 316.
- Chauvet—M., noticed, x. 305.
- Cheats—Publicity to the machinations of, recommended, i. 554.
- Cheating at play—Guarding the public against, i. 553.
- Checks on judge of appellate judicatory, and their difference from those in the immediate, ii. 167-168.
- on judges—manner in which they are professed to be constituted, vii. 324.
- — *See* Public-opinion Tribunal.
- Chelsea Hospital—Costliness and waste in, ix. 376.
- — The propriety of the institution considered, ii. 219.
- Chemico-mechanical source of motion, from the descent of water, examined, viii. 132-133.
- CHEMISTRY. Substitution of the term Idiopathic Anthropurgics for, in the Encyclopedical Sketch of Art and Science, viii. 87.
- Clumsiness of the old system of signs adopted in, viii. 167.
- The doubt whether it belongs to Natural Philosophy or Natural History, an illustration of defective nomenclature, viii. 70.
- Mineral, Vegetable and Animal—defined and located in the Chrestomathic system of instruction, viii. 31-32.
- Habits of intellectual order a necessary foundation for the study of, viii. 12.
- The bearing of, on the ordinary concerns of life, viii. 24.
- Bentham's early fondness for, x. 47, 84, 92.
- Proficiency of the French in the science of, compared with their deficiency in legislation, ii. 521-522.
- Professorship of, in central towns, ii. 257.
- Chester division of the Welsh circuits—Delays in, vii. 220-221.
- Visit to, by Bentham in his youth, x. 46.
- Chesterfield—(Philip Stanhope, fifth Earl of)—Anecdote of, x. 94.

- Chesterfield — (Philip Dormer Stanhope, fourth Earl of)—His opinion of the House of Lords, v. 186.
- Chicane—*Malá fide* challenge of authentic documents prompted by, vii. 184.
- Chicaneries about notice in English practice, vii. 249-255. *See* Notice.
- Child—Administering an oath to, vii. 428-429.
- Interest of, as affecting evidence regarding parent, vi. 161; vii. 576.
  - Condition of a—Forfeiture of, as a punishment, i. 471-472. How far it can be accomplished, 472-473.
- Child-nursing as a branch of Pauper management, viii. 391.
- Children—Guardianship of. Principles of the Civil Code regarding, i. 347-348.
- Their minds enfeebled by the conversation of servants and other uneducated persons, viii. 12.
  - How far the cost of supporting, is to be deducted in estimating income for judicial purposes, ii. 110.
  - Extent of their reliance on testimony, vi. 241.
  - Labour and difficulty of invention prompts to tell truth, vi. 263.
  - Position of, an answer to the fallacy that all men are born equal, ii. 499.
  - Apportionment of succession among, i. 335.
  - of the labouring classes—Suggestions for arrangements in connexion with the Poor-law, for advantageously boarding and rearing them, viii. 421-424.
  - Personal superintendence of, by parents, saved by the Chrestomathic system of instruction, viii. 13-14.
  - Interest of, in the perpetuity of marriage, i. 354-355.
  - Limitation of the power of parents over, in respect to marriage, i. 356.
  - Difficulty of adjusting a system of parochial relief to the number of in a family, illustrated in Pitt's Poor Bill, viii. 444-446.
  - Guardianship of, and religion of parents with reference to it, iii. 386.
  - Responsibility of parents for, in regard to reparation for offences, i. 385-386.
  - Means of laying up provision for, among the working classes, viii. 409-417. *See* Frugality Banks.
  - Principles of the Civil Code regarding Parents and, i. 348-349.
- Chiltern hundreds—Vacation of seat by stewardship of, criticised, iii. 590-591.
- China—Corporal punishment in, i. 414-415.
- Dumont's account of the influence of the Jesuits in, x. 406, 409-410.
  - East India Company's mark held evidence of contents of packages in, iii. 146 n. †.
  - Systematic politeness in, i. 562.
  - How oath administered to native of, vii. 424 n\*, 427.
- China—Jugglers of, alluded to, vii. 94.
- Manufacture and sale of arms in, in the hands of the Tartars, i. 55.
- Chinese argument—Fallacy of "The wisdom of our ancestors" characterised as, ii. 398.
- Chinese—Inconvenience of the signs of discourse of the, viii. 227.
- Peculiarity as to oaths among the, vi. 309.
- Chivalry—Connexion of duelling with the system of, i. 378 n. †.
- Choice of Punishments, i. 516-517.
- Choiseul—Duke de, noticed, x. 152.
- Choiseul—Count de, noticed, x. 125-126, 152.
- Choristoscopic Somatology—a term applied to sciences involving the predicaments of place, motion, time, number, figure, and quantity, viii. 285-288.
- Chorography—a science involving the predicament of place, viii. 286.
- CRESTOMATHIA, *being a collection of papers explanatory of the design of an Institution proposed to be set on foot under the name of the Chrestomathic Day School*, for the extension of the new system of instruction to the higher branches of learning for the use of the middling and higher ranks of life, viii. 1-191.
- Notice concerning the composition and purport of, iv. 530, 532.
  - Editor's Introduction to, viii. II-III.
  - First Preface to First Edition of, viii. 5.
  - Second Preface to First Edition of, viii. 5-7.
  - Notice concerning, by the Lancastrian Instruction Society of Paris, iv. 533.
- Chrestomathic—Etymology and application of the word, viii. 8.
- Chrestomathic proposal for erecting by subscription, and carrying on, a day school for the extension of the new system of instruction to the higher branches of education and ranks in life, viii. 54-59. Occasion of the address, 54. Who to be conductors, 54-55. Subscription school-house, 55. Field and plan of instruction—The papers on Chrestomathia, *ib.* Site, *ib.* Females to be received, 55-56. Considerations as to number and expense, 56-57. To prevent time being wasted, hours of attendance continuous, *ib.* Ages of entrance and departure—seven and fourteen in the general case, but no exclusion on account of youth, 57-58. Expectation that when the course completed, those instructed will take the concern off the hands of the projectors, 58. Terms of contribution, amount of shares, &c., 58-59.
- Chrestomathic system of Instruction—The advantages of, viii. 11-16. *See* Learning.
- — — Objections to, answered, viii. 16-21.

Chrestomathic system of Instruction—Relation of, to the existing Schools, Universities, &c., viii. 21-22.

— — — — Obstacles and encouragements to, viii. 22-25. Allegations of impracticability, uselessness, &c., 22. The funds nevertheless provided, 23. Desire of parents for the elevation of their children, *ib.* Prejudice against novelty will give way when innate utility discovered, 24. Reconciliation to hard names when found designative of agreeable and useful studies, 24-25.

— — — — Notes on the order of priority of subjects in, as arranged in Table 1. and the reasons, viii. 25-28. Pleasantness of the subject—natural or artificial, 25-26. Corporeal ideas more readily acquired than incorporeal, 26; and concrete more easily than abstract, *ib.* The less complicated ideas easier acquired, 26; and those where there is least of the relation of cause and effect, *ib.* The familiarity or abstruseness of the name of the Art or Science is not a clue to the facility or difficulty of the study, 26-27. Nor is its antiquity, 28. The number of persons interested in it, *i. e.* the popularity of it, no clue, *ib.*

— — — — Introductory stage of, viii. 28.

— — — — First stage of, viii. 28-30. Mineralogy, 28. Botany, *ib.* Zoology, 28-29. Geography, 29. Geometry, *ib.* Historical Chronology, *ib.* Biographical Chronology, *ib.* Appropriate drawing—suited to the capacity, and adapted to instruction, 29-30.

— — — — Second stage of, viii. 30-34. 1st. In Mechanical Philosophy—Mechanics in the limited sense of the word, 30; Hydrostatics, 30-31; Hydraulics, 31; Mechanical Pneumatics, *ib.*; Acoustics, *ib.*; Optics, *ib.* 2d. In Chemistry—Mineral, Vegetable, and Animal Chemistry, 31-32; Meteorology, 32. 3d. In subjects belonging to Chemistry and Mechanics jointly—Magnetism, 32; Electricity, *ib.*; Galvanism, 32-33; Ballistics, 33.—Geography in its more advanced stage, 33. Geometry *do.*, *ib.* Historical Chronology *do.*, *ib.* Appropriate drawing *do.*, *ib.* Grammatical exercises, 33-34.

— — — — Third stage of, viii. 34-35. Mining, 34. Geognosy, *ib.* Land Surveying, *ib.* Architecture, *ib.* Husbandry, (including theory of vegetation, and gardening,) 34-35. Physical Economics, or Mechanics and Chemistry applied to the common purposes of life, 35. (Geography, Geometry, History, Biography, and Appropriate Drawing continued—*vide* Table.)

— — — — Fourth stage of, viii. 35-36. Matters pertaining to Hygiastics, *viz.* Physiology, Anatomy, Pathology, Nosology, Dietetics, Materia Medica, Propy-

lactics, Therapeutics, Surgery, Zoophy-giantics, 35-36. Phthisozoics—The art of destroying noxious animals, 26. (Geography, Geometry, History, Biography, Drawing, and Grammar continued—*vide* Table.)

Chrestomathic system of Instruction—Fifth stage of, viii. 36-40. Geometry, with demonstrations, 36. The higher branches of arithmetic, *ib.* Algebra, 36-38. Uranological geography, 38. Uranological chronology, *ib.* (History, Biography, Drawing and Grammar continued—*vide* Table.) Technology of arts and manufactures, 38-39. Book-keeping at large, 39. Commercial book-keeping, 39-40. Note-taking applied to recapitulatory lectures, &c., 40.

— — — — Branches of instruction excluded from, and the reasons, viii. 40-43. Where the school-room insufficient, 40. Where the admission would be productive of exclusion—This particularly illustrated in controversial divinity, which would drive sectaries away, 40-42. Branches where the utility not sufficiently general, 43. Gymnastic and military exercises, *ib.* Art of war, *ib.* Private ethics or morals, *ib.*

— — — — Notes to the Tabular View of the intellectual exercises of, viii. 44-46. Mathetic exercises, or those conducive to learning, 44. Probative or docimastic—affording proof of proficiency, *ib.* Sub-classifications, 44-46.

— — — — Notes to the Principles of management of, viii. 46-53. 1st, As to the official establishment—scholars employed as teachers, 46-47; Contiguous-proficiency principle, or employment of teaching scholars as nearly as possible of the same grade as the taught, 47; Employment of scholars as private tutors, *ib.*; Scholar-monitor principle, *ib.*; Master's time-saving principle, *ib.*; The regular visitation, or superintendence-providing principle, *ib.* 2d, Principles specially referring to discipline—Punishment-minimizing, 48; Reward-economizing, *ib.*; Inspection principle, *ib.*; Place-capturing principle—scholar correcting the one above him to take his place, 48; Appeal from scholars acting as masters, 48-49; Scholars acting as juries on the charges against each other, 49. 3d, Principles for the preservation of facts indicative of the discipline and state of scholarship—Register of aggregate progress, 49; Register of comparative proficiency, *ib.*; Register of delinquency, *ib.*; Exaction of delation, or suppression of connivance, *ib.* 4th, Principles for securing the performance of each exercise by each scholar—Proficiency-promising principle, or engagement to exact strict performance of tasks, 49-50; Non-con-

- ception-presuming principle, 50 ; Perfect-performance-exacting principle, *ib.* Gradual progression principle, or insensible progress from simple to more complicated exercises, *ib.* ; Recapitulation principle, for preserving remembrance of lessons, 50-51 ; Use of a verbal standard to which literal compliance is required, for the proper application of the place-capturing principle, 51 ; Organic intellection test, *ib.* ; Note-taking—both for showing intellection of the subject, and acquiring despatch in writing, *ib.* ; Self-service principle, or compelling the scholars to perform the minor services of the school for themselves, *ib.* ; Task description—or a description of the lesson last said, and that about to be got, *ib.* ; Tabular-exhibition principle, or use of tables for exhibiting diagrams, &c., 51-52 ; Prevention of distraction of the attention by exterior objects, 52 ; Apposite classification, or choosing of the proper class for each scholar, *ib.* 5th, Principles having in view despatch and uniformity, and thereby increasing the proportional efficacy of the school—short lessons, 52-53 ; Simultaneous action, 53 ; Uninterrupted action, *ib.* ; Word-of-command principle, *ib.* ; Visible-signal principle, *ib.* ; Needless repetition prohibiting, *ib.* ; Memoriter metre, or assisting the memory by the use of metre, *ib.* ; Employment varying, *ib.* ; Distinct intonation, *ib.* ; Syllabic lection, *ib.* ; Unreiterated spelling, *ib.* ; Prohibition of stammering repetitions, *ib.* ; Psam-mographic principle, or writing on sand, 53.
- Chrestomathic system of Instruction—Application of principles of, to Geometry and Algebra, suggested, viii. 155-185.
- — — Hints towards an Elementary Treatise on Universal Grammar for the purposes of, viii. 185-191.
- Christ Church College—Lord Camden giving judgment as visiter in the case of, x. 120-121.
- Christ's Hospital—Defectiveness of the system of instruction in, viii. 19.
- Christians—all who bear the name should join in efforts for universal peace, i. 546.
- Christian Society—the, of New Shoreham. Case of, i. 484.
- Christianity—Usefulness of instruction in the principles of Universal Grammar to the propagation of, viii. 185-186.
- Christianity is part of the Law of the Land—Uses made of the expression, ii. 126.
- Chronic offences enumerated, i. 368-369.
- — — Suppressive remedies for, i. 369-370.
- Chronical and summary—Suits divided into, ii. 87-88.
- Chronology—a science involving the predicament of time, viii. 287.
- Chronology—Historical and Biographical—defined, and located as branches of instruction in the Chrestomathic system of instruction, viii. 29, 33.
- Uranological—defined, and located in the Chrestomathic system of instruction, viii. 38.
- CHURCH—Different meanings of the word, and assistance to fallacies from the confusion, ii. 449 ; v. 217 n.
- The different meanings that have been given to the word explained, with the purposes to which the ambiguity has been applied, viii. 249-251.
- Use of the abstract term, to signify Churchmen—a fallacy, ii. 448-449 ; ix. 76. Purposes to which it is applied, *ib.*
- Attendance at, in connexion with prison discipline, iv. 18.
- Established—Rapacity of the, in regard to moveable succession, ii. 596.
- — — Reasons against, in a free State, ix. 92-95.
- — — Support of, is wasteful expenditure, as individuals are always ready to support their own, ix. 32.
- — — Peace of the—Right and wrong confounded for the preservation of, v. 217.
- Church and State. Uses made of the expression, ii. 449.
- Church of England—The abuses of the, ii. 397-398.
- — — Infallibility claimed by, in Elizabeth's reign, v. 228-229.
- — — Influence of, on education, ii. 468.
- — — The humility of, characterized, x. 586.
- — — Excuse made at the Union for giving peculiar securities to, ii. 405-406. Uses made of the device, *ib.*
- — — Clergy of, worshippers of pomp and wealth, ix. 80.
- — — Criticism on the clause in the Coronation Oath as to—Refers to king in his executive, not legislative capacity, ii. 408-409.
- — — Oxford the nursery of, shown to encourage perjury, v. 195-196.
- — — The dispensing power relinquished by, v. 223-224.
- — — Perjuries committed on the side of, vii. 424 n †.
- — — Articles of,—Oaths not enjoined by, vi. 29.
- — — Articles of the—Immorality inculcated by subscription of, ii. 210, 264-265.
- — — Articles of the. *See* Articles.
- Churches of England and of Scotland—Income of officials in, compared with those in universities, ii. 216.
- Churches of Rome and of England—The shadowy distinction between, in relation to the claim to infallibility, v. 211-212.

- Church Establishment—The bad parts of a, ii. 442 n.
- — Reasons for there being none, by the Constitutional Code, ix. 452-453.
- Churches—as places for the promulgation of laws, i. 158.
- Exclusion from, as a punishment, i. 515-516.
- Churchill the apothecary—his standing for Westminster noticed, iii. 468 n.
- Churchmen—The sinister interest of, an illustration of fallacies of authority, ii. 396-398.
- Churchyards—Authority of the Health Minister regarding, by the Constitutional Code, ix. 445.
- Cicero—The critical labours of, characterised, ii. 380.
- Attempt of, to prove pain no evil, viii. 83 n.
- casually noticed, i. 189; ii. 325, 369, 476; iv. 460; vi. 351; vii. 137 n; viii. 93 n, 98 n, 120; x. 60.
- Circle—metaphorically applied to any subject of discourse: inferior in expressiveness to Field, viii. 223.
- Circuits—Inefficacy of the system of, iv. 336-338. No economy except what gained at the loss of justice, 336-337. Delay followed by haste, 337. Origin in the king's suppression of the power of the nobles, and continued without reason, 337-338.
- Numbers and times of, vii. 51 n.
- Compression of evidence on, vii. 539.
- The small number of days in which justice done on, considered, vii. 243-245.
- Insufficiency of, to supply the place of local judicatures, ii. 180; vii. 243, 371, 372, 378, 379, 539.
- Circulating medium—The regulation of, should be in the hands of Government, x. 339-340.
- Circulating Annuities. Project for the conversion of stock into, iii. 105-153.
- Circumstances—Nature of, and etymology of the term, i. 38; vi. 215 n ||, 245.
- with reference to offences, i. 39-40.
- with relation to intentionality, i. 40-41.
- Influencing—Errors in Philosophy from want of knowledge of, viii. 209.
- influencing sensibility, i. 21-33. *See* Sensibility.
- Circumstantial evidence, vi. 44-57; vii. 1-117. Extent and use of the inquiry as to, vi. 44. Facts considered as principal and evidentiary, vi. 44; vii. 1-2. As probative, disaffirmative, and affirmative, vi. 44. Inculpativ and exculpativ facts with regard to delinquency, 44-45. Inculpativ facts as separate offences, 45. Improbability considered as counter-evidence of a physical fact, 45-47. Impossibility as disprobative of a psychological fact, 47. (*See* Improbability.) Prior and posterior facts considered as principal and probative, 47-48. (*See* Cause and Effect.) Spuriousness of writings falsely presumed from non-observance of formalities, 48-49. (*See* Formalities.) Want of merits falsely presumed from discontinuance of litigation, 49-50. Probative force of circumstantial evidence not a fit subject for general rules, 50-53. Inferences of judge-made law, (viz. legitimacy from husband's non-expatriation, malice from homicide, murder from malice,) 53-57.
- Circumstantial evidence considered as always involved in criminal inquiries, vii. 2-3. Cases where evidentiary fact is not in the evidence, but in the delivery of it, 3. False evidence may be circumstantial, 3.
- — as distinguished from direct, vi. 16, 174; vii. 1-4.
- — and direct evidence compared in probative force, vii. 73-75.
- — Rules for weighing, vii. 67.
- — Improbability and impossibility with relation to, vii. 76-115.
- — Preparations, attempts, declarations of intention, and threats, as furnishing, vii. 18-24.
- — Class of facts which can scarcely be proved without resort to, vii. 75.
- — Features in which it is particularly calculated to render service to justice, vii. 74.
- — Neglect of formalities considered as, vi. 523-524.
- — Non-responion, and false or evasive responion, considered as, vii. 24-29.
- — Probative force of. *See* Probative force.
- — of authenticity of writs, vii. 177-180.
- — of spuriousness of writs, vii. 181-183.
- — Pamphlet on, in consequence of Captain Donellan's trial, quoted, vii. 75.
- — Singular illustrations of false conclusions from, vii. 75-76 n.
- — *See* Atrocity—how far a ground of incredibility; Avoidance of justiciability; Clandestinity; Confusion of mind; Facts; Evidence—suppression of; Fear; Real evidence; Self-inculpativ evidence.
- Circumstantiality distinguished from speciality, vi. 286-287.
- Circus—Social effects of the, among the Romans, i. 541.
- Citizen—Good. Definition of a, by the second French Declaration, criticised, ii. 527.
- Citizen—French Declaration of the rights of man and the, examined, ii. 491-524.
- Declaration of the Rights and duties of the, of France, in 1795, criticised, ii. 524-529.
- Employment of the expression, in the French Declaration of Rights, ii. 492.

- Citizen—Clause as to the duties of to his country, in the second French Declaration, criticised, ii. 529.
- Citizens at large; their general eligibility to offices and dignities, as expressed in the French Declaration of Rights, ii. 509.
- Civil—Reasons against using the term, to qualify non-penal suits, ii. 80.
- Civil action—Remarks on Party's inability to give evidence in, vi. 475.
- Civil Code—The general titles of the, iii. 176-193.
- — Particular titles of the, iii. 193-195.
- — Principles of the, i. 299-364.
- — Unpopularity of an inquiry into, i. 299.
- — Impossible to understand the Penal Code without a knowledge of, i. 299.
- — Source of the reasons that should accompany the, i. 162.
- — and Penal Code—Relation between; the latter a counterpart to the obligations of the former, iii. 160-161.
- — its connexion with the Penal, in defining the rights it has to protect, ix. 12.
- — See Code: Laws—General body of.
- Civil conditions in life, (viz. rank, profession, &c.)—Nature of, and of the offences that may be committed against them, i. 133-137.
- Civil Law—Various meanings of the term as commonly used, iii. 247-249; vi. 9 n †.
- — See Roman law.
- Civil or Distributive Law—General objects of, i. 301-326; ix. 11-18. See Subsistence; Abundance; Equality; Security.
- — Prescription or bearing of, to the Constitutional Code, ix. 34-36. Protection to individual wealth as a security to the public against famine, 34. Principle of equality to check detrimental accumulations, ib. Foundations—their evils, as legislation by private and irresponsible individuals creating a fund of reward for the enforcement of particular opinions, 35-36.
- — — Distinct objects of, i. 302.
- — — Relation between the distinct objects of, i. 302-303.
- Civil and Penal Law—How far capable of demarcation, i. 152-153.
- Civil and Penal Suits—Analogy between, in relation to instruments of procedure, ii. 16-17.
- Civil List—Reasons for the amount of the, ii. 245.
- — Burke's reform of the, ii. 198, 199.
- Civil war—among the most mischievous of offences, vii. 116.
- Civilians and common lawyers—Authentication of wills a field for their disputes, vi. 544, 545.
- Civilisation—Benefits of, illustrated in North America, i. 311.
- Civilisation—Extent it may reach to, without the art of writing being acquired, vi. 329.
- Civilisation—The crimes of, not so hurtful as those of barbarism, i. 536-537.
- Civilized nations—How far the laws of, adapted to uncivilized, i. 189-192.
- Claims—several, against one party—Advantage of combining, in judicature, ii. 86-87.
- Courts of, regarded as judicatories of exception, in practice, ix. 457.
- Clandestinity as an aggravation of corporeal injury, i. 165.
- as evidence of guilt, vii. 47-48.
- Clarendon—History of—Impression on Bentham from the perusal of, in boyhood, x. 22.
- Services he did his party as a chairman of committee, ii. 337.
- Casual notice of, x. 77.
- Clark—Chamberlain—Sketch of the character of, x. 51.
- — Bentham takes a pedestrian tour with, x. 54-55.
- — Letter from, to Bentham in Russia, with public news, establishment of penal colony at New South Wales, &c., x. 162-163.
- — Letter to, x. 605-606.
- — Casual notices of, x. 15, 16, 41, 133, 166, 167, 170.
- Clarke—Dr. Samuel, noticed, i. 8-9 n.
- Clarkson—Thomas, his negotiations at Paris for the abolition of the Slave Trade, x. 484.
- — noticed, x. 281, 484.
- Class prejudices—Arrangements for obviating the effect of, on juries, v. 165-167.
- Classes—Separation of prisoners into—Conduciveness of, to reformation, i. 499-500. See Panopticon.
- Means of definition in the case of, viii. 245-246.
- Classical education—Evil principles often inculcated in, i. 318.
- Classical learning—How far necessary or useful in the middle ranks, viii. 17.
- Classical witness according to the Austrian code, vi. 504.
- Classification—Power of, how its exercise on laws may involve legislation, iii. 215-216.
- of scholars—Principle of, in the management of the Chrestomathic school, viii. 52.
- Fallacious objections to, ii. 463-464.
- The adoption of a clear, characteristic of those who have not their own sinister interest to serve, ii. 455-457.
- and nomenclature—Connexion between, ii. 382.
- Nomenclature and—Essay on, viii. 63-128.
- of offences, in the Penal Code—Principles that should regulate the, iii. 171-174.



- Classification of punishments, i. 395-396.
- of convicts—Division into companies preferred to, as being numerically more convenient in giving equal means of preventing contamination, iv. 137-141.
  - of Fallacies, ii. 381-382.
- Classifications—Sweeping. Fallacies of, ii. 450-451.
- Claudius—The Emperor, characterized as the first of conchologists, iv. 211.
- Clayton—Lady Betty—Notice of, as a visitor at Bowood, x. 117.
- Cleanliness—Physical. Analogy of, to moral purity, iv. 158.
- Arrangements for, as a part of prison discipline, iv. 157-158.
- Clearness as a property desirable in language, viii. 191, 304-305, 310.
- as a property desirable in style, viii. 311.
  - as opposed to obscurity and ambiguity in language, viii. 308-309.
  - of discourse—Method of producing, as a branch of logic, viii. 242-253. *See* Exposition.
  - Rules for, in composition, in so far as depends on collocation, viii. 316-318.
- Clergy—Emoluments of the, ii. 242, 244.
- Provision for support of the, i. 316-317.
  - Cromwell's intention to reform the, iv. 501.
  - Interest of the, to oppose education, ii. 420.
  - The greater their real services, the less they are disposed to controversy, i. 317.
  - Proposal with reference particularly to Spain, for abridging their power of mischief, without coercion, viii. 547-550.
  - Established, unsuited for a legislative assembly, because they must not speak as they think, ii. 468.
  - Sinister interest of, in supporting fallacies of authority, ii. 391.
  - Plan of the Ecclesiastical Code, with reference to the position of the, iii. 202-203.
  - contrary to the dicta of their religion, have inculcated the worship of pomp and wealth, ix. 80.
  - The greatest number of forgeries occurred when they alone were able to read, i. 537.
  - the non-residence of—Ineffective punishment for, ii. 238-239.
  - The influence of the payment of, in reducing crime—Hints for statistical data on, x. 130.
  - Opulence of the—an obstacle to National virtue, ii. 468-469.
  - might be employed in giving instruction, ii. 258.
  - The, in England, and on the Continent, mutually characterised, x. 74.
  - *See* Church: Clergyman.
- Clergy—Benefit of—its origin, ii. 196.
- — — with reference to the employment of makeshift-evidence, viii. 165.
- Clergy—Benefit of—History of, i. 505-509.
- Aggrandizing operations of the clergy, 505. Writing used as a criterion, 506. Admission of all persons to the benefit, 507-508.
- — — Felony without, i. 509-511. Punishments that fall on the person convicted, 509-510. Penalties that fall on heirs, creditors, tenants, &c., 510. Felony within clergy, burning, &c., 510-511. Case where it is slander to call one convicted of theft a thief, 511.
- Clergyman—might be employed as local judge, iv. 330.
- His remedy for injury, by suit in ecclesiastical court, vi. 469.
  - Oath should be administered by, instead of by layman, vi. 319-320.
  - acting as notary, vi. 530.
  - might be used as temporary recorder, vi. 81.
  - not so liable to commit great offences as a layman, i. 506.
  - *See* Clergy.
- Clerkenwell Bridewell—Illustration of prison discipline from, i. 427.
- Clermont Tonnerre—Casual allusion to, x. 286.
- Client and Lawyer—Communications between, should not be privileged from being produced in evidence, vi. 99-100; vii. 473-479. Rule to the contrary protects delinquency, vii. 473-474. Exceptions to it, showing consciousness of its impropriety, 474-475. Makes lawyer accessory in criminal cases, 475. Impropriety alike in civil cases, 475-476. Opinions of the Edinburgh Review on the subject combated by Editor of original Edition of *Rationale of Evidence*, 476-479.
- — *See* Suitor.
- Climate and nature of a country—Influence of, on sensibility, i. 29-30.
- Clinton—De Witt, Governor of New York. Transmission to, of Proposals for the Instruction and Improvement of Irish Labourers in New York, x. 500-503.
- Clinton—General, x. 94, 108.
- Clocks—The moving force of, considered among the sources of motion, viii. 140.
- Cobbett—William—The prosecution of, criticised, as affording illustrations of the doctrines of Libel Law, v. 106-114.
- — Anonymous communication to, offering remarks on Libel Law, x. 448-449.
  - — Letter to, on the Reform Catechism, x. 458-459.
  - — Letter against a proposed Government prosecution of, in 1831, xi. 68.
  - — Bentham's opinion and estimate of, x. 471, 570, 601.
  - — Casually noticed, iii. 465, 466 n, 469, 471, 474, 475; v. 66, 80 n †, 97, 117 n; x. 351.

- Cocceius (the Jurisconsult.) His opinion as to abolishing the power of bequest, ii. 586 n. †.
- noticed, iii. 206 ; x. 268.
- Cochrane—Lord, noticed, x. 472.
- Co-claimants. Class and nature of suits in which they appear, ii. 83.
- Cock-fighting—Cruelty of, i. 562.
- CODE OF LAWS—General view of a complete, iii. 155-210 ;—
- — — General Division of a, iii. 157.
- — — Customary Divisions of a, iii. 157-158.
- — — New Divisions of a, iii. 158.
- — — Relation to each other of offences, rights, obligations, and services, with relation to, iii. 158-160.
- — — Penal and Civil—Relation between, iii. 160-161.
- — — Method with reference to a, iii. 161-163.
- — — *Penal branch*. Plan, Division, and Subdivisions of, 163-171. See Offences.
- — — *Penal branch*. Advantages of the Author's classification of, iii. 170-174.
- — — *Penal branch*. Titles of the, with specimens of sections, iii. 174-176. The General and particular titles distinguished, 174. Former enumerated, ib. Particular Title of simple corporal injuries, 174-175. Injurious waste, 175-176.
- — — *Civil branch*. General Titles of the, iii. 176-193.
- — — *Civil branch*. First General Title of—Things, iii. 176-178.
- — — *Civil branch*. Second General Title of—Places, iii. 178.
- — — *Civil branch*. Third General Title of—Times, ii. 178-179.
- — — *Civil branch*. Fourth General Title of—Services, iii. 179-180.
- — — *Civil branch*. Fifth General Title of—Obligations, iii. 180-181.
- — — *Civil branch*. Sixth General Title of—Rights, iii. 181-186. See Rights.
- — — *Civil branch*. Seventh General Title of—Collative and Ablative events, iii. 186-190. See Rights.
- — — *Civil branch*. Eighth General Title of—Contracts, iii. 192-193.
- — — *Civil branch*. Ninth General Title of—The domestic and civil states, iii. 192-193.
- — — *Civil branch*. Tenth General Title of—Persons capable of acquiring and contracting, iii. 193.
- — — *Political branch*. Plan of the, iii. 199-200.
- — — *International branch*. Plan of the, iii. 200-201.
- — — *Maritime branch*. Plan of the, iii. 201.
- — — *Military branch*. Plan of the, iii. 201-202.
- — — *Ecclesiastical branch*. Plan of the, iii. 202-203.

- Code of Laws. Remuneratory laws, with relation to a, iii. 203.
- — — Political Economy, with reference to a, iii. 203-204.
- — — *Financial branch*. Plan of the, iii. 204.
- — — *Procedure branch*. Plan of the, iii. 204-205.
- — — Integrality of, iii. 205-206. Code should be complete—nothing left to be called custom, 205. Law of nations, &c., ib. Answer to the objection, that all cases cannot be foreseen, 205-206. Incompleteness of existing Codes—the Danish, the Swedish, the Frederician, and the Sardinian, 206. An imperfect Code serviceable, ib. Evils of unwritten law, ib.
- — — Purity in the composition of a, iii. 206-207.
- — — Style of a, iii. 207-209.
- — — The interpretation, conservation, and improvement of a, iii. 209-210.
- — — should be accompanied by a Rationale, in the form of a Commentary, iv. 454.
- — — Cognoscibility as a feature of, iv. 454.
- — — Division of, into general Code, and system of particular Codes, iv. 454, 481. The former applicable to society at large—the latter to persons in peculiar situations with respect to their conduct therein, ib.
- — — Distinction in, between matter of constant and matter of occasional concernment, iv. 455, 481.
- — — Distinction between main text and expository matter, iii. 455, 481-482.
- — — Promulgation Paper, with forms of Deeds, &c., should be a feature of, iv. 455.
- — — State of preparation of the Author's Plans for, in 1811, iv. 465.
- — — Proposal of a, for the State of Pennsylvania, iv. 468-475.
- — — Address to the citizens of the United States on the subject of, iv. 478-507.
- — — Properties desirable in a, iv. 480.
- — — Notoriety as a qualification of a, iv. 481-483.
- — — Completeness as a quality of a, iv. 483-491.
- — — Political and Logical schemes of division of a, and the relation between them, iv. 491-492 n.
- — — Justifiedness as a quality of a, iv. 491-494.
- — — Proposal to draw up for the Emperor of Russia, and correspondence regarding, iv. 514-528.
- — — The various requisites of a complete, for a State professing Liberal opinions, iv. 537-564. See Laws—Body of.
- — — Promulgation of the, i. 157-163.
- — — Number of Law Reports in England, constitutive of materials for a, ix. 26.

- Code of Laws.** A complete, or Pannomion  
 — Proposal to draw up, for the use of the United States, iv. 453-467.  
 — — Draught of a, for the Judicial Establishment in France, with Commentary on the National Assembly Committee's Draught, iv. 285-406. *See* Judicial Establishment.
- Code—Civil.** The Principles of the, i. 299-364.  
 — — Particular Titles of the, iii. 193-195. Arrangement with reference to conditions in life, 193. Difference between text and index, *ib.* Titles drawn from things, 194. Titles from contracts, *ib.* Illustration of subordinate Titles, *ib.* Comparison with arrangement of Penal Code, 195. Difficulties in partition, where different sorts of parties interested, *ib.*
- Code—CONSTITUTIONAL,** for the use of all nations professing free opinions, vol. ix.  
 — — Preface to, ix. 1-3. Objection that it cannot be adopted without superseding existing systems, answered, 1. First instance of a Rationale—Reasons why such an accompaniment not found in other systems, *ib.* The code chiefly adapted to a Republic, but may have uses in England, 1-2. Oppositeness to English law—having the greatest-happiness principle, while that has sinister interest, in view, *ib.* Weakness, and not the strength of the law in favour of the people, *ib.* Importance of a Constitutional Code, 3. Instructional and exemplificational parts not to be among those authoritatively adopted, and why, *ib.* Lists and explanations of functions and other characteristics of the code, accounted for, 3.  
 — — First principles of, described in general terms, ix. 3-5. The greatest-happiness principle—sense in which a declaration that such should be the ruling principle must be taken, *viz.*, as a simple statement that such is the author's opinion, *ib.*  
 — — First principles of, enumerated, ix. 5-8. *See* Government.  
 — — Notices of the preparation of, x. 542, 543.  
 — — Specimen of, sent to the King of Bavaria, x. 578-580.  
 — — Leading principles of the, ii. 269-274.
- Code Frederique,** noticed, i. 153.
- Code—The Justinian—**Defects of composition in, iii. 207.
- Code of Morals—**Promulgation of, by legislature, for instruction, i. 568.
- Code Napoleon—**Severity of, towards offences against monarchy, viii. 521.  
 — — The state of, in regard to imprisonment for debt, xi. 54-55.  
 — — Construction and continuance of, a practical argument for codification, iv. 500.
- Code Napoleon—**Measures of, for preventing confusion from presence of parties, ii. 30.  
 — — Method of subdivision of, iii. 266-267.  
 — — casually noticed, ii. 31, 52, 70, 457; iii. 331 n, 419 n †; iv. 456, 514, 543; vi. 302; ix. 483, 620; x. 136.
- Code—Penal—**Notice of a, under preparation, iii. 363-364 n.  
 — — Introduction to. Letter from George Wilson on, x. 194-195.  
 — — portion of a, published by Government—The lengthiness of, iii. 364 n.  
 — — Specimen of a, i. 164-168.  
 — — Proposal to Lord Sidmouth to prepare, gratuitously, x. 468-471.  
 — — as delivered in, by the legislative committee of the Spanish Cortes. Letters to Count Toreno on, viii. 487-554.  
 — — *See* Code of Laws—General view of.
- Code—Procedure.** Outline of a, ii. 5-181.  
 — — Initial sketch of the, ii. 178-181.  
 — — *See* Code of Laws—General view of: Procedure.
- Code of Real Property—**Commentary on Mr Humphrey's Outline of a, v. 387-416.
- Code—Seaman's plan for giving a copy of a,** to each registered mariner, ix. 412.  
 — — A soldier's—Proposal for delivering, at each enlistment, ix. 355-356.
- Code of instructions for weighing evidence recommended,** vi. 118-119. *See* Cautionary Instructions: Instructions.
- Co-defendant—**Evidence of. *See* Co-parties.
- Codicil—**Fresh attestation unnecessary to, vi. 538 n.
- Codification and Public Instruction.** Papers relative to, addressed to authorities in the United States, &c. iv. 451-533.
- Codification Proposal,** addressed to all nations professing Liberal opinions, with an accompaniment of reasons, applying all along to the several proposed arrangements, iv. 535 *et seq.*
- Codification for America—**Objections to, answered, iv. 459-464. That it would disturb existing rights by *ex post facto* law—Answered, that these rights may be specially protected, which they cannot be under existing uncertainty of the law, 459-461. Would be subjective to a foreign yoke—Answer, more subjective already by the English law adopted in America, 461-462. A foreigner's ignorance of local peculiarities—Answer, laws made by foreigners, without reference to America, have been received; points which demand local knowledge, small, 462-463. Prejudices against foreigners being employed in such works, answered, 463-464.  
 — — Want of, shown in the absence of substantive provision for the remedies inci-

dentally administered by equity, v. 486-489.

Codification—Effect it would have in facilitating the acquisition of knowledge of the law, v. 409.

— Attempts at, under Frederick the Great, ii. 229.

— Principle of, inculcated, vi. 529 n.

— The only means of efficient law reform, v. 439.

— Consolidation opposed to, by lawyers, iii. 335 n.

— The difficulties of, and how far they are likely to be successfully overcome, iv. 503-505, 509-514.

— Petition for, v. 546-548. Petitioners disposed to obey the law, if they could discover it, 546. Unsearchable extent of statute law, *ib.* Impossibility of finding authorized embodiment of common law, 546-547. Legislature to invite persons to prepare a code, with a Rationale to it, 547-548.

Codling—Case of, cited, vi. 244, 381 n<sup>1</sup>.

Coenoscopic Anthropurgics, or Mechanical Philosophy—Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.

Coenonesioscopic Nology, or the communication-regarding branch of Intellectual Philosophy—Position of, in the Encyclopedical Sketch of Art and Science, viii. 90-91.

— Divided into Didactic and Pathocinetic, viii. 91.

Coenoscopic Ontology, or Metaphysics—Position of, in the Encyclopedical Sketch of Art and Science, with etymology and definition, viii. 83-84.

Coercion—What provisions sufficient to obviate with regard to contracts, vi. 527.

— Effect of, on opinion, i. 564-565.

— Undue, as a cause of invalidity in contracts, i. 331.

— Project of, an aggravation of corporal injury, i. 165-168.

— necessary for the production of responsibility, ix. 151-152.

— Anti-legal and anti-constitutional, distinguished, iii. 359 n\*.

— in regard to elections compared with bribery, iii. 482-485.

Coffee—Beneficial effect of the use of, i. 540.

Cognoscibility as an essential feature in a code of laws, iv. 454.

Coin—Base. Guarding against the use of, i. 553.

Coining—Application of analogical punishment to the offence of, i. 409.

— Bad money—Difficulty of protecting the public against, iii. 148-149.

— Reasons for Government having the monopoly of, iii. 148-149.

Coining words vindicated, ii. 383.

Coke—David, an early acquaintance of Bentham, x. 54.

Coke—Sir Edward—his arrangement of the occupations of the day, iv. 163.

— — on the clause against unlawful exile in Magna Charta, iv. 278.

— — how far a friend of liberty, i. 511.

— — the extent of his classical learning, i. 504.

— — Observations of, on the murder of certain Jews, vii. 276.

— — His division of presumptions, vii. 69.

— — noticed or quoted, i. 6 n, 186, 233 n<sup>m</sup>; ii. 403 n, 580 n; iii. 15; iv. 259, 260, 267, 268, 501, 512; v. 18, 143, 159, 236, 246, 591 n; vi. 231, 419; vii. 69, 72, 295, 462, 482 n, 550; x. 404.

Coke—John, Chief-Justice of Ireland. Testimony to, as a law reformer, iv. 501-502.

Coke—Samuel Parker, a fellow student of Bentham, x. 45.

Coldbath Fields Prison—Case of the inquiry into the management of, iv. 283.

Collapsion—one of the calamities to be attended to by the Preventive Service Minister in the Constitutional Code, ix. 439.

Collateral ends of judicature defined, vi. 12 n†.

— — of justice, distinguished from the main, v. 445.

— — of justice—not the objects sought in the defective modes adopted in the English system of evidence, vi. 505.

Collateral evils of judicature, viz. delay, vexation, and expense, vi. 10-11.

— — — Sham pecuniary checks to, vii. 307.

— — — Cautions regarding, for guidance of judges, ii. 29-30.

— — — are the price paid for it, vii. 335.

— — — Use of statistical information as to extent of, vi. 563.

— — — Their nature in penal procedure, ii. 17-18.

— — — Preponderant inconvenience from, vi. 15.

— — — when preponderant, justify exclusion of evidence, vi. 87-88.

— — — produced by irrelevancy and superfluity of evidence, vi. 89.

— — — in case of procedure by information, vi. 478.

— — — Effect of the abuse of writing on, vi. 331-332.

— — — The legislator should guard against a system which makes them preponderant, vi. 212.

— — — Best judicial evidence must sometimes be sacrificed to avoid, vi. 171-172.

Collation of rights—Meaning of the term, vi. 210 n†.

Collative events—Meaning of the term, vii. 270.

— — Uses of registers of, i. 553.

Collative and ablative events distinguished, i. 152.

— — — as a general title of the civil code, iii. 186-190.

— — — Use of the distinction, iii. 294.

Collative laws and facts—Entry of, in pursuer's demand paper, ii. 66-70.

Collection of evidence, by English practice, vi. 34-43. Natural procedure, (Parliamentary, Justices of peace, &c.,) 34-36. Unfit modes employed, to exclusion of fit, 36. Deposition according to the Roman mode, 36-37. Inaptitude of affidavit evidence, 37-40. English judges conscious of unfit-ness of their practice, 40-42. Source of the unfit modes—sinister interest, 42-43.

— — should be by the person who decides, vi. 419-423.

Collective punishments, i. 483-484.

Collins—David, Judge-Advocate of New South Wales—Letter to, x. 401-403.

— — His work on New South Wales quoted as illustrative of the mischief and inadequacy of the Penal Colony system, i. 493-497; iv. 175-248, 255, 265, 271-275, 279, 281; xi. 123, 129, 133-134.

— — His work on New South Wales characterized, i. 493; iv. 177.

Collusion of jurisdiction—Difficulty of obviating, vii. 290.

Collocation—Rules of, for the purpose of producing clearness and impressiveness, viii. 316-318.

— Essentiality of, in legislative acts, with an illustration of defect in the old act for Annual Parliaments, v. 412.

— Rules for, in legislative composition, iii. 268-269.

— Proper, of limitative propositions in the composition of laws, iii. 253-254.

— Disorderly, as a defect in the composition of laws, iii. 252-253.

— False—Ambiguity as produced by, iii. 253.

— Opinions on, expressed in conversation, x. 569-570.

Collusion—Danger of, in producing evidence as given in one cause, to serve in another, vi. 166.

COLONIES—Effect of, iii. 52-57. Expense from distance—wars, &c., 52. Capital transferred to, supposed to be created, ib. May be useful for excess of population, ib. Decrease the wealth of mother country, but increase that of the world at large by new labour, ib. No taxes from colonies, ib. Capital lost to mother country, ib. Novelty and variety, 52-53. Welfare of mankind in general increased by, 53. Advantage to barbarous countries to be possessed by Britain, but not to Britain to possess them, ib. Possession of colonies not necessary to carrying on trade with them, 53-54. Trade in proportion to capital, not extent of market,

54. Colonists will not sell cheaper to the mother country, though excluded from other markets, because they will not produce at less than they can afford, 54-55. Cannot sell dearer to them on account of home competition, 55. The monopoly tends to employment of capital unprofitably, ib. Duties on imports from colonies would be the same were they from other quarters, ib. What may be gained by compelling them to pay duties on exports, more than counterbalanced by expense, ib. Moral evils—Effects of distance of government in jobbing and oppression, 55-56. No colonies should be founded for gain, and those existing should be dealt with as unprofitable, 56-57.

Colonies—Evils of, in connexion with international law, ii. 547-548. Causes of war, 547. No profit to the mother country, ib. Offences in, distant from seat of authority, 547-548. Final measures that should be taken—to give up the colonies, and found no new ones, 548. Reasons, in advantages to colonies and mother country, ib.

— Essay on emancipation of, addressed to National Assembly of France, iv. 408-418. Injustice—power over them founded on mere force, 408. Admitting deputies from them no palliation, 408-409. Impossible for them to be advantageously governed for their wants and wishes by a distant country, 409. Evidence that the connexion is not their choice, ib. No harm if they should fall into the hands of others, 409-410. Protection may be afforded to the minority, though the sovereignty has ceased, 410. No advantage in the way of surplus revenue, ib.; nor in produce, ib. Fallacy that a trade with a governed people more profitable than with parties at large, 410-411. Trade the child of capital, 411. Quantity of capital, not extent of market, that regulates its amount, ib. The presumed advantage from monopoly examined, 411-412. A loss to the public at large, who taxed for it, 412. No gain to consumers of colonial produce, who will not get it cheaper than it can be raised, ib. Fallacy in the supposition of profit from monopoly of the selling market—rivalry at home will reduce prices to their level as readily as general rivalry, 412. General effect—to reduce the quality of manufactures, not to increase profits, 412-413. Illustration in United States, 413. The nominal monopoly dearly paid for in a counter monopoly in favour of the colonists, 413. Sugar cheaper in countries which have no colonies, ib. Though monopoly may force down the prices of goods in existence, will not keep down prices, ib. As to keeping up prices—baffled by internal

- competition, *ib.* Taxes on imports paid by mother country, 414. Only method therefore of getting a revenue is by forcibly compelling the colonists to buy taxed exports, *ib.* Not a source of strength, but of weakness—a means of being scourged by a maritime power, 414-415. Expense of a navy necessitated, 415. Inconsistency of professing to emancipate the colonies of other nations, 416. Necessitate complicated government operations, and cover peculation, 416-417. Arguments still stronger applicable to East India possessions, 417. Better sell or give them to Britain than keep them, 417. Argument omitted—corruption through patronage, 418.
- Colonies—Incidental statement of the argument that they cannot be productive of profit—usual fallacy to set down all the imports as profit, and all the exports by which they are paid for as profit too, *iv.* 206-207.
- trade with—Mistaken notions of the profitability of, *ii.* 547.
  - supported for the sake of the expenditure they create, *v.* 268.
  - Patronage in, a means of corruption, *ii.* 548, 558.
  - Cost of supporting, incident to a monarchy, *ix.* 31-32.
  - Necessity of providing systems of Legislation for, in founding, *iv.* 254.
  - Former extent of the power of the Crown in relation to, *iv.* 258.
  - Breach of the constitution, and of law, charged on the administration of the, *iv.* 249-284. *See* New South Wales.
  - The unprofitable nature of, peculiarly exhibited in Penal Settlements, as illustrated by N. S. Wales, *iv.* 245-247.
  - The evil of constructing them entirely of convicts, *iv.* 182.
  - Penal—Transportation to, considered as a complex punishment, *i.* 490-497. *See* Transportation.
  - Penal—The system of, considered in Panopticon *τ.* N. S. Wales, *iv.* 173-248. *See* Transportation.
  - The old system of erecting, by charter, illegal, *iv.* 259-261.
  - Charters cannot be made the vehicle of regal legislation for, *iv.* 261-263.
  - Qualifications necessary for founders of, *i.* 497.
- Colonization—Considerations as to educating children for, in the case of a pressure of population, *ix.* 443.
- Colquhoun—Patrick, the Police Magistrate—Account of, and friendship of Bentham for, *x.* 329.
- Letter from, on the value of land in America, *x.* 329.
  - Letter to Charles Abbot about, *x.* 329-330.
- Colquhoun—Patrick—Letter to, on the Banking Question, *x.* 338-340.
- Letter from, on Prevention of Forgery, and Thames Police Bill, *x.* 357-358.
  - Notice of, and tribute to his services as a magistrate, *v.* 335.
  - Instance of a successful recovery of money by, through the investigatorial process, *v.* 37-38.
  - casually noticed, or quoted, *iii.* 402; *v.* 590; *x.* 182, 335, 349, 414-415.
- Columbia—Bolívar's proscription of Bentham's Works in, *x.* 552.
- State of politics in, in 1822, *ii.* 568.
  - Interest of, considered, in relation to a proposal for joining the Atlantic and the Pacific, *ii.* 563-568.
- Combe—Count. Question as to who he was, *x.* 61.
- Combination—Oppressiveness of laws against, *x.* 509.
- Combinations of workmen—Plan for preventing, by a system for bringing together employers and employed, *viii.* 399.
- of persons representing particular interests—Their effect in producing restrictions on trade, *iii.* 97.
- Command—Exposition of the term, with reference to a universal Code, *iii.* 223.
- Command—Quasi—Exposition of, as applied to unwritten law, *iii.* 223-224.
- Commensurability as a property of punishment, *i.* 403.
- Commentary on Mr Humphrey's Real Property Code*, *v.* 387-416. *See* Real Property.
- Commentary of reasons, or Rationale—Arguments for a Code of Laws, being accompanied by a, *i.* 159-163; *iv.* 454.
- Commentaries—Legal—Multitude of, and uncertainty of the law in connexion with, *iv.* 488.
- Commerce—Extent of, depends on amount of capital, *iv.* 411.
- Attempts to monopolize, as a cause of war, *ii.* 544.
  - Security of—Addition to, in the project of Annuity notes, *iii.* 133-136.
  - Tendency of, to create equality, *i.* 313.
- Commercial book-keeping—as a branch of the Chrestomathic system of instruction, *viii.* 39-40.
- Treaties—how supported, after they become prejudicial, *ii.* 404.
- Commission—Examination by, *vi.* 421, 427, 487, 495; *vii.* 375.
- The secrecy of examinations by, with the reasons assigned, *vii.* 540-542.
  - Special, for examining a witness, *vi.* 95.
  - to examine witnesses—Expense of a, *iii.* 413 n\*.
  - Charity Inquiry—Its operations considered, *v.* 608.
- Commission of rebellion—Origin and nature of, *iii.* 350 n.

- Commission of survey—Appointment of a, to divide the country into election districts, iii. 579-582.
- Commissions of inquiry, as a means of baffling Reform, iv. 424-425.
- — — Those appointed as to courts of justice, noticed, vii. 218 n.
- — — The hoplessness of great legislative projects being accomplished through, particularly with reference to the case of Russia, iv. 516-528.
- — — Considerations regarding the proper system of, and a criticism on the existing system, in Plan of Inquiry Judiciatories in Constitutional Code, ix. 181-188. *See* Legislature.
- Commissions in the Army—Sale of, considered, iii. 248.
- — — Method of disposal of, by Constitutional Code, and comparison with the practice in Britain, ix. 351-352. *See* Defensive Force.
- Commissioners ; when Government have committed an abuse, they pay them to inquire into it, and approve of it, ix. 73-74.
- of Real Property Inquiry—Communication to, forming the outline of a Plan of a General Register, v. 417-435.
- in bankruptcy under the old system, vi. 433.
- under the Bankruptcy Court Act—The powers and duties of, v. 569-570.
- Committee of justice—Parliamentary—The uselessness of, v. 183-184.
- Committee of Parliament—Mode of collecting evidence by, vi. 35.
- of House of Commons—Method of inquiry before, favourably contrasted with judicial procedure, ix. 185-187.
- Proper form of procedure in a, ii. 340.
- The practice of leaving sums in bills to be filled in by, noticed, v. 568.
- Peculiarity of form of debate when House is in, ii. 359-360.
- of inquiry into the cases in which judges set aside Acts of Parliament, proposed, v. 181.
- Committee—Continuation, of the Legislature, according to the Constitutional Code, ix. 170-172.
- Committees—Special—in legislative assemblies, ii. 372-373.
- of the whole House in legislative assemblies, ii. 373.
- Commodities—Relation of the proportion of money to, iii. 45-46.
- Common—Rights in—Nature of, iii. 183.
- Questions as to right of, ranked as complex suits, ii. 81.
- Commons—Improvements from division of, i. 342.
- Commons—House—Origin and progress of the power of, ii. 444.
- Commons—House—The corruption of the representative system in, ii. 293-294.
- — The privileges of, obtained by “innovation,” ii. 418.
- — Bill for more adequate representation in the, iii. 558-597.
- — Petitioning for reform attacked as tending to lower, ii. 427.
- — Reform in—Resolutions for, prepared by Bentham, and moved by Sir F. Burdett, x. 495-497.
- — How far it can be called an independent branch of the Legislature ? i. 279.
- — The interests represented in, xi. 60.
- — Purchase of seats in, considered, iii. 485-487.
- — Who transact the business of ? i. 28, n.<sup>o</sup>.
- — Proposal that placemen should have seats, but not votes in, iii. 490-495.
- — Publicity with regard to votes, bills, and debates in, ii. 315-317.
- — Subjects of debate in the—Proposals for exhibiting in visible type, x. 344.
- — Extraction of evidence before, vi. 29, 43.
- — Method of securing truth of evidence in, vi. 305, 306, 312, 313.
- — Procedure by, in examination of witnesses, adduced as an argument for the needlessness of oaths, v. 455, 514.
- — Mendacity before, punished as contempt, v. 220 n.
- — Criticism on the arrangement of printing the papers of, and their tendency to suppress the publicity of petitions, iii. 536-538.
- — Practice of allowing blanks in bills in, ii. 357-358.
- — Seconding of motions in, ii. 358.
- — Restriction of speeches in, to admitted motions or their introduction, ii. 358.
- — Practice of addressing the Chair in, ii. 362.
- — Practice of not calling members in, by name, ii. 363.
- — Practice of not imputing bad motives in, ii. 363.
- — Illustrations of insidious amendments, from the proceedings of, ii. 366.
- — Method of taking the vote in, ii. 371.
- — Arrangement as to the places of members in, ii. 321.
- — Members who have received the thanks of—Courtesy to, ii. 321.
- — Attendance of members of, considered, ii. 325.
- — Non-admission of females to, ii. 327.
- — How strangers admitted to, ii. 326-327.
- — Speaker of the. Ambiguous meaning of the term, ii. 327 n.
- — Practice of, as to motions, ii. 335.
- — Practice of reading a bill before King’s speech, considered, ii. 335.

COMMONS—HOUSE—Practice in, of motions being tabled in the words in which they are to stand as acts, ii. 335-338. Illustrations of contrary practice, 337-338 n.

— — Principle of the practice of ministers leading the proceedings in, ii. 351-352.

— — Requisition of a qualification for members of, considered, ii. 249.

— — Security to, against disturbance by members, iii. 591-592, 596-597.

— — Index to Journals of, and method of preparation noticed, ii. 228-229 n. †.

— — Bentham's correspondence with Lord Lansdowne on an understood promise to obtain a seat in, for him, x. 229-245.

— — Committee of—Propriety of the subject of procedure being referred to a, ii. 5.

— — Actual state of attendance in the, iii. 496-497.

— — Members of—Their frequent absence from important questions, ix. 126.

— — Members of—Universal constancy of attendance of, urged, iii. 457-458.

— — Members of—Importance of constancy of attendance of, iii. 495-511. *See* Parliament.

— — Blackstone's theory, that they have less wisdom than the aristocracy, i. 279-280.

— — Members of the—Dependence of, as regards electors—Independence as regards other quarters urged, iii. 455-457.

— — Members of—Illustrations of gratuitous service cited in opposition to Burke's opinion, v. 295.

— — Call of—a partial and inefficacious remedy for non-attendance, iii. 508, 509-510.

— — Proposal for an inquiry by, into the cases in which judges refuse obedience to Acts of Parliament, v. 181.

— — The papers of—their value, xi. 42.

— — The preparation of Reports by committees of, considered in illustration of the plan proposed in the Constitutional Code, ix. 185-187. Admitted to have the qualities of appositeness, clearness, correctness, &c., 185-186. Contrasted with the judicial extraction of evidence which tainted by sinister interest, 186-187. Defects in not having sanctions for truth, or means of enforcing answers, 186-187.

— — Reform of. *See* Parliamentary Reform.

Common bail characterized, vii. 283, 284-285.

Common council—an illustration of annual election, iii. 512-513.

— — of London—Proposal to apply the principle of pecuniary competition to the office of secondary by, xi. 31-32.

Common lands—Partition of—as a reform in the law of real property, v. 391.

Common law—The nature of, viii. 573.

Common Law—Incognoscibility of it, v. 235-236; vi. 552.

— — Impossible to obey it, because impossible to discover, v. 546.

— — characterised as a Quasi-command, iii. 223.

— — The dubiety and incorrigibility of, iv. 483-487. Not the work of authorised legislatures, but the joint manufacture of judges, reporters, and booksellers, 483-486. Attempts to remedy defects by forced constructions, and taking distinctions, 487.

— — The absence of provisions in, for trust, fraud, accident, inquisition, account, and the other provinces of Equity, shows the want of codification, v. 486-488.

— — Origin of, vii. 197.

— — Mendacity encouraged by, vi. 307.

— — Lord Mansfield's exaltation of, vii. 311.

— — of service to the legislator—as a guide to him in making statute law, iv. 490.

— — Correspondence with Brougham, as to a Commission of Inquiry into, x. 574-576.

— — casually animadverted on, i. 153, 157, 185, 228, 333; ii. 395 n, 465; iii. 240, 312, 389; iv. 257, 310, 396; v. 93, 235, 247-249, 256, 260, 286 n, 565, 374 n, 595 n; vi. 399; vii. 193, 252, 493, 507, 534; viii. 539; ix. 25, 158, 465, 472, 513.

— — *See* Judge-made Law.

Common Law and Equity—Distinction between, vi. 482; vii. 290-291, 511.

— — — Distinction between—its absurdity, vii. 300-302.

— — — Quarrel and compromise between, with the results, vii. 303-305.

Common Law Courts—Extent to which appeals from one to another capable of proceeding in, examined, v. 519.

— — — Raw materials out of which the law of, constructed—conspiracy, blasphemy, libel, malice, breach of peace and acts *contra bonos mores*, v. 484-485.

— — — Bandyng of causes in, vii. 236-237.

— — — Their incapacity to afford remedies, giving rise to Equity, vii. 292-294.

— — — Practice of, in relation to the burthen of proof, vi. 138-139.

— — — Conflicts of, with the Equity Courts, vi. 172-173.

— — — Effect of Commission of Inquiry into, iii. 322.

— — — Commissioners' Report on, referred to, on the method of choosing special juries, v. 163 n.

Common Law Procedure—Exclusion of examination of party by, vi. 436.

— — — Incongruities of mode of extraction of evidence by, vi. 471-482. *See* Extraction.



- Common Law Courts—Profligacy of the system, ii. 48.
- — — Technical evils of the system, ii. 170.
- Common names as aggregations of individual names posterior in creation, in the history of language, viii. 189.
- Common-place - Book — Bentham's — Extracts from, x. 69-77, 84-85, 125, 141-147, 509-512, 517-519, 530-532, 547-548; xi. 71-74.
- Common Pleas—Jurisdiction of the, vii. 297.
- — Business stolen by, through fictions, v. 493; vii. 285.
- — Form of obtaining delay in, on the ground of absence of witness, vii. 360.
- — Delay by writs of error from, vii. 214.
- — Chief-justice of, confessing to a bill of exceptions, vi. 418.
- — Chief-justice of—Profit to, from sham writs of error, v. 93 n.
- — Prothonotary in—Secrecy of procedure before, vi. 375-376.
- Common Recoveries—a fiction of law, vii. 283-284.
- Common sense—as a rule of action, i. 8 n.
- — Partisan of, and of moral sense, represented in dispute, vi. 239.
- Communication (Psychological) as one of the mental faculties, viii. 281.
- — of impressions—as one of the human faculties, viii. 76 n.
- (Physical)—Means of, essential to procedure, ii. 11.
- Judicial—in procedure, ii. 52-57. Subject matters, 52-53. Modes—oral, writing, messengers, post, &c., 53. Means—accersitive, missive, 53-54. Securing accessibility, 54-55. Indication of habitation to be made by party, 55-56. Difficulties regarding accessibility of criminals, and of parties without fixed settlement, 56-57. Future-communication-securing memento, 57.
- Judicial—Kinds of, necessary on the elicitation of defence, and persons communicated with, ii. 78-80.
- Judicial—Denial of means of—Remedy for, ii. 163-164.
- Community—Interest of. Meaning of expression, i. 2.
- Community of goods—Inconveniences of, i. 341-342.
- — — Incompatibility of with progression, i. 312.
- Compact—The original, a fable—how created, and for what purpose, iv. 447.
- See Contract.
- Compactness, and its opposite desultoriness, considered in relation to language, viii. 309.
- Company—Source of danger to the uneducated—of advantage to the educated, viii. 13.
- Company—Good. Intellectual instruction an introduction to, viii. 10.
- Company in the British army—Composition of a, ix. 419.
- Companies—Commercial. Reasons why there may safely be community of goods among, i. 342.
- Comparatio literarum*—Evidence by, vii. 177-180, 181.
- Comparative-proficiency principle, in the management of the Chrestomathic school, viii. 49.
- Comparison—Nature of, as one of the human faculties, viii. 75 n.
- analysed, as one of the mental faculties, viii. 281-282. Is attention applied alternately, 281. Cannot be satisfactorily conducted between more than two things, 281-282.
- Difficulty of carrying on, between more than two things, illustrated, viii. 108-109 n.
- as an operation of Logic, viii. 225.
- Compensation—Qualifications necessary to the constitution of, ii. 28.
- Inapplicability of unbending rules to, ii. 31.
- Relation of, to punishment, i. 394.
- to the injured party—Subserviency to, as a property of punishment, i. 94, 405; iv. 199-201.
- What class of offences admits of, i. 140-141.
- for offences—Principles of, i. 371-388, 578-580.
- for offences—how far it should fall on the representatives of the offender, i. 523-524.
- Insufficiency of, an impediment to reforms, ii. 419.
- Principle of giving, to the holders of places and pensions abolished, i. 320-321.
- Principle of giving, to public officers affected by reforms, iii. 325-326.
- Principles of, with reference to reduction of offices, ii. 251-252.
- Application of, to officials affected by law reform, v. 505.
- for the loss of proprietary seats by parliamentary reform, iii. 533.
- in case of emancipation of slaves, i. 346.
- for wrongful punishment, i. 527-528. Impossible in case of death, ib.
- Competency of witnesses—Restoratives to, vii. 433-440.
- Competency and incompetency—technical application of the terms to evidence, vii. 384-385.
- — — Considered as attributives of witnesses, vii. 77-78 n.
- Competition—Free. Beneficial effects of, i. 534.
- its effect in increasing skill and strength, ii. 227.

- Competition**—Principle of, as to rewards, ii. 225-229.  
 — Pecuniary—Application of the Principle of, to all bargains by the Crown, v. 324-328.  
 — Pecuniary—Principle of appointment to office by, defended, ix. 286-293. *See* Pecuniary competition.  
 — as a means of filling public offices—Explanations as to, in reference to the provisions regarding in the Constitutional Code, v. 273-274.  
 — as a means of filling offices—Application of, to a general register, v. 423-424.  
 — Open—The adoption of, in drawing codes of law, recommended, iv. 520-521, 545-551.  
 — Burke's objection to the principle of, as applying to official services, controverted, v. 300-301.  
**Complaint of wrong, &c., to judge.** *See* Application.  
 — Absence of, when redress hopeless, fallaciously adduced to show that reform not desired, ii. 430-431.  
**Complaint-book**—Incidental, in the Judiciary Establishment of the Constitutional Code, ix. 500-502.  
**Completeness**—a quality desirable in a language, viii. 191.  
 — in language—Rules for, viii. 318.  
 — a primary quality in evidence, vi. 211.  
 — in testimony—Attention necessary to the production of, vi. 263 n +.  
 — in testimony—Interrogation tends to produce, vi. 332.  
**Complex punishments,** i. 490-516. *See* Punishments.  
**Complex afflictive punishments,** i. 416-420.  
**Complex and simple**—Suits ranked as, ii. 80-82.  
**Complexity in the laws**—Evils of, i. 324-326.  
 — as productive of entanglement in Legislation, iii. 249-250.  
 — Evils of, in any science, ii. 464.  
**Composition of words as a means of enriching a language,** viii. 319.  
**Composition—Literary**—Methodisation as applicable to, and the imperfections it is used to overcome, viii. 271-272.  
 — Improvement as applicable to, viii. 312-320. *See* Language.  
**Compound interest**—The justice of admitting, iii. 18-19.  
**Comprehensiveness as a quality in language,** viii. 309.  
**Compressedness as a property desirable in style,** viii. 311.  
**Compression of evidence within short time**—Effect of, vii. 538-539.  
**Compromise of a case**—a denial of justice caused by the state of the procedure law, v. 35.  
**Compromises**—Proposed, in case of parliamentary reform, iii. 533.
- Compulsion as an offence,** i. 114.  
 — Relation of, to punishment, i. 393.  
**Compurgation by wager of law,** vii. 70.  
 — denounced by Blackstone, vi. 315-316 n.  
**Comyns—Chief-Baron**—noticed or quoted, vi. 228 n ; vii. 7, 195, 273 n.  
**Comyns' Abridgment** referred to on unlawful banishment, iv. 279 n.  
**Concealment of an offender**—Ease or difficulty of, as influencing alarm, i. 77.  
 — Undue, as a cause of invalidity in contracts, i. 331.  
 — How far consistent with registration of contracts, vi. 580-581.  
 — as circumstantial evidence of guilt, vii. 47-48.  
 — on examination, as evidence of delinquency, vii. 24-25.  
 — of child-birth as an offence, vii. 20 n.  
**Conception as a mental operation of Logic,** viii. 224.  
**Conceptive faculties of the mind**—Application of methodisation to the assistance of the, viii. 272.  
**Conciliation courts**—Inadequacy of, where not compulsory, xi. 55.  
 — *See* Reconciliation courts.  
**Conciliative functions of judge** defined, ii. 47.  
**Conciseness as a quality of language**—its uses and purposes, viii. 305.  
 — a term preferable to brevity, x. 70.  
 — as opposed to verbosity in language, viii. 308-309.  
**Conclusions from evidence**—Publicity a means of judging of the justice of, vi. 356.  
**Conclusive evidence**—An imperfect body of circumstantial held as, vi. 69, 72, 73.  
 — giving the quality of being, to any portion of evidence—Exclusion occasioned by, vi. 114, 115 ; vii. 542-558.  
 — evidence—Impropriety of the system of, vii. 542-547 Presumes all witnesses on the other side hears, 543. Puts power in the hands of individuals to ruin others, 543-544. Conclusive absolutely, ib. Conclusive *visu*, 544. Cases in which it appears rational, but in reality is not exercised, 544-545.  
 — evidence, may with propriety exist to the extent of incidental decision, vii. 547-549.  
 — evidence—Aberrations of Roman and English law in regard to, vii. 549-558. Wager of law, 549-551. Action of debt, ib. Detinue, ib. Trover, 550. Further remarks by Editor—judgment by default, voiding contracts, estopels, demand of best evidence, 551-558.  
**Concord as a department of universal grammar,** viii. 355-356.  
**Concrete**—Etymology and definition of, viii. 26.  
 — ideas—distinguished from abstract, viii. 26.

- Concretions.** Have precedence of abstractions in the progress of the mind, viii. 282-283.
- Concubinage—**Influence which the relations arising from, may have on testimony, vii. 579-581.
- Concurrence of parties to sanction what should be done by judicature—**Examples of, ii. 177.
- Condillac—**The Abbé—Work of, on Systems, characterised, iii. 51.
- Operations of synthesis and analysis confounded together by, viii. 121, 124-125 n.
  - His complicated method of showing the successive discovery of the predicaments criticised, viii. 282-283, 285-286.
  - noticed, iii. 73; viii. 75 n, 322.
- Condition in life as an object of security by the law, iii. 213.**
- — — as a special object of security in the Constitutional Code, ii. 270.
  - — — Objects of, distinguished from those of property, i. 108-110, 135-136.
  - — — Offences against, as a subdivision of the Penal Code, iii. 166-169. Divided into Relationship, Fiduciary charge, Rank, and Profession, ib.
  - — — Offences against, a division of private offences, i. 99-100.
  - — — Offences against—Kinds of, i. 119-137. Relationships divided into those which are legally superadded to the purely natural, and those which are purely legal, 119-120. Priority of consideration given to the most simple, 120. Legal obligations, and ways of enforcing them, 121. Master and servant, 121-124. Guardian and ward, 124-127. Parent and child, 127-129. Husband and wife, 129-131. Uncontiguous relationship, 131-132. Civil conditions, (viz. rank, profession, &c.) 133-137.
  - — — Offences against—Influence of time and place on, i. 176-177.
  - — — Offences against, must be expressed through fictitious entities, viii. 524-525.
  - — — Forfeiture of, as a punishment, i. 470-474. *See* Forfeiture.
  - — — Right to, with relation to forfeiture as a punishment, i. 452.
  - — — of witness—Effect of, on probative force, vi. 221.
  - — — Facts as to, the subject of registration, vi. 567.
  - — — Whether breach of trust is an offence against? i. 107.
  - — — Arrangement of laws according to the various species of, for facility of reference, iii. 193.
  - — — Promulgation of the distinct laws applicable to the various species of, i. 158.
- Conditions—**Private. Rights and obligations attached to, i. 343-358.
- Conditionality—**Modes of, in the moods of verbs, enumerated, viii. 353.
- Condorcet** noticed, ii. 462.
- Conduct—**Good. Security for, i. 519-520.
- Confession—**No admission should be considered as amounting to, without interrogation, vii. 31.
- distinguished from confessorial evidence, vii. 30-31.
  - to Catholic priest—Disclosure of, should not be demanded in evidence, vi. 98-99; vii. 366-368.
  - Retail in the Church of Rome—wholesale in that of England, v. 210-211.
  - to error in record—Effect of, vii. 436-438.
- Confessorial testimony, vi. 400-406; vii. 29-44, 449-462. *See* Discreditive Interrogation; Self-criminating; Self-disserving.**
- — taken if delivered out of court, not otherwise, vi. 472-474.
- Confidence in official persons—**abuse of the term, v. 324.
- violation of—Character inferred from, i. 78.
  - in governors—should be at the lowest point consistent with leaving them sufficient operative power, ix. 62.
- Confidence-minimization Principle—**Application of, to the members of a legislature, ix. 191-192.
- Confinement—**Close, how far it may be right, for the purpose of keeping an accused person or a witness from mendacity-serving suggestions, vi. 450-451. Succedaneum in taking an immediate examination, ib.
- Solitary, for debt, animadverted on, vi. 177.
  - Solitary, how far conducive to reformation, iv. 47.
  - Solitary, fallacy of its being a means of mental improvement, x. 530.
  - Wrongful, as an offence, i. 114.
  - *See* Imprisonment.
- Confiscations—**attempted by judges, for their own use, ii. 12.
- General. Characteristics of, i. 320.
- Conflagration—**one of the calamities to be watched by the Preventive Service Minister in the Constitutional Code, ix. 439.
- Conflicts of authority in administrative departments—**Means of terminating, ix. 452.
- Conformity of experience, the origin of belief, vi. 236.**
- Confrontation in courts of justice—**Evil from the want of, vi. 136-139.
- The practice of, under Roman law, considered, vi. 34, 339, 501-404. Defined, 501. Proving identity, ib. Confined to criminal cases, ib. Persons prosecuted civilly have applied to be so criminally for the advantage of, 502. Who may be interrogators and respondents? ib. Only allowed "if need be" at discretion of judge, 503.

- Confrontation**—Evils from the want of, and remedies where parties distant from each other, ii. 100-101.
- Confusion**—Fallacies used for the purpose of creating, ii. 436-474.
- Confusion of mind**, as evidence of guilt, vii. 44-45.
- Congress**—Appointment of a, to decide disputes between nations, recommended, ii. 552-554.
- of United States—Protection to the members of, against libel, recommended as a model, ii. 281.
- Conjugates**, as a department of Logic, viii. 323-327. Applied to the modifications of the cluster of words called a verb, 323. Should have been applied to the noun, 323-324. Primitive and derivative conjugates, 324. Principal and accessory words (or those which have a meaning alone, and those which require to be associated with others) distinguished, ib. Accessories, attached or unattached, ib. The greater the number of conjugates the more manageable the language, ib. Means of enriching a language by analogy from others—filling up the deficient conjugates, 324-325. Nouns, and their division into real and fictitious entities, 325-326. Adjectives, as accessory expressors of entity, 326. Order of discovery in conjugates, 327-327.
- The filling up of, a means of enriching a language, viii. 319.
- Conjunctions**—Analysis of—not a simple, as supposed, but a composite part of speech, viii. 357.
- Conjunctions, Prepositions and Adverbs**—The connexion between, and the difficulty of forming distinct notions of, viii. 356.
- Connellan**—Thadæus—Account of, and of his exertions in educating the working classes, with proposal for employing him in the instruction of Irish labourers in New York, x. 500-503.
- Connexions**—Imputations from the character of, a fallacy in debate, ii. 416.
- of a delinquent—how far his punishment should be regulated so as to protect them from suffering by it, i. 477-478.
- in the way of support, burden, sympathy, and antipathy, defined, i. 25-26.
- Conquests**—Uselessness of, to a free people, ii. 557.
- Crown's right to the subject of, considered, iv. 266-269. Cannot be resumed when parted with, ib.
- Conscience**—How it may be made an excuse for despotism, ii. 409.
- Effect of coercion on, i. 564-565.
- Conscience**—Courts of, vi. 36; vii. 533.
- — Natural procedure before, vii. 321.
- — illustrate the value set on judicial power and distinction, ix. 485.
- Conscience**—Courts of. Casual notices of, ii. 412; iii. 402, 404.
- Consciousness and unconsciousness**, with relation to intention, i. 35-36, 61.
- as an ingredient of the mischievousness of an act, i. 74.
- with relation to human actions, i. 43-46. Advised and unadvised acts, 43. Reference to existence or materiality, ib. Reference to time, ib. Unadvised act may be heedless or not, ib. Nature and kinds of misapposal, ib. Illustration of the positions laid down, 43-44. Connexion between intentionality and consciousness, 44. Rashness, ib. Good and bad intentions—Confusion of intention with motive, in the term, 44-45. Roman Law, 45-46.
- Conscription**—Military. The policy of a, considered, ix. 397.
- Consent as a mode of acquisition**, i. 330-334.
- Consequences of actions**—Deductions as to dispositions from, i. 60-68. *See Dispositions*.
- The, of a mischievous act, analysed, i. 69-76.
- as indicative of the tendency of an act, i. 35.
- the proper subjects of the attributives, good and bad, i. 216-217.
- Cousinees of persons and things**, in proposed Despatch Court—Qualifications of, iii. 378.
- or In-trust-holders—Provisions as to, in Despatch Court Bill, iii. 382-388.
- Consistorial jurisdiction**—Rise of, vii. 294.
- Consolation**—False—or the submission to abuses, because there are worse elsewhere—a fallacy, ii. 431-432.
- Consolidation of statutes**—Attempts at, abortive, from want of means for quick reference from part to part, ix. 432-433 n.
- Conspiracy**—Character inferred of those who engage in, i. 78.
- Position of, as an offence, in the Penal Code, iii. 170.
- An offence created by the peculiarities of the monarchical system—has no place in a democracy, ix. 37-38.
- Historical investigation of the employment of the term in charges of sedition, v. 247-249.
- Punishment of, by King's Bench, ii. 126.
- more justly attributable to the pursuers than to the defendants, in Government prosecutions, v. 249.
- Conspiratorial evidence examined**, vii. 32.
- Constables**—Propriety of advertising the names and designations of, x. 338.
- Constant**—Benjamin. Bentham's opinion of, x. 467.
- Constantine the Great** adduced as illustrating the operation of prejudices in punishments, i. 412.
- Constantinople**—visited by Bentham on his way to Russia, x. 152-157.

- Constituents—Advantages to, of the plans of Reform in the Reform Catechism, iii. 549.
- Dependence of Representatives on, urged, iii. 454-456.
- Publicity necessary to let the wishes of, be known to their Representatives, ii. 311-312.
- Constituent Assembly of France—Examination of the Declaration of Rights by, ii. 491-524.
- CONSTITUTION—Essentials of a, according to the French Declaration of Rights, ii. 520-521.
- Absurdity of any one remaining unchanged, unless a representative democracy, x. 517.
- Plea for the, being an exposure of the illegalities and unconstitutional legislation in the Government of N. S. Wales, iv. 249-284. *See* New South Wales.
- Proposal for restoring the, as to juries, v. 163-175.
- British—Has its good and its bad points, iii. 562.
- — Estimate of the merits and demerits of, i. 185; ii. 120; vii. 451; xi. 62.
- — Ascendancy of the monarchical and aristocratical power in, iii. 438.
- — Operation of, dependent less than others on conduct of officials, ii. 427.
- — Bad parts of, held up to admiration and example, because the country has prospered in spite of them, iv. 445-447.
- — Blackstone's praise of, criticised, i. 277-283. Imperfect consideration given to the Executive authority, 277-279. The three branches said to be independent of each other, 279. Wisdom of the aristocratic branch, 280-281. Proof of perfection—mathematical demonstration, 282-283.
- — Paine's assertion of the non-existence of, ii. 521.
- — The more corrupt it becomes, the more dangerous is criticism of it under the libel law, v. 244.
- — Support that would be given to the, by a currency of circulating Annuity notes, iii. 145-146.
- — Subversion of, a charge against the Radicals in king's speeches, iii. 602-603.
- — Subversion of, while charged against Radicals, perpetrated through the Six Acts, iii. 621-622.
- — Peculiar demand for fallacies in the political discussions under, ii. 481-482.
- — Application of the words balance and mixed to the, iii. 450-451.
- Constitution—Matchless. Use of the term as a vague generality, and its fallacy examined, ii. 442-445.
- — Crimes that have been perpetrated under the term, viii. 472.
- Constitutions—Clauses of immutability in—
- a declaration of infallibility, and prohibition of improvement, viii. 483.
- Constitutions—Antiquated. Letter to the Portuguese nation on, viii. 482-485.
- Constitutional Code for the use of all nations professing liberal opinions*, vol. ix. *See* Code.
- — Notice regarding the preparation of the, v. 265.
- — Preface to original edition of Book II. of—descriptive of the state and prospects of the work, ix. 146-147.
- — Leading principles of the, ii. 269-274.
- — Ends aimed at in the, ii. 269-272. Subsistence, abundance, security, and equality, 269-270. Objects of security—against calamity and hostility, 270. Hostility from external enemies or internal, 270-271. Equality, distribution, &c., 271-272.
- — Means employed for attaining the ends of, ii. 272-274. Securing appropriate official aptitude, 272. Rules for moral aptitude, 273. For intellectual and active, 273-274.
- — Prescriptions or bearings of the other branches of law to, ix. 34-41. *See* Civil Law; Penal Law; Procedure Law; Financial Law; Military Law.
- — Name, situation, boundaries, and divisions of territory of, ix. 147-150. Name and boundaries, 147. Election districts, ib. Subdistricts and Bis-subdistricts, ib. Alterations at discretion of Legislature, ib. Considerations as to division and subdivision by common dividend, 147-148. Local Headmen, 148. Adaptation of division to judicature, 148-149. The French divisions, 149. The English—ecclesiastical and temporal, 149-150.
- — Ends and means of, ix. 150-153. Greatest happiness of greatest number the chief end, 150. Means—maximizing aptitude—minimizing expense, ib. Application of economy to rewards and punishments—to pleasures and pain, 150-151. Maximizing moral, intellectual, and active aptitude, 151. The sovereign rulers to be those who have interest in the greatest happiness, ib. Subordinates to be responsible, 151-152. Three principles as to offices—Public examination, pecuniary competition, and responsibility for deputies, 152. Responsibility divided into punitionnal, satisfactional, and dislocational, and into legal and moral, 152-153. Legal divided into judicial and administrative, 153.
- — Sovereignty in the people by, ix. 153.
- — Authorities of, ix. 153-154. Constitutive, 153-154. Legislative, 154. Administrative, ib. Judiciary, ib. Grouped as the Government, the Executive, and

- the Operative, *ib.* Meaning of the word Supreme, *ib.* Distribution over divisions, *ib.* Offices all single-seated except the legislative, *ib.* Unlimited auxiliaries for whom their employers responsible, ix. 154.
- Constitutional Code—Constitutive authority according to, ix. 155-160. *See* Constitutive.
- — Legislature of, ix. 160-198. *See* Legislature.
  - — Examination of the simple and the Federative systems of Government, in relation to, ix. 643-647.
  - — *See* Advocates—Eleemosynary, and Government : Inaugural Declaration : Judges : Judiciary collectively : Judiciary Messengers : Judiciary Prehensors : Justice Minister : Lawyers—Professional : Legislature : Local Headmen : Ministers : Prime Minister : Registrars : Sub-legislatures.
- Constitutional branch of a body of Law—nature of, i. 153
- Constitutional distribution of the powers of a State, in connexion with the principle of irrevocable laws, ii. 404.
- Constitutional Law—Nature and Province of, ix. 9-11. Implies a distinct constitution, or designation of the person to whose power the others are subjected, 9. English constitution, so termed, not within the definition, *ib.* The operative and constitutive—distinct branches, *ib.* Object—security against misrule, *ib.* Involves the punition responsibility of Rulers, 9-10. The impracticability of obtaining this in the various classes of monarchies, 10. Best obtained where the largest practicable number share in the Government, 10-11.
- Constitutional offences—Jury trial specially necessary for, ii. 119.
- Constitutional Reform, wherein it differs in intention from radical, x. 598.
- Constitutive Authority by the Constitutional Code, ix. 155-160:—
- — What, and in whom, ix. 155. Source of all power, *ib.* In the whole body, deducting females, minors, and non-readers and passengers, *ib.*
  - — Powers of, ix. 155-156. The functions, 155. Locative—Exercised to their deputies and the members of sub-legislatures, 155-156. The dislocative—To the Legislators, Prime Minister, Administrative Ministers, Justice Minister, Judiciary Functionaries, Local Headmen, Sub-legislatures, 156. Use of, in the districts, *ib.*
  - — Powers of, how exercised, ix. 156-157. Locative function—Election code, 156. Dislocative function by the entire constitutive, 156-157. By the constitutive of a district, 157. Punifactive function, *ib.*
  - — The Public-opinion tribunal in connexion with, ix. 157-160. *See* Public-opinion tribunal.
- Constitutive—Supreme—Proper principles of, for a free State, ix. 95-113.
- — Means of Government, in connexion with the principles of, ix. 95-96. Power cannot be exercised by all at once, 95. Not necessary, however, that there should be an absolute and unvarying division into governors and governed, *ib.* Should always be displaceable, *ib.* The greatest number are those who will have the happiness of the greatest number most at heart, 95-96.
  - — Authorities in a State in connexion with, ix. 96. Collective term for any sort of ruler, *ib.* Grades—Constitutive the highest, *ib.*
  - — the sovereignty lies in, ix. 96-98. Only function of Government the people can use, and one they are quite fit for, 96-97. Only when there is popular election is there a supreme constitutive, 97. People—a brief expression for electors under a popular system, *ib.* Qualification of the people, in moral, cognositive, judicative, and active aptitude, *ib.* Sovereign power means that of locating legislators, 97-98. Considered as choosing agents, 98.
  - — Reasons for its being in the people, ix. 98-101. The analogy from the ability of all persons not minors or imbecile, to employ agents for the management of their private affairs, presumptive of ability to do so, by the public, 98-99. Shown that no individual or small number of the State in question, or in a foreign State, can have the same interest in right management, 99-100. The power of gratification to that sinister interest which influences all, taken away when the people have the constitutive, 100. Illustrations from America—Washington, Colonel Burr, 100-101.
  - — Why not in One, ix. 101-103. Sinister interest and exemption from tutelary control, 101. If the system be adopted, chance the best criterion, *ib.* Monarchy only defensible on the ground that the happiness of the people not worth pursuing, or that a monarch pursues it best—both confuted, 101-102. Answer to objection that in many countries the experience for self-government is insufficient, 102-103. Power of dislocating, 103.
  - — Dislocative function of, or power of removing from office—why universal, ix. 103-106. Necessary to prevent the constitution from lapsing into a less popular, 103. Danger of legislators and officials playing into each others hands, *ib.* Abuse of patronage—jobbing, &c., 103-104. Silent operation of the corruptive influence, 104. Even the public-opinion tribunal, by commendation of gratitude, &c, aids the

- corruption, 104-105. Prohibition and punishment ineffectual to put it down, 105. By rendering officials eligible only by the legislator, danger of demagogues having influence to locate and dislocate obviated, 105-106.
- Constitutive—Supreme—Means of execution of the functions of, ix. 106-110. As to dislocation, better it should be by non-election at the fixed period, than by positive removal, 106-107. Suffrage—Universality, secrecy, equality, and annuality of, recommended instead of the usual expressions, 107. Universality, 107-109. Secrecy, 109. Equality, *ib.* Annuity, 109-110. *See* Suffrage.
- — Moral aptitude for the purposes of, shown to be inversely, as altitude in the scale of political influence through wealth, power, or rank, ix. 110-113.
  - — Reasons why the legislative power should not be in, ix. 117.
- Consul—Nature and functions of a, ix. 229.
- Consultation of Judges by persons in doubt as a safeguard from breach of law, ii. 39-40.
- of counsel considered, vii. 315-318.
- Consumers—Idle—increase of an evil, iii. 73-74.
- Consummative Decree—when granted, ii. 91.
- Consumption—Avoidance of, considered as one of the sources of abundance, ix. 13-14. Propriety of leaving the question of consuming or hoarding to each individual's choice, *ib.*
- The forms of, divided into use and deprivation, iii. 39.
  - Taxes on—always fall where there is some fund to pay them, ii. 573.
  - Taxes on, the best kind of impost, ii. 580.
- Contagious diseases—To be attended to by the Preventive Service Minister, in the Constitutional Code, ix. 439.
- Contamination—An evil which the rich often look on with indifference or satisfaction, as one which the poor alone are exposed to, v. 533.
- in prisons fostered by judicial delays, v. 468.
  - in prisons—not to be avoided by classification when there are many in one class, iv. 137-138.
- Contempt—Injury that may be done to an individual by exciting, i. 377.
- The faculty of turning abuses into, essential to their reformation, ii. 422-423.
  - employed against Reformers, and for the protection of abuses, v. 96.
  - A feeling not experienced towards power, v. 243.
  - Uses of, in punishment, i. 418.
  - Punishment by, i. 455. *See* Moral Sanction.
- Contempt of court—Uses made of the charge of, iii. 359 n.
- Contempt of court—Punishment for, characterized, vi. 23 n.
- — — Procedure on, by attachment, vi. 476-477.
  - — — Mendacity on examination before the House of Commons punished as, vi. 305.
- Contested-Interpretation-Reporting Function of judges by Constitutional Code, ix. 502-504.
- Contestor General. An officer to oppose unmerited rewards, ii. 221.
- Contiguous-proficiency principle in the management of the Chrestomathic School, viii. 47.
- Contingency and certainty—practically differ only in degree, vii. 402.
- Property depending on, by what characteristics the value of, affected, vii. 574.
- Contingent interest, an exception to the exclusionary rules of evidence, vii. 401-402.
- Continuation committee of the Legislature, according to the Constitutional Code, ix. 170-172.
- Continuous quantity as distinguished from discrete, viii. 201-202.
- Continuous and expeditable—Suits ranked as, ii. 84-85.
- Contraband offences—Difficulty of getting public feeling to sanction the suppression of, from the mischief not being obvious, ix. 440-441.
- CONTRACT—Definition of a, i. 269 n.
- nature of, as an event conferring a right, iii. 187.
  - transactions comprehended under the word, vi. 62 n.
  - Marriage—Draught for a, v. 400-402.
  - between governor and governed—How far such a document may be a security against misrule, viii. 575.
  - Original—The supposal of, as a foundation for existing governments controverted, i. 242; ii. 501-502.
  - Original. Blackstone's remarks on the, criticised, i. 261-262, 267-272. The idea fallen on, because it is considered right to keep contracts, 267-270.
  - Management of the Revenue, &c., by, as compared with trust, ii. 249-251.
  - Management of a Panopticon Penitentiary to be by, i. 498.
  - Application of the system to the Panopticon, iv. 47-49, 52-54. Powers and liabilities of contractor, and his profits, *ib.* Objections to contractors answered, 49. Checks on contractors, 52-54.
  - System of, for Panopticon vindicated and illustrated, iv. 125-134. Favourably compared with board and trust management, as more efficacious, affording less opportunity for speculation, being more economical, giving more responsibility to the public, *ib.*
  - regarding services—Principles of, i. 340-341.

- Contracts as a general title of the Civil Code, iii. 190-192. Should all be enforceable, unless special reason to the contrary, 190. Original and Adjective—expressed and understood, 190-191. Division of contracts—Promises, Disposition or transfer, and Mixed, 191-192.
- Laws called, as an excuse for holding them to be irrevocable, ii. 403-404.
  - Authentication of, vii. 176-180.
  - as subjects of preappointed evidence, vi. 508-509.
  - Use of preappointed evidence as applied to, vi. 513-515. Prevention of non-notoriety and oblivion, of spuriousness, and of unfairness, 513. Revenue, 514. Cases where the unfairness results from the nature of the efficient cause, 514-515.
  - Application of formalities to, vi. 515-530. *See* Formalities.
  - Legislation should point to the encouragement of fair, prevention of spurious, vi. 532-533.
  - The exclusion of evidence of, unless by script in a prescribed form, considered, vi. 48, 64, 128-134.
  - Reason why written the best evidence of, vi. 71.
  - those the fulfilment of which is mischievous to society, should not be protected, vii. 474.
  - should be the subjects of registration, vi. 63 n.
  - Registration of, iii. 83-84; vi. 567, 575-582. *See* Registration.
  - Distinction between recordation of the contents of, and of the mere fact of their being entered into, vi. 567 n. *See* Registration.
  - Use of distinct paper for each kind of, with the legal regulations printed on the margin, vi. 522.
  - Nomenclature of Roman Law as to, criticised, iii. 189-190, 191.
  - Promulgation of the laws applicable to, i. 159.
  - Causes of invalidity in, i. 331-333. Undue concealment, 331. Fraud, ib. Coercion, ib. Subornation, ib. Erroneous supposition of obligation, 331-332. Error as to value, 332. Public inexpediency, 332-333.
  - Government. Introduction of the principle of competition in, ii. 228.
  - National—should be left to the sanction of the people, otherwise may create a despotism, ix. 161-162.
- Contracting—Persons capable of, iii. 193.
- Contraction by fusion, as a source of motion, vii. 142.
- Contractors—Interest of, to oppose innovation, ii. 420.
- Exclusion of, from Parliament, i. 536.
- Contradictions—verbal. Impossible facts distinguished from, vii. 79.
- Contradictoriness—can only take place between two assertions, viii. 103-104 n.
- Contradictory formula—Use of, in fixing the principles of division, in subalternation, viii. 103-105.
- Contrast—Rules for the clear expression of, in language, viii. 317.
- Contributions—voluntary, for relief of the poor—Effects of, i. 315-316.
- Control-maximization principle—Application of, to members of a Legislature, ix. 191-192.
- Convenient—Use made of the word, to serve sinister purposes, v. 597 n.
- Convents—In what manner their dissolution an attack on the security of property, i. 320.
- Convention—Whether a Government was ever founded on? iii. 219.\*
- Necessity of a, to the constitution of political society, according to Sieyès, considered, ii. 530.
- Convention—National, of France—Address to, on the emancipation of colonies, iv. 407-418.
- Conversation—Principles of politeness in reference to topics of, x. 518-519.
- Conversation-tubes—Plan for employing, in the public offices, ix. 327.
- The extent to which they may be made use of in prisons, manufactories, &c., considered, iv. 84.
- Conversion of Stock into Note Annuities—Plan for the, iii. 105-153.
- Conveyancing. Mr Humphrey's proposed Reforms in, commented on, v. 389-416. *See* Real Property.
- Convicts—Application of laborious punishments to, i. 437-441.
- Best means of extracting labour from—Punishment and reward, iv. 12-13.
  - Method of applying indelible marks to, considered, iv. 20-21.
  - The means of dealing with, on expiry of imprisonment, considered, iv. 21-22.
  - How far punishment can be applied to, for their conduct when in confinement, iv. 26-27.
  - Employment of, in useful works, iv. 27-28.
  - Employment of, under the Panopticon Plan, iv. 41-53. *See* Panopticon.
  - Escape of, how obviated by Panopticon Plan, iv. 46. *See* Escape.
  - Proper limitations of powers of keepers over, iv. 52-54.
  - Separation of male from female—how provided for in the Panopticon Plan, iv. 134-137.
  - Effect of allowing them to associate in bodies—a public opinion of their own, and emulation in crime, iv. 137-138.
  - Unjust punishment of, by the transportation system, which precludes their return on expiry of the assigned period, iv. 192-195, 272-276



- Convicts—Their lives wantonly sacrificed by the transportation system, iv. 196-199.
- Difficulty of finding evidence of crimes among, iv. 224-226.
  - Liberated. Auxiliary establishment for, i. 501.
  - Liberated. Method of providing for, in connexion with the Panopticon Penitentiary, iv. 165-171.
  - Treatment of, in Penal Settlements, i. 491-497.
  - Examples of the profligacy and abandonment of, in Penal Settlements, iv. 212-248.
  - See Banishment; Imprisonment; Panopticon; Transportation.
- Conviction—Forms of, prescribed by statute, vi. 414.
- Summary, in certain cases of theft, vii. 504-506.
  - of an innocent person—Rarity of, vii. 523.
  - of an innocent person—Inquiry as to the reasons for presuming that cases of, have occurred, i. 447-448.
  - of an innocent person. Actual extent of the evils occasioned by, ii. 133.
- Convictions of offences—Advertisement of, as a means of punishing with infamy, i. 460.
- Rewards for. Absurdity of not allowing the prosecutor to be a witness in case of, iv. 395-396.
  - Inquiry into the comparative number of, in Scotland, x. 129-131.
- Convulsions—Civil, destructive to industry, i. 310-311.
- Conyers, the watchmaker, noticed, viii. 148 n.
- Cooke—Captain, noticed, i. 496; x. 95.
- Cooperative-hearing-proposing missive, in procedure, ii. 115.
- Co-Parties. Method of communication with, on elicitation of defence, in Judicial procedure, ii. 79.
- — Exclusion of the testimony of, for or against each other, considered, vii. 506-517. Absurdity of the rule, 506-507. Case of plaintiffs more than one, 507-509. Defendants more than one—how far they may give evidence in favour of one another, 509-512. How far against, 512-517.
- Copiousness—a property desirable in a language, viii. 191.
- a property desirable in style, viii. 311.
  - as opposed to poverty or scantiness in language, viii. 309.
  - Its relation to simplicity as a property in language, viii. 309-310.
  - Its rank as a property in a language, viii. 310, 312.
  - Rules for the improvement of language in respect of, viii. 318.
- Co-plaintiffs—Exclusion of the evidence of, for or against each other, vii. 507-509.
- Copley—J. S. (Lord Lyndhurst) noticed, v. 362.
- Copula—as part of a proposition, not synonymous with verb, viii. 189.
- Copy—Ambiguity of the word, vii. 130.
- and original—How to distinguish between, vii. 150-152.
- Copies—Arrangements for securing the fidelity of, vii. 149-150.
- Aberrations of English law as to admission of, vii. 169-170.
  - Extent to which they can be trusted in comparison with originals, vi. 171-174.
  - Conditions and arrangements for receiving, in evidence, vii. 143-149.
  - of writings—The manifold system of writing recommended as the only means of obtaining, with certainty of accuracy, v. 432-435.
  - See Transcripts.
- Copying—a means of publicity in courts of justice, vi. 354.
- Copying machines—Plan for, vi. 576-577 n.
- Copyholds—Reduction of, to the state of freeholds, as a reform in conveyancing, v. 391.
- Inconveniences of the system of, i. 342.
- Copyholders—Inquiry whether they ever held the franchise, iii. 460 n.
- Copyright—Nature of the privilege, i. 136.
- Corai—Dr—Account of, x. 535.
- Corn. Table of imports and exports of, from 1792 to 1812, iii. 102-103.
- Free trade in, the best security for subsistence, iii. 71.
- Corn Laws—The. Interests served by, and effects of, iii. 99-100.
- Cornwallis—Lord, noticed, x. 94, 108, 260.
- Coronation—Idleness of presuming a compact in the ceremony of, i. 271.
- Coronation-Oath—Efficacy of, as an instrument for opposing improvement, v. 207-209.
- — Injunctions in, regarding the Church refer to the executive—not the legislative, ii. 408-409.
  - — An excuse to George III. for his conduct to America, ii. 117-118 n.
- Coroner—Method of performing the functions of, in the Constitutional Code, ix. 628-629.
- Coroners—Inefficiency of oaths exhibited in proceedings before, ii. 41.
- Coroner's Inquests—Proceedings of, in Suicide, i. 479-480.
- Corporal injuries—Legislation as to, in Penal Code, i. 164-168.
- — Their place in the subdivision of the Penal Code, iii. 164.
  - — Analogical punishment in cases of, i. 408.
  - — Irreparable: how satisfaction for, to be measured, i. 372.
  - — Prohibition of acts preparatory to, considered, i. 560-561.
  - — Simple—Nature of, i. 113-114.
  - — Simple. Example of a section of the Penal Code concerning, iii. 174-175.

- Corporal insults—Satisfaction with reference to, i. 377-381.
- Corporal punishments—The principles of, considered, i. 413-450. Simple afflictive, 413-416. Complex afflictive, 416-420. Restrictive punishments, 420. Imprisonment and imprisonment fees, 420-431. Other territorial confinements, 431-435. Simply restrictive, 435-437. Active or laborious, 437-441. Death, 441-450.
- — carry the greatest amount of infamy with them, i. 460-461.
  - — Absence of, a feature in the Chrestomathic system of education, viii. 15-16.
  - — while abolished in Lancasterian and other schools for poor children, preserved in those of the aristocracy, viii. 15-16.
- Corporate bodies—Absence of individual responsibility in, vi. 557-558.
- Corporate interests—inimical to those of the public at large, iv. 387.
- Corporate rights—Questions as to, ranked as complex suits, ii. 81.
- Corporations—Illustrations of punishment of, i. 483-484.
- Principle of creating, for popular improvement and instruction, iii. 41.
  - Close—constitute infringements on property, i. 319.
  - Limited sublegislation of, how far compatible with a supreme legislature, iv. 315-316.
  - Membership of, as constituting rights in relation to forfeiture as a punishment, i. 452.
  - Delays in actions against, vii. 221.
  - The immutable rules of, an instance in which the legislation of private individuals is allowed to outlive that of the legislature, i. 334.
- Corporation and Test Acts—Principles and Prejudices on which they were founded, i. 437.
- — — Effects of, in narrowing the field of competition, ii. 227.
  - — — Moral effects of the, ii. 265-266.
  - — — Practical operation of, vii. 424.
- Corpus delicti*—Rule as to, considered, vii. 69.
- Correction—House of. *See* Hard Labour; Prison Discipline.
- Corrections and alterations—How to make, on autograph writings, vi. 536-567.
- Correctness—a property desirable in a language, viii. 191.
- as opposed to incorrectness in language, viii. 309.
  - in language—Rules for, viii. 318.
  - not susceptible of degrees, vi. 250.
  - Approach to, the result of increase of attention, vi. 226.
- Correctness and Completeness—as qualities in evidence. *See* Trustworthiness.
- — — as primary qualities in evidence, vi. 21, 211.
- Correctness and Completeness—Instruments for securing, as primary qualities in Evidence, vi. 22-28.
- Correspondence—Means of, essential to a free government, ii. 287.
- Interrogation by. *See* Epistolary Interrogation.
  - Settling a channel of, between litigants, vii. 229-230.
- Corrupt—the term as applied to qualify perjury, vi. 305.
- CORRUPTION—Historical sketch of the manner in which it may arise in a constitutional state, ix. 104-105.
- Examination of the nature of, in connexion with the Constitutional Code, ix. 64-76. Etymology, 64. Might be applied to the effect produced by intimidation, but most generally associated with the distribution of the matter of desire, 64-65. Designed and undesigned—former where direct effect produced by the cause: latter where obsequiousness created, 65. May be in individuals as in the system of government, 65-66. Influence of fear—power of removal from office, 66. Ordinary corruption more influential than coercion, as exercised without effort, 66. Incompatibility of coercion with a limited monarchy—compatibility of corruption, ib. Falsity of the professions of those who take the bribe, that it does not influence them, 67. List of points for consideration, where a functionary corruptly violates his trust, 67-68. Nature of the sinister effect produced, 68. Shapes that the benefit may take—positive and negative; the latter consisting in the avoidance of punishment, ib. Who may be the corruptee, ib. Hand receiving the benefit may be the corruptee, or any person having connexion or sympathy with him, 68-69. The corruptors themselves—difficulty sometimes of completely distinguishing from the corruptees, ib. The immediately corrupting hand, ib. Two kinds of corruption—before or after the service is done, ib. In the former case no necessity for any special act of corruption—the practice of paying for the services produces them, 69-70. Where the service is performed after the corruptive matter is received, gratitude is the principle founded upon, and it is praised as a virtue, 70. Hold through fear of the reproach of perfidy, ib. Virtue should be in the breaking rather than the observance of such engagements, 71. The matter of corruption may be the immediate or the unimmediate applying, ib. Of the latter sort are wars and distant dependencies creating sinister interests, ib. Vast extent of the corruptive matter in the hands of the Crown and its dependants in Britain,

- 71-72. Perpetual laudation and gratitude to a king when he is the channel of wealth, as if he were its fountain, 72-73. Corruption more necessary to the monarch in a mixed than in a pure monarchy, 73. Peculiar feature of it in this country—when an abuse is admitted by Government, Government commissioners appointed, with salaries, to inquire into it, 73-74. Influence on Parliament—both the Outs and the Ins, 74. The influence applied by our laws and institutions themselves, without any positive acts, called self-corruption, 74-75. Cannot be avoided where Legislative and Executive united, 75. Judicial self-acting corruption, by setting the common law above the Legislature, 75. Enumeration of classes liable to corruption, *ib.* Cannot be completely excluded anywhere, but arrangements possible for reducing it to the smallest possible extent, 75-76.
- Corruption—Place of, in the Penal Code as an offence, *iii.* 167.
- How disguised under the term influence, *iv.* 440.
  - Uses made of the expression, *ii.* 438-439.
  - venality, &c., as designative of motives, *i.* 198.
  - Special juries a special engine of, *v.* 76-84.
  - Tendency of the Usury Laws to, *iii.* 11.
  - Emoluments of office should be on a scale likely to exclude, *ii.* 244-245.
  - Extent of, occasioned by promiscuous intercourse of criminals, *i.* 427-429.
  - Progress of, at beginning of nineteenth century, *iii.* 442-445.
  - Extent of the influence of, in limited monarchies, *ix.* 28-29.
  - Extent of, as exercised under the British constitution, *ii.* 442-445.
  - as produced by distribution of honours, *ix.* 85-86.
  - of legislative bodies—Publicity as a protection from, *ii.* 370.
  - Extent of, by means of placemen in Parliament, *iii.* 490-495.
  - of members of a Legislature by the monarch—its nature and effect, *iv.* 432-437. Distinguished from delusion, 432-433. Sources—the matter of good and evil: latter (involving fear of deprivation) the more powerful, 433-434. Modifications, 434. Patronage peculiarly dangerous, as its operation unlimited, *ib.* Not necessary that the corruption should be intentional, 435; and not necessary that the matter should be determinately present to the corruptee's mind, 435. Affectation of struggling against bribery, 535. Possession of a lucrative office for life no safeguard, 436. Cause and effect of corruption in wars and distant dependencies, *ib.* Only re-
- medy for corruption popular power of removal, 437.
- Corruption—Non-attendance of members of Parliament favourable to, *iii.* 500-501.
- Preservatives against, in the case of Parliamentary representatives, *iii.* 454-457.
  - Means of impeding, in the case of a Legislature by certain restraints on reeligibility, *ix.* 174-175.
  - at elections—Motive leading to, *i.* 51.
  - at elections—The course of, traced, *iii.* 558.
  - at elections—Forms and instruments of, *iii.* 476-482.
  - at elections—Analysis of the operation of, and means of defeating, *iii.* 453-454.
  - at elections—Application of disfranchisement as a punishment for, *i.* 484.
  - Patronage in the colonies a means of, *ii.* 548, 558.
  - How far it is attributable to English judges, *v.* 539-541. Sources—subserviency to government, incomes by fees, and class prejudices, *ib.*
  - Judicial—Effects of, *ii.* 124.
  - Judicial—Nature and extent of, *vii.* 331-332.
  - Legal and judicial. *See* Fee-Gathering System. Interest—minister. Judges. Lawyers.
  - Popular. Employment of the expression, by the opponents of reform, *ii.* 453-455.
  - probably an originating cause of exclusion of evidence, *vii.* 391.
- Corruption of blood characterized, *vii.* 436-437.
- — as a punishment, considered, *i.* 473, 480-482.
  - — Punishment of, a point of the monarchical system, *ix.* 38.
  - — Illustration of, in the division into Jacobites and Hanoverians, *iii.* 273.
- Cortes—Spanish. Letters on the Penal Code, delivered in by the Legislation committee of, *viii.* 487-554.
- — Eight months' recess of, animadverted on, *ii.* 283-284; *iii.* 88.
  - — Decree of, of 1820, prohibiting importation of manufactures, *iii.* 88-100.
  - — Efforts to give instruction to, in the forms of legislative debating, *x.* 433.
- Corvée—Statute days labour corresponded to, in England, *ix.* 346 n.
- Costs (in litigation)—Judicial interference with legislation on the subject of, *iv.* 401 n.
- Judicial interpretation of provisions as to, in statutes, *vii.* 311-312, 529.
  - Minimization of the burthen of, *ii.* 112-114. How far to be borne by the public, 112. To be proportioned to opulence of parties, 112-113. Increased, by employment of lawyers, 113-114.
  - an evil only curable by local judicatories, *x.* 584-585.

Costs—How a party, conscious of having the right, may accumulate, to annoy his adversary, iii. 367.

- Enumeration of abuses as to, vii. 307.
- Adjustment of, in relation to the expense of evidence, vii. 354-355.
- create a pecuniary interest in litigant, independently of the point at issue, vi. 476.
- no check on litigation under the technical system, vii. 189.
- Pecuniary means of parties should be considered in fixing, vi. 363.
- Privilege of the crown not to give or take, vii. 355.
- Unjust incidence of, vii. 447.
- Oppressiveness of the system of, in England, ii. 111-112.
- Method of checking vexatious litigation by arrangements in awarding, ii. 579.
- Means of preservation against the evil of, iii. 360 n.
- in Equity—Inquiry into, for purposes of proposed Despatch Court, iii. 413.
- in Equity and in proposed Despatch Court, compared, iii. 307-308.
- in Equity Suits—Provisions for adjusting, in proposed Despatch Court, iii. 423-424.
- in proposed Despatch Court—Provision for adjusting, iii. 424-425.

Costume for Members of the Legislature, considered, ii. 320-321.

Cotton—Name of a companion of Bentham in his boyhood, x. 28.

Councils of Advice—Function of, i. 571.

- Legislative—Renewal of, by Rotation, i. 572-573.

Counsel—Compulsory employment of, in England, ii. 73.

- Compelling the employment of, characterized as a heavy law tax, or condemnation of the unheard, iv. 318-319.
- Provisions regarding, in the Constitutional Code, ix. 589-597.
- Stipendiary, to act for the public, the monarch, and the indigent, as proposed in the Plan of Judicial Establishment for France, iv. 384-406.
- Interrogatories and answers in equity signed by, to prevent irrelevancy, vii. 363-364.
- Case where peculiar necessity for, vi. 431 n †.
- not likely to supply a witness with mendacity-serving information, vi. 395.
- Parties should be subject to interrogation by their own, vi. 336-338.
- Their function to take all legal measures for assistance of client, vi. 350.
- Communication between client and, should not be exempted as evidence, vi. 99-100; vii. 473-479. *See* Client.
- and Agent—Division of labour between, characterized, vii. 202.

Counsel—become accessories after the fact, in their defences of criminals, vi. 100.

- Remark on their not being allowed to address, in cases of felony, vi. 372.
- Law altered as to their being prohibited to address, in cases of felony, vii. 382 n †.
- Respondent not allowed to give his answers in equity unless through, vi. 440.
- How far speeches of, should be private, if dangerous to the public peace, vi. 372.
- Irresponsibility of, animadverted on, vi. 301, 381 n †.
- Reasons for giving litigant the assistance of, vi. 337-338; vii. 227 n.
- will not allow an act of sincerity on the part of a malefactor, vi. 416 n.
- Their practice of browbeating witnesses, and the motives, vi. 338, 406-408.
- Their presence in Court supplies the place of Inspecting Judges, vi. 358.
- Consultation of, an effect of the uncertainty of the law, vii. 315-318.
- Employment of the mendacity license by, n. 58. *See* Mendacity license.
- Inconvenience of their being members of Parliament, iii. 407.
- Emoluments of. How to adjust income of Judges to, ii. 215-216.
- Employment of, and considerations as to professional education and exclusive privileges, ii. 50-51.
- Limitation of employment of, in proposed Despatch Court, iii. 416.

Counts—Multiplication of, in declarations and indictments, vii. 279, 286.

Counter-demand—Statement of expectation of, in pursuer's demand paper, ii. 68, 71.

Counter-evidence as a security for correctness and trustworthiness of evidence, vi. 25, 284.

- — Danger in restraining, vi. 166.
- — Exclusion of, by making certain kinds of evidence conclusive, vii. 542-547.
- — Exclusion of, may with propriety be sanctioned for incidental decision, 547-549.
- — Improbability a particular case of, vii. 98-105.
- — Statement of expectation of, in pursuer's demand paper, ii. 67-68, 71.

Counter-interrogation as a security for evidence, vi. 24-25.

- — *See* Cross-examination.

Counter-fallacies. Self-defence against, a cause of fallacy, ii. 479-480.

Counter-security, in Procedure, for protection of defendant, ii. 105-110. Definition, 105. Species, ib. Rules for choice, 105-106. Examples of the kind of mischief that may accrue to defendant by the process, 106. Cases in which the pursuer may designedly injure him, ib. Elements from which the amount of counter-security to be estimated, 107. No means of counter-security in case of Government

- Advocate, *ib.* Method of estimating the counter-security so as to be an effectual protection, 107-108. Means of accomplishing by pledge, 108-110. Imprisonment, 110.
- Country—Clause as to the duty of a citizen to his, in the second French Declaration, criticised, ii. 529.
- Country Gentlemen—Interests of, as opposed to reform, iii. 532-533.
- — in what sense the term applied to members of the Commons, iii. 498 n.
- County Courts—Virtual extinction of the, vii. 234.
- — Advantages of establishing, would justify the increase of patronage in the Secretary of State's hands, v. 345.
- County Elections—Operation of seductive influences in, iii. 479-482.
- Courage—Effect of its being a popular virtue, i. 380.
- Barbarousness of valuing, independently of the use to which it is put, x. 530.
- Course of trade—a plea for admitting evidence otherwise excluded, vii. 167, 403.
- Court—Ambiguous meaning of the term, and its consequent unfitness for use as expressing a Judicatory, iii. 330 n; ix. 458-459.
- of Judicature—Proposed, for deciding in differences between nations, ii. 552-554.
- of Lords' Delegates—Plan of a Judicatory to be called, *The*, v. 55-60.
- Courts of Justice—Outline of arrangements for establishment of, n. 22-23.
- — Functions of Executive officers of, as exhibited in those of the prehensors and messengers of the proposed Despatch Court, iii. 376-381.
- — Plan for the framing regulations by, subject to disallowance by review in either House of Parliament, iii. 367-371.
- — Uninterrupted sittings of, urged, iii. 406.
- — The proceedings and authority of, compared with those of the unofficial judicatories of the Public-Opinion Tribunal, viii. 565-572.
- — Tables of judicial services to be hung up in, ii. 37-38.
- — in England—The early conflicts of, for jurisdiction, described, v. 493-495; vi. 172-173, 303-304.
- — in England—The variety and confusion of, iv. 353.
- — The various species of, in England, enumerated to the amount of forty-eight, v. 531.
- — The splittings among, with a descriptive account of the method in which they occurred, v. 482-483.
- — The bandying of suits from one to another, a grievance presented in the Petition for justice, v. 473-476, 525-531.
- Courts of Justice—Distinction between, as courts of law, and courts of equity, ii. 63; vii. 290-291, 300-302.
- — Enumeration of those, in which the natural system of procedure is adopted—viz. Martial, Inquiry, Justices of Peace, Request, Arbiters, Small debt, vii. 321.
- — The minor, swallowed up by superior, vii. 234-236.
- — considered as schools of instruction, vi. 355-356, 365.
- — Publicity with relation to, vi. 351-380. *See* Publicity.
- — How far procedure of, should be evidence, vii. 128-129.
- — Uninterrupted sittings of, recommended, vii. 371-373.
- — within reach, recommended, vii. 371.
- — List of sinecures attached to, from the Finance Committee's Report, v. 288 n.
- — Provision for, in Constitutional Code, ix. 454-612. *See* Judiciary.
- Courts—Admiralty. *See* Admiralty.
- Courts—Appeal—Essay on, iv. 338-353. *See* Appeal.
- Courts—Common Law. Effect of the Commission of Inquiry into, iii. 322.
- — *See* Common Law.
- Courts—County. *See* County Courts.
- Courts—Ecclesiastical—necessary tribunals of exception, iv. 334.
- — *See* Ecclesiastical.
- Courts—Equity—Origin and extent of the jurisdiction of, x. 291, 300.
- — *See* Equity.
- Courts—Martial—a necessary species of distinct tribunals, iv. 334.
- — illustrate the practicability of carrying the judicial system into the organization of official responsibility, ix. 323-324.
- — in Britain—Elements of, and method of procedure before, ix. 419-422.
- — reason why they are an exception to the rules applicable to other Judicatories in the Constitutional Code, ix. 456-459.
- Courts—Prize. *See* Prize.
- Courtezans—Social condition of, i. 545-546.
- Covenanter—Form of oath to, vii. 423 n ¶.
- Covetousness, cupidity, &c., as designative of motives, i. 50, 198.
- Cows—Project for giving, to poor industrious people, in place of pauper relief, criticised, viii. 446-449. *See* Poor Law.
- Cowardice—Effects of popular contempt of, i. 380.
- Cox—Mr—a friend of Bentham's family, x. 26-27, 28-29.
- S. C.—Letter to, on the abuses of the Court of Session, quoted, v. 349-350.
- Coyer—The Abbé, noticed, vi. 275.
- Cranmer—Edward—a college companion of Bentham's, x. 40.
- Credence. *See* Belief.

**Credence**—Declaration of, from exhibitant of evidence—a safeguard, vi. 117; vii. 162.

**Credibility**—Forfeiture of, as a punishment, i. 461-462.

- of a witness—The expression criticised, vi. 147.
- Technical application of, to evidence, vii. 384.
- and incredibility—Sources of. *See* Incredibility.
- and incredibility—considered as attributes of evidence, vii. 77 n.

**Credit given by tradesmen to prodigals**—Extent of, and inducements to, iii. 6-7.

- National. Extent of, in England, in comparison with France, i. 319.
- of a witness—Interrogation tending to undermine, vi. 400-406. *See* Discreditive Interrogation.

**Creditor and debtor**—Proper course of adjudicating between, vi. 135.

**Creditors**—Remedy to, in cases of bankruptcy and insolvency by proposed Despatch Court, iii. 428-430.

- of a delinquent—How far their interest should be considered in the punishment, i. 478.
- Their loss where their debtor convicted of felony, i. 510.
- How registration may protect, from fraud, vi. 83-86, 575.
- How far examination into pecuniary circumstances of litigants should take place, for the benefit of, vi. 363-364.

**Credulity**—Motives which foster, vii. 106-111.

- Ignorance of the operations of nature the cause of, x. 146.

**Creed**—Religious. How far physical interference with, may be successful, vii. 108-109.

- of a witness—no right ground for exclusion of his testimony, vi. 106; vii. 420-427.

**Crichoff in Russia**—Bentham's visit to, with account of Prince Potemkin's establishment under Sir Samuel Bentham, x. 159-180.

**Crime**—Poverty as a cause of, iii. 227.

- Public opinion in favour of, among communities of criminals, iv. 137-138.
- nourished by the exclusionary rules of evidence, vii. 449-451.
- Real evidence as applicable to, vii. 8-18. *See* Real Evidence.
- Evidence as to, involves questions as to the state of the mind, vii. 2.

**Crimes**—Reasons for considering certain actions as, i. 81-83. Balance of pleasures and pains, 81. Enmity, 81-82. Rape, 82. Crimes dictated by cupidity and self-preservation, 82-83.

- Classification and division of. *See* Offences.
- Indirect means of preventing, i. 533-580. Division of penal legislation into

direct and indirect, 533. The former involving punishment the more simple, ib. Latter a higher walk in the science, ib.

**Punishment** always an evil, and predicates existence of crime—prevention best when it can be accomplished, 533-534. Taking away physical power of injuring, 534-536. Prevention of acquisition of knowledge that may be rendered injurious, 536-538. Means of influencing the will against offences, 538-561, (*see* Will.) Cultivation of benevolence, 561-563. Employment of the motive of honour, 563-564. Employment of the religious sanction, 564-567. Uses from the power of instruction, 567-569. Use to be made of power of education, 569-570. General precautions against abuse of authority, 570-578. Measures against effects of offence committed, 578-580.

**Crimes**—Incapacitation for the commission of, not accomplished by the transportation system, iv. 183-199.

- Circumstances influencing the degree of alarm in case of, i. 76-80.
- Drunkenness as a cause of, iv. 230-235.
- Atrocity of, how far a ground for incredulity, vii. 115-117.
- Motives to. Sport a peculiarly formidable one, as showing the antagonist motives easily overcome, iv. 222.
- Difficulty of finding evidence of, among convicts, iv. 224-226.
- Prescription as to, i. 521-523.
- The great advantage reaped by society, when it is able to keep down those that create the greatest amount of alarm, iv. 244.
- Utility of notification and publication of: impediments thereto, in fear, indolence, and poverty, viii. 577-579.
- Services of statistical information as to the state and causes of, ix. 627.
- Statistical information on, in England and Scotland, as a means of estimating the efficacy of the clergy in the two countries, x. 129-130.
- and punishments—Proportion between, i. 86-91.
- and punishments—Analogy between, i. 407-409.
- profits of, should be outweighed by punishment, i. 399-400.
- Compensation to sufferers by, suggested, i. 371-388. *See* Satisfaction.
- Principles on which compensation or indemnity for, founded, i. 578-580.
- How far compensation for, should fall on representatives, i. 523-524.
- How to avoid encouragement to, i. 546-548. *See* Encouragement.
- Tendency of death-punishment to produce, i. 528.
- Judicial search for articles connected with, u. 116.

- Crimes—Provision for pursuit of, by public prosecutor in Constitutional Code, ix. 570-577. *See* Advocate—Government.
- Decrease of, exemplified as the fruit of the Penitentiary system in America, iv. 242-244.
  - of kings—Allusions to an instance of the fallacy of sweeping classification, ii. 450.
  - Violent—Reason for their former frequency in England, v. 532.
  - on the part of witnesses—Propriety of allowing investigation as to, vi. 403. *See* Self-criminative evidence. Self-disserving evidence.
  - *See* Offences.
- Criminals—Influence of present and immediate gratification upon, i. 446, 450.
- Evils of promiscuous intercourse of, in prison, i. 427-429.
  - Facilities given to, by false principles of protection to the innocent, i. 558.
  - How far the incidence of punishment can be limited to, i. 476. *See* Punishment—Proper seat of.
  - The principle of rewards to, for evidence against each other, ii. 223-225.
  - In what respects they should be kept distinct from debtors in imprisonment, i. 429-431.
  - Impounding property found in the possession of, i. 430.
  - Escape of, owing to the operation of oaths—a grievance complained of in the Petition for Justice, v. 457.
  - Pardoning, considered, i. 520-521.
  - Difficulty with regard to accessibility of, for civil-judicial purposes, ii. 56.
  - Effects of giving power to citizens at large to apprehend, i. 367-368.
  - compared to children, in respect of the necessity of traming and close inspection, iv. 174-175.
  - Effect of solitude, darkness, and hard diet upon, i. 425-426.
  - Exclusion of self-inculpativ evidence by examination of, animadverted on, vi. 106-109.
  - Interest of, pursued in the exclusion of self-criminative evidence, vii. 449-450.
  - Principle that none are to be twice tried, considered, vi. 378 ; vii. 361-362.
  - Lawyers defending, assist, vi. 100.
  - Whether the suffrage should extend to, iii. 559-560.
  - Punishment of. *See* Punishment.
  - *See* Offenders.
- Criminal cases—Plaintiff giving evidence in, vii. 489-491.
- — Extent of their importance, in comparison with non-criminal, vi. 454.
  - — Poverty of parties in, makes them not worth plundering, vii. 259.
  - — Lawyers have an interest that there should be no delay or mismanagement in, ii. 73 ; vii. 207-209.
- Criminal cases—Jury trial necessary for, ii. 119.
- — Demand paper in, ii. 68-70.
  - — Restriction of power of appeal in, ii. 155-156.
- Criminal justice. *See* Penal Laws ; Punishment.
- Criminal Law—How it stands with respect to Penal, in classification, iii. 157-158.
- — The bandying from court to court in the administration of, in England, v. 528-529.
  - — Means of getting individuals to aid in the execution of, by rewards, distinctions, &c., iv. 398-404.
- Criminal prosecutions—should, in the general case, be public, vi. 369.
- Criminal trial—Form of, animadverted on, vi. 473, 474.
- Criminality—Preparations, attempts, declarations of intention, and threats, as evidence of, vii. 18-24.
- Avoidance of justiciability as affording evidence of, vii. 50-53.
  - Clandestinity as evidence of, vii. 47-48.
  - Indications of fear as evidence of, vii. 45-47.
  - Non-responion, or false and evasive responion, as evidence of, vii. 24-29.
  - Suppression or fabrication of evidence, as evidence of, vii. 48-50.
  - Situation of accused, in respect of motives, means, disposition, character, and station, as evidence of, vii. 53-62.
  - Self-inculpativ testimony as evidence of, vii. 29-45. *See* Self-criminative.
- Criminating evidence should not be excluded, vi. 96, 106-109 ; vii. 445-468.
- — *See* Self-criminative. Self-disserving.
- Croker—John Wilson, noticed, v. 368.
- Crompton—Sellon's, quoted, vii. 360.
- Cromwell—Oliver—Notice of a portrait of, by Cooper, x. 52.
- — His intention to reform the Law and the Church, and the obstacles he anticipated, iv. 501.
  - — and Napoleon compared, iv. 501-502.
  - — Characteristic of, i. 541.
  - — His abolition of Law Latin, i. 235.
  - — Casually noticed, i. 27 ; iii. 531 ; xi. 28.
- Crop—The name of a college companion of Bentham, x. 41.
- Cross and pile—Instance of jury deciding by, vi. 226 n\*.
- Cross bill in equity, vi. 485.
- Cross cause in equity—Nature of a, ii. 102.
- Cross-examination—Advantages of, vi. 499.
- — the only protection against false allegation of ignorance, vi. 244.
  - — Efficacy of, in baffling suggestive questions, vi. 395.
  - — Efficacy of, with reference to hearsay, and casually-written evidence, vii. 136.

- Cross-examination—Evils of the want of, caused by the exclusionary system in evidence, &c., vi. 437.
- — Prospect of, independently of fulfilment, tends to veracity, vii. 125.
- — in the English mode described, vi. 25, 33-34.
- — Deficiencies of, in the English mode, vi. 343; vii. 551.
- — according to Equity and Ecclesiastical Court practice, vi. 491-492.
- — unknown in Roman law, vi. 499.
- — no equivalent to the word in any foreign system, vi. 499.
- — of affidavit witnesses refused, though they be in court, vi. 436.
- Crossfield—Case of, cited, vi. 244, 400.
- Crown—The—How far it can be called an independent branch of the legislature, i. 279.
- — How far it should have a preference in the initiative of measures, ii. 351-352.
- — Influence of. Uses made of the expression, ii. 438-440.
- — Influence of, represented as a cause, instead of an obstacle, of good government, ii. 467.
- — The vote as to increase of the influence of, noticed, ii. 366.
- — Influence of. False views formed under the fear of, ii. 472.
- — Reasons why it should have the prerogative of fabricating all money, metallic and paper, iii. 148-149; x. 339.
- — Observations on its power to grant commissions of inquiry, iii. 349-350 n.
- — Supporting the lustre and dignity of —Evils sanctioned by the principle of, iii. 438-445; iv. 437.
- — Independence of representatives on —Provisions for, iii. 454-457.
- — Influence of, through placemen in Parliament—remedy for, iii. 490-495.
- — Influence of and connected with, as a source of corruption, ix. 72.
- — What termed the influence of, is corruption, iv. 440-441.
- — Vacation of seat on acceptance of office under—Practice as to, iii. 589-590 n.
- — Its right to conquered territory examined, iv. 264-269.
- — Power of, shared by Aristocracy since the Revolution, iv. 446-447.
- — The principle, that it is not to be considered as bound by an act of Parliament unless expressly mentioned in it, examined, vi. 36.
- — Extent of pardon-power in, vii. 437.
- — Use of the word, instead of the simple word King—an instrument of delusion, ix. 76.
- — See King: Monarch.
- Crown causes—Application of the packing of special juries to, v. 82. See Juries.
- Crown demesnes—Statement of Somers and Burke as to the act prohibiting the alienation of, controverted, v. 284-285.
- — Application of public competition to the leasing of, v. 325-328.
- Crown—Law-officers of the—System of considering them infallible, iv. 265-266.
- Croxall—Randolph, vicar of Salisbury—a connexion of the Bentham family, x. 3.
- Cruelty—The nature of, i. 55.
- — nourished by sanguinary laws, cruel games, &c., i. 561-562.
- — as an aggravation of an offence, i. 77-78.
- — of making a man criminate himself—The principle controverted, vii. 452-454.
- — Barbarity, &c., as designative of motives, i. 203.
- — a presumption of the exercise of the pardon-power, i. 520.
- — to animals. Letter against, x. 549-550.
- Crunden—Case of, cited, vi. 382, n<sup>15</sup>.
- Cryptodynamic Anthropurgies—or Chemistry. Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.
- Cube root—Difficulty of mathematical students acquiring a clear conception of the nature of, viii. 179-180.
- Cullen—C. S. Conversation of, with O'Connell, on Bentham's objection to second Legislative Chambers, xi. 60-61.
- Culpa—Roman law of, examined, i. 45; vi. 249 n †.
- Cultivation of benevolence as a precaution against crime, i. 561-563.
- Culture—Intellectual. The advantages of, viii. 8-16. See Learning.
- Cunningham—Governor, and his brother—Anecdotes of, x. 100.
- Cupidity—Nature of the crimes occasioned by, i. 75, 82.
- Curiosity—Pleasures and Pains of, with the corresponding interest and motives, i. 199.
- — and amusement—A division of arts and sciences classified under, ii. 253.
- Curiosities—Protest against taxing the poor to indulge the rich in a love of, ix. 451.
- Currency—Increase of. How to obviate the rise of prices from, iii. 139-141.
- — Reasons why Government should have the monopoly of both paper and metallic, iii. 148-149; x. 339.
- — Adaptation of the, to commercial wants and security, through the project of Annuity notes, iii. 133-136.
- — Effect of fluctuations in, and remedy, iii. 134-135.
- — Reference of increase of, to that of commodities, iii. 141.
- — Paper—Project for a, by the conversion of stock into Note Annuities, iii. 105-153.
- Curtis—Sir Roger, noticed, x. 205.
- Curwen—Mr. Hispurity-of-Parliament Bill, v. 150.



- Custody in relation to punishment and forthcomingness, i. 393.
- Inferences regarding authenticity of deed from, vii. 177, 179, 180, 181.
  - Safe, with regard to evidence, vii. 174-175.
  - Safe. Provision for, in proposed Despatch Court, iii. 382-388.
- Custom substituted to utility by the supporters of abuse, ii. 477.
- Dominion of, in matters of legislation, ii. 459-460.
  - Crimes that are perpetrated and vindicated on the ground of, v. 216-217.
- Customs—Established. Fear of despots to outrage, i. 448.
- National. Method of dealing with, in reforms, i. 180-184.
- Customs' Prosecutions—a species of collusion practised in compounding, x. 84-85.
- Custom-house fees—Objectionable incidence of, ii. 244.
- Custom-house oaths—Disrespect for, and their demoralising effects in consequence, i. 567; vi. 29, 312. (Abolished, vi. 312 n.)
- — An opinion as to, quoted, vii. 424 n.
  - — Notorious falsity of, an illustration of the mischiefs of oaths, v. 195.
- Customary law, as distinguished from written, iii. 157.
- Customer and dealer—Effect of the relation between, on testimony, vi. 160.
- Cuvier, noticed, x. 399.
- Czartorski—Prince Adam. His personal intercourse with the Author on the subject of codification for Poland, iv. 515-516 n.
- — Letters from and to, on the subject of codification, and the improvement of education, iv. 528-530.
  - — His intercourse with Lind, x. 56, 60, 61.
  - — Casual notices of, iv. 527; x. 407.

## D

- Dalrymple—Sir John—Mention of, x. 207.
- Dalton—John, the Chemist—Mention of, viii. 217.
- Damage—Inability of the common-law courts to protect from, vii. 294.
- Irreparable—How to arrange regarding appeals in cases of, vii. 215.
  - by delay, will justify want of interrogation in procuring evidence, vi. 333.
  - Rules for estimating, in the case of its being caused by military exigency, ix. 388.
  - Judicial measures for prevention of, ii. 39-40.
  - Interference of uncommissioned proxies to prevent, ii. 51-52.
- Damage-preventive function of Local Headman in the Constitutional Code, ix. 615-616.

- Damages for injury—Considerations as to, vi. 469-470.
- Nominal—Costs attending the finding of, ii. 111.
  - Propriety of awarding to those who suffer from offences, i. 371-388. *See Compensation: Satisfaction.*
  - Exaction of, as a punishment, i. 468. *See Forfeitures.*
  - Question whether juries the best tribunal for fixing? v. 558.
  - Power in proposed Despatch Court to award, without jury, and reasons, iii. 362-363.
- Damiens—Case of, cited, i. 473.
- Danger—Fallacies of, ii. 413-430. Vituperative personalities, 413-418. No innovation, 418-420. Distrust, 421. Screening official malefactors, 421-429. Scaring accusers, 429-430.
- as one of the secondary consequences of a mischievous act, i. 69-71.
  - All men bound to give assistance in case of, i. 164.
  - Crimes in which it is greater than the alarm, i. 80.
- Dangers—Division of, into those of physical, and those of moral agency, i. 66-67.
- Dangerous desires—Good effects of altering the course of, i. 539-541.
- Dangerousness of utility, a fallacy, ii. 463.
- Daniels—Case of, cited, vii. 305 n.
- Danish Code—The. Arrangement of the, iii. 163.
- — Incompleteness of the, iii. 206.
- Darien—Proposal of a Joint Stock Company for a communication between the seas at, ii. 561-571.
- Darling—Mr, Curate of Andover—an early friend of Bentham, x. 39.
- Dartrey—Lord and Lady—Notices of, as visitors to Bowood, x. 99, 104, 107, 108, 109, 116, 123.
- Dates—Inquiries concerning, generally require aid from notes, vi. 386.
- Davenant—Charles. His estimate of the annual expenditure of the individual inhabitants of England, ii. 575 n.
- Davies—R., M.D., referred to on university oaths, v. 228.
- Davy—Mr Sergeant—Anecdote of, iii. 385 n.
- Davy—Sir Humphrey—noticed, ii. 401; vi. 46; viii. 32, 217; x. 347, 536.
- Day—Different meanings given to the word, iii. 592-593.
- Dead—The. Prejudices in favour of, and their cause, ii. 399.
- — Danger of the principle of saying nothing but what is good about, x. 586.
- Dead Weight—The incidence of the, v. 269.
- Deaf—The. Steps by which the means of communicating their thoughts have been given to viii. 228.

Deaf and Dumb—Appropriate establishments for the, as a branch of Pauper management, viii. 394-395.

— — Appropriate additional comforts to, under Pauper management, viii. 433.

Death—Frequency of, in penal colonies, under the transportation system—raises punishment from its nominal amount to capital—obviated by Panopticon system, iv. 195-199.

— Arrangements for inquiring into the causes of, applicable to a Mahomedan state, viii. 588-589.

— Whether there are circumstances that justify the infliction of, separate from punishment, ii. 512.

— of Parties to penal suits—Defeazance of punishment by, i. 523-525.

Deaths—Table of, to be exhibited by Local Headman by Constitutional Code, ix. 624.

— as the subject of registration, in. 83 ; vi. 63 n, 567, 570-574. *See* Genealogical facts.

— Procedure on occasion of, for purposes of registration, vi. 571, and n. Illustration from the registration act, ib. n.

— Registration of interment substituted for, by English practice, vi. 573. Law altered, ib. n.

— Plan for keeping a Register of, by the Constitutional Code, ix. 628. *See* Registrar.

Deathbed Wills—Reasons against annulling, vi. 531-532.

— — Law of Scotland as to, vi. 531 n.

Death-Punishment—as divided into simple and afflictive, i. 441-444. Imperfection of hanging, 442. General disuse of afflictive modes, 442. Their barbarism and dangerous effects, 443-444.

— — Examined, i. 444-450.

— — Advantageous properties of, i. 444-445. Disablement, 444. Analogy, ib. Popularity, ib. Exemplarity, 444-445. Greatness of apparent suffering, 445.

— — Desirable qualities wanting in, i. 445-449. Profitableness, 445. Frugality, ib. Equability—less effect on the criminally thoughtless, than on others, 446-447. Comes to be considered a sort of accident attending the profession, 447 n. Destroys evidence, ib. Remissibility wanting in case of discovery of innocence, 447-448. Instrument in the hands of tyranny, 448-449. Popular in cases of murder, 449.

— — Comparison of, with the punishments that may be substituted for it, 449-550. Analogy and popularity considered, 449. Necessity denied, except in the case of cutting off the head of a rebellious faction, but in that case caution to be used, 449-450. Exemplarity, and considerations on perpetual imprisonment, 450.

— — Collateral evils of the frequent use of, i. 450.

Death-Punishment—Bentham to his fellow-citizens of France on, i. 525-532. Introductory enumeration of evils, 525-526. Inefficiency shown in reluctance of informers, prosecutors, witnesses, and judges, 526-527. Irremissibility in case of discovery of innocence, or of service wished from offender, 527-528. Tendency to increase crime, 528. Pardon—power enhanced by it—dangerous use of the power, and restrictions it should be subject to, 528-530. Causes of the prejudice in its favour, 530-531. Inefficiency and needlessness proved by experience, 531-532.

— — Inapplicable to preventing escapes from prison—may be preferred to imprisonment, iv. 29-30.

— — Objections to, absurdly based on religion, i. 412.

— — Its influence in making pardon popular, i. 521.

— — Effect of, upon Juries, in frightening them from convictions, ii. 133.

— — General view of the impolicy of, i. 579.

— — To what extent efficacious, i. 94.

— — Abolished in certain cases, vi. 382, n<sup>13</sup>.

— — Casual mention of, ii. 156 ; vii. 44, 58, 67.

De-authentication—Modes of, in the case of written evidence, vii. 181-183. Direct, 181. Circumstantial, 181-183. Internal evidence, 183.

Debate—Analysis of, explanatory of the motives which bring out discussion, and the nature and effects of victory, viii. 236-238.

Debates in Legislative Assemblies. Principles of, ii. 334.

— — — — Umty of the subject of, to be preserved, ii. 341-342.

— — — — Reasons why it should precede the voting, ii. 342-346.

— — — — Adjustment of, to the position of motions and bills, ii. 352.

— — — — General rules as to, ii. 358-364 ;—

— — — — Opening of, ii. 358-359. Practice of requiring motions to be seconded, considered, 358. Reading the motion, 358-359. Speaker to stand, 359.

— — — — Free and strict, with considerations as to the liberty of reply, ii. 359-360.

— — — — The having three on every proposed law, (Dumont,) ii. 360-361.

— — — — Impropriety of written discourses being employed in, ii. 361-362.

— — — — Miscellaneous rules as to, ii. 362-364. Address the President, 362-363. Opponents not to be named, 363. Bad motives not to be imputed, 363. Wishes of Sovereign not to be consulted, 363-364.

- No papers to be quoted which are not before the House, 364. Motions not to be reiterated, *ib.*
- Debates in Legislative Assemblies—The election of debaters for, considered, *ii.* 364.
- — — — Publication of, considered, *ii.* 314-315; *vi.* 78-79.
- — — — Authentic publication of, a security for aptitude of members, *iii.* 543-544, 549, 551.
- — — — Whether the hours of, should be fixed or free, *ii.* 322-323.
- — — — Facility to, from establishment of a table of motions, *ii.* 317-319.
- Debates (Parliamentary)—Publication of: those of one house serviceable in the other, *iii.* 551.
- — Subjects of—proposal for exhibiting, in visible type, *x.* 344.
- Rule—against reference to anterior, *iii.* 543.
- Debilitation—National, as a result of misrule, *viii.* 559.
- — Securities against, adapted to a Mahomedan state, *viii.* 585-586.
- Debility in language—Rules for avoidance of, in respect to words taken singly, *viii.* 313-316.
- Debt—Process by which prodigals incur, *iii.* 6.
- Remedies against the practice of incurring, *i.* 546-547.
- The morality of contracting, considered with reference to the case of Pitt, *v.* 318-322.
- Encouraged by laws against compound interest, *iii.* 18.
- Action of—Wager of law with reference to, *vii.* 549.
- Holding to bail for, *vi.* 333 n.
- Imprisonment for. *See* Imprisonment.
- Debt—Funded. Effect of reduction of interest on, as compared with operation of Annuity-note project, *iii.* 141-144.
- Debt—National—Forced frugality occasioned by paying up, *iii.* 40.
- — Effect that would be produced on capital by the paying up of, *ii.* 76.
- — Effect that would be created by a sponge on, *iii.* 81.
- — Accusation against Radicals of proposing a sponge on, considered, *iii.* 608-611.
- — Impolicy of a sponge on, demonstrated, *iii.* 610-611.
- — Plan for reducing the interest of, by a conversion of stock into Annuity notes, *iii.* 105-153.
- — Taxes to pay, a mere consequence of previous decrease of national wealth, not themselves a decrease, *iii.* 40.
- — Effect of the incurring of, on capital, *iii.* 133.
- — Effect that would be produced by the liquidation of, in connexion with the project of Annuity notes, *iii.* 136-137.
- Debts—Defendant should be bound to state those due to him, *vii.* 229.
- of honour—The morality of fashionable opinions regarding, *i.* 63.
- Debtors—Vicious partiality of historians of Rome to, *i.* 318.
- Remedy against, in case of bankruptcy or insolvency, by proposed Despatch Court, *iii.* 428-430.
- Complexity in the means of getting access to the property of, in England, *vii.* 306 n.
- No description of torture too severe to compel them to give up property, *vi.* 177.
- and Creditors—Proper course for adjudicating between, *vi.* 135.
- Evils of the system of imprisonment of, *vi.* 176-183.
- Decency—Prejudices regarding, in punishments, *i.* 411.
- Regard for, how far it justifies judicial privacy, *ii.* 44; *vi.* 367-368.
- Deception—a relative term, *vi.* 220.
- an attribute of the judgment, *vi.* 251.
- All evidence more or less liable to produce, *vi.* 167.
- Danger of, the ostensible reason for exclusion of evidence, *vii.* 519.
- Enumeration of cases in which exclusion of evidence is founded on danger of, *vii.* 384-386.
- Danger of, not a good ground for exclusion of evidence, *vi.* 105-106; *vii.* 386-393. In case of necessary evidence, sure to create misdecision, *vii.* 386. In case of other evidence, risk of it, 387. Difficulty of obtaining credence for falsehood, 387-388. Instruction sometimes contained in falsehood, 389. Probable sources of the exclusions—corruption, indolence, 390-391. Grounds of suspicion in evidence enumerated, 391. *See* Improbability; Interest—sinister.
- Danger of, and vexation united. View of the cases in which evidence has been improperly excluded on these grounds, *vii.* 487 *et seq.* (*viz.* Book IX. Part V. of the Rationale of Evidence.)
- Deceptions—Promulgation and publication of the means by which they are generally perpetrated, recommended as a protection to the public, *i.* 553-556.
- Deceptive fallaciousness. Modes of, *ii.* 44-46.
- Decgrade scale of persuasion of evidence, *vi.* 225.
- Decision as an operation of logic, *viii.* 225.
- Decision—(Judicial.) Grounds of, for judge of proposed Equity Despatch Court, *iii.* 388-390.
- Right. Definition of a, *ix.* 25.
- Erroneous. A feeling of insecurity the chief mischief occasioned by, *iv.* 340-341 n.

**Decision—Argumentation and consideration necessary for coming to, ii. 163.**

**Decision (Judicial) Delay of, for want of an article of evidence, considered, vi. 90, 91.**

— should not be severed from collection of evidence, vi. 31-32, 419-423.

— Incidental; evidence may with propriety be made conclusive for, vii. 547-549.

— Provisional, in absence of the best evidence, vii. 186, 379-380.

**Decisions of the Despatch Court—Proper grounds of, iii. 312-313.**

— of courts—Various elements of uncertainty that may characterize the law deduced from, iv. 486 n.

— None should be cited as law till embodied in a Code, iii. 210.

— A means by which judges and reporters manufacture law, iv. 484-486; vii. 315-316.

— Extent to which they should be evidence, vii. 128, 129, 545.

— Extent to which they are held as evidence in England, vii. 170-173.

— How far they should be accompanied with reasons on the part of the judge, ii. 29; vi. 357.

— without thought, animadverted on vii. 246-249.

— Old and unpublished, used as precedents, vi. 389-391.

— Use of, as information for the making of statutes, vii. 310 n.

— on grounds foreign to the merits—a grievance charged in the Petition for justice, v. 476-480.

— of Political Assemblies—Methods in which they may be come to, ii. 306-307.

— of political assemblies—Forms of defect in, ii. 303.

— of political assemblies—Proper mode of their proceeding in the formation of, ii. 330-350.

**Declaration of belief in opinion—may be bought to any absurdity, vi. 557.**

— of intention, as circumstantial evidence of delinquency, vii. 21.

— of credence by a party founding on a document, vi. 117-118; vii. 162.

— in pleading—Nature of, vi. 467; vii. 273, 286.

— in pleading—Evidence contained in, vii. 267.

— in pleading—Falsehoods of, vi. 307.

— in pleading—Substitution of Instrument of demand, or Demand paper for, ii. 66-72; vii. 270-272.

— in a common-law suit characterized, ii. 170.

**Declaration of Rights—How far such a document may be a security against misrule, viii. 575.**

— — — Instances of, in America, criticised, i. 154.

**Declaration of Rights—The English. Uses made of appeals to, iii. 426-427.**

— — — See Bill of Rights.

**Declaration of Rights of the French Constituent Assembly. Examination of, ii. 491-524;—**

— — — Preamble of, examined, 491-495. Supposes a body of laws already extant, 491. Professes to define the privileges of men in all parts of the world, 492. Of no use in setting bounds to the power of the crown, *ib.* Of none in bounding the power of the Legislatures, 492-493. Of none in guiding the Legislatures, 493-494. Laws of detail must be framed before fundamental laws, 493-494. General propositions in law only useful when confronted with the details, 494. When issued before the details, they are only a declaration of strong opinion, *ib.* *Ought* and *ought not* to be substituted for *can* and *cannot*, 495.

— — — Preliminary observations to the examination of, ii. 496-497. Error in attempting such a work with the sanction of a multitudinous government, 496. By justifying, invites insurrection, *ib.* Tendency to let loose the bad passions, 497. Vagueness and ambiguity of phraseology, *ib.*

— — — Criticism on the respective Clauses of, ii. 497-521. Clause that all men are born free, 497-500. As to natural and in-  
prescriptible rights, 500-504. As to all sovereignty being in the nation, 504-505. Defining and bounding liberty, 505-506. As to actions prohibited, 506-507. As to concurrence of the people in making the laws, 507-509. As to arbitrary imprisonment, 510-511. As to no offence being punished, except in terms of a promulgated law; and as to accused persons being presumed innocent, till found guilty, 511-513; as to religious tolerance, 513-515. As to the freedom of the press, 515-516. As to the support of a public force, 516-517. As to taxation, 517-518. As to expenditure, 518-519. As to obtaining accounts of their administration from public officers, 519-520. As to the essentials of a political constitution, 520-521. As to the inviolability of property, 521.

— — — Duties only mentioned in, slightly and incidentally, ii. 511.

— — — on the subject of Equality, criticised, i. 358.

— — — The French, of 1795, criticised, ii. 524-529.

— — — The, as proposed by Sieyès—Observations on, ii. 530-534.

**Declaration—Inaugural, by members of a Legislature, ix. 124-125. See Legislature.**

— — — Legislators', in Constitutional Code, ix. 198-204. See Inaugural.

**Declarations of opinion—The evils produced by exacting, ii. 265-266.**

- Declarations—Solemn, on controverted questions, vi. 273.
- Declaratory law—Nature of a, i. 151.
- Declaratory Acts—employed to shield judges from the consequence of having wilfully disobeyed statutes, v. 182-183.
- Declension—objected to as not suitable for expressing the modifications of nouns, viii. 323-324.
- Declensions of nouns substantive—Considerations as to, viii. 345-347.
- Decoits, a sect of Hindoos—Principles of the, i. 182-183.
- Decomposition of evidence when complicated, vii. 534-535.
- Decorability as a property desirable in language, viii. 306-307.
- Decorum—Sense of, as designative of a motive, i. 201.
- Decree of a court, what it consists in, vi. 7. *See* Decision.
- of a Legislative Assembly—The various acts that enter into, ii. 352.
- Decrees—Various kinds of, in different sorts of suits, ii. 90-92.
- The French system of registering, commented on, iv. 311.
- Dee, the Astrologer—an illustration of the superstition of his age, viii. 78.
- Deeds—Proper solemnities of, i. 551.
- Supporting authenticity of, in equity, vi. 490.
- Refusal to construe, according to the maker's intent, vii. 556-557 n †.
- Authentication of, vii. 176-180. *See* Authentication.
- Formulary for—Utility of promulgating, iv. 455.
- Essay on the drawing of, in a Commentary on Humphrey's Outline of a Real Property Code, v. 389-416.
- Impediment to forgery of, by requiring them to bear time and place, v. 396.
- Registration of, a preventive from crime, i. 552.
- Deed of Sale—Draft for a, v. 395.
- Defamation—Nature of, i. 115-116.
- should be distinguished from simple vituperation, in Libel law, viii. 510-511.
- Enumeration of the cases in which its effect is maleficent, ix. 53.
- Freedom of the Press unfavourable to, as enabling the defamed to defend themselves, ix. 55-56.
- encouraged by the suppression of truth, x. 518.
- Principles of satisfaction to sufferers by, i. 375-381.
- No punishment for, unless the imputation false, ii. 279.
- Ridicule in Courts of Justice of persons wronged, to be considered as, ii. 114.
- Extent to which the Constitutional Code sanctions judiciary interference, in case of, ix. 159-160.
- Defamation. *See* Reputation—Offences against.
- Default—Judgment by, vii. 246-249.
- — — to make room for affidavit evidence, vi. 463.
- — — makes pleadings conclusive evidence, vi. 23; vii. 545-547, 551, 552.
- — — Plaintiff should not have, without producing evidence, vii. 547.
- Notice essential to the justice of procedure on, vii. 251.
- Defeazance of punishment, considered, i. 520-525.
- Defects—Irremediable—Allusion to should be avoided in conversation, x. 518-519.
- Defence—Overstepping the bounds of, as an offence, i. 79.
- Defence (in Procedure)—Mode of eliciting—oral, epistolary, &c. ii. 77-78.
- Modes or shapes of, in procedure, with the evils of the English system, ii. 74-77.
- Denial of means of—Remedy for, ii. 163-164.
- Compelling disclosure of, vii. 536.
- by an accused person—has virtually the effect of evidence, vii. 496.
- in case of felony—Nature of, vi. 474.
- Defence of Economy against Burke*, v. 278-301.
- — Circumstances under which, and time when written, v. 278-279.
- Defence of Economy against the Right Hon. George Rose*, v. 302-328.
- Defence of Usury*, iii. 1-29.
- Defence—National. The wealth spent on enjoyments, the fund of, iii. 37-38 and n.
- — Navigation act and bounties on fishing, instances of sacrifices to, iii. 42.
- — How far infringements of free trade may be necessary for, iii. 71.
- — Attack sometimes necessary to, x. 581.
- Defendant (in a suit)—Definition of a, iii. 410.
- Less likely to be in the right than pursuer, ii. 32-33.
- Mandate or writ for bringing into court, ii. 63-64.
- Proposed—Mention of, in pursuer's demand paper, ii. 72.
- Mode of receiving his defence, ii. 77-78.
- Uses of his personal attendance, ii. 78.
- Advantage of combining demands against, ii. 86-87.
- Confusion occasioned by the use made of the term, ii. 88.
- Security to, against oppression by pursuer, ii. 105-110. *See* Counter-security.
- Transfer of cause to judicatory of, to collect statement of, ii. 115-116.
- Effect of law taxes on, ii. 577.
- Absent—Epistolary examination of, vi. 431.

**Defendant**—Cases in which he can compel plaintiff's testimony, vii. 494-496.

— Deficiency of evidence for, and motion for new trial, vi. 104.

— when examined in cases of felony, not put on oath, vi. 472.

— Effect of depriving of evidence by exclusion, vi. 87.

— Functions for performance of which his presence in court requisite, vii. 229-230.

— has more service from the mendacity license than plaintiff has, vii. 269.

— Mischiefs of misdecision against, as compared with plaintiff, vii. 591-593.

— False evidence for, in pecuniary case, not so dangerous as for plaintiff, vi. 156.

— Nature of his claim on the judge for legal service, vi. 9, 210.

— Criminal—falsehood, silence, or evasion, on the part of, as evidence of guilt, vi. 24-29.

— in equity—makes his statements on oath, vi. 484.

— Propriety of his being entitled to examine witnesses and parties, and of his liability to examination, considered, vi. 334-345. See Interrogation.

— and plaintiff compared, in regard to facilities for unjust demands, vi. 433.

**Defendant's testimony**—Course pursued in regard to, by English law, vii. 496-606.

— — In what cases receivable in his own behalf, vii. 496-499. Defence by an indicted person has effect of evidence, 496. Information, 496-497. Attachment, 497. Affidavits, ib. Examination before Justice of peace, 497-498. Grand jury, 498. Common-law—pleading and mandamus, ib. Bill in equity, 499.

— — In what cases compellable at the instance of the plaintiff, vii. 499-506. Criminal cases—jury trial, affidavit, Justice of the peace, 499-500. Civil cases at common law, 501. In equity, ib. Common law and equity together—Bill of discovery, 501-502. Examination of bail, 502-504. Summary procedure in certain cases of theft, 504-506.

**Defendants**—How far their testimony in favour of one another excluded by English law, vii. 509-512.

— How far their testimony against one another excluded, vii. 512-517.

**Defender-General** — Arrangements as to, in Plan of Judicial Establishments drawn up for France, iv. 354-358. Appointment, 354. Continuance in office, ib. Power and rank, ib. Pay, 354-355. Attendance, 356. Oath of office, 356-357. Deputes, 357-358. Responsibility, 358.

— — His functions, iv. 384-385. To act for the public, the monarch, and the indigent, ib. Oath of office, 385.

— — His line of promotion, duty, &c., to be kept distinct from that of the judge, iv. 487-489.

**Defender-General**—The necessity of the office urged, iv. 406.

— — See Advocate—Eleemosynary.

**DEFENSIVE FORCE**—Provision for, in Constitutional Code, ix. 333-428:—

— — Branches of, ix. 333-336. Definitions and divisions, 333. Radical, and excretitious or Stipendiary, ib. Land and Sea, ib. Radical branch of land-service—all persons capable of contributing to national defence, 334. Stipendiary an offshoot of, by the progress of civilisation, ib. Sea-service posterior in order of existence and necessity, ib. Not necessary to all countries, ib. Involves more skill and science, ib. Necessity of adequate skill and readiness renders it necessary to have the Stipendiary supported by the community, 334-335. Power from concentration, with its advantages and dangers, 335. No danger to the public in the sea-force, ib. The Merchant navy the radical branch from which the Stipendiary springs, ib. Uses external and internal of a force, under a free government, ib. How far a democratic constitution liable to danger, 333-336. Difficulties in confederated states, and necessity of a central force, 336.

— — Leading principles of, ix. 336-342.

Chief end, conduciveness to national security—collateral end, subserviency to any branch of public service, 336. Negative ends—minimization of the necessary danger and expense, ib. Establishment consisting of persons and things, 336-337. Separation of what belongs to the constitutional, from what belongs to the military code, 337. Rules and correspondent principles applicable to aptitude—to be found practically illustrated only in the stipendiary branch, 337-338. List of the properties and principles in both branches, 338. Security-maximizing principle—external and internal, ib. The aptitude-maximizing principle—aptitude being the cause of security, 338-339.

Keeping the number of the stipendiary branch as small as possible, both for economy and internal safety, 339. The number of the radical branch to be as great as possible, both for defence against the stipendiary and as a source for recruiting it, 339-340. The contentment-maximizing principle, 340. Counterpart to expense-minimizing, ib. Consequences of neglecting—Disorganization and mutiny, ib. Impossible as in other departments to give freedom of retiring to the discontented, ib. The inequality-minimizing principle—considerable inequality necessary for power—difficulty of drawing the line, 340-341. Employment-diversifying principle, 341. Time-occupying principle, with rules for its application, 341-342. Expense-minimizing principle, 342. Pre-

ponderant detriment-excluding principle, *ib.* Use of the enumeration and exposition of principles, *ib.*

Defensive Force—Radical Branch of, ix. 343-348. System of training, 343. Unserviceable arms—economy, *ib.* For consideration whether cavalry and other costly branches should be introduced, *ib.* The volunteer principle—subscription for expense, *ib.* Caution against giving any class dangerously superior instruction, *ib.* Economy in district arrangements, 343-344. Reasons against compulsion—Greater aptness of volunteers, greater content, less inequality, less expense, 344-345. Necessary to willingness is smallness of distance gone, and time spent—hence cities necessarily the chief seats, 345. Inappositeness of the British militia to these principles, 345-346. Useless expense in American militia, 347-348. Commanders and Instructors—choice in the privates, 348. Removal in the same hands, *ib.* Remuneration to instructors, *ib.*

— Stipendiary Branch of, ix. 348-352. Definitions—Enlistment, Discharge, Recruitment, Disbandment, 348-349. Necessity of having the moveable force stipendiary, 349. Infantry, *ib.* Cavalry—the various kinds, *ib.* Attack and defence of fortified places, 349-350. Ranks and Grades, 350. Privates—necessity of obedience, *ib.* Officers—ordinary and erudite, *ib.* Exemplifications of the existing grades, *ib.* Mode of location of privates—voluntary, or, in cases of necessity, compulsory, 350-351. Protections and precautions applicable to the latter, 351. Location of officers—with exceptions, according to the plan adopted by the Code for other official persons, *ib.* Considerations as to the propriety of the having served for a definite period in the ranks, as a qualification, 351-352.

— Term and conditions of service, ix. 252-358. Differs from other departments in the incompatibility of conceding the right of exit, 352. Enlistment, 353. Recruitment, *ib.* Discharge, *ib.* Disbandment, *ib.* List of subjects of consideration in regard to age, term of service, compulsoriness, remuneration, &c., 353-354. As to pay—fluctuations of value in different places, &c., render it incompatible for the soldier to spend the money himself, 354. Long and short terms of service compared, *ib.* Pensions of retreat, *ib.* In the case of limited enlistment, hardship that would accrue if there were no provision for sending the expiree home, 354-355. Importance of having the mutual rights and obligations determinate, 355. A soldier's code to be delivered into the hands of the enlistee, 355-356. Efforts

to prevent the necessary latitude of command from merging into arbitrary dealings and breach of faith, 356-357. Compulsory enlistment only justifiable when it is impossible to find money for voluntary, 357. Arrangement of the system of selection in case of compulsion, 357-358. Differences in amount of arbitrary power necessary in times of peace and war, and again where the enemy is distant and near, 357-358.

Defensive Force—Promotion, ix. 358-366. In the erudite grades—by rotation, 358-359. Instances where, on particular occasions, the Army Minister to employ officers out of their rotation, 359. Judicial raising of grade for service, or lowering for misconduct, *ib.* Arrangements for cases in which the necessity of the service may demand a particular person to be employed, *ib.* Evils of too great a latitude in promotion: discontent, and power to officials to make distinctions of grades, 359-360. Principles of appointment to the command-in-chief of a corps for any special service, 360. Illustration from the navy, *ib.* The bad practice of a general promotion for the purpose of raising an individual, 360-361. Difficulty of arranging any faultless plan of promotion—sinister interests that interfere in a monarchy, 361. Exposition as to how far subsidiary examination of qualifications should take place on promotion, 362. Reasons against the pecuniary competition on promotion, *ib.* Extending promotion to privates, 362-363. Anomalies in the British system, 363. Money paid, instead of going to the public, gained by individuals, *ib.* Promotion by seniority in the scientific departments, where it ought to be by special qualification, *ib.* System in America contrasted, 363-364. Considerations as to whether promotion out of turn should extend to peace, 364. Whether in time of peace it may not be expedient to make authority change hands, 364. For the consideration of the Legislature, how far, in case of promotion for meritorious service, votes may be taken in the secret manner from the privates, &c., 364-365. Only to the extent of recommendation, 365. Reason for so collecting the votes, *ib.* Reasons for not making them decisive; probability of favour to bad disciplinarians—Deficiency of means of coming to correct judgment, *ib.* Provision necessary to be made for the divisions or groupes in which the votes may be taken, 365-366.

— Discipline established, ix. 366-367. Ends of discipline, 366. Necessary adjuncts, *ib.* Means of obviating oppression, 367. Military commander a mere private citizen

in his intercourse with persons at large, *ib.* Authority of the courts of law with relation to courts-martial, *ib.*

Defensive Force—Oppression obviated, ix. 367-370. Publicity, 367. Military Register, *ib.* To contain divers books, *ib.* The Punishment-Book—Heads of Entry, 367-368. Both land and sea, 368. The Complaint-Book, 368-369. Arrangements for receiving information as to oppression, 369. Reasons against a secret-information box, *ib.* Cases where publicity may be a sufficient remedy, 369-370. Superior demand in favour of privates to attention, 370. Inadequacy of the British system of complaint on parade, *ib.*

— — Minor delinquency checked, ix. 370-371. Minor Delinquency Book—Heads of Entry, *ib.* Principle referring to preservation of order between class and class, 371.

— — Remuneration, ix. 371-381. Subjects of consideration—Quantity, shape, invalidship, extra service, smart-money, branches, extraversional remuneration, pecuniary competition, 371. Effect of desirableness of soldiers' condition on questions as to pay, *ib.* Causes of undesirableness, *ib.* Causes of comparative desirableness enumerated, 371-372. Furlough, 372. Consideration whether prevention of desertion may not be a reason for augmenting pay with service, *ib.* Enlistment and bounty, 372-373. Payment in kind and in money, 373. Prospect of rising, as an item in compensation, 373. Reasons in favour of provision for superannuation and invalidship—not the same means of hoarding, or preserving family connexions, as civilians have, 373-374. Qualities required in the soldier, 374. Illustrations of a method of estimating injuries by considering them in relation to the faculties they affect, 374. Collateral employments for the invalided, *ib.* Invalidship provision not applicable to the erudite grades, 375. Methods in which invalidship provided for, *ib.* The British plans of pensions and hospitals censured, *ib.* Sinister interests engaged in keeping up costly establishments—Chelsea and Greenwich, 375-376. Difficulty of adjusting remuneration to extraordinary service, 376. Remuneration in augmentation of natural honour, 376-377. Impossibility of degrading that which is felt to be honourable, and *vice versa*, 377. Smart money, *ib.* Examples of casualties, and the appropriate compensation, *ib.* Considerations and doubts whether there should be a rise of remuneration with grade, *ib.* Reasons against, *ib.* Reasons in favour, 377-378. Modern extravagance in the distinction between officers' and

privates' pay—different example of Greece and Rome, 378. Economy in contract provision for officers' clothing, *ib.* Messing, and how it may be reconciled to general economy, with the least outrage on individual predilections and abilities, 378-379. Practice as to smart-money, &c., in America, 379. Sale of commissions as a reduction, 380. The pecuniary competition principle, and its concomitant—*viz.* examination, *ib.* Application to the different branches of the service, 380-381. Practice in Britain, 381.

Defensive Force—Prize-money, ix. 381-383. Matters for consideration, 381. Subjects of capture—Reasons for confining it to things belonging to the government of the enemy, 381-382. Exception in places taken by assault, and the reason, 382. In the proportion between the government and the captors—greatest possible share to the former, *ib.* Proportion as between rank and rank, *ib.* Proportion as between different services, *ib.* Proportion as between the co-captors—endeavour to reward each according to his services, 382-383.

— — Power of military as to non-military, ix. 383-392. Military necessity defined, 383-384. Exigencies of National defence, 384. Law, instead of leaving itself to be violated, should foresee the necessity, and provide for the exercise, *ib.* Purposes of regulation—minimization of evil, compensation, punishment of maleficence, *ib.* Means—publicity by regulated notification, 384-385. Effects of prohibition to do what is necessary—concealment, and unlimited maleficence, 385. Things necessary for war, and the subsistence of soldiers, *ib.* Exaction of services—messages, information, *ib.* Assistance in fortifications, conveyance, &c., 386. Power exercisable without order from a superior to be confined to what necessary for self-preservation, *ib.* For power exercisable by command, distinct legislative arrangements to be made, 386-387. Difference between state of peace and war, 387. General precautions, *ib.* Expeditious transmission of orders—preservation of exemplars, *ib.* Precautions, where necessity occurs for exercising a power unprovided for, *ib.* Compensation on the part of the public, with recourse on the military authority, in case of malversation, 387-388. Principles for estimating damage, 388. Abuses to be provided against—unnecessary damage, undervaluation, and overvaluation, *ib.* Functionaries who may act on the occasion as percipient witnesses or registering functionaries, 388-389. Punishment and compensation for abuse of the prehensive



power, 389. Method of procedure, where the abuse of power is exercised against an individual, and where it is exercised against the public, *ib.* Distinction of the Military Code—peace and war, 389-390. Revival of the War Code in the hands of the Legislature, which constantly sitting—exceptions for distance which may be provided for, 390. Differences requisite in the extent of the powers of the two Codes illustrated in the punishment for desertion, *ib.* Bills of Indemnity in Britain—cover acts which should either not be sanctioned, or should have been provided for by law, 390-391. A government on the greatest-happiness principle looks out and prepares for difficulties, 391. Analogy between the establishment of the War Code, and proclamation of martial-law, 382.

Defensive Force—Military judicature, *ix.* 392-395. Elements of difference between the military judicatories and the civil, in regard to the matters of disobedience, mischief from delay, partialities and dissensions, and promptitude of communication, 392. Inconveniences from different grades in courts-martial, 393. Diversifications of disagreement that may take place between class and class, *ib.* Analysis for showing those to which the civil and those to which the military judicatory should apply, 393-394. Necessity for obedience in time of peace as well as war, but not for the same means of producing it, 394. Desertion, *ib.* Disobedience to orders, 394-395. In actual service, jurisdiction, with the commander on the spot, 395. Checks—registration, and subsequent appeal for compensation, *ib.* Reasons against plurality of judges—stronger than in the instance of the civil courts, *ib.*

— Recruitment, *ix.* 396-397. Principle—the willing to be preferred, where apt, to the unwilling, 396. Bounty-money only when necessary, *ib.* Provision for an equal lottery where compulsion necessary, *ib.* Arrangements as to admission of substitutes, *ib.* Exigencies justifying compulsion, *ib.* Consideration as to exemptions, 397. Policy of a conscription examined, *ib.*

— Disbandment of, *ix.* 397-402. In time of peace, those portions of the army most easily brought in fighting condition to be first disbanded, 397-398. Scale applicable to the principle, 398. Riflemen, and the reason why not more employed, *ib.* Cavalry and Dragoons, *ib.* Foot Artillery and Engineers, with their coadjutors, 398-399. Horse Artillery, Marine Infantry, and Marine Artillery, 399. Rules applicable to keeping embodied the higher instructed classes, *ib.* Reconcile-

ment of this principle as nearly as possible with contentment, and the disbanding of those who wish it, 399-400. The necessity that may often exist for keeping secret the numbers wishing to be disbanded, 400. Necessity may apply either at home or abroad, *ib.* Plan for voting for discharge, with the object of maximizing the number who are either retained or discharged according to their desire, 400-401. In Engineers and Artillery, on account of the scientific knowledge, question if the order of capacity not to be necessarily followed, 402.

Defensive Force—Sea department, or Navy, *ix.* 402-409. All the regulations of the land force to apply, except where there are differential circumstances, 402. Diversity in the appropriate military exercises, 402-403. No necessity for the same number of grades as in the land service, 403. Confusion created by the application of the same denomination in the two services to virtually different grades—suggestion of vocabulary of official denominations, *ib.* Connexion of amount of remuneration, with grade, *ib.* Ordinary or non-commissioned, and erudite or commissioned, *ib.* Length of time necessary to qualify for the sea-service, 403-404. How far there should be service before the mast to qualify for rank, 404. Compulsory service—only in case of necessity, as in land service, *ib.* What will justify compulsory use of vessels for the public service, and reasons which make compulsion in such cases more advantageous than in land service, *ib.* Plan for modifying the evils of compulsion—mariners entering on employment to come under obligation to serve in the navy if necessary, 404-405. Impolicy of the bounty system, 405. Estimate of the hardship of that proposed, *ib.* Importance of securing popularity and contentment, 404-405. Accessibility of the merchant seamen proposed to be secured—registration, 406. Advantages to the public—financial, commercial, defensive, *ib.* Advantage to the seamen in obviating oppression, *ib.* Suggestions as to employing a larger number of the class whose discipline, &c., is not materially different from the land service—marines, 406-407. Prejudices and sinister interests opposed to improvement, 407-408. Abuse of patronage, waste and corruption—number of officers employed compared with those in France, 408-409.

— Ship-board oppression obviated, *ix.* 409-415. Extent of abusive exercise of authority in the merchant navy, 409. Call for a remedy which may preserve the necessary discipline, *ib.* Local judges—promptitude in hearing complaints, and

- facilities for visiting vessels, 409-410. Seaman's General Register, 410. Branch of it—the Port Seaman's Register, with heads of entry, in the case of entrances, *ib.* Distribution of exemplars, *ib.* Heads of entry as applicable to exits, 410-411. Entries from these in the General Register, 411. Inspection of every vessel on departure, *ib.* Distinct list of crew and passengers, *ib.* Delivery of lists, &c., on entering a port, *ib.* Principle that no person is to be bound to any obligation with the purport of which he is not made acquainted, *ib.* Each person on being registered to receive a copy of the Seaman's Code, 412. Copy to be hung up in each vessel, *ib.* Arrangements for hearing complaints with the least practicable impediment to the employment of the vessel, 413. Right to transmit letter of complaint to Registrar, and method of dealing with it, 413-414. Seaman's Code to contain instructions, *ib.* Contrast of the plan with the existing system, in which redress only to be had by the usual course of the law, with its expense and delay, 414-415.
- Defensive Force—Collateral Employments, ix. 415-418. Main and collateral employments distinguished, 415. Distinction between the having time at the *command* of government, and the having it actually so employed, *ib.* Furlough-allowing, and employment-allotting systems, *ib.* Illustrations of the former system—when acted on in Britain no cessation of pay, and no economy, 415-416. Instances of employments conducive to the increase of intrepidity and activity, 416. Preventive Service, *ib.* Service as officers of the law, *ib.* Operations contributory to the service of the Defensive Force, *ib.* Operations applicable to other public works, 416-417. How far the sea and land forces might be made interconvertible, 417. State of society in which the discipline of the army may be made a means of introducing habits of industry and steadiness, and of making good members of society, 417-418. Specimen of amelioration of condition by military service—the Sepoys in India, 418. Countries in which an extension of the military force might produce good—South America, Haiti, Greece, *ib.*
- — Concluding Remarks, on the extent to which experience from other places and other times can be advantageously acted upon, ix. 418-419.
- — Supplement to, ix. 419-428. Composition and grades of the infantry service in Britain, 419. Constitution and procedure of courts-martial, 420-422. Subsidiary observations by the editor of the original edition—Essay on the different descriptions of land service, and on military economy, 422-428.
- Deferred Annuities—uses to which they may be converted for the service of the working classes, viii. 409.
- Defilement—Deportation of female, for purpose of, justifies summary procedure, vi. 333, 382, n<sup>o</sup>.
- Definition—Nature of, iii. 594.
- Explanation of the Process of, as a means of Exposition, viii. 245-246.
- Application of, to the scales of logical subalternation, viii. 268.
- — *per genus et differentiam*—Nature of, iii. 593-594 n.
- Modes of Exposition subsidiary to, viii. 248.
- of Phraseology—Difficulty of, when it is in popular use, and the subject of debate, viii. 107.
- of terms—a desideratum in mental science, viii. 245-246 n.
- Imperfect notions of, among the Aristotelian Logicians, viii. 251-253.
- The demand for, in codes of law, iv. 513.
- Deformation as a punishment, considered, i. 416-417, 419.
- Deformity as a circumstance influencing sensibility, i. 23.
- Degradation from rank, as a punishment, i. 462-463.
- De-Gray—Chief-Justice, noticed, vii. 231-232 n.
- Degrees—Evidence transmitted through an indefinite number of, vii. 154-159.
- of probative force, how measured, vi. 223-235. *See* Probative Force.
- Forbidden—Proposal to limit intestate succession to, and where there are no such relations to appropriate the estate to the revenue, ii. 585-598. *See* Supply without burden.
- Deity—Attributes of the—False application of, to illustrate human character, i. 273.
- An oath is an assumption by man of command over the, vi. 309-310, 318.
- Views as to offences against the, examined, i. 104 n †.
- Selfishness and vanity virtually attributed to, in some methods of appealing to the, x. 146.
- Delasteyrie—Count. Letter from, on second Chrestomathic Table, iv. 532-533.
- Delation-exacting principle, in the management of the Chrestomathic School, to prevent connivance among the scholars, viii. 49.
- Delay—Fallacies of, ii. 430-435. The quietist, 430-431. False consolation, 431-432. Procrastinator's argument, "wait a little," 432. Snail's-pace argument, or "one thing at a time," &c., 433-435. Artful diversion, 435.

Delay—Judicial, an effectual instrument in the hands of sinister interest for baffling reforms, iv. 423-425.

- in answering—Presumption against respondent from, vi. 383-384.
- Avoidance of, as an object of judicature, ii. 17.
- a grievance complained of in the Petition for justice, v. 467-468.
- a result of fixed terms for procedure, ii. 31.
- Analysis of the elements of, v. 516-521. Vacations, 516. Circuits, ib. Arbitrarily fixed days for operations, ib. Written pleadings, 517. Transference and bandying of suits, ib. Equity courts and procedure on bills; Elicitation of evidence in three modes—Epistolary, oral in examiner's office, and oral in master's; vacations, 517-518. Appeals and writs of error, 517, 518-520. Profit to judges from the delay, 520-521.
- in the Court of Chancery, vii. 216-221.
- in the Court of Session, vii. 221-225.
- The mischiefs of, with their modifications, iv. 339 n\*.
- Evil effects of, and remedy for, ii. 162-164; vii. 378-383.
- how it may be purchased of any size by the swindler, v. 88.
- Maxims in favour of, by Hermosa, the Spanish Judge-Advocate, controverted, viii. 474-482.
- Cautions regarding, for guidance of judges, ii. 29-30.
- produced by sinister interest of judges regarding fees, &c., vii. 199, 201.
- Cases where it will produce irreparable damage justify want of judicial interrogation, vi. 333.
- Sham pecuniary checks to, vii. 307.
- in actions against corporations, vii. 221.
- produced where vexation accompanies production of evidence, vi. 92.
- Reason why it is not to be found in criminal as well as civil procedure, considered, vii. 207-209.
- Amount of, occasioned by writs of error, vii. 214.
- Avoidance of, how far a good ground for exclusion of evidence, vi. 90-91; vii. 356-362. Question of preponderant mischief, between misdecision and postponement, vii. 357. Precedent inquiry, ib. Case of an accused in prison, 358. English practice in applications for delay, 359. Form in K. B., ib. In C. P., 360. Effect of fixed days and long intervals, 361-362.

Delay, vexation, and expense—Consideration given to preponderant inconvenience from, vi. 15.

- Justify exclusion of evidence, vi. 87-88.

Delay, vexation, and expense produced by irrelevancy and superfluity, vi. 89.

- considered as collateral evils. *See Collateral Evils.*
- Evils of, adduced in answer to the fallacy that the judicial forms are the shields of liberty, viii. 478-479.

Delay as a form of inconvenience in legislative assemblies, ii. 302.

Delegates—Lords'. Plan of a Judicatory, to be called the Court of, v. 55-60.

*Delegatus non potest delegare*—The maxim ridiculed, 16 n\*.

Delessert—M., the translator of the Defence of Usury, x. 249 n.

- Letter of, to Bentham, on the Politics of France, Holland, Russia, and Prussia, in 1792; x. 283-284.

Delft—Practice of the House of Correction at, iv. 13.

Deliberative Assemblies. Essay on the tactics of, ii. 301-373.

Delicacy—Physical and Moral. Connexion between, iv. 158.

- Female; how preserved from injury in judicial procedure, ii. 114.
- Variableness of national notions of, i. 176.

Delinquency—its alertness in taking advantage of defects in the law, iv. 391.

- Official. Frightening people from charge of, by imputing infamy where they fail, ii. 429-430.
- Avoidance of justiciability as affording evidence of, vii. 50-58.
- Clandestinity as affording evidence of, vii. 47-48.
- Confusion of mind as affording evidence of, vii. 44-45.
- Fear, indicated by deportment, as affording evidence of, vii. 45-47.
- Non-responion, and false or evasive responion, as affording evidence of, vii. 24-29.
- Self-inculpativ testimony as evidence of, vii. 29-44. *See Self-inculpativ.*
- Situation of an accused person in respect of motives, means, disposition, character, and station in life, as affording evidence of, vii. 53-62.
- Suppression or fabrication of evidence, as affording evidence of, vii. 48-50.
- inferred from falsehood, vii. 3.
- in the character of a principal fact, vii. 5.

Delinquents compared to children in respect of the necessity for close inspection, iv. 174-175.

- Punishment of. *See Punishment.*

Delivery of Deed—Erroneousness of the expression, vi. 549-550.

- of property to its owner—Absence of provisions for enforcing, at common law, shows want of Codification, v. 487.

Delo-symbolic Mathematics—A term used

- for Arithmetic in the Encyclopedical Sketch of Art and Science, viii. 86.
- Delusion as a source of political evil, distinguished from corruption, iv. 433.
- Political—Examination of the nature of, in relation to the Constitutional Code, ix. 76-77. Principal object—to get the people to acquiesce in the corruption of their representatives, 76. Instruments—Royalty and its glittering concomitants, 76. Use of abstract terms, such as The Church, Property, &c., 76-77.
- Mischievous—Knowledge a preservative against, viii. 13.
- Demagogues. No plan for general distribution of property can be seriously nourished by, iii. 605-608.
- Demand—Inquiry as to whether plaintiff has made, as preparatory to commencement of an Action, vii. 229.
- Instrument of, as a substitute for Declaration or Bill in equity, vii. 270-271.
- Pursuer's—How amendable, ii. 72-73.
- Demand Paper—Different kinds of, for different suits, ii. 66-72. Simply requisitive, 66-67, 70. Inculpativ but not criminative, 67-68, 70-72. Penal and Publico-Private—Demand criminative, 68. Penal and Public—Demand criminative or inculpativ, 68-69, 72. Penal and Publico-Private—Demand either criminative or inculpativ, 69-70.
- Demands—Several, against one party—advantage of combining, ii. 86-87.
- Demandant in a suit—Definition of a, iii. 410.
- Demesses of the Crown—Views of Somers and Burke as to the act restraining the alienation of, combated, v. 284-285.
- Demidov—The family of, in Russia, x. 160.
- Democracy—Government by—Blackstone's views of the qualifications of, criticised, i. 275-277, 279-280.
- The non-existence of a pure, i. 276-277.
- Superior frugality of, as a form of government, ix. 28, 31.
- Absence of a sinister interest in favour of war in a, iii. 611.
- made a bug-bear of, by being coupled with anarchy as cause and effect, iv. 448-449.
- Democracy—Representative—Reasons why it contains the best securities against misrule, ix. 10, 47.
- — Conspiracy, seditious libel, and treason, have no place in a, ix. 37-38.
- — The only government in which The Greatest happiness of the greatest number is the rule, ix. 47.
- — Illustrations of the barriers to the pursuit of sinister interest in, ix. 100.
- Democrats—Charge against, of a project to attack property and the funds, considered, iii. 605-611.
- Democratic ascendancy as a remedy for abuses, iii. 445-451.
- — Illustration of the advantage of, in history of the Irish volunteers, iii. 613-620.
- Demonstration—The Author's use of the word, i. 236 n v.
- Demonstrations—Proposal for conducting, in the purely verbal mode without the aid of Diagrams, viii. 156-160. See Geometry.
- Denial of justice—Remedies for, by Quasi-appeal, ii. 163-164.
- Denman—Lord—Mention and Estimate of, x. 533; xi. 38-39.
- Denmark—The attempt to separate, from its alliance with Russia, and to create a war, through Mr Elliot's Declaration to the Court of Copenhagen, animadverted on in the Letters of Anti-Machiavel, x. 201-211.
- Opinion of a sect in, that the commission of a crime leads through repentance to salvation, i. 64.
- Law of divorce in, i. 355.
- Reconciliation courts of, ii. 47; iii. 83 n; vi. 24. n †, 326, 366 n.
- Method of swearing a witness in, vi. 323-324.
- George, Prince of, allusion to his having been High Admiral, vi. 556 n.
- Denomination—How classification may be employed in, i. 206.
- Principles of, in arts and sciences, for ordinary and systematic purposes, viii. 64-66.
- Methodisation by, in the case of fictitious entities, viii. 262-264.
- Identity of. Imputations on the ground of, ii. 416-417.
- The mental operation of, considered in connexion with Logic, viii. 226.
- Denunciation of offenders—Prejudices and difficulties in the way of, ii. 222-223.
- in ecclesiastical court practice, vi. 493.
- Deodands—Origin and incidence of, i. 485-486.
- An attack on, written by Bentham, i. 250-251.
- considered as an illustration of the inefficacy of oaths, ii. 41.
- Deontology—Origin and root of the term, v. 389.
- or censorial Ethics. Position of, in an Encyclopedical Sketch of Art and Science, viii. 93 n.
- The field of, in connexion with that of Ethics, viii. 289.
- Use of the rules of, x. 510-511.
- Private—Relation of Nomography, or the art of inditing laws, to, iii. 235.
- Department Court, as provided for in Draft of Judicial Establishment for France, iv. 299-300.
- Dependance, with regard to representatives,

- should be on electors—not on any other quarter, iii. 454-455, 522.
- Dependancies**—Distant—Evils of, ii. 547-548.
- Distant. Cost of supporting, incident to a monarchy, ix. 32-33.
- Deponent**—Means of giving him a security for the accuracy of minutes of his deposition, vi. 416-417.
- Deponents**—a term that should include parties as well as witnesses, vi. 281.
- Making them speak in the third person instead of the first, a device to reconcile them to falsehoods uttered in their names, vi. 439.
- Deportment**—Official—Elements of the rules of, and considerations as to whether the Penal Law may be brought to aid the enforcement of, ix. 307-309.
- of counsel to witnesses, considered, vi. 406-408.
- viewed as a source of evidence, vi. 218.
- Fear indicated in, as evidence of guilt, vii. 45-47.
- Deposits**—Species of, enumerated, iii. 192.
- by litigants, vii. 307.
- Deposition according to the Roman mode or Romano-Anglicè**—Evils of, as a method of extracting evidence, vi. 36-37.
- — — Secrecy in taking, with the reasons assigned, vii. 540-542.
- before committing magistrates, may be seen by counsel, vi. 382 n<sup>10</sup>.
- in equity—Amendment of, vi. 457-458.
- in equity—At what party's instance it may be read, vi. 489.
- Depositions and allegations**—False distinction between, vi. 299.
- compared with affidavits, vi. 38.
- Depravity**—Rules for finding the extent of, indicated by an act, i. 68.
- Depreciation**—Obviation of, in the case of government paper, by adoption of Annuity-note scheme, iii. 121.
- Depredation**—defined as Oppression benefiting the oppressor, viii. 558, 560.
- The fear of suffering under, gives lawyers an interest in the furtherance of criminal justice, vii. 207-209.
- occasioned where money is demanded for the support of dignity, ix. 86.
- Official—Nature of, as a species of oppression, vii. 560.
- Official—Securities against, applicable to a Mahomedan state, viii. 591-592.
- Depredations**—Petty; laws for punishing them on imperfect evidence, vii. 504-506.
- Depredators**—Habitual. Practicability of putting down, through the instrumentality of the Poor Law, viii. 403-406. *See* Pauper Management.
- Exculpatory perjury among, vi. 155.
- Deputation**—Power of, by Judges as part of the arrangement of the plan of Judicial Establishment for France, iv. 368-370.
- Deputes**—Reasons against their succeeding as a matter of routine to the situations of their principals, ix. 297-298.
- to Judges and other officials—Unpaid. Utility of the system of, iii. 343-345.
- to Judges—Outline of arrangements regarding, ii. 22-23.
- to Judges—Method of appointing, by the Constitutional Code—their powers and the reasons for the system, ix. 483-486.
- Deputes Permanent of Judges Immediate**—Provisions for, in Constitutional Code, ix. 544-550;—
- — — Fields of service, ix. 544-545. Jurisdiction coincident with Principals', with the exception of the power of presenting a law as unconstitutional, and the appointment and removal of subordinates, 544. Subsidiary functions, ib. Form of location, 544-545.
- — — Relation of, to Principal Judge, ix. 545-547. Obligated to attend, at the hours of service, on requisition from Principal, 545. Registrar to note default, ib. Judge not to be held as having had personal cognizance of proceedings of Depute, in confirming them, ib. Oppression of Depute by Judge—Palliatives, 545-546. Judge Principal to frame regulations for the conduct of the Deputes, 546. Depute supplies place of Principal when accidentally vacant, ib. Depute may consult Principal, but no appeal, ib. Recapitulatory inquiry, 546-547. Contested interpretation-reporting function, 547. Eventually-ementative function, ib. Sistative function, ib. Preinterpretative function, ib. Legislature to make arrangements for preventing inconvenience from the number of persons authorized to use these functions, ib. Power of displacement in the Principal, with appeal to Judge Appellate and Justice Minister, ib.
- — — Term of service of, ix. 548. For life, unless removed in terms of provisions to that effect, ib.
- — — Attendance of, ix. 548. Generally same as Judge Principal's, ib.
- — — Remuneration of, ix. 548-550. Consists of the distinction, power and reputation, with prospect of succeeding to the office of the Principal, 548. Situation compared with that of law student, ib. Reasons for believing that a sufficient number would present themselves without pay, ib. Indeterminateness of pay were it once admitted—economy in not allowing, if service got without, ib. The plan sanctioning the appointment of any number of deutes the principal may choose to name—jobbing and corruption if they were to have salaries, 549. Divided into two

- classes—those who are competing for stipendiary Judgeships, and those who are serving honorarily, 549-550. Advantage of emulation between them, *ib.*
- Deputes—Permanent, &c., who locable as, ix. 550. Professional lawyers the only class excepted, *ib.*
- — How dislocable, ix. 550. Want of attendance, *ib.* The general causes applicable to other judges, *ib.*
- — Partiality obviated among, ix. 550. Substitution of another judge when it is supposed to exist, *ib.*
- Deputes Occasional of Judge Immediate—Provision for, in Constitutional Code, ix. 550-554;—
- — Fields of service of, ix. 550-551. The special cause for which appointed, *ib.* Reasons for such special appointment—Comparative inaptitude of regular judge—Peculiar aptitude of the Depute, &c., *ib.*
- — Term of service of, ix. 551. May be for the suit or the day, *ib.* Generally appointed only in case of extraordinary influx, *ib.* Sorts of suits generally allotted to, *ib.*
- — Who locable as, ix. 551. Preference of a person recommended by all the parties, *ib.* If not approved by all, partial approbation a disqualification, *ib.*
- — Powers of, ix. 551-552. For execution or probation to the extent the Judge deputing may think fit, *ib.* Coercive means of probation, 552. Coercive means of execution, *ib.* In case of choice of parties, Judge appointing released from responsibility, *ib.* A permanent Depute to be furnished with powers for location of occasionals, *ib.*
- — Referees deputable as, ix. 552-553. When two arbitrators with an umpire chosen by the parties, 552. Not to apply to penal cases where the public interested, *ib.* Judicial aid for remedy of the necessary imperfections of this system, *ib.* Registration provided for, 352-353. Power may be given for execution, not probation, 553.
- — Remuneration of, ix. 553-554. May receive reward agreed to by the parties, *ib.* Precautions to prevent abuse, *ib.*
- — Partiality in, obviated, ix. 554. Subject to interrogation as to circumstances which may occasion, *ib.*
- Deputes to Judges, and to Pursuers and Defenders general, according to plan of Judicial Establishment proposed for France, iv. 357-358.
- Deputes to Judge, Registrar, and Eleemosynary Advocate—Reasons for, in Despatch Court Bill, iii. 310-311.
- to Judge, Registrar, &c.—Arrangements for, in Despatch Court Bill, iii. 343-344.
- Deputy—The term preferable to representative, or any other, for expressing an elected legislator, ix. 155-156 n.
- Employment of, as a substitute to a public officer, an indication of the salary being too high, ii. 242.
- Derangement—Mental, no good ground for excluding a witness, vi. 105. *See* Imbecility.
- Derham, Dr William—Notice of, viii. 427.
- Derivative pleasures distinguished from original, i. 207.
- Derivative Punishment—Rules regarding, i. 477-478.
- Derivative recordation, considered, vi. 83-86.
- Desaguliers, noticed, iv. 146 n.
- Des Cartes—Allusion to his *cogito ergo sum*, vi. 374.
- Des Cartes, casually noticed, ii. 498; x. 143.
- Descent—Abolition of anomalous courses of, necessary to a reform in conveyancing, v. 391.
- Description as a mode of Exposition, viii. 248.
- Desert—properly coupled with reward—not with punishment, v. 595 n.
- Desertion—Military—Marked difference between the criminality of, in time of peace and in time of war, ix. 390.
- Design—Bad. Imputation of, as a fallacy in debate, ii. 414-415.
- — How far the vices of established judicature are the effect of, vii. 210-211.
- Designation—The mental operation of, considered in connexion with logic, viii. 226.
- Nature of the process of, with respect to corporeal objects, viii. 336-337.
- Desire—unsatisfied—The pains of, i. 19.
- Source of the existence of a, i. 211.
- Desires—Synonyms to the word, i. 207-208
- Dangerous—Altering the course of, i. 539-541.
- Dangerous—Provisions for satisfying, with the least possible prejudice, i. 541-546.
- Application of appellatives to, i. 217.
- produced by pleasures and pains, are the source of all mental operations, viii. 279-281.
- Desmond—Legend of the Countess of, vii. 88.
- Despots—their fear to violate established customs, i. 184.
- Utility of conquests confined to, ii. 557.
- Despotic Governments. The characteristics of, ii. 286-287.
- and free Governments—Distinction between, i. 288.
- Despotism, Tyranny, &c., as indicative of motives, i. 199.
- developed in the administration of the law in England, vi. 150.
- created by making a judge, or any person in power, independent of the people, iv. 362.

- Despotism**—Progress towards, in England by attacks on the liberty of the press, ii. 121.  
 — How a system, having the essence of jury trial, might be adapted to a, ii. 150.  
 — See Tyranny.
- Despotisms.** How the principle of, is favourable to war, iii. 611 n.  
 — encouraged by certain loose methods of arguing, i. 9 n.  
 — The remedy against, iii. 219.
- Destruction**—Employment of the spring as a *primum mobile* in instruments of, viii. 140.  
 — or endamagement as an offence, i. 117-118.  
 — General—Concurrence of the people in any design of, shown to be impossible, iii. 606-607.
- Desultoriness** as a defect in language considered, viii. 309.
- Detection**—Nature of the danger of, in case of an offence, i. 66-67.
- Detention**—Unjust, of property. Remedies for, i. 546-547.
- Determent**—In what circumstances held in view in punishment, i. 392.
- Determinateness**—Considerations as to securing, in nomenclature, viii. 106.
- Determination** as an operation of Logic, viii. 225.
- Detinue, or detainer, as an offence, i. 117 n.**
- Detinue**—Action of, vi. 314.  
 — — Wager of law with reference to, vii. 549-550.
- Deviations from the established course of nature**—Improbability and impossibility resolved into, vii. 83-84. See Disconformity.
- Devices of Technical procedure contrasted with correspondent arrangements of the natural, v. 8-14.** Exclusion of parties, 8. Superabundance of written papers, ib. Written and epistolary evidence by affidavits, &c., 8-9. Tribunals out of reach, 9. Blind fixation of times for operation, ib. Sittings at long intervals—terms and circuits, 9-10. Decision without thought, 10. Decision on grounds apart from the merits, 11. The mendacity licence, ib. Special pleadings, 11-12. Diversifications in means of making persons or things forthcoming, 12. Chicaneries about notice, ib. Times and places as to which justice in abeyance, ib. Motion business, 12-13. Jargon, 13. Fictions, ib. Magnification of jurisprudential law, ib. Contempt of real law, 13-14. Double-fountain principle—rigour or liberality according to judge's caprice, 14.  
 — — — analysed in the Rationale of Evidence, vii. 196 *et seq.* (viz. Book VIII.)  
 — — — how far applicable to substantive law, vii. 318-319.
- Devices of Technical procedure—Apology for the exposure of, vii. 329-334.**  
 — — — List of, as complained of in Petition for justice, v. 446.  
 — — — for promoting ends of judicature at expense of ends of justice—List of, vii. 225-226.  
 — — — by which the corruption of Special Juries is supported, v. 136-141.
- Diætics**—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Diagram**—A, defined, vi. 144.
- Diagram or Synoptic Table of Arts and Sciences explained, viii. 82-95.** See Encyclopedical Sketch.  
 — — — (connected with the Encyclopedical Sketch of Art and Science) Explanations regarding the, viii. 95-98.  
 — — — Uses of the, viii. 98-100.  
 — — — Reasons why the mode of division in, should be exhaustive, viii. 101-102.
- Diagrams**—Purely arbitrary use of, in the way of abbreviation for representing demonstrated propositions in Geometry, viii. 166-169.  
 — Proposal for the occasional discarding of, in Geometry, and demonstrating in the purely verbal mode, viii. 155-160. See Geometry.  
 — Gilbert's comparison of Records to, vi. 144, 184, 565.
- Dialectics**—Inutility of, x. 586.  
 — Pursued by the Aristotelians to the prejudice of the tactical branch of logic, viii. 218.
- Dialogue**—between Lord Chancellor and injured suitor, on weighing evidence, vii. 530-531.  
 — between Monitor and Legislator, on the propriety of amending bad laws instead of weakening them, vii. 442.
- Dialogues between Lawyer and Non-lawyer in the Rationale of Evidence.** See Lawyer.
- Dicastic or Censorial Ethics**—Explanation of, and position in the Encyclopedical Sketch of Art and Science, viii. 93-94.
- Dichotomous division.** See Bifurcate.
- Dictionaries, described as instruments of exposition, viii. 244.**  
 — Estimate of, as a means of improvement of a language, viii. 313.
- Didactic Coenonesiology, or the information-affording branch of intellectual philosophy**—Position of, in the Encyclopedical Sketch of Art and Science, viii. 91.
- Diderot**—Opinions of, on rewards to accomplices, ii. 225 n.  
 — The intellectual qualities and services of, iii. 50.
- Dies fasti, et nefasti, of the Romans, noticed, vii. 242 n.**

- Diet**—Appointment of a, for the settlement of disputes between nations, ii. 552-554.
- Diet**—Hard, in prisons. Advantages of, i. 425-429.
- Dietary** for convicts according to the Panopticon system—coarsest in species, and unvaried, but unlimited in amount, iv. 153-156.
- Differential calculus**—involves a mathematical fiction, the nature of which should be explained to learners, viii. 174.
- Diffusion of arts and sciences**—Method and extent of, ii. 256-260.
- Digby**—Sir Kenelm. Sympathetic Powder of, alluded to, i. 479; iv. 126.
- Digest**—A complete, of the laws urged, iii. 205.
- See Code: Laws—Body of.
- Dignity**—a property desirable in a language, viii. 191.
- as a property desirable in a language, and the defects in the absence of which it consists, viii. 307-308.
- Employment of the word in political discussions, ii. 437.
- How far the support of, useful to the public service, ii. 234-235.
- Factitious—Evils occasioned by the support of, in a monarcho-aristocratic constitution, iii. 438-445.
- Factitious. Causes of creation of, and national influence of, examined, ix. 78-92.
- See Honour—Factitious.
- Official. Fallacy of large salaries being necessary to support, v. 316-318.
- an excuse for getting public money to support it, iv. 439.
- Dignities**—General eligibility of the citizens at large to, as expressed in the French Declaration of Rights, ii. 508-509.
- Method of conferring, in the Constitutional Code, compared with methods in use, ix. 267-269.
- Digression in debate.** Nature of, and means of obviating, ii. 318.
- Dilatory motions, or motions of adjournment** in legislative bodies, ii. 366-367.
- Diligences in Scottish Procedure**—Nature of, v. 38-39.
- Dillon**—Count, noticed, x. 95-96.
- Dioceses**—Oaths of Irish bishops to erect schools in their, broken, v. 456.
- Dionysius of Halicarnassus**—character of his critical works, ii. 380.
- Diplomatists**—should keep the general utility of mankind in view, that it may give a direction to their proceedings, ii. 537.
- Direct methods of preventing offences, i. 367-368.**
- Direct evidence compared with Hearsay, vi. 172.**
- — compared with Circumstantial, vi. 174, 219.
- Direct evidence distinguished from Circumstantial, vii. 1-4.**
- — and Circumstantial, compared in probative force, vii. 73-75.
- — of authenticity of deeds, vii. 176-177.
- — of the spuriousness of deeds, vii. 181.
- Directors of Public Bodies**—The same individuals generally chosen over and over as, and why, ix. 173.
- — Insurance of attendance of, ii. 238.
- Disabilities**—The, involved in Excommunication i. 514.
- Disablement as a punishment, i. 417-418, 419.**
- as a property in punishment, i. 404-405.
- in what circumstances it can be held in view in punishment, i. 392.
- Disaffection**—Libel prosecutions on the charge of exciting, considered, v. 243-245.
- Disambiguation as a means of exposition, viii. 249-251.** Mischief of ambiguity in language illustrated in the uses made of the word Church, ib.
- Disappointment**—The pains of, i. 19.
- Disappointment-preventing principle**—Nature of the, i. 341.
- — — Foundation and application of, iii. 226-227.
- — — as the foundation of judicial decisions, ii. 312-313, 388.
- — — Application of, to the Civil Code, iii. 212.
- — — Application of, to retrenchment, v. 266-267.
- — — Application of, to the Rationale of a Code, v. 413-414.
- — — Application of, to compensation, in the case of Law Reform, iii. 325-326.
- Disarmament**—National. Securities against, adapted to a Mahomedan State, viii. 585-586.
- Disarming Treaties**—Proposal of, as preparatory to a perpetual peace, ii. 550-552.
- Disbandment as a military term**—Meaning of, ix. 349, 353.
- of troops—Arrangements regarding, by the Constitutional Code, ix. 397-402.
- Discernment**—Impossible to substitute rules for, ii. 195.
- Discharge of soldiers**—Plan for accomplishing, without creating jealousy, ix. 399-402.
- Discibility**—a property desirable in a language, viii. 191.
- Disciplina** in Latin, a useful term, implying both science and art, viii. 27.
- Disciplines, or Arts and Sciences**—vulgarly considered as distinct from the ordinary business of life, not only in degree, but in nature, viii. 239-240.
- Discipline**—Military. Circumstances in



- which it may be a means of education—of training to industry and docility, ix. 417-418.
- Discipline—Military. Arrangements for, in the Constitutional Code, ix. 366-367.
- Discipline—Prison, evils indispensable to, and incidental to, i. 421-422.
- — *See* Prison Discipline.
- Disclosure—how far vexation by, justifies exclusion of evidence, vi. 95-100; vii. 445-479. Subjection to punishment does not justify, 96; vii. 445-463; nor subjection to a civil obligation, vi. 96; vii. 463-468. (*See* Self-disserving; Self-inculpative.) Prevention of preponderant evil justifies, vi. 98. Disclosure of Catholic confession should not be demanded, 98-99; vii. 366-368; Client's communication to law-agent should, 99-100; vii. 473-479.
- Discoercive Law—What? i. 151.
- Disconformity to the course of nature—Modes of, vii. 84-90. Disconformable *in toto*—laws of nature, as affecting matter—*primum mobiles*, 84-85. Disconformity in degree, 86-89. Illustrations, 87-88. No absolute line of separation of incredible from credible, 88. Disconformity *in specie*, 89-90.
- Discontent—Libel prosecutions on the charge of exciting, considered, v. 243-245.
- Discourse considered as a mental operation in connexion with Logic, viii. 227-229. Signs employed divided into audible, visible, and tangible, 227. Audible sounds the first embodiment of thought, *ib.* Formation of visible characters—Japanese, Chinese, *ib.* Terms applied to signs of thought imply the first embodiment to be in sound, 227-228. Artificial communication to the deaf and blind, 228. Transitive and intransitive use of language—latter necessary for formation of ideas, 228-229. Mental operations to the performance of which language instrumental, 229.
- Acts of, a mixture of external and internal, i. 36.
- must always embody propositions, viii. 321-322.
- Subjects of, viii. 299-300. Must be state of communicator's mind—active or passive, *ib.* Perceptive, retentive, and judicial faculties, 300.
- Operations which, in the character of an art are performable in relation to, viii. 302-303.
- Properties desirable in language for the purposes of, viii. 303-312. *See* Language.
- The method of producing clearness in, as a branch of logic, viii. 242-253. *See* Exposition.
- as constituting direct evidence, vi. 218 n.
- Signs employed in, viii. 298-299. *See* Language.
- Discourse—The subjects of, as divided into immediate and exterior, viii. 329-331.
- Discovered Territory—Limits of, as a source of wars, ii. 539-540 n, 545.
- Discoverer—Nature of the title of a, i. 327.
- is in relation to science, what the inventor is to art, viii. 76.
- Discovery. The author's instruments of, or logical arrangements, iii. 285-295.
- considered as a step in invention, viii. 278.
- as a foundation of right, iii. 186.
- Makeshift evidence as an instrument of, vii. 164-165.
- The progress of, in the 18th century, i. 227.
- Discovery—Bill of—Nature of, vii. 502.
- Discoveries—Fallacious hopes of profit from, obviated by the possession of knowledge, viii. 13.
- Rewards for; when unnecessary, ii. 212.
- Discouragement of, by the usury law, iii. 20-29.
- Discreditive interrogation analyzed, vi. 400-406. Examination of the argument that a party must not discredit his own witness, 400-402. Counter-evidence as a means of discovering the character and disposition of a witness, 403-404. If the witness be hostile to the party who calls him, what he says in that party's favour the more to be depended on, 404. Fallacy of the argument that the counter-evidence is known only to the party who uses it, 404-406.
- Discrete quantity, as distinguished from continuous, viii. 201-202.
- Discretion. Proper use of the term in regard to punishments, i. 164.
- Meaning of reference to, in Penal Code, iii. 175.
- Employment of the term, as to exclusion of evidence, vii. 345-347.
- how far it may be safely conceded to the judge for the avoidance of needless hardships by disclosure in evidence, vi. 97 n.
- Judicial—Evils and dangers of, i. 325-326.
- Judicial—Lord Camden's remark on, vi. 146.
- Judicial—Mansfield and Camden's discussion on, v. 558.
- Judicial—Proper extent of, with regard to regulations of procedure, ii. 31.
- Judicial—Extent to which admissible in punishments, i. 516-517.
- Discrimination—Nothing to be condemned without, on account of an offensive name, iv. 211.
- Discussion—Modes of, considered, especially the Aristotelian and Socratic, viii. 236-238.
- Fallacies invented to suppress, by creating alarm, ii. 413-430.
- What sorts of, held to be libel, v. 112.
- Liberty of—The principles of, i. 574-575.

- Discussion—Free. Securities for, adapted to a Mahomedan state, viii. 584-585.
- Public. Letters on, to the Spanish people, ii. 275-297.
- Diseases—belief in cure of—Sources of credulity illustrated from, vii. 107.
- Opportunities for collecting experimental information on, in a system of Pauper management, viii. 425.
- Disesteem—Expression of, subjects to the libel law, v. 106-107.
- Disfigurement as a punishment, i. 416-417.
- Disfranchisement as a punishment, i. 484.
- Disgrace—Punishment by, i. 456. *See* Moral Sanction.
- as a consequence of testimony—not of itself a sufficient ground for excluding it, vii. 463-465.
- Disguise as an aggravation of corporal injury, i. 165, 168.
- Analogous punishments for crimes committed with the use of, i. 408.
- Disguised exclusions of evidence analysed, vi. 113-116. Limitation of number of witnesses, 114. Limitation of time, ib. Evidence concealed, ib. Particular species of evidence pronounced conclusive, 114-115. Cases where a particular kind of evidence made indispensable, 115. More than one witness required, ib. Religious formula required, ib. The “best evidence” required, 115-116.
- Disguised exclusions of evidence considered in detail, vii. 520 *et seq.* (*viz.* Rationale of Evidence, Book IX. Part VI.)
- Disinterested—a term not in its strict sense applicable to any human actions, i. 211-212.
- Disinterestedness—when, and under what circumstances, there are instances of it, ix. 61.
- While existence of not denied, still not to be counted on as a sufficient motive for good government, iv. 431.
- a mark of profligacy—Fallacy of the sentiment, ii. 464-465.
- Dislike and Displeasure—Nature of, i. 53, 56.
- Dislocation—Power of, or power to remove from office—why universal in the electors according to the Constitutional Code, ix. 103-106. *See* Constitutive.
- Dislocative Function—to whom applied in the Constitutional Code, ix. 156.
- How exercised by the Constitutional Code, ix. 156-157.
- Dismissal of judicial applications—Causes for, ii. 44.
- Disobedience distinguished as conscious and unconscious, i. 265.
- to the laws—Various grades of, and evils of overlooking the distinctions between different kinds, ii. 528.
- as a military offence—how to be punished, ix. 394.
- Disorderliness as a defect in the drawing of laws, iii. 241.
- Dispatch Court—Equity—Proposal, iii. 297-317. *See* Equity.
- — Equity suitor’s petition for, iii. 303-305.
- — Equity—Bill—Account of, iii. 305-315.
- — Equity—Bill, *in terminis*, iii. 319-430. *See* Equity.
- — Equity—Bill—Letter from O’Connell on the, xi. 15.
- Dispensation—The power of, defined, i. 278 n.
- in the case of the history of oaths—its services to Priestcraft, v. 223-224.
- Origin and nature of, ix. 322. First used to good purposes, and then defended on precedent, ib.
- Power of—would be possessed by Public Prosecutors, if private excluded, iv. 392.
- Displacing—Advantage of putting the power of, in different hands from that of Appointing, i. 572.
- Disposition—Effect of, on the mischievousness of an act, i. 76.
- of accused person, how far evidence, vii. 56.
- Jury charged by indictment to find as to, as if it were an offence, v. 255-256.
- Dispositions—Proper subjects of the attributes good and bad, virtuous and vicious, i. 216-217.
- Dispositions—Human, in general, i. 60-68. To be judged from effects, 60. A man’s disposition considered with reference to effect on his own happiness and on that of other., ib. Mischievous and beneficent disposition, 61. Tendency in connexion with motive, ib. Self-regarding motive, ib. Motive of good will, 62. Motive of love of reputation, 62-63. Religion, 63-64. Ill-will and malevolence, 64. Disposition the sum of intentions, 65. Seducing and tutelary motives, ib. Latter divided into standing and occasional, ib. Good-will, Love of Reputation, Desire of Amity, and Religion, as standing tutelary motives, 65-66. Love of ease and self-preservation, as occasional tutelary motives, 66. Division of dangers into those of physical and those of moral agency, 66-67. Detection, ib. Strength of temptation, 67. Measure of depravity, 68.
- Dispunitive or Pardoning Function of the Justice Minister, by the Constitutional Code, ix. 600-607. *See* Justice Minister.
- Disputative Logic of the Aristotelians—how it has failed to make discoveries, viii. 238-239.
- Disputation—The art of: a narrow definition of the field of Logic, viii. 220.
- Disputes—Judicial adjustment of, recommended, ii. 46-47.
- Disrepute—Punishment by, i. 458-467. *See* Forfeiture of Reputation.

- Dissection**—Delivery of unclaimed bodies for the purpose of, ix. 628-629.
- Dissenters and Catholics**—Plan for uniting, for the furtherance of Religious liberty, x. 592-594.
- Dissimilitude of hands**—Evidence from, vii. 181.
- Dissipation**—Meaning of the term, ix. 103.
- Dissocial**—A class of motives termed, i. 56, 58-59.
- Dissolution of contracts**, the subject of registration, vi. 567.
- Distance with relation to alibi evidence**, vii. 111-113.
- Probabilities as to how much may be travelled in a certain time, vii. 99.
- justifies epistolary interrogation of witnesses, vi. 429.
- of tribunals—Evils of, vii. 234-236, 238, 240, 352-353.
- of punishment from offence—Effect of, i. 401-402.
- Distinct-intonation principle**, in the management of the Chrestomathic school, viii. 53.
- Distinction**—can only be clearly made between two things at a time, viii. 108-109.
- Distinctions**—Honorary, as rewards for public services, ii. 218.
- Sham. Fallacies of, ii. 451-453. Instances—Liberty and Licentiousness of the Press—Reform, temperate and intemperate, ib.
- Social. Fallacy of the proposition that they *cannot* be founded but upon common utility, ii. 499-500.
- Distinctive Property**—The, in All-comprehensive Division or Subalternation, viii. 103.
- Distinctness as a security for evidence**, vi. 283, 289.
- in evidence—Writing an adjunct in producing, vi. 328.
- Oral and written examinations, with relation to, vi. 425-426.
- Distraction-preventing principle**, in the management of the Chrestomathic school, viii. 52.
- Distress**—Causes of extent of in Britain, and of absence of in America, iii. 612.
- Character exhibited by an offence which aggravates, i. 77.
- Distribution as one of the human faculties**, viii. 75-76 n.
- as an end of the Constitutional Code, i. 271-272.
- of power, advantages and disadvantages of, i. 571.
- Distributive branch of the law**. Proper ends of the, iii. 293-294.
- — — General objects of the, ix. 11-17. *See* Security: Subsistence: Abundance: Equality.
- — — Author's design to prepare works on the, i. 111.
- Distributive-seeking suits**, considered, ii. 85-86.
- District Courts**, as provided for in Draught of Judicial Establishment for France, iv. 298-299.
- Districts**—Election and Polling—Plan in Radical Reform Bill for partition of country into, iii. 579-582.
- Election. Division of the State, to which the Constitutional Code applies, into, ix. 147-150.
- — — *See* Electoral Districts.
- Distringasses**—Delays occasioned by, vii. 221, 252 n.
- Distrust**, or fear of what is at the bottom of measures—Fallacy of, ii. 421.
- Sound political institutions founded on, ii. 314.
- Disturbance of the peace**—vague use of the expression in Indictments for sedition, v. 258-259.
- Disturbances**—Provisions for the quelling of, in the Constitutional Code, ix. 617.
- Diversion to other measures**, as a device for evading reforms, ii. 435.
- Diversity**—a fictitious entity connected with relation, viii. 203.
- Systematic nomenclature should provide for indicating, viii. 65-66.
- Divestitive facts**—Meaning of the term, vi. 218 n †.
- — Nature of, vii. 270.
- Dividends on Stock**. Plan for receiving, without attendance at the Bank of England, by Note annuities, iii. 105-153.
- Divine right**—Notions of, encouraged by the pardon-power, i. 529.
- — of Kings—Sinister interest and superstitions that created the theory of, ix. 24.
- Divinity**—Rewards in the science of, not for discovering the truth, but for supporting an opinion, ii. 263.
- not to be taught in Chrestomathic school, as it might be the means of excluding some persuasions, viii. 41-42.
- Study of—How far an acquaintance with the dead languages essential to, viii. 17.
- DIVISION**—The Bifurcate, exemplified, and shown to be the only one that is necessarily exhaustive, although others may happen to be so, viii. 290-293.
- The Bifurcate, viii. 253-255. Dependence of correctness on completeness, 253. Only means of separating an individual from aggregates, 254. Simplicity of the method, ib. Illustration by letters, ib. Application to botany, 254-255.
- The Bifurcate, Dichotomous, or Exhaustive system of. *See* Bifurcate.
- Exhaustive and All-comprehensive—How it may be made, and its sufficiency tested, viii. 102-110. The contradictory formula, or sign of negation in one of the

condividents, 102. All-comprehensiveness, distinctness, and instructiveness—their nature with reference to the subject, 103. The Distinctive property,—viz. the property contained in the aggregate, and in one of the condividents, but not in the other, *ib.* Illustration in mathematics—form or figure a character of the aggregate, and of the condivalent Geometry, but not of Algebra, 104. This shown to be all-comprehensive, distinct, and instructive, *ib.* The words Geometry and Algebra would not however be instructive, *i. e.* would not indicate the characteristics: therefore the appellatives used in the table chosen, 104-105. This contradictory formula not always actually employed in words, but must always be applicable as a test to the sense, 105-106. Difference between conferring a determinate meaning on existing phraseology, and imparting it to new, 106. Advantage if in Ethics (including politics and religion) the nomenclature were fixed and expressive, 106-107. Difficulty of following the advice to define the words used, when they are employed in popular language and are the subjects of dispute, 107. Only the bifurcate division that would admit the use of the contradictory formula, *ib.* Examples from Watts, &c., 108. People can compare together strictly but two things at a time—a greater number tends to confusion, 108-109. The language only made for comparing two Jungs, *ib.* The system conveys a notion of the relation of the parts to each other—a powerful instrument of instruction, *viii.* 109-110.

Division—Exhaustive—Whence the idea of taken by the author, and inquiry whether Porphyry or Peter Ramus invented it, *viii.* 110-112.

— Considerations as to the length to which it may and should be carried, *viii.* 116-117. Impracticability—a bar arising out of incognoscibility created by complexity, and the extent of surface covered by the diagram, 117. Uneconomicalness from the extent of the labour, &c., 117.

— How to establish, in any given part of the field of Art and Science, *viii.* 118-121. A trunk found, by collecting the common words, and finding the one that applies nearest, or by making one, 118. The two most extensive branches contained in the trunk to be next taken, *ib.* If no two such to be found, take a positive quality with its negation, *ib.* Proceed to subdivide on the system, *ib.* Convenient to find one-worded synonyms for the two-worded names, *ib.* Where one-worded names have been first fallen upon, necessary for encyclopedical pur-

poses to frame two-worded synonyms, *ib.* Sometimes larger sources of division left behind when the smaller proceeded with—creates necessity to go back and pick them up, 119. List of sources of division, *ib.* Names of real and names of fictitious entities distinguished as an exhaustive division of nouns substantive, 119-121.

Division—Exhaustive—Reasons for, in an encyclopedical table, *viii.* 101-102.

— Exhaustive, applied to the sources of motion, *viii.* 144-146.

Division—Logical, or Analysis—Its mode explained and illustrated, *viii.* 121-126. A train of exemplifications—shows how physical analysis must be employed before logical, 121-122. Logical analysis is the creation of fictitious entities from an aggregation of the real entities produced by physical analysis, 122-125. Logical wholes created by synthesis from the physical facts, 125. Analysis of these logical wholes illustrated in the Linnæan botany, 125-126

— — The sorts of, *viii.* 253. Complete or incomplete, strict or loose, physical or psychical, *ib.*

— — The Aristotelian rules of, according to Sanderson's exposition, criticised, *viii.* 255-256.

— — According to the scales of subalternation, *viii.* 267-268.

— — Fictitious aggregations resulting from, *viii.* 206.

— — Use in having the nomenclature of such, that the name of each aggregate explains its position in the scale, *viii.* 269.

— — Sanderson's system of, examined, *viii.* 113-114.

— — Watts' vague notions on, *viii.* 114-115.

— — False notions by Reid and Kaimes on, *viii.* 115-116.

— — as applicable to the three physical kingdoms, *viii.* 268-269.

Division of matter—Connexion between actual, and the conceptions that may be formed of it, *viii.* 202.

Division of labour—Efficacy of, *iii.* 67.

— — among lawyers, increases instead of diminishing the expense, *vii.* 202.

Division of jurisdiction—How far useful, *vii.* 288-290.

Division—General, of property—The effect of a, discussed, *i.* 303, 358-364.

— General, of property—impracticable, and not seriously entertained, *in.* 605-608.

Division of Committees of the whole House—Form of, *ii.* 373.

Divisions of Legislative Assemblies in voting—Arrangements for, *ii.* 371.

— in Legislative Assemblies—Reason why

- they should not take place till the debates are over, ii. 342-346.
- Divisions in Parliament**—Use of statistics as to, and method of procuring, iii. 496-497.
- of the State to which the Constitutional Code may apply—Provision for, ix. 147-150.
- Divorce as a punishment**, i. 472.
- Principles of the Civil Code with regard to, i. 352-354.
- Facilitation of, considered, i. 544.
- Divorces**—A Register of, to be kept in terms of the Constitutional Code, ix. 629.
- Doane—Richard**—Editorial note by, to Constitutional Code, ix. iii-iv.
- — Note by, on the Principles of Procedure, ii. 2.
- — Notes and Elucidations by, ii. 2, 136, 140, 169-170, 177, 181; vi. 381-382, 384, 385, 386, 387, 388, 404, 407, 410, 415, 417, 451, 462, 464, 471, 473, 474, 489, 494, 533, 542, 548, 582; vii. 7, 20, 22, 27, 34, 43, 48, 51, 59, 61, 69, 70, 71, 72, 115, 123, 124, 134, 143, 156-157, 159, 165, 168, 177, 190, 199, 202, 208, 241, 245, 246, 248, 254, 255, 257, 260, 269, 276, 283, 286, 303, 306, 308, 310, 321, 325, 327, 333, 346, 349, 361, 368, 375, 378, 382, 397, 398, 400, 401, 402, 403, 404, 405, 409, 411, 412, 414, 421, 422, 423, 424, 434, 435, 446, 460-461, 464, 490, 497, 503, 504, 507, 510, 520, 526, 536, 538, 539, 549, 559, 571; ix. 71, 73, 109, 118, 126, 141, 472, 517, 541.
- — noticed, x. 604; xi. 61.
- Dobell's China**, referred to, iv. 440.
- Docibility**—a property desirable in a language, viii. 191.
- Docimastic**—The term applied to those school exercises which are not for teaching but for proving proficiency, viii. 44.
- Docimastic process**—Written evidence subjected to the, vi. 172.
- Docking an entail**—Fraud involved in, v. 453-454.
- Doctrines**—Evil to truth by rewarding particular, ii. 211.
- Document**—Litigant producing should declare his credence in, vii. 117-118.
- Party wilfully withholding—Conclusions and Penalties to which he should be liable, vii. 148.
- in the hands of an adversary—Procedure regarding, in English law, vii. 193-195.
- Documents**—Ancient—Authentication with regard to, vii. 179, 192-193.
- Documentary evidence distinguished from testimonial**, vi. 219.
- Doddington—Bubb**—(Lord Melford)—The political profligacy exhibited in his Memoirs, i. 240; ii. 385.
- Dog-stealing act**—The, animadverted on, i. 415.
- Dogmas—Religious**—Their connexion with the Penal Code, iii. 171.
- Dogmatism**—a charge made against opinions one differs from, ix. 5.
- Dolus**—Use of the term in Roman law, i. 45; iii. 278; vi. 248.
- Domains of the Crown**—Application of public competition to the leasing of, v. 325-328.
- Domain-Minister**—Functions of, in regard to the property of the state, by the Constitutional Code, ix. 443.
- Domestic economy**—Source of experimental information on, in a system of Pauper management, viii. 425-426.
- — Application of the Arts and Sciences to, viii. 35.
- Domestic morality**—Influence on, of a good system of Pauper management, viii. 419-420.
- Domestic relations**—Offences against the, i. 121-132.
- — Effect of, on testimony, vi. 160-164; vii. 575-581.
- Domestic and civil government compared**, i. 569.
- Domestic or natural system of judicature contrasted with the technical**, vii. 197-199.
- Domestic Tribunal**—The. Adoption of the principles of, recommended for judicial procedure, i. 558.
- — Reception of testimony of party by, ii. 26.
- — Reconciliation a feature of, ii. 47.
- Domicile**—Violation of, as an aggravation of personal injury, i. 165, 168.
- of litigant—Criterion of, vii. 253.
- with relation to jurisdiction, ii. 27-28, 33-34.
- Dominion**—Definition of, ii. 540.
- Extensions of—Evil influence of, on liberties at home, iii. 439.
- Domitian noticed**, ix. 605.
- Donnellan—Captain**—Case of, cited, vi. 45 n †, 154; vii. 11 n \*, 16, 21 n ‡, 55, 68.
- — Case of, an illustration of preparation as evidence of crime, vii. 19-20.
- — Extracts from pamphlets on trial of, vii. 75-76 n, 182 n.
- Door Plates**—compulsory general use of, to designate voters, iii. 586-587.
- Dormant Peerages**—Practice connected with claims on, ii. 220.
- Dorset—Duke of**—noticed, x. 301; xi. 24.
- Double-entry**—System of Book-keeping by, objected to, v. 383-386.
- Double-fountain principle**—viz. the adoption of a rigorous or literal interpretation of law according to caprice, v. 14, 512; vii. 308-309, 339.
- Douglas cause noticed**, vi. 329 n; vii. 351.
- Dower**—The proper province of any such

- law of fixed provision, in connexion with the stipulations of parties, v. 404.
- Downes—Dr, a fellow student of Bentham's, x. 45.
- Dragoons—Origin and employment of, ix. 399 n.
- as a branch of defensive force, ix. 349.
- Drains—Authority of the Health Minister regarding, by the Constitutional Code, ix. 445.
- Draper—Sir William, noticed, x. 112.
- Draught of a Code for the organization of the Judicial Establishment in France, with a commentary on the draught by the National Committee, iv. 285-406. *See* Judicial Establishment.
- Draughtsmen—Equity, considered as redundant Judiciary assistants, ix. 462-463.
- Legislative, should provide for the incidence of burden of proof, vi. 139.
- Drawbacks on exportation—a gift to the foreign consumer, iii. 65. More expensive than bounties, ib.
- Drawing—How it may be adapted to the faculties of early learners, and be subservient to instruction in other branches of education, viii. 29-30, 33.
- Drawing of Laws—Essay on the, iii. 231-283. *See* Nomography.
- Drawing and redrawing of Bills—Virtual usury in, iii. 13.
- Dread—Superstitious; Knowledge a preservative against, viii. 13.
- Dreams, as instances of false facts under the guise of real ones, vi. 255.
- Dresden—Letter addressed to Bentham from, on the state of European politics in 1794, x. 297-300.
- Dress—Distinctive, for members of legislative assemblies, considered, ii. 320-321.
- Dresses—characteristic and professional. Application of, i. 557.
- Drinking—The mischievous effects of, iv. 153-154 n.
- Droits of the Admiralty—A sinister interest in favour of war created by, ix. 21.
- — — Brougham's Inquiry as to, x. 459-460.
- Drop—the new. Instance of a reform which Lawyers and Officials had no interest in obstructing, v. 119.
- Drowning as a punishment, i. 407-408.
- Drum-head Courts-martial—Despotic nature of, ix. 421.
- Drunkenness, sottishness, &c., as motives, i. 197.
- Effects of, on society, i. 539-540.
- promoted by having Benefit Societies in Public Houses, viii. 413-414.
- Extent and evils of, in Penal Colonies, i. 494.
- described as a main cause of crime and non-reformation in Penal Colonies, iv. 230-235.
- Drunkenness—Illegal orders by governors of penal colonies for the suppression of, necessitated by want of constitutional authority, iv. 271-272.
- Motives for abstaining from, as an illustration of the action of the Sanctions, iii. 292.
- Dryden noticed, ii. 383; x. 20.
- Dublin—University of. Use of Geometry without diagrams in, viii. 159 n.
- Ducking as a punishment, i. 413.
- Duelling—Origin and operation of, i. 378-381. Does not afford protection to all, 379. Defects as a punishment, ib. Aggravates offences, ib. Involves third parties, 380.
- Indulgence to, as a preventive of assassination, i. 542-543.
- Earlier and later opinions on the subject of, x. 65-66.
- Motives leading to, i. 51.
- not distinguished in law from assassination, vii. 22 n \*, 413.
- Letters to the Duke of Wellington on, xi. 12-15.
- Dumb. *See* Deaf and dumb.
- Dumeril—The merit of his work on Zoology, ix. 149 n.
- Dumont—Etienne—Notice of, and of his connexion with Bentham, x. 184-186. Gets Bentham's MSS. from Romilly, 184. Introduced to Bentham, 185. Intercourse with Mirabeau and Talleyrand, ib. Cause of alienation from Bentham, ib. Bentham's account of, ib. His habits as a guest of Romilly, 188.
- — Letter from, on the MSS. of the Penal Code, and the French refugees, x. 286.
- — Letter from, on the state of the French Assembly, x. 219.
- — Miscellaneous letters from, x. 300, 315, 422, 427-428, 433-434, 455, 459, 463, 467, 487, 490-491, 499, 525.
- — Miscellaneous letters to, x. 343-344, 356, 376-377, 381-383, 387-390, 399, 403, 413-414, 449, 552.
- — His method of communication, and interchange of criticisms, with Bentham, x. 308-309.
- — Letters from, on the progress of Bentham's works in France—Talleyrand's opinion of them, &c., x. 378-381.
- — Letter from, with account of the progress he is making in editing the French translation of Bentham's works, x. 383-384.
- — Letter from, on the publication of the *Traité de Législation*, x. 386-387.
- — The character of, sketched in a letter to Sir F. M. Eden, x. 395.
- — Notes taken by, during a residence at St Petersburg, x. 405-406.
- — Letters by to Romilly from Russia—Progress of Bentham's works—Czartorski—Speranski and his wish to apply to Bentham on Codification—Anecdotes of Puget—Professor Parrot, 406-409.

- Dunnont—Etienne—Farther notes by, on Russian affairs, 409-410.
- — Letter from, on Bentham's works in Spain, and the best means of instructing the Cortes in the rules of debating, x. 438-439.
- — Letter from, on the difficulties of Translation, x. 451.
- — Specimen of his English composition, x. 460.
- — Character of his redaction of the Anarchical Fallacies, x. 498.
- — Announcement of the death of, xi. 23-24.
- — Letter written by, immediately before his death, with an estimate of Bentham's character and philosophy, xi. 24.
- — Letters to, on illegal detention in New South Wales, and the official conduct as to the Panopticon, xi. 127-132, 141-143.
- — Objections to the principle of utility answered by, i. 11-13.
- — His explanation of the uses of the Examination of the circumstances influencing sensibility, i. 33-35.
- — Commencement of the author's intimacy with, alluded to, i. 249.
- — Introduction by, to the Principles of the Civil Code, i. 299-300.
- — Account by, of his editing *Théorie des Peines et des Récompenses*, i. 388-390.
- — MSS. from which he edited *Théorie des Peines et des Récompenses*, ii. 191.
- — Difference of opinion with the author and, as to opinions concerning reward, ii. 191.
- — Notes by, to *Rationale of Reward*, ii. 195-196.
- — His comparison of the author's Properties of punishment with those of Montesquieu and Beccaria, i. 406-407.
- — Note by, on application of analogy to punishments, i. 409.
- — His sketch of the advantages of the author's Panopticon, i. 498-503.
- — Note by, on hereditary Professions, ii. 229-230.
- — Note by, on adjustment of salaries to offices, ii. 240-241.
- — on pensions of retreat, ii. 245-246.
- — Note by, on classical learning, ii. 260.
- — Enumeration by, of the advantages of dividing Legislative assemblies, ii. 308-310.
- — Note by, on Table of motions, in Legislative Assemblies, ii. 319.
- — on the three readings of a law, ii. 360-361.
- — His classification of Fallacies, ii. 381.
- — Note by, on coincidence between Bentham and Malthus, iii. 73 n.
- — Note by, on encouragements to marriage, iii. 74 n.
- Dumont—Etienne—Note by, on General view of a complete code of Laws, iii. 156.
- — His letter to Bentham on the drawing of the Penal Code for Geneva, iv. 569-570.
- — His commission to prepare a body of Laws for Geneva, iv. 479, 507.
- — His communication of the opinion entertained of Bentham by the Italian Liberals, iv. 576-577.
- — His objection to Bentham's scale of persuasion combated by the editor of the original edition of the *Rationale of Evidence*, vi. 234-235.
- — His *Traité des Preuves Judiciaires* noticed, vi. 201.
- — Letter in the handwriting of, offering services in Law Reform for France, on the part of Bentham, x. 268-269.
- — casually noticed, ii. 381; iv. 453, 456 n, 469; viii. 465, 533; x. 63, 200, 249, 263, 280, 286, 313, 396, 412, 416, 419, 424, 440, 445, 449, 452, 453, 484, 542.
- Dundas—Sir David, noticed, v. 316.
- Dundas—Henry (Lord Melville)—His approval of the Panopticon Penitentiary, iv. 171; xi. 106-107.
- — His conduct in regard to the Panopticon, xi. 106-107, 113, 127.
- — Letter to, on the Panopticon, xi. 112-113.
- — Letter from Bentham to, on the drawing of Acts of Parliament, x. 292-293.
- — Trial of, noticed, vii. 243 n.
- — The impeachment of, a memorial of the uselessness of the process, v. 504.
- — casually noticed, v. 175, 183, 368; x. 280, 291, 295, 301, 306-307, 335, 358; xi. 103, 139.
- Dungeons as places of punishment—Efficacy of, considered, iv. 10.
- Dunmore—John Murray, fourth Earl of—Notice of, x. 124.
- Dunning—John (Lord Ashburton)—The Fragment on Government attributed to, i. 240-241; x. 82.
- — The author's admiration of his style, i. 241.
- — Notice of, and interview of author with, i. 250.
- — Casually noticed, vi. 389; x. 89, 92, 97, 111, 112, 113, 123, 124, 131, 236, 565; xi. 63.
- Duplicates of writings—The manifold system shown to be the only means of obtaining, with perfect accuracy, v. 432-435.
- Duport—M., on appeals, referred to, iv. 351.
- Duquesneau—a French refugee—Intervention in favour of, x. 289-290.
- Durability—A scale of, applicable to classes of things, ix. 248.
- Duration in the measurement of pleasure or pain, i. 16.

**Dutch constitution**—Tardiness and publicity of war procedure under, ii. 550.

— **The, Stratagem of, against the Hottentots, illustrative of economy in punishment, i. 398-399 n.**

**Duty**—Advantage of uniting it with interest, iv. 126.

— Advantage of uniting with interest, in Pauper management, viii. 380-381.

— Advantage of uniting with interest, in official emolument, ii. 237-238.

— Advantage of uniting with interest, in self-acting laws, ii. 199-200.

— Impracticability of getting attendance to, without self-regarding motive, iii. 507.

— Moral. How far it can be the object of reward, ii. 231.

— to one's self, and to others, distinguished, i. 143.

— as the converse of right, i. 292-293 n.

— as the converse of power, i. 106 n.

— of the Supreme power to make laws, i. 292-295.

— The finding of the foundation of, in doing as you would be done by, considered, ii. 526-527.

**Duties**—Rights and. French Declaration of, of 1795, ii. 524-529.

— — See Declaration.

— of the citizen—Impossibility of performing in England, from the incognoscibility of the laws, v. 546-547.

— of the legislator in regard to evidence, vi. 12-13.

**Duties**—Revenue. Trust and contract management of, compared, ii. 249-251.

**Dyer**—George—Opinion of, x. 571.

**Dynamics**—a science involving the predicament of motion, viii. 286-287.

— Psychological. Application of the term, i. 205.

**Dyslogistic**. The term explained, i. 209 ; vi. 246 n.

— appellatives—Causes of the abundance or deficiency of the application of, to the springs of action, i. 212-214.

**Dyslogistic and Eulogistic epithets**—Employment of, in political discussion, ii. 436-438.

## E

**Ease**—Motive correspondent to the love of, i. 55-56, 204. An occasional tutelary motive, ib.

— Love of, one of the sinister influences to which judges are liable, v. 90.

— Love of, a motive tending to produce truth in evidence, vi. 262.

**East India Bill**—Burke's. Characteristics of the author deduced from, v. 299-300.

**East India Company**—Specimen of an aristocratic government opposed to any security against misrule, ix. 195.

**East India Directory**—Constitution of the board censured, v. 122 n.

— — — Votes in—Secrecy defeated in, ix. 275 n\*.

— — — An illustration of female suffrage, ix. 109.

**East Indies**—The statement that New South Wales is a good nursery of soldiers and sailors for, discussed, iv. 208-209.

— — Authentication of writings in, vii. 187 n.

— — See India—British.

**Ecclesiastical assemblies**—Arrangement of order in, with reference to speaking and voting, ii. 348 n.

**Ecclesiastical Code**—Plan of the, and connexion of, with the other codes, iii. 202-203.

**Ecclesiastical courts**—The superaddition of the jurisdiction of, to the other courts, a grievance presented in Petition for justice, v. 485-486.

— — Necessary tribunals of exception, iv. 334-335.

— — Method of punishing in, by disabilities, i. 514-516.

— — Affidavit evidence in, vi. 40-41.

— — Bandyng of causes in, vii. 237.

— — Distinctness of statements in, as compared with equity, vii. 365.

— — Mode of extraction of evidence in, vi. 492-499. See Extraction.

— — Cross-examination in, vi. 491-492.

— — Examination of parties in, restricted by the common law, vii. 458-459.

— — Oaths administered by, vii. 265.

**Ecclesiastical law**—Re-examination according to, vi. 452.

**Ecclesiastical and Equity practice compared**, vi. 497-498.

**Ecclesiastical offices**—Sale of, noticed, ii. 248.

**Ecclesiastical patronage**—Should one of an adverse creed exercise ? ii. 509.

**Ecclesiastics**—Proposals for depriving them of the power of mischief without severe coercion : in reference to the proposed Spanish constitution, viii. 547-550.

**Eclectic-spastic source of motion, or Elective attraction**, viii. 141-142.

**Economical, as a common division of law**—the term criticised, iii. 157.

**Economics**—Physical. Place of, in the Chrestomathic system of Instruction, viii. 35.

**Economy as a motive**—Character generally attributed to, i. 214.

— Frugality, &c., as designative of motives, i. 198.

— False application of a demand for, ii. 472-473.

— in the administration of penal colonies—



- Impracticability of, as illustrated in New South Wales, iv. 245-247.
- Economy—Contract, where practicable, the best means of ensuring—Incompatibility of board or trust management with, and impossibility of making legislative arrangements for, iv. 125-134.
- Instrumentality of Panopticon system in effectuating, iv. 39.
  - The rule of, how applied in the operation of prison discipline, iv. 123-125.
  - in rewards—Principles of, ii. 216.
  - in punishment—Principles of, i. 398-399.
  - in the expense of punishing criminals—Deficiency of the Transportation system in, iv. 201-211.
  - in the public service—to what extent dangerous, i. 548-549.
  - Defence of, against Burke, v. 278-301.
  - Defence of, against Sir George Rose, v. 302-328.
  - of the sources of motion—Application of, to Mechanics, viii. 143-144.
- Economy—Domestic—how far it should be enforced by the absence of charitable provisions, i. 314-315.
- Source of experimental information as to, in a system of Pauper management, viii. 425-426.
  - Application of the Arts and Sciences to, viii. 35.
- Economy—Political. The ends of, iii. 295.
- Manual of, iii. 31-84.
  - Introduction to the Manual of, iii. 33-35. A science and an art, 33. *Sponte acta* what done by individuals, ib. *Agenda*, what to be done by Government, ib. General rule that nothing to be done by Government, and the reasons, 33-34. Power, intelligence, and inclination, the three requisites for a proper course, 34. Last chiefly possessed by individuals, ib. In the form of rewards the others cheaply administered, 35. Settlement of the precedence of subsistence and defence over enjoyment, ib. The measures that are not special exceptions to be considered *non agenda*, ib. Interference reduced within the compass of security and freedom, 35.
  - Analytical survey of the field of, iii. 35-40. Division into *sponte acta*, *agenda* and *non agenda*, ib. Whatever is done, is by creating inclination, or bestowing power, ib. Operation on inclination analyzed, 35-36. Operation by power, 36. Encouragements analyzed, ib. Causes of, or ingredients in, the matter of wealth, ib. Subjects comprehended under the term wealth, 37-38. Sources of wealth, 38. Increase and decrease of wealth, 38-39. See Wealth.
  - Services of Registered Statistics to, ix. 627.
  - with reference to a Code of Laws, iii. 203-204.
- Economy—Technical—as to manufactures, &c.—Source of experimental information as to, in a system of Pauper management, viii. 426.
- Eddy—Thomas—referred to on the New York Penitentiary, iv. 213, 217, 235, 237.
- Eden—Sir Frederick Morton—Correspondence with, about Dumont and his Traductions, the Panopticon project, and the Globe Insurance Company, x. 395-398.
- — — noticed, viii. 366; x. 399.
- Eden—William (Lord Auckland)—corresponds with Bentham on the Hard Labour Bill, i. 255; x. 86.
- His Hard Labour Bill examined, iv. 1-35.
  - Attempts of, in Law Reform, i. 241-242.
  - — — casually noticed, ix. 606; x. 165; xi. 98, 100.
- Edgeworth, Mr Lovel—Bentham's refusal to see, xi. 79.
- — — noticed, viii. 148; x. 183.
- Edgeworth—Maria, noticed, vii. 188.
- Edgeworth—Maria and Lovel—"Practical Education" of, noticed, ii. 206.
- Edinburgh—Bridewell at. The Panopticon principle suggested to Mr Adam for, x. 252.
- Account of, by Sir S. Romilly, x. 294-295.
- Edinburgh High School—Success of the Monitorial System in, viii. 59-63.
- Edinburgh Review—Praise of, v. 257.
- Opinions of, combated by Editor of original edition of *Rationale of Evidence*, vii. 476-479, 486, 487-488.
  - Defence against, x. 510.
- Editors of Newspapers—The leaders of the Public-opinion Tribunal, viii. 565.
- — — Comparison between the operations of, and those of the Courts of Law, viii. 567-568.
  - — — Comparison of the power of, with that of the official judicatures—Elements of superiority and inferiority, viii. 568-572. See Public Opinion.
  - — — The qualities which they should give their productions, considered in relation to the position held by them, viii. 579-581.
- Edmonds and others—Brief remarks on the untenability of the indictment in the case of, v. 239-251.
- Edmund's Solicitor's Guide—quoted on the Art of packing Juries, v. 78 n, 82, 84.
- EDUCATION—Definition and analysis of, x. 71.
- Use to be made of the power of, i. 569-570. Direction of, 569. Class that should be the peculiar care of government is the indigent, 570.
  - Influence of, on sensibility, i. 29.
  - Advantages derivable from, viii. 8-10. See Learning.

Education—as a means of improving the value of the human race, and thence a branch of Pauper management, viii. 395-397.

- of children in Industry-Houses, viii. 385. *See* Pauper Management.
- Pauper. Separation for the purposes of, viii. 373.
- as the art of governing the non-adult, i. 143. Divided into public and private, ib.
- as a duty of guardians, i. 347.
- Necessity of counter-operation of reward and punishment for, iv. 63.
- Jealousy by the higher classes of extension of, to the lower, viii. 19-21.
- opposed by those who complain of the want of it, iii. 471-473.
- Interests which tend to the propagation of false ideas of particular branches of, viii. 28.
- Effect of, in reducing the mischievousness of offenses, i. 536-538.
- How far the Panopticon system can be advantageously adapted to, iv. 62-66.
- as a qualification for the franchise, iii. 464, 560.
- A system of, to qualify for office, ix. 277-279.
- as a means of supplying certain kinds of service, ii. 234.
- Legal. Gradual promotion of judges as an inducement to, iv. 370-372.
- The branches of, that are the most generally useful, should be first taught, viii. 14-15.
- Attention of the author directed to the improvement of, iv. 530.
- Useful national. The Universities obstacles to, ii. 468.

Education—The Chrestomathic system of—  
The special advantages of, viii. 11-16. *See* Learning.

- — — Objections to, answered, viii. 16-21.
- — — Obstacles and encouragements to, viii. 22-25.
- — — Priority of subjects in, viii. 25-28.
- — — Stages of instruction in, viii. 28-40.
- — — Branches of instruction excluded from, viii. 40-43.
- — — Intellectual exercises of, viii. 44-46.
- — — Principles of management of, viii. 46-53.
- — — *See* Chrestomathic.

Education—Moral and scientific. Notes on, from the Memorandum-book, x. 76-77.

Education-minister—Provision for, in the Constitutional Code, ix. 441-443. Functions, 441-442. To preside at examinations of candidates for office, 442. To exercise as to educational establishments, the Inspective, Statistic, and Melioration-

suggestive functions, ib. To report as to any establishments kept up to give rewards to the propagators of particular opinions, ib. Limits of his interference with religion—to report doctrines appearing to be conducive to crime, ib. To report whether children should be educated for colonization, on account of the pressure of population, 443.

Edward I noticed, v. 159, 248.

Edward III. noticed, x. 12-13.

Edwards—Bryan. Opinion of, on profits of colonies, iii. 54.

- — — quoted as to the sacrifice of life in the slave trade, iv. 196-197.

Effect—Cause and—Fictitious entities connected with, viii. 206-210. *See* Cause and Effect.

Effects—Division of, into those of the first and those of the second order, and the uses made of it, iii. 288-290.

Egeretic Coenonesiology, or Rhetoric. Its position in the Encyclopedical Sketch of Art and Science, viii. 91.

Egotism—Occasions when it should, and when it should not appear, ix. 5.

Egremont—Lady. Notice of, x. 91.

Egypt—Priesthood of, characterized, i. 537.

- Incestuous alliances in, alluded to, i. 351.

Egyptians—Hereditary professions among the, ii. 229 n †.

Either—Ambiguous employment of the word instead of each, viii. 314.

Ejectment—Action of, unadverted on, iii. 410; vi. 579 n †.

Elasticity as a source of motion in the form of gasification and degasification, viii. 134-136.

Eldon—Lord. Indications respecting, v. 348-382. Analysis of charges against, in the Indications, &c., v. 348-349. The abuses he found in the Court of Chancery as to fees to masters, &c., and their increase under him, v. 349-351. Sanction given to creation of fees by Lord Erskine, 351-356. Mr Lowe's exposure, 357-359. The case of Salisbury as to prison fees, 359-362. Procures an act to legalize the laying on of fees, 362-364. Accession to swindling in countenancing the system of fees for fictitious attendance, 364-367. Comparison with ship-money, 367. Danger of the abuse tested by applying the principle to other departments, 367-368. Head of a partnership in plunder, 368-369. Use of dispensing power, 369-370. Evidence of Romilly and others in favour of, disputed, 370-372. Resumé of his defects in regard to doubts, &c., 372-375. Equity has become a system of fraud and extortion under, 375-377. The amount of his salary compared with his work, and his own defence to charges on the subject, 377-382.

- Eldon—Lord—Indications respecting—Bentham entreated to suppress, x. 542.
- — Delays in the Court of Chancery under, x. 460-461.
- — His bill for reforming the Court of Session in Scotland, examined, v. 47-53. 153-155.
- — His doubts, ii. 175.
- — Specimen of inaptitude of expression by, iii. 373 n.
- — Casual notices of, iii. 375, 387 n, 389, 427 n; iv. 425 n, 434 n +; v. 2, 159, 247, 285, 316, 340, 391, 403, 414, 473, 542, 545, 559, 586 n, 591, 596; ix. 196 n, 219, 414, 520, 606; x. 51, 186, 531, 534, 571, 572, 575, 596; xi. 10, 105.
- Election—The doctrine of, in religion, i. 9 n.
- Election (of representatives)—Reasons why it should be immediate, and not by the election of electors, ii. 301; ix. 117-118.
- Elections (of representatives)—Frequency of, as a means of securing aptitude in members, iii. 542-543.
- Illustrations of tyranny at, iv. 435-436 n.
- Elements of the expense and inconvenience attending, iii. 546.
- Influence of wealth on, ii. 312.
- Examination of the corrupting influences that affect the freedom of, iii. 476-482.
- Bribery and intimidation at, compared with each other, iii. 482-485.
- Corruption at, would be neutralized by secret voting, ii. 453-454.
- Proper influences on, iii. 448-449.
- The several collateral evils attendant on, iii. 558-559.
- Means for reducing the expense and inconvenience of, iii. 547-548, 558-559.
- Discussions and addresses at, not restrained by secret voting, ii. 369.
- Contested. Better if the purchase-money in, went to the Nation, instead of individuals, iv. 373 n.
- Secret voting at, ii. 368-369; iii. 487-490. *See Secrecy.*
- Resolutions as to, prepared by Bentham, and moved by Sir F. Burdett, x. 495-497.
- Apparatus for, in Radical Reform Bill—avoidance of misselection, tumult, expense, &c., iii. 571-574.
- Promulgation and recommendation of candidates at, in terms of Radical Reform Bill, iii. 574-575.
- Method of certifying and registering persons qualified as voters at, for purposes of Radical Reform Bill, iii. 575-577.
- Form of conducting, by Radical Reform Bill, iii. 577-579.
- Election Districts—Plan of division of the country into, iii. 579-582.
- Election causes—Necessary multiplicity of evidence in, vii. 534.
- Election causes particularly unmeet for judicial privacy, vi. 372.
- Election committees—Expense and inconvenience inseparable from, iii. 546-547.
- Election-master general, and assistant officials—Provision for appointment of, in Radical Reform Bill, iii. 567-570.
- Election-minister—Functions of, by the Constitutional Code, in putting in execution the Election Code, ix. 428.
- Election offices—national and district—Provisions for appointment of, in Radical Reform Bill, iii. 567-570.
- Electioneering—proscribed to judges, iv. 379.
- Elective franchise compared with qualification of jurors, ii. 127-128.
- — The, a trust, i. 484; iii. 560.
- Electors—Elements of reform with regard to the position of, iii. 452-454. Virtual universality of suffrage, 452-453. Freedom of suffrage, including secrecy, 453-454.
- Definition and constitution of, in Radical Reform Bill, iii. 564-566.
- Publicity of legislative proceedings necessary to enable them to act from knowledge, ii. 312.
- Table of the numbers of, in seats open to competition, iii. 530.
- Dependence of representatives on, urged, iii. 454-456.
- Use to, of a Rationale attached to the body of the law, iv. 493.
- Advantages to, of the arrangements laid down in the Reform Catechism, iii. 549-550.
- Electoral addresses—Specimens of, x. 245.
- Electoral districts—Provision of Radical Reform Bill as to, iii. 563-564.
- — Provision in Reform Catechism for division into, iii. 540-541.
- — Equality with respect to, iii. 518-519, 532-533, 540-541, 561, 563.
- Electric source of motion—The limited extent of, viii. 137-138.
- Electricity—Utility of, ii. 256.
- defined and located in the Chrestomathic system of Instruction, viii. 32.
- Illustrative of the rise of new branches of Art and Science, viii. 27.
- Illustrative of the formation of scientific nomenclature from incidental circumstances, viii. 70-71.
- How far connected both with chemistry and mechanics, viii. 32.
- Eleemosynary Advocate—Reasons for appointment of, by Despatch Court Bill, and corresponding provision, iii. 310, 342.
- — Provisions for appointment of, in terms of Constitutional Code, ix. 577-579.
- — *See Advocate.*
- Eleemosynary function of Local Headman by Constitutional Code, ix. 616-617.
- Elements—The classification of, as fire, air,

- earth, and water, a relique of barbarous science, viii. 79-80.
- Elements of the Art of Packing* as applied to special juries, particularly in cases of Libel Law, v. 61-186.
- — — Advertisement to first edition of, v. 64.
- Elephants—Speculations on the possibility of employing them as a moving force, iv. 145 n.
- Elizabeth—Queen—Her monopolies, iv. 262.
- — — Infallibility claimed for the Church during the reign of, v. 228-229.
- — — Reign of, characterized, iii. 516 n.
- Ellenborough—Lord—His definition of the Liberty of the Press, v. 97, 243.
- — — His dicta on Cobbett's trial, taken as illustrations of the state of Libel Law, v. 106-114.
- — — His enlargement of the Law of Conspiracy animadverted on, v. 249.
- — — His Act—A characteristic memorial, v. 363.
- — — Casual notices of, v. 93 n, 113, 117, 151 n, 159, 162 n, 480.
- Ellice—Lady Hannah—allusion to, xi. 71.
- Elliot—Mr, a visiter at Bowood, x. 94, 95, 96.
- Elliot—Mr, Minister at Copenhagen—Observations on the Declaration presented by, to the court of Copenhagen, urging a rupture with Russia—under the title "Anti-Machiavel," x. 201-211.
- Ellis—Mr—The last scrivener of the city of London, noticed, x. 124.
- Eloignement of evidence—Presumption of guilt from, vii. 47-49 n.
- Elucidations—bad practice of printing them at a distance from the matter elucidated, viii. 178.
- Emancipate your Colonies.* A pamphlet addressed to the National Convention of France, in 1793, iv. 407-418.
- Emancipation of slaves—Compensation in the case of, considered, i. 312-313.
- — — Proper principles of, i. 346.
- Embargo—Circumstances justificative of, ii. 512.
- Embezzlement—Nature of the offence, i. 117-118.
- — — Place of, in the subdivisions of the Penal Code, iii. 166.
- Embioscopic Epigeoscopes, or the natural history of animals and vegetables—Position of, in the Encyclopedical Sketch of Art and Science, viii. 86-87.
- — — Division of, into Azooscopic and Zooscopic, viii. 87.
- Emblematic punishments for offences against honour, i. 381.
- — — inferring infamy, i. 461.
- Emigration—Whether Government should interfere in, iii. 74-75.
- Emolument derived from supporting opinions—Effect of, ii. 264.
- Emoluments of public offices—Rules as to, ii. 238-240.
- — — Smallness of, conducive to aptitude, v. 271-272.
- — — should be the least that the duties will be rightly done for, ii. 241-242.
- — — Nominal should not exceed real, ii. 242-243.
- — — Expense of, should be borne by those benefited, ii. 243-244.
- — — should be large enough to exclude corruption, ii. 244-245.
- — — Principles applicable to reduction of—indemnity, &c., ii. 251-252.
- — — Influence of, on the zeal of officials, ii. 235-237.
- Emotion—Relation of, to pleasure and pain, x. 509.
- Emotions—Bodily, how far they indicate mental feeling, i. 27-28
- Emperor—costliness of a nation having so high a title in its chief magistrate, ix. 89.
- Empiric—popular adaptation of the term renders it unfit for use in Encyclopedical nomenclature, viii. 88 n.
- Employers and Employed—Plan for a general system of communication between, and its anticipated results, viii. 398-399.
- — — Effect of the relationship between, on evidence, vii. 575-576.
- Employment—Choice of species of, in prisons, urged, iv. 59-61.
- — — of convicts under the Panopticon plan, iv. 141-153. *See* Panopticon.
- — — Uses of statistical information as to the state of, ix. 627.
- — — Suitable. Increased chance of preparation for, by the Chrestomathic system of education, viii. 11.
- Employment-varying principle, in the management of the Chrestomathic school, viii. 53.
- Empson and Dudley—Allusion to the extortions of, iii. 427 n.
- Emulation—Encouragement of, in schools, ii. 198.
- — — Cultivation of, by competition for rewards, ii. 225-229.
- — — as a security for judicial aptitude, iii. 396.
- — — among judges—Extent of the operation of, vii. 288-289.
- Enactment—Functions exercised in giving existence to an, iii. 216.
- — — Forms of—Considerations regarding, iii. 277-283.
- Enclosure Bills—System of, noticed, i. 342.
- — — favourable both to the rich and the poor, viii. 449.
- Encouragement—Effect of, on trade, iii. 57.
- Encouragement to crimes—How to avoid furnishing, i. 546-548. Unjust detention of property—by debt, &c., 546-547. Unlawful destruction of insured property, &c., 547. Treasonable insurances, ib.

- Peculation by superintendants, *ib.* Statesman profiting by war, *ib.* Wagers, 547-548. Monastic vows, 548.
- Encyclopedia—Defects in the term, for the purposes to which it is applied, viii. 73 n.
- Encyclopedical—Use of the term, to express matters connected with the whole field of human knowledge, viii. 67.
- Encyclopedical Map—D'Alembert's, its imperfections as a general division of Arts and Sciences, viii. 73-82. 1st. Subject inadequately designated—Figured system of human knowledge, 73. Poetry included in knowledge, *ib.* Art incidentally mentioned, whereas it should have been conjoined with Science, 73-74. 2d. Primary source of division ill chosen—not chosen from the nature of the subject, but of the human faculties employed on it, 74. Memory, reason, and imagination, his list of the faculties—an imperfect one, *ib.* Perception which employed in all omitted, 74. Attempt to make a more complete list of the faculties, 74-76 n. The inventor, the learner, and the teacher—the subjects of distinct faculties, 75-76. These described, *ib.* The distinction lost sight of by D'Alembert, 76. Faculties ranged according to what they produce—*e. g.* Poetry, music, &c., *ib.* Reason an improper term, as it is generally used to express approbation of the method in which the ratiocinative and judicial faculties are exercised, 77. False allocation of subjects—under memory, natural and civil history—under reason, natural philosophy, *ib.* Superstitions admitted which should have been exploded in D'Alembert's day, 77-78. 3d. Scheme of division loose and irregular—a contrast with the certainty and regularity of the Bifurcate mode, 78-79. 4th. Appellations inapposite, 79. 5th. Distinctions unwarranted by corresponding differences, *ib.* 6th. Repetitions, or the same objects presented to view under different names—The materials of the earth's surface brought four times over under the subject of memory, 79. The same repetition repeated for the supernatural, *ib.* Brought forward again as the subjects of reason, *ib.* Meteors and elements made separate classes, 79-80. Seems to adopt the old division of all things into earth and heaven, 80. The nature of the discourse incomplete—no complete propositions with verbs, thereby indeterminate and veiled from controversy, 80-81. Apology for the defects, 81-82.
- Encyclopedical Nomenclature—Course to be taken for framing the most perfect practicable system of, viii. 71-73.
- Encyclopedical Sketch of Art and Science—Specimen of a new, with a correspondent synoptic table, viii. 82-95. Eudæmonics (or wellbeing) the object of every art, and subject of every science, 82. Correspondent to wellbeing as an art, is Ontology, (the science of being,) 83. Ontology divided into Coenosopic (regarding-properties common to all) and Idiosopic, (regarding properties peculiar to classes,) or, the former metaphysics, the latter all other branches, 83-84. Division of Idiosopic Ontology into Somatology (sciences of body) and Pneumatology, (science of mind,) 84. Division of Somatology into Pososopic (quantity-regarding) and Poiosopic, (quality-regarding,) 85. Division of Pososopic, or Mathematics, into Morphosopic (form-regarding) and Alegomorphic, (form-not-regarding,) or, Geometry and Arithmetic, 85-86. Division of Arithmetic into Gnostosymbolic (signs-of-known-quantity-regarding) and Agnostosymbolic, (signs-of-unknown-quantity-regarding,) or simple Arithmetic, and Algebra, 86. Poiosopic Somatology divided into Physiurgoscopic (nature's-work-regarding) and Anthropurgoscopic, (man's-work-regarding,) or Natural History and Natural Philosophy, *ib.* Division of Physiurgics into Uranosopic (heavens-regarding) and Epigeosopic, (on-earth-regarding,) *ib.* Division of Epigeosopic Physiurgics into Abiosopic (or life-not-possessing, &c.) and Embiosopic, (or life-possessing, &c.) 86-87. Division of Embiosopic into Azoosopic (Botany) and Zoosopic, (Zoology,) 87. Division of Anthropurgics into Coenosopic or Phanerodynamic, (or Mechanical Philosophy,) and Idiosopic, or Cryptodynamic, (Chemistry,) 87. Second division of Anthropurgics into Anapiric (or Experimental Philosophy) and Catastatio-chrestic, (or Technology,) 88. Division of Pneumatology into Noosopic (intellectual-faculty-regarding) and Pathosopic, (sensitive-faculty-regarding,) *ib.* Division of Pathosopic into Apopathosopic (mere-sensation-regarding) and Thelematosopic, (volition-regarding: Ethics,) 89. Division of Noosopic Pneumatology into Plasiosopic (or formation-regarding: Logic) and Coenonesiosopic, (or communication-regarding,) 90-91. Division of Coenonesiosopic into Didactic (information-affording) and Pathocinetic (passion-exciting,) 91. Division of Ethics into Dicastic (or censorial) and Exegetic (or expository, 92-94. Second division of Ethics into Genicosopic (general-matters-regarding) and Idiosopic, (particular-matters-regarding,) viz. Theoretical and Practical, 94. Third division of Ethics into Poliosopic (or state-regarding) and Apoliosopic, (or not-state-regarding,) 94.

- Division of Polioscopic into Esoscopic (interior-concerns-regarding) and Exoscopic, (exterior-concerns-regarding)—Internal and International Politics, *ib.* Division of Esoteric into Nomothetic (or legislative) and Aneunomothetic, (or without legislation,) *ib.* Division of Aneunomothetic into Aneristic (uncontentious) and Eristic (judicial)—ordinary administration and judicature, 94-95. Division of Eristic into Autothetic (self-established) and Catanomothetic (according to legislation.)—Common and Statute law, 95.
- Encyclopedical Sketch of Art and Science—Explanations relative to, viii. 95-98. *See* Table.
- Encyclopedical Table or Diagram—Uses of the, viii. 98-100.
- — Reasons why the mode of division in, should be exhaustive, viii. 101-102.
  - — Directions for planting, in any given part of Art and Science, viii. 118-121.
- End in view—How far a term interconvertible with subject, viii. 205.
- End justifying the means—Fallacy of the principle of, ii. 469-470.
- Ends of judicature—General view of, ii. 8-11.
- Ends of punishment—The, i. 396-397.
- Ends and means of the Constitutional Code, ix. 150-153.
- Enforcement of formalities of deeds, vi. 517-525. *See* Formalities.
- Engagements—The fulfilment of, not provided for by Common Law, v. 488.
- England—Deficiency of provisions in, for protection from injuries against honour, i. 542.
- Adjudication of cases in, without hearing the merits, ii. 74.
  - Union between, and Scotland. Commentary on, ii. 405-407.
  - Prosperity and happiness of—Estimate of the, and explanation of the cause of, ii. 119-120.
  - has the credit of producing the system of oral examination in Judicature, vi. 506
  - No constitution in, according to the correct meaning of the term, ix. 9.
  - The nature of the ecclesiastical and temporal divisions of, explained, ix. 149-150.
  - Bank of. *See* Bank of England.
  - Church of—perjuries committed on the side of, vii. 424 *n* t.
  - — *See* Church of England.
- English—The. Their diffidence towards, and jealousy of Foreigners, ii. 553.
- English language—Possessing the greatest number of words, is most capable of expressing modifications of ideas, viii. 187.
- — The conjunction *or* a source of ambiguity in, viii. 84-85 *n.*
- English language can express continuance of action in verbs, which the French cannot, viii. 350.
- — Characteristics of simplicity in, in the expression of case, gender, and number, viii. 345-347.
  - — Simplicity and force of, from the absence of inflections, viii. 310 *n.*
  - — The best adapted for a treatise on Universal Grammar, viii. 342.
- English Law—Simplicity of the early practice of, ii. 151-152.
- — Proposed as a standard from which to judge in transplanting laws, 171-172.
  - — General view of the imperfections of, particularly as a rule of action for the natives of India, i. 185-188.
  - — Large features of excellence, and gross defects in, iv. 314.
  - — Aberrations of, in respect to the requisition of more than one witness, vii. 525-531.
  - — Aberrations of, in regard to making some kinds of evidence conclusive, vii. 549-558.
  - — Aberrations of, in regard to authentication of writs in general, vii. 188-195.
  - — Aberrations of, in regard to the authentication of wills, vi. 542-551.
  - — Aberrations of, in regard to make-shift evidence, vii. 165-173. *See* Make-shift.
  - — Arrangements of, as to exclusion of evidence on the ground of vexation, vii. 352-353
  - — Collection of evidence under, vi. 34-43. *See* Collection.
  - — Compression of evidence in, occasions exclusion, vii. 538-540.
  - — Cross-examination under, vi. 33-34.
  - — Errors of, with regard to publicity and privacy in judicature, vi. 372-380. *See* Publicity.
  - — Errors of, in regard to Probative force of circumstantial evidence, vii. 68-73.
  - — Examination of the course pursued by, in regard to the testimony of a plaintiff, vii. 489-496.
  - — Course pursued by, in regard to the testimony of a defendant, vii. 496-506.
  - — Form of swearing a witness by, vi. 323.
  - — Inconsistency of, in questions as to Exclusion of evidence, vi. 113.
  - — Inconsistencies of, with regard to Self-disserving evidence, vii. 468-472.
  - — Instances of Extempore Recordation in, vi. 82-83.
  - — Judicial recordation under, vi. 414-415. *See* Notation.
  - — Practice of, as to Hearsay evidence, vii. 134 *n.*

- English Law**—Practice of, in case of make-shift evidence, vi. 60.
- — Practice of, in regard to evils arising from vexation in producing evidence, vi. 103-104, 110.
  - — Probable origin of the exclusionary rules as to evidence in, vii. 517-519.
  - — Rejection of the evidence of co-parties for or against each other, by, vii. 506-517. *See* Co-parties.
  - — Scale of trustworthiness in, vi. 175.
  - — Surplusage of writing in contracts &c., by, vi. 581-582.
  - — General defects of, in regard to evidence, vi. 206-207, 213.
  - — incidentally annulverted on, i. 157; ii. 32, 35, 38, 40, 47, 55, 57, 83, 84, 87, 104, 109, 111, 112, 140, 155, 169-178, 196, 222; vi. 400, 440, 465, 477, 548 n; vii. 17, 38, 49, 53 n, 160, 194, 369, 409, 438, 464, 475, 489, 555.
- English practice**—Commencement of suits by, annulverted on, ii. 73.
- — Resumé of the aberrations of, ii. 178-181.
  - — Mendacity-license of, and other evils, ii. 48-49.
  - — *See* Procedure.
- Enjoyment**—The wealth spared for, is what can be made available for defence, iii. 37-38 n.
- Enlistment as a military term**—Meaning of, ix. 348, 353.
- Mode of, by the Constitutional Code, ix. 396-397.
- Enmity**—Crimes arising from, do not admit of compensation, i. 573.
- Extent of the criminality of actions occasioned by, i. 81-82.
  - The pains of, i. 20
  - or partiality of witness—Effect of. *See* Cautionary Instructions.
- Ennu**—The nature of, and useful instruction shown to be a security against, viii. 8.
- Ensur**—George—Mention of, x. 603.
- Entails**—Docking—Fraud involved in, v. 453-454.
- Observations on the fictions for docking, vii. 283-284.
  - Evils of, and propensities which have given rise to, i. 333-334.
- Entanglement**—Complexity productive of, in the drawing of laws, iii. 249-250.
- of jurisdictions, a device of the technical system of Procedure, vii. 288-305.
- Enterprise**—Tendency of the usury laws to suppress, considered in Letters to Adam Smith, on projects in arts, &c., iii. 20-29.
- Enthymeme**—Nature of an, i. 283.
- ENTITIES**—The method of dividing into real and fictitious, and their explanation in regard to each other by Paraphrasis and Archetypation, viii. 126-127 n.
- Entities**—Real and fictitious—Necessity of a clear system of division of, in connexion with language and grammar, to clear the subject of Logic from its clouds, viii. 119-121.
- Division of Perceptible and Inferential—Real and Fictitious, viii. 195.
  - Perceptible—Analysis of, as distinguished from Inferential, viii. 195.
  - Real as contradistinguished from Fictitious, analyzed, viii. 196-197. Whether perceptions belong to, 196. Ideas, 196-197.
  - Inferential, analyzed, viii. 195-196. Human or Superhuman, ib. Examples and illustrations, 196. Superhuman either super or sub ordinate, ib.
  - Fictitious, analyzed, 197. Spoken of as real, ib. A Fictitious always bears relation to a Real entity, ib. Grades of removes from the reality, ib. Motion and rest are of the first remove, ib.
  - Use of the distinction between names of Real and of Fictitious, viii. 198-199. Clearness of ideas and obviation of disputes, 198. A seeming contradiction in the term Fictitious Entity, owing to the essential nature of language, ib. How distinct from non-entity, ib. Can only predicate of names of Fictitious entities, 199. Can only speak of what is in our minds, through Fictitious entities, ib.
  - Names of Physical Fictitious, viii. 199-201. Quantity, 199. Quality, ib. Place, 199-200. Time, 200. Motion, Rest, Action and Passion, 200-201. Relation, 201.
  - Real and Fictitious—the great division of the matter of language, viii. 187.
  - Real and Fictitious—Nouns expressive of, considered as conjugates, viii. 325-326.
  - Division into Real and Fictitious—how suggested, iii. 286.
  - Real and Fictitious—Aristotle's ten predicaments are, viii. 234-236.
  - Real and Fictitious—subjects of Methodisation by denomination, viii. 262-264.
  - Division of, into Physical and Psychological—its uses, iii. 286.
  - Real—The only ones that can be represented by signs, viii. 243.
  - Fictitious—Difficulty of defining, iii. 594 n.
  - Fictitious—Illustrated in the subject of Motion, where imaginary receptacles are made, in which the operations take place, viii. 129-130.
  - Fictitious—Commenced list of, as illustrative of Methodisation by Denomination, viii. 263-264.
  - Fictitious—created by logical Analysis following on physical Analysis, viii. 121-122

- Entities—Fictitious—How far an exposition of, can be given where parties have no common language, viii. 243-244.
- Fictitious—Reasons for the necessity of expressing immaterial ideas by the names of, viii. 327-329
- Fictitious—Exposition of those high in the scale of Subalternation can only take place by Archetypation or Paraphrasis with real entities, viii. 246.
- Fictitious—Rights of property require to be expressed by, viii. 524.
- Absolute Fictitious, of the first order, viii. 201-202. Matter—whether synonymous with substance? viii. 201. Form, *ib.* Both spoken of as receptacles of the substance, *ib.* Quantity—Continuous and Discrete, 201-202. Space—the negation of motion, 202.
- Absolute Fictitious, of the second order, viii. 202-203. Quality, and its relation to quantity, 202. Modification—nearly synonymous with Quality, *ib.* Synonyms to Quality, *ib.*
- Fictitious—Connected with relation, enumerated, viii. 203. Exists wherever the mind thinking on one object proceeds to another, *ib.* Most extensive is Place—next Time, *ib.*
- Fictitious—Simple, connected with Relation, viii. 203-205 Place, Time, Motion, Action, and Passion and Reaction, *ib.*
- Fictitious—considered and denominated in respect of their concomitancy, viii. 205-206. Subject—Object—End in view—Field: how far interconvertible, and proper uses of, *ib.*
- Fictitious—Concomitant, resulting from the process of logical Aggregation and Division, and Subalternation, viii. 206.
- Fictitious—Political and Quasi-political, viii. 206. Effects and causes enumerated, *ib.* Pleasure and pain the source, *ib.*
- Fictitious—connected with cause and effect, viii. 206-210 *See* Cause.
- Fictitious—The class of, connected with Existence, viii. 210-211. Necessity, Impossibility, Certainty, &c., *ib.*
- Enumeration as a mode of exposition, viii. 248.
- Envoy—Rank of, as a foreign minister, ix. 228.
- Envy—Operation of, in encouraging fallacies in political discussion, ii. 473.
- Jealousy, &c. as designative of motives, i. 203.
- Eon—Chevalier d'—Case of the inquiry as to the sex of, iii. 192 n; vii. 348 n.
- Epicurean—made a term of reproach, i. 5.
- Epigeoscopic Physurgics, or the natural history of the earth—Position of, in the Encyclopedical Sketch of Art and Science, viii. 86.
- — Division into Abioscopic and Embioscopic, viii. 86-87.
- Epistolary defence—when to be resorted to in procedure, ii. 77-78.
- Epistolary examination not used in England for extraneous witnesses, vi. 368.
- Epistolary examination of parties where they are distant from each other, i. 100-101.
- Epistolary interrogation—In what cases applicable in Evidence, and how to be applied, vi. 32-33, 429-446:—
- — Reasons for employing, in certain cases, 429-430. Physical impracticability of oral interrogation, 429. Prudential impracticability, *ib.* Residence abroad or at a distance, 429-430.
- — Cases for, particularized, vi. 431-433. Defendant absent, plaintiff applies, 431. Respondent the plaintiff—does not present the same call, 432. Respondent a witness—dangerous evidence, but not to be entirely excluded, 432-433.
- — Should the evidence obtained by, be of itself sufficient ground for decision? vi. 433-434. Not in criminal and other important cases, 434.
- — should not shut the door on subsequent *virâ voce*, vi. 434-436. Mere probability of recourse to *virâ voce* will tend to secure truth, 434-435. The written evidence may require explanation, &c., 435.
- — Incongruities of English law in regard to, vi. 436-437. A party only by epistolary—an extraneous witness by oral, 436. Extraneous witness only in epistolary when he is not to be cross-questioned, 436.
- — How to apply to the best advantage, vi. 437-446. Rules; Deponent always to speak in first person, 437-439; Prevents incorrectness, incompleteness, indistinctness, circumlocution, 438;—use of third person instead of first reconciles deponents to mendacity, 439; disregard of this rule in English equity, 440-441; Paragraphs should be short and numbered, 441-443; disregard of this rule in English practice—equity procedure, &c., 443-446.
- — adverse to a salutary promptitude of response, vi. 383, 448.
- — recommended when there are impediments to oral, vii. 374-375.
- Epistolary and oral evidence compared, vi. 424-426. *See* Oral.
- Epithets—Eulogistic, Dyslogistic, and Neuter—Employment of, in political discussion, ii. 436-438.
- Equal—Fallacy of proposition that all men are born and remain, ii. 498-499. Illustrations of the contrary, *ib.*
- Equal-justice fund for protection of helpless litigants—Plan for, in the Constitutional Code, ix. 490-493.
- Equality an end of the law, iii. 211-213, 224-225.



- Equality as a leading end of the Constitutional Code, ii. 271-272.
- as an object of the Civil Law, i. 302.
  - Connexion of, with other objects of the law; evils of separating from security and the other objects, i. 303.
  - Principles of Pathology on which the advantage of, founded, i. 304-307. Comparison between extent of wealth and of happiness, 304-305. Happiness of gain and pain of loss compared, 305-307.
  - considered in connexion with the Constitutional Code as an object of the Civil Law, ix. 14-18. Not absolute—practical only to be sought, 14. A means of felicity, ib. Felicity does not keep pace with the arithmetical amount of abundance, 14-15. The chief elements of enjoyment common to all, 15. In regard to property, the non-possession not so painful as privation, and no disappointment where no expectations, 16. Application to succession—distribution where there has been co-enjoyment, and consequently expectation, 16-17. Evils of primogeniture, and its feudal and barbarous origin, 17-18. Summary of the benefits of equality, 18.
  - in respect of wealth—Axioms applicable to, estimating the reference which the proportion of happiness bears to that of wealth, iii. 228-230.
  - as an end of the distributive branch of the law, iii. 293-294.
  - Deceptive effect of the term, i. 564.
  - of mankind—Irrationality of declarations of, i. 154.
  - as one of the rights of man—Clause as to, in the French Declaration, criticised, ii. 524-526.
  - How far, and in what cases obtainment of, practicable, ix. 81. Unattainable as to power, virtue, talent, &c.; but it may be prevented from being infringed by factitious honour, ib.
  - of suffrage an ingredient in reform, iii. 561.
  - of suffrage—Brief view of what is necessary to constitute, ix. 109.
  - and security—Opposition of, i. 311-312.
  - and security—Means of reconciliation of, i. 312-313.
  - of Taxation—Clause in the French Declaration of Rights regarding, ii. 517-518.
  - as a property of punishments, i. 403.
  - as a characteristic of rewards, ii. 216.
- Equalization of property—Advantage of Laws gently favouring, iii. 203.
- Equipment of persons rendering services, considered, ii. 234.
- Equity—Examination of the word, vii. 295 n.
- a word employed because popular, vii. 297-298
  - used, to prevent common law from being intolerable, vi. 134-135.
- Equity—in what distinguished from common law, vi. 482; vii. 290-291.
- System of, animadverted on, vi. 395, 399, 440; vii. 374, 380, 495.
  - as a separate department of law—unknown in Scotland, v. 41.
  - an instrument of fraud and extortion under Lord Eldon, v. 349-351.
  - The remedies provided by, show the inefficacy of common law and the want of Codification, v. 486-488.
  - Examination *de bene esse* in—its imperfect effect, v. 39-40.
  - various forms in which evidence adduced in, and mischiefs from the variety, v. 517-518.
  - Extent of Judge-made law in, iii. 369-370 n.
- Equity causes—Difficulty of deciding what are, vi. 374.
- — Method of interrogation in, vi. 444-445.
- Equity courts—Banding of causes in, vii. 237.
- — Delay of remedies in, vii. 380-381.
  - — counteract trial by jury, vii. 471.
  - — Burden of proof in, vi. 137, 138.
  - — Cross-examination in, vi. 491.
  - — Defendant's testimony enforced in, vii. 501.
  - — Evidence in, committed to writing, vi. 415.
  - — Irrelevant evidence in, vii. 363, 364, 365.
  - — Mendacity encouraged by, vi. 307, 308.
  - — Procedure in, as to evidence of defendants against each other, vii. 512-517.
  - — Gilbert's reason why the proceedings of, are not of record, vi. 185.
  - — Scramble of, with the common law courts, vii. 172-173.
  - — The raw materials from which law is manufactured in, found to be Writ, Fraud, Accident, Injunction, and Account, v. 484.
  - — Commission of 1825, to inquire into the state of, v. 518.
  - — Delay and precipitation in, ii. 32.
  - — Expense and delay of the, iii. 335 n, 337-338.
  - — Nature of usual proposals for clearing off arrears in, iii. 322.
  - — Extent to which appeals capable of proceeding in, examined, v. 519-520.
  - — and common law courts—Absurdity of the distinction between, vii. 300-302.
  - — and common law courts—Quarrel and compromise between, with the results, vii. 303-305.
- Equity jurisdiction—Origin and extent of, vii. 291-300. See Jurisdiction—Equity.
- Equity draughtsmen considered as redundant Judiciary assistants, ix. 462-463.

Equity practice—Amendments in. Granting and refusing of, considered, vi. 455-458.

— — Effect of multiplicity of parties in, vii. 373.

— — how far it follows the Roman principle of requiring two witnesses, vii. 529-531.

— — Comparison of, with ecclesiastical and admiralty, vi. 497-498.

— — Plaintiff's testimony admitted in, to the purpose of vexation to defendant, vii. 492-493.

— — Division of causes into two by, vi. 498.

— — Defendant examined in epistolary mode in, vi. 436.

— — Incongruities of the mode of extraction of evidence in, vi. 482-492. *See* Extraction.

— — in cases of accounting, vii. 534.

— — Secrecy of, with Gilbert's reasons considered, vi. 374.

— — Profligacy of, ii. 48-49.

— — casually animadverted on, i. 228 ; ii. 40, 100, 102, 177, 179-180 ; iii. 20, 312, 319, 337, 386, 389 ; v. 9, 37, 234, 305, 432, 508, 564, 595 n ; ix. 472, 553.

Equity suit—Instance of costs in an, iii. 316-317 n.

Equity suitors—Petition of, for Despatch Court, iii. 303-305.

*Equity Despatch Court Proposal*—Plan for speedy and unexpensive termination of suits in Equity courts, with form of petition and account of Proposed Bill, iii. 297-317.

— — Purpose of, explained, iii. 299-303. Honest and afflicted suitors addressed, 299. Technical and summary judicatories contrasted, 299-300. Authorities of which the cooperation necessary—Parliament, King, or Commons, 300. Duration three years, ib. Judges to be chosen by suitors, ib. Ballot, ib. Qualification and title to vote, ib. Inquiry into state of suits, 300-301. Petition for relief to be kept secret, 301. Interest of lawyers, ib. Machinery for circulating and receiving petitions, 301-303.

*Equity Despatch Court Bill* for institution of an experimental judicatory, exemplifying the substitution of summary for regular procedure, and clearing away arrears in Equity courts, iii. 319-430.

— — — Account of, iii. 305-315. The heads, 305. Examination of Solicitors, ib. Pre-audience of suitors by lot, 305-306. Initiatory examination of parties, 306. Means of intercourse, ib. Security for forthcomingness of persons and things, 306-307. Elicitation of evidence, 307. Costs in Equity and Despatch Court, 307-308. Execution, 308. Retransmission of unfinished suits, ib. Provision for expense,

ib. Location of judge, ib. Remuneration, 308-309. Registrar, 309-310. Eleemosynary Advocate, 310. Deputes of judge, &c., 310-311. Powers, exemptions, and checks of judge, 311. Prehensors and Deputes, ib. Consignees, 311-312. Grounds of decision, 312-313. The respective suitability of suits, in respect of length, complexity, &c., to the plan, 313-315. Auxiliary judges for complex suits, 315.

*Equity Despatch Court Bill*—Information requisite from suitors petitioning for, and heads under which it is to be provided, iii. 315-317.

— — — Preface to, iii. 321-327.

— — — divided into enactive, instructional, exemplificative, ratiocinative, and commentative, iii. 323.

— — — Nature of preamble to, iii. 323.

— — — General view of the extent of the powers conferred on the judge by, iii. 324-325.

— — — Preamble of, iii. 328-330.

— — — Provision in, for the choice of judge by ballot of suitors, and ratification of the crown, iii. 330-335.

— — — Provision in, for remuneration of judge, and other officials, 335-341. To be by salary, not by fees, ib.

— — — Registrar, Eleemosynary Advocate, and Judges' Depute by, iii. 341-345.

— — — Powers, exemptions, and checks to judge by, iii. 345-376. *See* Judge.

— — — Functions of Prehensors and Messengers of, iii. 376-381.

— — — Provisions as to Consignees or In-trust holders in, iii. 382-388.

— — — Grounds of decision for judge in, iii. 388-390.

— — — Reason why suitors did not petition for, iii. 390-391 n.

— — — Order of cognizance of suits in, iii. 390-395.

— — — Auxiliary judges and Accountants in, iii. 395-406.

— — — Time for sittings of, with reasons against adjournments, &c., iii. 406-409.

— — — Arrangements of procedure in, iii. 409-427 ;—

— — — Definitions as to procedure in, iii. 409-410.

— — — Examination of solicitors in, iii. 410-413.

— — — Initiatory examination of parties and others in, with securities for veracity, &c., iii. 413-418.

— — — Means of securing communication between all the parties in, iii. 418-419.

— — — Mutual security for forthcomingness of persons and things in, iii. 419-420.

- Equity Despatch Court Bill*—How money, for procuring evidence in, supplied, iii. 421.
- — — Elicitation of subsequential evidence in, iii. 421-423.
  - — — Provision for execution in, iii. 423.
  - — — How Equity Court costs adjusted in, iii. 423-424.
  - — — How Despatch Court costs adjusted in, iii. 424-425.
  - — — Provision for eventual retro-transference of suit from, to Equity Court, iii. 425.
  - — — Provision for meeting expense of, iii. 425-427.
  - — — Application of, to insolvency and bankruptcy, iii. 428-430.
  - — — Provision for permanent Despatch Court in, iii. 430.
  - — — List of intended schedules to, iii. 431.
- Eristic administration*,—or Judicature—Position of, as a branch of Ethics in the Encyclopedical Sketch of Art and Science, viii. 95.
- — Division of, into Autothetic and Cata-nomothetic—by unwritten and written law, viii. 95.
- Ernest*—Mr, a visiter at Bowood, x. 99, 100.
- Erotis*s—Application of, in argument, viii. 238.
- Error*—double use of the term, i. 217.
- Sham writs of, as a source of delay, &c., vii. 214-216.
- Errors*—Vulgar. Relation of fallacies to, ii. 380.
- Erskine*—Lord. His condemnation of the Court of Chancery, v. 371.
- — charged with creating fees of court, contrary to law, v. 353-356.
  - — Opinions of, on Parliamentary Reform, iii. 443 n, 450 n, 532, 562.
  - — casually noticed, v. 27, 159, 162 n, 352, 354, 355, 357, 369, 605; x. 131, 432, 564-565.
- Erskine*—John, the institutionalist, quoted, vii. 396.
- Escape*—Means of increasing the difficulty of, on the part of delinquents, i. 558.
- of convicts—Adaptation of clothing to the prevention of, iv. 156.
  - of convicts—Punishment, bearing a measure to the punishment they are undergoing, the most effectual preventive of, iv. 29-30.
  - of convicts—Proper punishment for connivance at, iv. 30.
  - of convicts—how obviated by the Pan-opticon Plan, iv. 4, 102.
  - of convicts—Necessity of the inspection system to the prevention of, illustrated from the state of the American Penitentiaries, iv. 238-242.
- Escheat* compared with corruption of blood, i. 480 n.
- Escheat vice Taxation*, or a proposal to increase the revenue by an extension of the Law of Escheat, ii. 585-598.
- — Table of, along with other financial schemes, x. 304.
- Esoscopic*, or Internal Politics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Essex*—Earl of. Opinion of the letters of, x. 583.
- Essoign*—Abuses practised under, iii. 420; v. 525; vii. 269.
- Established Religion*—Reasons against, in a free state, ix. 92-95.
- Establishment*—Meaning of the word, as politically employed, ix. 223.
- Use made of the term, as a vague generality, ii. 442.
  - Religious—Reason why there is no provision for, in the Constitutional Code, ix. 452-453.
- Establishment*—The Judiciary. Sketch of, ii. 22-23.
- Establishments*—Political—Disposition to question the utility of, rare, and should be encouraged, i. 230-232.
- Estates*—Legal and equitable, vii. 292.
- large—Evils to agriculture in the existence of, iii. 68-69.
- Esteem*—Public—The most efficacious reward for virtue, ii. 233.
- Estoppel*—Nature of, vii. 503.
- Ethical Science*—Difficulty of coming to true conclusions in, considered with reference to causation, viii. 209-210.
- Ethics*—expressed by Thelematoscopic Pneumatology, in the Encyclopedical Sketch of Art and Science, viii. 89-90.
- divided into Dicastic, or Censorial, and Exegetic or Expository, viii. 92-94.
  - divided into Polioscopic or Politics, and Apohoscopic or Private Ethics, viii. 94.
  - Use of extending the employment of the word matter to, iii. 287-288.
  - Common source of confusion in relation to, between what is, and what should be done, viii. 128 n.
  - a department of the field of Deontology, viii. 289.
  - confounded with Deontology, viii. 128.
  - Application of Table of Springs of Action as a foundation for the science of, i. 205-219.
  - How separated from Logic, which has a common object with it—viz. wellbeing, viii. 222.
  - Private, as distinguished from Legislation, i. 142-148. Nature and end of Ethics, 142. Distinguished from Government, 143. Exhibits the rules of Prudence, Probity, and Beneficence, 143, 158. Ope-

- rates in cases where the legal sanction, or punishment does not, 144. Does not operate where punishment groundless, *ib.* How far when punishment inefficacious, 144-145. Cases where punishment unprofitable the great field for Ethics, 145-146. Legislation incapable of coercing into prudence, 146. Vices it is incapable of suppressing, 146-147. The propensity has been to carry legislation too far in such cases, 147. Rules of probity stand most in need of legislative assistance, 147. Beneficence chiefly dependent on private ethics, 147-148.
- Ethics**—Private, or morals—why necessarily excluded from the Chrestomathic system of education, viii. 43.
- Etymologists**—A characteristic of, i. 504.
- Etymologization** as a means of Exposition, viii. 245; not the usual etymological researches, but the tracing of inflections and conjugates to their roots, *ib.*
- Euclid**—Considerations as to why he did not adapt the verbal mode to demonstrations, viii. 158-159.
- Elements of—Instance of the study of, without diagrams, viii. 156.
- casually noticed, viii. 108, 162, 169, 177; ix. 5; xi. 73.
- Eudæmonics**—The science of wellbeing, viii. 289.
- or wellbeing—the source of division in an encyclopedical classification; the object of every branch of art, and the subject of every branch of science, viii. 82-83.
- Euler**—Præxes of the Algebra of—absence of utility in, viii. 173.
- Opinion quoted from, that mathematical operations not useful to the mind, unless comprehension follows them, viii. 175-176.
- The difficulties in comprehending operations with negative quantities not explained by, but cleared in an English edition, viii. 178.
- Casual notices of, viii. 37, 177.
- Eulogistic**—Application of the term, i. 209.
- appellatives—Causes of the abundance or deficiency of, with relation to the springs of action, i. 212-214.
- and dislogistic epithets—Employment of, in political discussion, ii. 436-438.
- Evans**—Mr—Remarks on a pamphlet on Reform published by, iii. 535-536.
- Evasion** in giving evidence—Nature of, vii. 28.
- Evasive** responson, as evidence of delinquency, vii. 24-29.
- Events**—Collative and ablative, with regard to rights, iii. 186-190.
- Collative and ablative. Use of the distinction, iii. 294.
- distinguished from states of things, vi. 217.
- Eventually-*emendative* function of Judges in the Constitutional Code, ix. 504-508.
- EVIDENCE**—The Rationale of, vi. and vii.
- Extent of the field of, vi. 5.
- Relation of, to judicature, vi. 7-8.
- a standing object of research in every line of human conduct, vi. 509.
- in general, considered, vi. 208-209. What understood by the term, 208. Facts divided into principal and evidentiary, *ib.* What questions come under evidence, 208-209.
- with reference to a legal purpose, vi. 210-214. Main object to give effect to substantive law, 210; and so be the means of rendering a service to plaintiff or defendant, 210. Duties of the Legislature in relation to, 211-213. Summary view of topics that may be expected to be handled in a work on evidence, vi. 213-214.
- Duties of the legislator in relation to, vi. 12-14. Neglected, *ib.*
- The several species or modifications of, vi. 218-220. Derived from perception by individual himself or by another; thence divided into *ab intrâ* and *ab extrâ*, 218. Latter founded either on discourse or deportment, *ib.* Division into Personal and Real, *ib.* Personal divided into Voluntary and Involuntary, 218-219. Division into Depositional or Testimonial evidence and Documentary, 219. Into Orally delivered and Scriptitiously delivered Depositional, *ib.* Into Direct and Circumstantial, *ib.* Makeshift evidence, *ib.* Non-preappointed and Preappointed, *ib.* Original and Unoriginal, 219-220.
- A standard lot of, taken, vi. 14.
- in relation to facts in particular—Consideration of, excluded from Introduction to Rationale, vi. 139-141.
- The best, what? vi. 168-175. Objects, 168-169. Scrutinized compared with unscrutinized, 169. Written with Oral, or Permanent with Unpermanent, 170-171. Original with Transcriptitious, 171-174. Written-Extrajudicial, 174-175.
- State of English law on the subject of, generally characterized, vi. 204-207.
- In what cases and on what conditions should a transcript be received in, vii. 143-149.
- on which facts disconformable to the course of nature have been maintained—Untrustworthiness of, vii. 105-106.
- Government, in providing a fund of, should be limited only by impracticability and expense, vi. 509.
- Irrationality of the technical rules of, generally characterized, vi. 5-6.
- General animadversion on the English rules of, i. 558.
- Personal attendance of parties for the purpose of furnishing, ii. 31.

- Evidence discovered after decision—Mode of dealing with, ii. 65.
- Services to, by defendant's personal presence in court, ii. 78.
  - discovered after ultimate decision—Manner in which it is producible, ii. 168-169.
  - Account of provisions for elicitation of, in Despatch Court Bill, iii. 307.
  - Method of adjusting expense of, in proposed Despatch Court, iii. 421.
  - The difficulties in the way of adapting a perfect extraction of, to the jury system, v. 32-34.
  - Difficulty of obtaining, among convicts, iv. 224-226.
  - Difficulties attending procurement of, from party not being personally present in court, ii. 113-114.
  - Statement of sources of, in demand paper in ordinary suits, ii. 66, 70.
  - Statement of sources of, in demand paper, in case of public offences, ii. 69, 72.
  - as a foundation for legislation—Method of collecting and reporting proposed, in Plan for Legislation-Inquiry judicatories in Constitutional Code, ix. 181-188.
  - and the parties connected with its preservation and delivery—Definitions as to, for purposes of procedure in Despatch Court, iii. 409.
  - Method of elicitation of, in proposed Despatch Court, iii. 421-423. Oral, perpetuated by immediate minution, with exceptions, 421-422. No exclusion, 422. Priority of elicitation according to circumstances, 422-423.
  - Provision for custody of articles of, in Despatch Court Bill, iii. 387.
  - Extraction of, from parties, &c., by proposed Despatch Court, ii. 416.
  - considered with relation to the principles of procedure, ii. 57-62. Divided into indicative and appropriate, 57-58. Ill effects of excluding testimony of parties, 58-59. Kinds receivable, 59. Modes of interrogation to be avoided, ib. Choice of species, 59-60. Causes of mendacity—example set by judges, 60. Process of probation analyzed, 60-61. In what cases evidence as to character should be received, 61-62.
  - as a branch of procedure, considered in reference to the Constitutional Code, ix. 26-27.
  - Arrangements for Elicitation, Recordation of, &c., as prayed for by the Petition for justice, v. 502-503.
  - Facilities in obtainment of, one of the objects which justify the transference of suits from court to court, v. 527.
  - in the case of appropriations of property for public works, iv. 11.
  - Recapitulation of, at instance of judge or a party, for Quasi-Jury, ii. 158-161.
- Evidence—Inspection by judges for the purpose of strengthening, by converting oral into real, ix. 542-543.
- Preservation of, from deperition by judge acting on the spot, ix. 543.
  - The various forms in which it is elicited in equity procedure, and the evils from the variety, v. 517-518.
  - discovered in course of appeal—Disposal of, ii. 166.
  - Collection of, in schools, as to all matters affecting the state of discipline and of scholarship, viii. 49.
  - Power to a judge to proffer expense of producing, iii. 366.
  - from parties—Absence of means of eliciting, at common law, shows the want of codification, v. 488-489.
  - Prospective—Measures for securing, ii. 40.
  - Loss of, by the transference of suits, v. 473-474.
  - and pleading—False distinction between, v. 451.
  - Adscitious, defined and examined, vii. 120, 127-129.
  - Affidavit. *See* Affidavit.
  - Alibi. *See* Alibi.
  - Anticipative survey of, as a succedaneum to exclusion, vii. 369-371. *See* Anticipative Survey.
  - Article of, difficulty of limiting time when it may be produced, vi. 90-91. Remedies, ib.
  - Authentication of. *See* Authentication.
  - Belief in. *See* Belief.
  - Burden of the expense of. *See* Burden of Proof.
  - Casually written, vii. 121-126.
  - Cause of belief in. *See* Belief.
  - Causes of trustworthiness and untrustworthiness in. *See* Trustworthiness; Untrustworthiness.
  - Circumstantial—*posteriora priorum*—*priora posteriorum*—events principal and evidentiary in series, vii. 62-64.
  - Circumstantial, of delinquency—the situation of the accused, in respect of motives, means, disposition, character, and station in life, as affording, vii. 53-62. *See* these several heads.
  - — *See* Circumstantial.
  - Collection of, should be by the person who decides, vi. 419-423, 427. Dangers and inconveniences of a severance, 420. Objection that collector of evidence may not be capable of decision, answered, ib. Cases in which the evil cannot be avoided, 421. Interests which have given birth to the system, 422-423. *See* Collection.
  - Compression of, into a short period—effects of, vii. 538-539.
  - Dangers to be guarded against with regard to, vi. 279-282.

Evidence of defendant. *See* Defendant.  
 — Epistolary. *See* Epistolary Interrogation.  
 — Excess of, an evil, vii. 531-532.  
 — Exclusion of. *See* Exclusion.  
 — Ex-parte preappointed, vii. 126-127.  
 — External—considerations whether a decision can be come to without, and on the judge's own knowledge? vi. 276-278. Different cases in which this may take place, 276. If the judge decide on his own evidence solely, he should be a witness on appeal, 277. Facts believed for their notoriety are only *nominally* without evidence, 277-278.  
 — Extraction of. *See* Extraction.  
 — Extrajudicially written, vii. 121-129.  
 — False. *See* Falsehood; Mendacity; Perjury.  
 — Gilbert's theory of, vi. 183-187. *See* Gilbert.  
 — Hearsay, vii. 132-134. *See* Hearsay.  
 — Indicative, vi. 214.  
 — Interrogated. *See* Interrogation.  
 — Judicial neglect of the subject, vi. 209.  
 — Makeshift. *See* Makeshift Evidence.  
 — Memoriter, vii. 137-138.  
 — Minuted, vii. 138-139. *See* Preappointed Evidence.  
 — Official. *See* Official Evidence.  
 — Preappointed. *See* Preappointed Evidence.  
 — Probative force of. *See* Probative Force.  
 — Properties desirable in, vi. 211.  
 — Prospective view of the Rationale of, vi. 203-208.  
 — Publicity and privacy with regard to, vi. 351-380. *See* Publicity.  
 — Qualities of good—Particularity, Recollectedness, Unpremeditatedness, Suggestiveness to the assistance of recollection, Unsuggestedness to the purpose of mendacity, Interrogatedness, Distinctness, Permanence, vi. 283.  
 — Qualities desirable in, vi. 21-22.  
 — Instruments for securing qualities desirable in, vi. 22-28. *See* Trustworthiness.  
 — Real and ready written—Arrangements as to, when parties distant from each other, ii. 102-103.  
 — Reported real, or supposed real, transmitted through other *media*, vii. 152-154.  
 — Recordation of, for eventual use—The absence of provisions for, at common law, shows want of codification, v. 489.  
 — Rules of, abstract, and without consideration for the sufferings of suitors, vi. 392.  
 — Scientific, described, vi. 214.  
 — Security for, against misrepresentation and oblivion, by Registration, vi. 79-80. *See* Recordation; Preappointed.  
 — *sine lite*, described, vi. 214.  
 — Suppression of—its evils in judicature, iv. 339 n †.

Evidence—Suppression or fabrication of, as affording evidence of delinquency, vii. 48-50.  
 — Suspicious—Safeguards against, vi. 116-119. Cautionary instructions to judge for weighing. *See* Instructions.  
 — Testimonial. *See* Testimony.  
 — Transcriptious. *See* Transcript.  
 — tending to the prejudice of the person who delivers it. *See* Self-disserving; Self-criminative; Self-inculpativ.  
 — transmitted through an indefinite number of *media*, vii. 154-159.  
 — Unoriginal, vii. 129-132.  
 — of witnesses. *See* Testimony: Witness.  
 — Written. *See* Contract: Script: Writing.  
 — Casual considerations regarding, i. 461-462; ii. 77, 81, 147-148, 165, 167, 173, 176, 180, 181, 429; iii. 313, 362 n, 374; v. 4, 8, 9, 527; ix. 462; x. 568-582; xi. 39.  
 Evidence-holder—Ehntation of description of, from applicant in procedure, ii. 89.  
 — — Definition of an, iii. 409.  
 Evidentiary facts distinguished from principal, ii. 61; vi. 44, 208, 215.  
 Evil—The component elements of, i. 206.  
 — as denoting pain or loss of pleasure—Considerations regarding, iii. 214.  
 — Preponderant, justificative of exclusion of evidence, vi. 89-99.  
 — *See* Good and Evil.  
 Evils of the first and second order, distinguished, i. 69-73; vi. 9-10.  
 — Irreparable—rules for protection against, in judicial procedure, ii. 28-29.  
 Evil-consciousness—a preferable expression to the *dolus* of the civilians, iii. 358 n.  
 — — in an offence—The material of, the evil of the second order, iii. 358.  
 Evocation of causes—Considerations as to the best mode of, iv. 322.  
 Exaggeration—Causes productive of, vii. 573.  
 Examination as an operation of Logic, viii. 225.  
 — *in perpetuum rei memoriam*, and *de bene esse*, vi. 568-569 n; vii. 378-379.  
 — of a witness—Form of, before a jury, vi. 323.  
 — before justices of peace. *See* Justices.  
 — Refusal to answer on, or false or evasive response on, as evidence of delinquency, vii. 24-29.  
 — Judicial, of person accused, vii. 39-44. *See* Self-inculpativ Tesumony.  
 — in chief, and Cross-examination, distinguished, vi. 347-348.  
 — Recapitulatory, at instance of judge or a party, ii. 158-161.  
 — — to lie, *in retentis*, according to the practice of Scotland, v. 41.  
 — — *de bene esse*, inadequacy of, to meet its proper objects, v. 39-40.  
 — an instrument for exercising authority in ecclesiastical courts, v. 485.

- Examination**—Initiatory, of Parties, &c., for purposes of proposed Despatch Court, iii. 413-418.
- of Solicitors—Provisions for, in proposed Despatch Court, iii. 410-413.
  - of party—Advantages of, for negative execution, such as outlawry, ii. 94-95.
  - Public, of competitors for office, defended, ix. 288-289.
  - Considerations as to the application of, to promotion in the army, ix. 362.
  - See Extraction; Evidence; Interrogation.
- Examination-Judiciary** for putting those who are fit for office on the qualified list in the Constitutional Code, ix. 274-277.
- Examiner**—collects evidence, but does not decide, vi. 376.
- Examiner newspaper**, noticed, x. 471.
- — Letters in, on the evidence against Queen Caroline, x. 474.
- Examiner's office**—Utility of, vi. 496.
- Example**—The operation of, in preventing offences, i. 396.
- Kind of punishment that operates as, i. 71 n\*.
  - Great conduciveness to, of Penitentiary punishment, iv. 244.
  - as an end of punishment—better met by a penitentiary than by transportation, iv. 174.
  - Conduciveness to, in particular of the Panopticon penitentiary system, i. 498-499.
  - Method in which it operates in creating crime, i. 70.
- Exception**—Necessary Tribunals of: Courts-martial; Ships; Ecclesiastical Courts; Legislative bodies, iv. 334-335.
- Exchange** of one matter of wealth for another—nature and services of, iii. 37.
- Every voluntary, is advantageous, iii. 70.
- Exchange**—Bill of. See Bill of Exchange.
- Exchanges**—Forced. Evils of, i. 321-322.
- Causes of invalidity in, i. 331-334.
- Exchequer**—Meaning of the term, vii. 296 n†.
- Exchequer Bills**. See Bills—Exchequer.
- Exchequer Chamber**—Delay by writs of error to, vii. 214.
- Exchequer**—Court of—Origin of jurisdiction of the, v. 482.
- — Jurisdiction stolen by, through legal fictions, vii. 286.
  - — Oath of defendant in, vi. 232.
  - — Division of, into law and equity, vi. 40; vii. 420.
  - — Deputy remembrancer of—secrecy of procedure before, vi. 375-376.
  - — Arrears in Equity side of—Proposal for disposing of, by a Despatch Court, iii. 330. See Equity Despatch Court.
  - — Extent to which the packing of Juries carried in, v. 101-105.
  - — in Scotland abolished, v. 18.
  - — Letter on the packing of Juries in, by Sir Richard Philips, to Chief Baron M'Donald, with the answer, and a commentary, v. 121-136.
- Excise Prosecutions**—A species of collusion practised in compounding, x. 84-85.
- See Revenue.
- Exciseman**—Constant attendance required of, compared with laxty as to legislators, iii. 505-506.
- Exclusion of Evidence**—How it first suggested itself to the author as being contrary to justice, v. 4.
- — — of Party—Bad effects of, ii. 58-59.
  - — — on the ground of improbity, vii. 406-420. See Improbity.
  - — — on the ground of vexation and danger of deception united, vii. 487 *et seq.*
  - — — as to the authentication of writs, vii. 189-192; on the testimony of parties, 189-190; on the testimony of non-attesting witnesses, 190-192.
  - — — when self-disserving — Improprity of, vii. 445-472. See Self-disserving.
  - — — in the way of exempting certain persons from giving evidence against others, vii. 472-486. See Exemption.
  - — — of a party to the cause for or against himself—Improprity of, ii. 26; vii. 487-489.
  - — — by rendering a particular species of evidence conclusive, vii. 542-558. See Conclusive.
  - — — by limitation put upon the number of witnesses, vii. 531-537.
  - — — for want of a particular number of witnesses, vii. 520-531. See Multiplicity.
  - — — oral or written, in the absence of scripts with prescribed formalities, vi. 128-134.
  - — — takes place when informal scripts are rejected on the ground of formal ones being in existence, vi. 134-135.
  - — — by imprisonment for debt, vi. 135, 176-183.
  - — — Authority can always be found, either for or against, vii. 160.
  - — — the principles on which it should be regulated generally stated, with rules, vi. 88.
  - — — Cautionary instructions to judges instead of, vi. 151-175; vii. 563-598.
  - — — Remedies succedaneous to, vii. 368-383. Analysis, 368-369. Anticipative survey, 369-371. Tribunals within reach, 371. Sittings uninterrupted, 371-373. Preliminary meeting of parties in presence of the judge, 373-374. Examination in the epistolary mode, 374-375. Power to party to produce expensive evidence at his own cost, 375-376. Advertisements to defray expense of evidence, 376-377. Abolition of taxes upon justice, 377-378.

- Collection of forthcoming evidence, without waiting for unforthcoming, 378-379. Provisional decision, without waiting for the best evidence, 379-380. Provisional sequestration, 380-383.
- Exclusion of Evidence—Restoratives to competency, a partial preservative from, vii. 433-440.
- — — Safeguards substituted for, vi. 116-119, 151-175; vii. 563-598. *See* Safeguards.
  - — — The author's conclusions regarding, vi. 247-248.
  - — — a false security against deception, vi. 29-30.
  - — — Connexion of the subject with the ends of justice, vii. 335-336.
  - — — Disregard shown to the ends of justice by, vii. 336-338. Prevention of misdecision and vexation pretended to be consulted, 337.
  - — — General view of the mischiefs arising from the system of, vi. 86-88; vii. 338-340.
  - — — Dicta of judges concerning, vii. 340-341.
  - — — Species of, vi. 86-116; vii. 341-342. Positive and negative, vi. 86; vii. 341. Absolute and conditional, vii. 342. Exclusion *si non alia*, and *si alia*, ib.
  - — — Causes for which it is always proper—superfluity and irrelevancy, vi. 89; vii. 362-366.
  - — — General view of cases in which it is proper, vii. 343-345. Cases in which no mischief at all can result, 343-344. Cases in which the advantage predominates over the mischief, 344. Nature of the discretion to be employed, 345.
  - — — Causes for which its propriety depends on circumstances, vi. 90-102. Avoidance of delay, 90-91; vii. 356-362. (*See* Delay.) Avoidance of vexation, vi. 92-100; vii. 345-353. Modifications of vexation, 92-94; vii. 345-347. In what cases a proper cause of exclusion, vi. 94-95. Vexation by disclosure, 95-99; vii. 347-350. Disclosure of Catholic confession should not be demanded, vi. 98-99; vii. 366-368. Client's communication to lawyer should, vi. 99-100; vii. 473-479. (*See* Vexation.) Avoidance of expense, vi. 101-103; vii. 353-356. (*See* Expense.)
  - — — How to minimize the evils which occasion—consideration of circumstances of each case, and timely explanation, vi. 102-103.
  - — — English practice as to the judicial evils sought to be relieved by, vi. 103-105.
  - — — General view of causes for which it is improper, vi. 105-109. Avoidance of deception through imbecility, 105; vii. 427-432. (*See* Imbecility.) Through sinister interest, vi. 105-106; vii. 393-396.
- (*See* Interest.) Through improbity, vi. 106; vii. 406-415. (*See* Improbity.) From religious creed, vi. 106; vii. 420-427. (*See* Atheism: Cacotheism.) Avoidance of vexation from self-inculpation or the execution of the laws, vi. 106-109; vii. 441, 444. (*See* Self-disserving.)
- Exclusion of evidence—Causes for which it is improper considered in detail, vii. 384 *et seq.*
- — — Where writing omitted in contracts, vi. 128-134. Relation to preappointed evidence, authentication, &c., vi. 128-129. Impropriety of the exclusion where there is no writing at all, 129-132. Impropriety where there is writing, but it is alleged to be unfit, 132-134. *See* Contracts; Formalities.
  - — — in English and other laws—Sketch of the various kinds of, vi. 110-116. Undisguised, 110-113. Disguised, 113-115. Exclusion of evidence created by the principle that certain kinds of evidence are conclusive, vi. 114-116; vii. 542-558. Table of grounds of exclusion in various codes, vi. 116.
  - — — Impropriety of any against make shift evidence, vii. 159-165.
  - — — negative, vii. 562-563.
  - — — occasioned by blind arrangements of procedure, vii. 537-542. *See* Procedure.
  - — — on the ground of danger of deception. *See* Deception.
  - — — on the ground of interest, vii. 393-406. *See* Interest.
  - — — Note on the usual means of, iii. 365-366 n.
  - — — from interest—Lord Denman's views on, xi. 39.
  - — — None in proposed Despatch Court, in. 422.
  - — — Probable origin of the rules as to, in English law, vii. 517-519.
  - — — Ulterior safeguards to the inconveniences which may arise from dispensing with the rules as to, vii. 593-597.
  - — — Rules as to, not practised by the law commissions, iii. 366 n.
- Exclusion of testimony of a criminal witness considered as misseated punishment, i. 486-489.
- Exclusion of parties from presence of judge—*a* device petitioned against in Petition for Justice, v. 446-448, 508-509, 524.
- Excommunication—grounds on which it proceeds, vii. 425.
- as a punishment, i. 514-516. Greater and lesser, 514. Various disabilities involved in the lesser, 514. Exclusion from the communion of the faithful, and disability to make a will added by the greater, 515. Penance, ib. Defendant made a heathen and publican, ib. Exclusion from churches, 515-516.



- Excommunicated persons**—Refusal of testimony of, i. 486.
- Excrementitious matter**—Means of removing from prisons, iv. 41-42 n.
- Excretitious and original**—Suits divided into, ii. 82.
- Excuses for non-appearance of parties in courts of justices**—Considerations regarding, iii. 420-421 n.
- Execrations**—Profane—Defined as interjections of anger, iv. 140.
- Execution—Judicial**—Application of suitable nomenclature to instrument of, ii. 27.
- — Purpose and occasion of, ii. 10.
- — Means of, ii. 94-105. Definition, 94. Positive or negative agency, ib. Persons or things, ib. Outlawry negative agency, ib. Examination of parties gives facilities, 94-95. Operating by a chain of communication, 95. Forthcomingness, 96-99. (*See* Forthcomingness.) Procedure, *inter distantes*, 99-103. Friendly Bondsmanship, 103-105.
- — Denial of means of—Remedy for, ii. 163-164.
- Execution of the law**—Advantages of a feeling of certainty as to, i. 324-325.
- — Nature of provision to be made for, in Despatch Court Bill, iii. 308.
- — Provision for, in Despatch Court Bill, iii. 423.
- — Reciprocal and direct, ii. 29.
- — Methods of, uselessly diversified, vii. 305-306.
- Execution of deed**—a word used instead of recognition, vi. 550.
- Execution by attachment of goods**—Principles that should regulate, iii. 354-355. Order of preference, ib.
- Executions of criminals**—Solemnities that should attend, i. 549-550.
- — The invention of the new drop for, an illustration of a reform not opposed by sinister interest, v. 119.
- — Effects of witnessing, i. 447 n, 449.
- — *See* Death-Punishment.
- Execution—staying Function of Judges, by the Constitutional Code, ix. 508-511.**
- Executive authority**—The. How far it should have a preference in the initiation of measures, ii. 351-352.
- — Confusions regarding, in Blackstone's account of the Constitution, i. 278-279.
- — Criticism on the ordinary application of the term, iii. 198-199. Various operations comprehended under, ib. Subordinate legislation, ib. Corporations, Exclusive Privileges, Pardon, 199. Appointment to offices, ib. Coining, ib. Military power, ib. Fiscal power, ib. Military stores, &c., ib. Police, ib. Making war and peace, ib. Treaties, ib.
- Executive authority**—Principle that the monarch is the, a fiction, iv. 306.
- — Subordination of, to the legislative, in a free country, ix. 119-124.
- Executive function of the Public-opinion Tribunal, ix. 158.**
- Executor**—Meaning of the term, ii. 27.
- Executry**—Suits as to, ranked as continuous, ii. 85.
- Exegetic or Expository Ethics**—Nature of, and Position in an Encyclopedical Sketch of Art and Science, viii. 93-94.
- Exemplars**—The manifold-writing system recommended as the only means of procuring, with perfect accuracy, v. 432-435.
- of Deeds made by the manifold-writing system—Uses of, in preventing forgery and fraud, &c., v. 407.
- Exemplarity**—as a property of punishment, i. 404, 450.
- Inefficacy of the punishment of transportation in regard to, iv. 6.
- as a characteristic of rewards, ii. 216.
- Exemplification as a mode of exposition, viii. 248.**
- Exemplificational matter of a code**—Nature, sources, and purposes of, v. 412.
- Exemplificational part of the Constitutional Code**—Nature of, ix. 3.
- Exemption conceded to one person from giving testimony against another in certain circumstances, considered, vii. 472-486.** Impropriety of the exemption, 472-473. Lawyer and client, vi. 99, 100; vii. 473-479. Trustee and *cestuy que trust*, vii. 480. Husband and wife, 480-486.
- from services, &c., as a reward, ii. 196, 200.
- Exercise**—Amount of, necessary or conducive to health, iv. 163.
- Utility of, as a national practice, and connexion of with Pauper management, viii. 396.
- of convicts—Arrangements for, in connexion with the Panopticon Plan, iv. 98-105, 157-160. Tread-mill recommended, as uniform, applicable to use, capable of adoption in all weathers, &c., ib.
- Exercises**—The several sorts of, adapted to the Chrestomathic system of education, viii. 44-46.
- applicable to the Chrestomathic system of instruction—Proposed adaptation of, to Geometry and Algebra, viii. 155-185.
- Exhaustive Division**—Use of, in an Encyclopedical Sketch of Art and Science, viii. 101-102. At each partition the parts of any head when put together make the whole, and thus render the view complete, 101. No other way of being sure that nothing is omitted, ib. Though capable of expressing relations of logical identity and diversity, not suited to express those of practical utility as between branch and branch, 101-102.

- Exhaustive Division**—Bifurcate the only sort that is necessarily so, though others may happen to be so, viii. 290-293.
- — Uses of, applying to an Encyclopedical Sketch of Art and Science, viii. 95.
- — The utility and difficulty of the system, i. 101 n \*.
- — See Bifurcate.
- Exhibition of document**—Call for, by litigant, vii. 194.
- Exhibitions**—Public. Effect of the encouragement of, i. 317-318.
- Exile**—Unlawful, as prohibited by Magna Charta—Commentary on, iv. 278.
- as an ingredient in the punishment of transportation, iv. 276 n.
- Existence**—The *genus generalissimum*—how formed by abstraction, and divided into aggregates in the Porphyrian Tree, viii. 257.
- Place and time the accompaniments of, viii. 187.
- The fictitious entities connected with, considered, viii. 210-211.
- The science of. See Ontology.
- Exodus**—The book of, cited on the subject of Oaths, v. 219.
- Exorcism**—part of the wisdom of our ancestors, ii. 400.
- Exoscopic, or External, Politics**—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Expansion from solidification of liquid, vegetable growth, &c., as a source of motion**, viii. 142-143.
- Ex-parte preappointed written evidence**, vii. 126-127.
- Expectation**—Meaning of the term, vii. 567 n †.
- The pleasures of, i. 19.
- The pains of, i. 20.
- Power of the laws over, i. 322-326. They should be anterior to expectation, 323. Should be known, ib. Should be consistent, 323-324. Utility, 324. Method, ib. Certainty of execution, 324-326. Literal understanding, 325-326.
- Hardship found to consist in the disappointment of, ii. 589-590.
- Actings on, founded on the security afforded by the laws, i. 308.
- Expedient**—term used as justificative of measures when no reason can be found for them, v. 329.
- Expeditable and continuous**—Suits ranked as, ii. 84-85.
- Expenditure**—Popularity gained by a profuse, iii. 17.
- Average, of every human being in Britain, ii. 575 n.
- Retrenchment of, without disappointment—Arrangements regarding, v. 266-267.
- National, as the counterpart of taxes, iii. 75.
- Expenditure**—Public. Clause in the French Declaration of Rights regarding, ii. 518-519.
- Expense**—Definition of, in connexion with official aptitude, v. 265.
- Exclusion of evidence on the ground of, vi. 101-103; vii. 353-356. Falling on innocent party, vii. 353. On the party in the wrong, but with too great weight, 353-354. Inconsistencies of English law, 355-356.
- a collateral evil of judicature. See Collateral Evils.
- of evidence—Proposal that suitor wishing evidence procured with difficulty should pay, vii. 375-376.
- of evidence—Advertisement for pecuniary assistance to defray, vii. 376-377.
- Sham pecuniary checks to, in judicature, vii. 307.
- Preponderant, justifies interrogation being dispensed with, in judicature, vi. 334.
- Expense of punishment**, i. 398-399.
- Experience**—the origin of belief, vi. 235-244. See Belief.
- The utilitarian principle dependent on, vi. 238.
- The value of, in relation to forms of government, vii. 599.
- Authority superseded by, ii. 393.
- though an instructive, a costly guide, iv. 177.
- Inexperience substituted for, in the argument from "wisdom of our ancestors," ii. 399.
- in legislative business—Chief necessity for, in new Republics, especially when the people have been demoralized by misrule, ix. 177.
- Experiences as a division of the phenomena of the human mind**—Pathematic and Apathematic, viii. 279.
- Experimental Philosophy**—The term Anapiric Anthropurgas substituted for, in the Encyclopedical Sketch of Art and Science, viii. 88.
- — The difficulty of saying whether it is equivalent to natural philosophy, illustrative of defective nomenclature, viii. 70.
- Explanations**—Preliminary, adapted to prevention of suits, vi. 102-103. See Meeting—Preliminary.
- Explosion as a source of motion**—Considered with respect to its applicabilities, viii. 136-137.
- Exports**—Tax on home, by foreign consumer, is taxation of foreigners, iii. 77; iv. 414.
- Export trade**—Reasons of popularity of, iii. 79-80.
- Exportation**—Relation of, to increase of wealth, iii. 39.
- Bounties on, a boon to the foreign consumer, iii. 62-63.

- Exportation—Drawbacks on, a boon to the foreign consumer, iii. 65.
- Exposition—Nature of, viii. 242. Sources of unclearness, ambiguity, and obscurity, *ib.* Seat of, either in words or syntax, *ib.* Exposition the instrument of removing unclearness, *ib.*
- The subjects of, words as the signs of thought, viii. 242-243.
  - Application of, to individual, as distinguished from its application to generic subjects, viii. 243.
  - Mode of, where teacher and learner have no common language, viii. 243-244. Signs confined to real entities, viii. 243. Progress of exposition from real entities to collective fictitious adjectives, and verbs, 243-244.
  - Mode of, by comparison with words intelligible to both teacher and learner, viii. 244-245. Translation, *ib.* Etymologization—*viz.* in tracing inflections and conjugates to their root, 245.
  - Modes of, where the subject is a class, viii. 245-246. Definition and processes incidental to it, *ib.*
  - Modes of, by Paraphrasis, Phraeoplerosis, and Archetyption, viii. 246-248. Applicable to fictitious entities high in the scale of subalternation, 246. Paraphrasis, &c., from real entities, *ib.* Archetyption, 246-247. Where the word has been disused in its physical meaning, becomes more useful in its psychological, *ib.* The use made of the term obligation a prominent example, 247-248.
  - Modes of, subsidiary to Definition and Paraphrasis, viii. 248. Synonymation, Antithesis, Illustration, Exemplification, Description, Parallelism, Enumeration, Ampliation, Restriction, viii. 248.
  - By Distinction and Disambiguation, viii. 249-251. Necessity for, in the sinister uses made of ambiguities, *ib.*
  - Imperfect account of, by the Aristotelian logicians, viii. 251-253.
- Expositions of terms, with reference to a Pannomion or Universal Code, iii. 217-224.
- Expositive matter in a code of law—Province of, iii. 217.
- in a code of law—Nature of, iv. 455, 482. Examples of, 482.
  - in a code of law—Use and application of, v. 412-413. Manner in which it serves to make the legislator's intention comprehensible, 412. Terms of universal jurisprudence requiring exposition, 413. Terms in English law, *ib.* Common terms, with their meanings distorted by lawyers, 413. Common, but ambiguous terms, *ib.* Words which do not require exposition, *ib.*
- Expositive part of the Constitutional Code—Nature of, ix. 3.
- Expositor of law distinguished from censor, i. 229.
- Exposure—How far evil produced by, justifies judicial seclusion, vi. 364.
- on the part of witnesses, &c., as a ground of their exclusion. *See* Self-criminative.
  - of the technical system of judicature—Apology for the, vii. 329-334.
- Expression—Unsteadiness in respect of, as a defect in the drawing of laws, iii. 247.
- Inaptness of—Effect of, on testimony, vi. 253. Singular illustration of, from French practice, *ib.* n. Considerations applicable to,—*viz.* whether in written or verbal evidence, the age or sex of the witness, &c., 254.
- Extenuation—Reference to the grounds of, in the Penal Code, iii. 175.
- Grounds of, in the character of an offence, i. 79-80.
- Extenuations of simple corporal injuries, i. 165.
- External evidence—Inquiry whether a decision should be come to without? v. 276-278.
- Extortion produced by the system of fees of court, iii. 336-337.
- Place of the offence of, in the subdivisions of the Penal Code, iii. 166.
  - The offence of, subject to the influence of time and place, i. 176.
  - Publicity as a remedy for, i. 554.
  - Official. Means of obviating, as provided in the Constitutional Code, ix. 313.
- Extraction and reception of evidence, with the help of securities, vi. 30-34. Oral interrogation, 30. Consultation of notes, &c., 31. Extraction should not be severed from decision, 31-32. Epistolary interrogation, 32-33. Modes of interrogation principally in use, 33. When oral, or epistolary, should be employed, 33. Cross-examination, 33-34. Confrontation on the Roman system, 34.
- of evidence—General view of incongruities of English law in respect to, vi. 465-471. Twelve heads of incongruities enumerated, 465-466. Illustrated by procedure on action, indictment, information, attachment, &c., 467-470. Enumeration of sources from which the distinctions have been made, 470-471.
  - of evidence in common law procedure—Incongruities of, vi. 471-482. Indictment for felony—Inquiry before justice—grand jury—petit jury, 471-474. Indictment for misdemeanour, 474-476. Procedure on contempt, by attachment, 476-477. Procedure by information, 477-479. Civil jury trial, 479-480. Motion causes upon awards, &c., 480-482.
  - in Equity procedure—its incongruities, vi. 482-492. Encouragement to mendacity in the bill, 482-483. False statement to support charge, 483. Charg-

ing and interrogative part, 484. Defendant's statement on oath, *ib.* Evils of want of paragraphing and numeration, 485. Cross bill, *ib.* Evidence of witnesses by commission, &c., 486-488. At what party's instance depositions may be read, 489. Evidence admitted by special order, 490. Proof of authenticity of deeds, *ib.* Cross-examination, 491-499.

Extraction of evidence in Ecclesiastical and Admiralty Courts—its incongruities, vi. 492-499. Accuser's articles, 493. Examination of defendant in answer, *ib.* Effect—to punish for being subject to a rumour, 494. Examinations by commission, 495-496. Admiralty Court, 496. Practice of Ecclesiastical and Admiralty Courts compared with that of Equity, 497-499.

— — Incongruities of Roman law in regard to, vi. 499-501. Defects of the system of examination by a judge without cross-examination, 499-500. Secrecy, 500-501.

— — Recapitulation of the results of inquiries as to, vi. 504-507.

— — See Browbeating; Confrontation; Evidence—collection of; Helps to recollection; Interrogation; Notation and Recordation; Re-examination; Spontaneous Testimony.

Extra-judicially-written evidence, vii. 121-129, 174-175. Casually written, 121-126. (*See Casually.*) *Ex-parte* preappointed, 126-127. (*See Preappointed.*) Adscititious, 127-129. (*See Adscititious.*)

— — — Instructions concerning the probative force of, vii. 134-136.

Extra-judicially-written makeshift evidence, vi. 57-59.

Extra-regarding pleasures and pains, i. 20-21.

Extravagance—Pecuniary. How far the absence of charitable contributions will repress, i. 314-315.

Ewart—Dr, author of "The Comparative Estimate," x. 258.

Eye—How the sense of seeing derived from the impressions on the retina of, vi. 250, 251 n.

Eye-witness—Evidence of, the best, vi. 167.

Eyre—Sir James, Chief Baron of the Exchequer, noticed, v. 162.

Eyre—Sir Robert, Chief Justice of the Common Pleas, noticed, vi. 381, note 1.

## F

Fabrication of evidence as indicative of guilt, vii. 48-50.

*Facienda* by legislator in case of makeshift evidence, vi. 59-60.

Facility of utterance as a property desirable in language, viii. 305.

Fact and circumstance—Distinction between, apt to be obscure, vi. 245.

Fact and law—Questions of, distinguished, ii. 155.

Facts—Relation of judicial procedure to, vi. 7-8.

— divided into principal and evidentiary, ii. 61.

— collative, ablative, &c. Entry of, in pursuer's demand paper, ii. 66-70.

— on which acts of government founded—Publication of, i. 575-576.

— as the subject-matter of evidence, vi. 214-218. Facts in general, 214-215. Principal and evidentiary facts defined, 215. Division of the principal facts in penal cases, 215. In non-penal or civil, 215-216. Difficulty of connecting classes of principal with those of evidentiary related to them, 216. Division into physical and psychological, 216-217:—into events and states of things, 217.—into positive and negative facts, 217-218.

— Species of, in regard to circumstantial evidence, vi. 44; vii. 1-9. Principal and evidentiary, vi. 44; vii. 1-2. Probative, disaffirmative, and affirmative, vi. 44. Probabilizing and disprobabilizing, vii. 4. Infirmative, 5. Illustrations of principal facts considered as probabilized, with the correspondent evidentiary facts, 6-7. Principal facts disprobabilized, with the evidentiary, 7-8. Extent of the field of facts which may be the subjects of legal inquiry, 8-9.

— Difference between those impossible *per se*, and impossible *se alia*, as in *alibi* evidence, vii. 111-113.

— None universally recognised to be incredible, vii. 80-82.

— Ancient—Admission of transmitted evidence to prove, vii. 157, 167-168.

— legally operative as the subject of evidence, vi. 509. Division of, *ib.*

— Physical. Some classes of, always uniform, vi. 242.

— Principal and evidentiary, distinguished, vi. 15-16, 44, 215.

— Psychological—Improbability as regards, vii. 113-115.

Factitious honour—Examination of the nature and influence of, in connexion with the Constitutional Code, ix. 78-92. *See Honour.*

Factors—Circulating Annuity notes, as an investment for money in the hands of, iii. 144.

Faculty—Import of the word, iii. 222 n.

— as the name of a fictitious entity, viii. 224.

Faculties—Human. A general list of, viii. 74-76.

— — D'Alembert's list of imperfect, viii. 74.

Faculties of the mind—Enumeration of the, viii. 281-282.

- Faculties of the mind**—considered as passive and active, with their respective subdivisions, viii. 229-230.
- — — Application of methodisation to the assistance of the, viii. 272-273.
- Fagging system**—The, at the public schools, animadverted on, x. 34.
- Fairness alleged as a reason for excluding self-criminative testimony**, vii. 454.
- Faith**—Rewards for, like paying for partiality in a judge, x. 146.
- Articles of. Despotism and profligacy in requiring subscription to, iv. 382 n.
- Articles of—a claim of infallibility by a church, v. 209-210.
- Subscription to Articles of—How it enfeebles the mind, x. 144.
- Public—Superiority of England over France in regard to, i. 319.
- Infamy attached to breach of, ii. 224.
- Fakenham**—the name of a school-fellow of Bentham's, x. 30.
- Falch**—M., ambassador from the Netherlands—Mention of, x. 604.
- FALLACIES**—The Book of, ii. 375-487.
- Book of—Account of the state of the MSS. of, &c., by editor of original edition, ii. 376.
- The Book of—State of the MSS. of, alluded to, iii. 544 n.
- Definition of, ii. 379.
- by whom treated of before the author, ii. 379-380.
- Relation of, to vulgar errors, ii. 380.
- Political, the subject of the Book of Fallacies, ii. 380-381.
- Division and classification of, ii. 381-382. The Author's, Dumont's, and the Editor's, ib.
- of Authority, ii. 387-398. *See* Authority.
- of The wisdom of our ancestors, ii. 398-410.
- of Irrevocable laws, ii. 401-408.
- of the "no-precedent" argument, ii. 410-411.
- of Self-assumed authority and self-laudation, 411-412.
- of Laudatory personalities, ii. 412-413.
- of Danger, ii. 413-430.
- of Vituperative personalities, ii. 413-418.
- of "no innovation," ii. 418-420.
- of Distrust, ii. 421.
- in the system of screening official malefactors, ii. 421-429.
- of Accusation-scarer's device—imputing infamy to those who make charges which are not proved, ii. 429-430.
- for the support of Delay, ii. 430-435.
- of Confusion, ii. 436-474.
- Question-begging: through the use of Eulogistic or Dyslogistic epithets, ii. 436-438.
- of Impostor terms—or the use of appellatives which convey a false qualification, ii. 438-440.
- Fallacies by the use of Vague generalities**, ii. 440-448.
- of Allegorical idols, ii. 448-449.
- of Sweeping classifications, ii. 450-451.
- of Sham distinctions, ii. 451-453.
- of Popular corruption, ii. 453-455.
- Anti-Rational, ii. 457-462.
- of Paradoxical assertion, ii. 462-466.
- of confounding Cause and obstacle, ii. 466-469.
- of the principle—"Argue not from the abuse against the use," ii. 469.
- of the End justifying the means, ii. 469-470.
- of the saying "not measures but men," and *vice versa*, ii. 470-471.
- of Rejection instead of amendment, ii. 471-474.
- Characters common to all, ii. 474. Irrelevant, ib. Show defect of relevant arguments, ib. Unnecessary, ib. Used for bad purposes, ib. Consume time, ib. Breed ill-will, ib. Indicate improbity or folly, ib.
- Mischief produced by, ii. 475.
- Causes of the utterance of, ii. 475-480. Sinister interest known to the user, 475-477. Interest-begotten prejudice, 477-478. Authority-begotten prejudice, 478-479. Self-defence against counter-fallacies, 479-480.
- Uses of, to the utterers and accepters of them, ii. 480-481. Assuming the shape of reasons they look like independent thoughts, 480. Secure character for superior wisdom, 480-481. Involving no trouble—their employment shows superiority of rank, 481.
- Particular demand for, under the British Constitution, ii. 481-482.
- The demand for—how created by the state of party interests, ii. 482-484.
- Different parts that may be borne by individuals in relation to, ii. 484-485. Fabricator, utterer, and acceptor, 484. Distribution of evil consciousness, temerity, and blameless agency, among these parties, 484-485.
- Uses of the exposure of—Giving a means of detecting insincerity, and suppressing it by the operation of public opinion, ii. 486-487.
- The Book of—Analysis of the substance of, x. 519-521.
- Addition to the Book of—The Prudential præterition, or Non-contradiction fallacy, x. 521-522.
- Fallacies**—Anarchical; Examination of the French Declaration of Rights, ii. 489-529.
- — of all men being born free and equal, ii. 498-499.
- — that social distinctions *cannot* be founded but upon utility, ii. 499-500.
- — of natural and imprescriptible rights—viz. liberty, property, security, and resistance to oppression, ii. 500-504.

- Fallacies**—Anarchical—in the Declaration, that no one can exercise authority which does not expressly issue from the nation, ii. 504-505.
- as to the legal bounds of liberty, ii. 505-506.
  - as to the limitation of the right of the law to forbid, ii. 506.
  - as to the impossibility of commanding or prohibiting, except in terms of the law, ii. 506-507.
  - as to the law being the expression of the general will, and every citizen having a right to concur in it, ii. 507-508.
  - of a Declaration to the effect that no one can be accused, arrested, &c., except in terms of the law, ii. 509-511.
  - of a Declaration, that punishment *can* only be inflicted in virtue of laws promulgated before the offence, &c. 512
  - of professing to give perfect liberty, yet punishing for the abuse of it, ii. 515.
  - as to taxation, and the application of taxes, ii. 517-519.
  - as to what is essential to the existence of a constitution, ii. 520-521.
  - of Declarations of the Rights of man in general, ii. 521-524.
  - as exhibited in the "Declaration of the Rights and Duties of the Man and the Citizen" of France, in 1795, ii. 524-529.
- Fallaciousness**—Deceptive. Modes of, ii. 44-46.
- False assertion**—wherein it consists, vi. 227.
- False responson**, as evidence of delinquency, vii. 24-29.
- False evidence**—Truth capable of being extracted from, vii. 3, 388-389.
- False consolation**, or supporting abuses, because there are worse elsewhere—Fallacy of, ii. 431.
- False pretences**—Obtaining money under, charged against masters in Chancery, in their fees for fictitious attendances, v. 364-367.
- False reports**—Principles of satisfaction to the persons injured by, i. 375-376.
- Falsehood**—Logical and ethical, distinguished—latter infers knowledge of the untruth, v. 125 n.
- Distinction between logical and ethical in English schools, vi. 249 n\*.
  - Motives tending to, i. 486-487.
  - Offences involving, i. 104-105. Involves an instrument for committing the whole range of other offences, *ib.* Some peculiar to itself—simple falsehood, forgery, personation, perjury, *ib.*
  - Characteristics of offences involving, i. 141-142.
  - Offences indicative of a disposition towards, vii. 60-61.
  - Character displayed in offences involving, i. 78.
- Falsehood**—Offences involving, distinguished from others, i. 98.
- How it derives its criminality from the purposes to which it is used, v. 220-221.
  - should only be punished in contemplation of its purpose, vi. 293 n†.
  - encouraged by religious intolerance, i. 565.
  - cultivated by fictions of law, i. 243.
- Falsehood inculcated by the English Universities**, n. 210.
- propagated by demanding subscriptions to articles of belief, ii. 265-266.
  - divided into incidental, temerarious, and mendacious, vi. 291-293.
  - *in toto*, and falsehood in circumstances, distinguished, vi. 245-246.
  - as distinct from mendacity, vi. 249.
  - and incompleteness distinguished, vi. 279 n.
  - in what cases justifiable, vi. 19-20 n †, 267.
  - an instrument in the hands of delinquency, vi. 22.
  - No mischief which may not be produced by, vi. 297.
  - Inference of delinquency from, vii. 3.
  - on the part of litigants—Personal presence in court would be a check on, ii. 172; vii. 230.
  - Modifications of, vi. 244-247. *See* Incorrectness.
  - Modifications of, in reference to suits, vi. 293-294 n.
  - Utility of interrogation in exposing, vi. 332-333.
  - Difficulty in obtaining credence for, in a court of justice, vii. 387-388.
  - Infamy attaching to, vi. 264, 267.
  - Instruction derivable from, vii. 388-389.
  - In what circumstances pecuniary interest acts as a cause of, vi. 157; vii. 578-585.
  - Necessity of remembering that it does not always deceive, vii. 386-387.
  - Legislature instigates to, by exacting declarations without sanctions for their truth, vi. 117 n.
  - Judicial, vii. 262-270. *See* Mendacity-license.
  - Negative, and in degree, the kinds most liable to occur, vii. 573.
  - Fraudulent, should be punished in all cases, whether accompanied by oath or not, v. 460.
  - Juridical. Punishment of, in Constitutional Code, ix. 491.
  - Testimonial in the course of a suit—Measure to be taken with, ii. 82.
  - Securities against, in proposed Despatch Court, iii. 416-417.
- Falsification**—Evidence of, vii. 181-183.
- Familiar**—Terms that are, falsely presumed to be understood, x. 75.

- Family**—Father of. The procedure of, recommended for judicial tribunals, i. 558.
- Private—Wherein the administration of law in, differs from that in a state, iii. 233-234.
- Men of—Respect for, in connexion with Libel Law, v. 117 n
- Family relations—Offences against the, i. 121-132.
- Family tranquillity—how far danger of violation of, justifies restriction of judicial publicity, vi. 364-367.
- Preservation of, no sufficient reason for excluding evidence of husband and wife in regard to each other, vii. 483-484.
- Family pride characterized, iv. 441.
- Operation of, i. 333.
- Examination of, and fallacies leading to, ix. 82.
- Families compared to states, i. 569.
- The foundation of fortunes to, as the reward of official services—Burke's opinions on, controverted, v. 292-294.
- Decayed aristocratic—Opinion that they should be supported by the state combated, v. 305-307.
- Adjustment of parochial relief according to the size of—Difficulties of, illustrated, viii. 444-446.
- Famine—Peculiarities that may affect the laws of countries subject to, i. 174-175.
- a grand intestine foe of infant settlements, iv. 270.
- Treasures of the rich an insurance office against, ix. 34.
- Governor of New South Wales obliged to pass illegal ordinances for preservation from, iv. 269-271.
- Fanaticism—Nature of, i. 52.
- Extent of the mischief of crimes occasioned by, i. 75.
- Farms—Effect that would be produced on, by a general division of property, i. 359.
- Experimental. Establishment of, near central towns, ii. 257.
- Advantage of cultivating, on a large scale, x. 374.
- Farmer—Hugh, noticed, vii. 90.
- Farmers of the Revenue—Conduct of, in France, i. 319.
- Farming—Connexion of the size of landed Estates with the profitableness of, iii. 68-69.
- Farming out. Considerations as to the applicability of, to the revenue, ii. 249-251.
- Adoption of the principle of, for the Panopticon, iv. 47-49, 125-134.
- Farrer—Nicholas, founder of a praying club, iv. 379.
- Farriery—Peculiar source of information on, in a system of Pauper management, viii. 427-428.
- Father of a family—Authority of, compared with that of the monarch, i. 569.
- Father**—Effect of partiality of, towards child, on testimony, vi. 161; vii. 576-577.
- Responsibility of, for children, in regard to reparation for offences, i. 385.
- Father and child—Offences that may be committed with relation to the respective conditions of, i. 127-129.
- Principles of the civil code regarding, i. 348-349.
- Fawkener—Captain—Account of, x. 425-426.
- Fear, as designative of a motive, i. 204.
- as an impediment to the exposure of offences, viii. 578.
- Art of appealing to, in political partisanship, iv. 448.
- Superstitious—Knowledge a preservative against, viii. 13.
- indicated by passive deportment, as evidence of delinquency, vii. 45-47. Chain of inferences to the conclusion, 45-46.
- Infirmities possibilities to the various links, 46-47.
- Physical symptoms of, vii. 45 n.
- Fecundity—Human—Extent of, as a question of evidence, vii. 88.
- in the measurement of pleasure and pain, i. 16.
- Federative Government—The disadvantages of: adjustment of representation, army quotas, taxes, Central Government, territorial bounds, use of waters, &c., ix. 644-647.
- Fee—Definition of a, vii. 197 n\*.
- Fees, give lawyers an interest in the misery of mankind, vi. 311.
- Origin, progress, and effect of, ii. 12, 46; iii. 328-340.
- Non-adoption of, recommended in a Registry of Real Property, v. 430-432. The advantage national, as a general collection of evidence, 430. Fees have a general tendency to corruption, 431-432.
- Fees (in courts of justice)—The various forms in which they operate corruptly, v. 6.
- Evils of remuneration of judges by, at the root of those complained of in Petition for justice, v. 444-445.
- Different operations by which the product of, may receive increase, v. 609.
- for fictitious attendances of Masters in Chancery charged as swindling, v. 364-367.
- Various forms in which they produce mischief, vii. 199-201.
- Proposal for abolition of, vii. 327-328.
- Alteration of practice as to, vii. 199 n, 327-328.
- Advantage there would have been in their being imposed directly, instead of indirectly, vii. 200 n\*, 216.
- The miseries inflicted by, kept out of sight of those who profit by them, vii. 233.

- Fees (judicial)—adduced as instances of rewards having a direction contrary to that of duty, ii. 208-209.
- Illegal taxation under the name of, v. 287 n.
  - Lord Eldon's act for legalizing the creation of, by judges, v. 362-364.
  - Early conflicts of the courts for, described, v. 493-495.
  - Delays and other evils produced by, ii. 241.
  - Acts of Parliament against the laying on of, by authority of the courts, v. 353.
  - Origin of, and the ancient method of employing them, v. 446.
  - Exaction of, by judges, compared to the ship-money impost, v. 367.
  - to subordinate officers of courts—Evil influence of, iii. 339-340.
  - Argument against, in the Constitutional Code, ix. 524-525.
  - Brougham's opinions on, criticised, v. 583-589.
  - in cases of imprisonment for debt—Abuses as to, brought out in the case of Salisbury, v. 359-362.
  - appointed by the Bankruptcy Court Bill—Extent of, v. 571-572.
- Fees—Custom-house—Objectionable incidence of, ii. 244.
- Fees—Official. The evils of, ii. 241.
- Fees—Prison, considered, i. 423-424.
- Fee-gathering system—The, characterized, vii. 197-199. *See* Interest—sinister.
- — Vices introduced by, into technical judicature, vii. 214-225. Appeals and writs of error, 214-216. Sham motions in Chancery, 216. Abuses in the Masters' office, 217-220. (*See* Chancery.) Illustrations from Scottish judicature, and comparison with English, 221-225. (*See* Session, Court of.)
  - — List of devices of, for promoting ends of judicature at expense of ends of justice, vii. 225-226.
- Feelings—Hurting the, is libel, by the dicta of judges, v. 107-108.
- Felguerras—Baptista—Communication by, of Portuguese Cortes' resolution to translate Bentham's works, iv. 574.
- Felicity—The principal elements of, equally dispensed, so that it does not rise with the arithmetical ratio of property, ix. 15-16.
- Ratio of, to amount of wealth, considered, ii. 271-272.
  - National—Offences against, i. 101-103.
  - Genera of offences against, i. 133 n.
  - and infelicity—as the respective produce and effect of government, ii. 271-272.
- Felon—Outlawry of, vii. 254 n.
- The sanction to apprehend, by English law—its practical dubiety, ix. 618.
- Felons—Escape of, obviated by Panopticon plan, iv. 46.
- *See* Convict : Crime : Prison Discipline : Panopticon : Transportation.
- Felony—unmeaningness of the term, ii. 456.
- Difference between, and misdemeanour, as to collection of evidence, vi. 471.
  - Examination by justices of the peace of persons accused of, vi. 109, 471-472.
  - Removal of the proceedings in, from court to court, and the mischievous effect so produced, v. 528-529.
  - Punishments coming under the term, criticised, i. 503-511. Origin of the term, and division into clergyable and unclergyable, 503-505. Statutory and other additions, 505. With benefit of clergy, 505-509. Without benefit of clergy, 509-511. Felony within clergy, 510-511.
  - The varied characteristics of the different kinds of, i. 486.
  - Corruption of blood in, i. 480-481.
- Female convicts—Separation of, from intercourse with the male, provided for in the Panopticon plan, iv. 134-137.
- Female delicacy—How preserved from injury in judicial procedure, ii. 114.
- Females—Rights and obligations of, an unexplored subject, ix. 3.
- Extension of the Suffrage to, considered, iii. 463, 541, 559, 567 n ; iv. 567-568.
  - Necessity of yielding to the prejudice against their exercising the suffrage, ix. 108.
  - Admittance of, to legislative assemblies, considered, ii. 327.
  - might advantageously exercise the constitutive or elective, but not the other powers of government, ix. 108-109.
  - Extension of the Chrestomathic system of instruction to, viii. 55-56.
  - Suggestions for admission of, to Juries, ix. 566-567.
  - Considerations as to the proper employments for, i. 543.
  - Their fecundity in the external indices of grief, i. 27-28.
  - Sentiment of pity stronger among, than among males, i. 563.
  - Difference between the affections and dispositions of, and those of males, i. 28.
  - Not protected in the English courts from publicity in giving evidence on indecent assaults, &c., vi. 368 n.
- Fenelon—His reading his own condemnation, remarked on, viii. 543.
- Fenwick—Sir John—Case of, cited, vii. 528.
- Ferdinand—Don, (of Spain,) noticed, iv. 431 ; v. 534.
- Ferguson—Dr Adam, noticed, x. 64.
- Fern—Case of, cited, vii. 55.
- Ferocity—nourished by cruel laws and games, i. 561-562.
- Ferry-boat—Dr Campbell's argument against Hume regarding, considered, vi. 241.
- Ferryman—Mr—The locks constructed for Gloucester gaol by, iv. 91.



- Fetters**—Punishment through means of, i. 417.
- Feudal origin of the punishment of felony**, i. 503-505.
- Feudal succession—Forfeitures under**, ii. 596.
- Feudal system—Military spirit of the**, iii. 201.
- — — Evils of the, i. 342.
- — — Operation of, in creating the multiplicity of jurisdictions in England, iv. 353.
- — — Origin of, and evils of the disposition and state of society produced by, ix. 17-18.
- — — The usages of—their applicability to a barbarous people, and inapplicability when preserved through periods of civilisation, iv. 306.
- — — Absurd continuance of the practices founded on, vii. 383 n.
- Few**—The. The enemies of the many—not the many of the few, ix. 143-144.
- Fiat justitia ruat cælum.* The maxim ridiculed, i. 6-7 n\*.
- Fictions of law defined**, i. 243.
- — — Things that warn people not to believe their own eyes, x. 74.
- — — Entry in note-book as to the characteristics of, x. 74-75.
- — — adduced as one of the devices of technical procedure, v. 13.
- — — Illustrations of, in *Truth versus Ashhurst*, v. 234.
- — — The employment of, one of the items of complaint in the Petition for justice, v. 452-454, 511-513.
- — — Examination of the nature and effects of, in connexion with the Constitutional Code, ix. 77-78. Object in view, and effects produced, always bad, and indicative of the badness of the rule, ib. General demoralization, ib.
- — — a time when they may have done good, i. 268-269.
- — — Instruments invented for breaking through the limits set to the power of functionaries, ix. 59.
- — — examined in the *Rationale of Evidence*, vi. 100; vii. 283-287; 415-420. Common recoveries, 283-284. Sham-bail, 284-285. Courts stealing jurisdiction from each other, 285-286. Uses to judges and lawyers, 286-287.
- — — Interests giving rise to, vii. 203.
- — — Their influence in corrupting the Bench, v. 92.
- — — The absence of, in Scotland, i. 254-255.
- — — Casual animadversions on, i. 235; ii. 12, 136, 466 n, 539; iii. 191, 241, 589-590 n; iv. 306.
- Fictitious entities**—Difficulty of defining, iii. 594.
- — — Logical use of distinguishing, from real, iii. 286.
- Fictitious entities.** *See* Entities.
- Fidei committée**—Criticism on the expression, i. 106 n\*.
- Fidelity of transcripts**—Arrangements for securing, vii. 149-150.
- — — in the ordinary intercourse of life a virtue—among malefactors a vice, iv. 225.
- Fiduciary arrangements**—List of, iii. 410.
- — — rights—Nature of, iii. 182.
- Field**—Application of the term to what the word “subject” is generally applied to, viii. 205, 222-223. Superiority to Subject, Subject-matter, Sphere, Circle, &c., ib.
- — — a preferable term for expressing what is usually expressed by a derivative from *Encyclopedia*, viii. 73 n.
- Fielding**—Sir John. The opinion of, on informers, quoted, i. 559 n.
- Figure**—Sciences involving the predicament of, viii. 287-288.
- Figures**—Convertibility of, and danger in employing, for deeds, i. 551.
- — — Use of, in facilitating reference to documents, v. 442-443.
- — — Evidence involving, generally requires aid from notes, vi. 386.
- Figurative language**—Definition of, viii. 331.
- Filial condition**—Offences that may be committed in relation to, i. 128-129.
- Filth**—Means of removal of, in prisons, iv. 41-42 n.
- Finance** as a branch of political economy, iii. 75-80. *See* Taxes.
- — — Connexion of, with political economy, iii. 40.
- — — Code of, and its reference to other codes, iii. 204.
- — — Code of. Source of the reasons that should accompany, i. 162.
- — — Advantage to, of project for converting stock into Annuity notes, iii. 123-132.
- — — Correspondence with Sir R. P. Carew, as to opinions on—The securities on which loans are most readily advanced—influence of taxation on expenditure, x. 323-327.
- — — Programme of the three schemes of, submitted to the Treasury—Extension of the law of escheat, Tax on the traffic in money, Licences in place of the impediments to industry, x. 304.
- — — The system of written depositions in judicature, supposed to favour, vi. 37.
- — — Uses of registration to, vi. 83.
- Finance committee**—Reports of, quoted on law sinecures, v. 288.
- — — Reports of, noticed and quoted, iii. 83 n\*; v. 58; vii. 214-218.
- — — Twenty-eighth report of, quoted in relation to the expenditure on the penal colonies, iv. 201-204.
- Finance minister**—Provisions as to, in Constitutional Code, ix. 448-452. Functions,

448. Authority as to the metallic money and paper money mints, *ib.* Annual report of receipt and expenditure, *ib.* Prospective report or budget, 448-449. Functions as to the fabrication, reception, custody, requisition, postulation, and application of money, 449. Protection of public money from loss, *ib.* Uses of paper money, and best means of adaptation, *ib.* Proceedings as to demands in case of deficiency—classes to be privileged, 449-450. Advantages of disbursements being made by special paymasters—Frugality in division of labour, and protection against speculation, 450-451. Advantages of having the same person for receiver and payer, 451. Taxes which should be interdicted, 451-452.
- Financial law—Principles of, in connexion with the Constitutional Code, ix. 27-34. Proper end—appropriate frugality, 27. Test—comparison of the advantage of an expenditure with the burthensomeness of a tax, *ib.* Besides money, power and factitious honour among the stock possessed by a state, 28. Rules for security of public money, *ib.* Use of a national bank, *ib.* Frugality—negative branch of economy, *ib.* The chief end in a Republic, *ib.* In a pure monarchy also—but not in a mixed, *ib.* Objects of waste in mixed governments—gratification, corruption, delusion, 28-29. Production of corrupt obsequiousness—The higher the rank of the servant of the monarch, and the greater his wealth, the higher the gratification of the sovereign in being master, 29-30. Profuseness brought to the test of utility, 30-31. United States testifies against, 31. Corruption and delusion—purposes solely applicable to a limited monarchy, *ib.* Pensions of retreat unnecessary to officials, 31-32. Expense of the lustre and dignity of the throne, 32. Expense of the Established Church, *ib.* Unjust wars, *ib.* Distant dependencies, 32-33. Loans to foreign powers another source of monarchical profusion—never repaid, and in their very principle known never to be so, 32-33. Proper principles of taxation contrasted with those in practice, 33-34. *See* Taxation.
- — Principles of, in relation to what taxes ought not to be imposed, ix. 40.
- Fine—The nature of, as a punishment, examined, i. 468-469. *See* Forfeiture.
- Reasons for employing, as a punishment, i. 167.
- as a punishment, sometimes so small as to leave a premium on the offence, x. 66.
- Fines in proposed Despatch Court—Expense of establishment defrayed from, iii. 426.
- Imposition of, on suitors in the wrong, as a fund in aid of helpless litigants' fund, v. 503.
- Fines—Adjustment of, to pecuniary means of party, iii. 360, 426-427.
- Fines and recoveries—called Pickpocket instruments, v. 390.
- Fine Arts—The, classed among those of amusement and curiosity, ii. 253.
- — Utility of The, ii. 254.
- — Application of public revenue to the encouragement of, i. 317-318.
- — Protest against taxing the poor for indulging the rich in a love of, ix. 451.
- Finite and infinite—No medium between, vi. 224.
- Fire as an instrument of punishment, i. 407.
- Proposal of honorary rewards for exertion in the case of accidents from, ii. 231.
- Firmness of mind as a circumstance influencing sensibility, i. 24.
- First—Ambiguous use of the ordinal, in language, viii. 315.
- Fiscal power—Meaning of the term, i. 278 n\*.
- Fish—Plan for preserving, in ice, x. 346-350.
- Illustration of fluctuations in the price of, x. 349-350.
- Fisheries—Bounties on—A sum paid for increasing the means of national defence, iii. 42.
- in the West of Scotland—Letter to Dr Anderson on his Schemes regarding, x. 127-129.
- Fishing—denounced as a cruel sport, x. 33.
- Liberty of, in great waters, considered, i. 329.
- Fitness of things, as a rule of action, i. 8-9 n.
- Fitzherbert—Sir Anthony—His *Natura Brevium* referred to, vii. 459.
- Fitzherbert—Sir William—Notices of, x. 184, 238; xi. 74.
- Fitzmaurice—Lord—Notices of, x. 91, 118.
- Fixation of meaning of terms used in legislative acts, iii. 593-594.
- Fixation—Blind, of times for judicial operations, ii. 31-32; vii. 239-240, 369.
- — — — a device of technical procedure, v. 9.
- — — — a grievance charged in the Petition for justice, v. 470-472, 522-524
- Fixed expectancy—a substitute for whatever is rational in the term "vested rights," v. 277.
- Flag—recommended to be used in proclamations to disperse mobs, i. 370.
- Flash-pump—suggestion of, as a substitute for the steam-engine, viii. 135-136.
- Flaws—Power of judge to give effect to or not, at his option, considered, vii. 308-309.
- Flippancy—Held by Mr Spencer Percival as libel, v. 110.

- Flogging in the Army**—Bentham's horror of, x. 71-72.  
 — in the Army—Demoralising and degrading effect of, and illustrations from services where it is not practised, ix. 421-422.
- Flogging**—Absence of, a feature of the Chrestomathic system of Education, viii. 15-16.
- Flood**—Henry—Casual notice of, x. 122.
- Flood**—Toulon. A visiter of Bentham in his boyhood, x. 14.
- Florence**—The Author's opinions on evidence quoted in, iv. 576-577.
- Flowers**—Bentham's liking for, x. 152, 178-179, 532, 543.
- Fluxions**—Mathematical fictions, the nature of which should be explained to learners, viii. 174.
- Fluxional Algebra**—The characteristics of, viii. 105 n.
- Folkestone**—Lord. His Bill for preventing the Sale of Seats in Parliament, iii. 487 n.
- Fonblanque**—Albany—Mention of, x. 563.
- Fontana**—Interview between Bentham and, x. 150.
- Food**—Effect of cheapness of, ii. 549.  
 — Need, want, and desire of, as motives, i. 197.  
 — Free Trade in, the best security for subsistence, iii. 71.  
 — The ratio of supply of, in connexion with prison discipline: should be abundant but coarse, iv. 123-124.
- Force or impressiveness** as a property desirable in language, viii. 307.
- Force**—Probative in evidence, considered, vi. 220-223. *See* Probative Force.  
 — Physical. An element necessary to the existence of government, ix. 47.
- Force and arms**—Vague use of the expression in indictments for sedition, v. 257-258.  
 — — — The employment of the term, in King's Bench writs as a means of securing jurisdiction, v. 494.
- Force**—Defensive—How and in what manner at the command of the Prime Minister, according to the Constitutional Code, ix. 205-206.  
 — — Provisions for, in Constitutional Code, ix. 333-428. *See* Defensive Force.
- Force**—National. How to make the Poor-Laws subservient to, by training, &c. viii. 420-421.
- Force**—Public. Offences against, i. 101-103.  
 — — Offences against, as a subdivision of Public Offences, iii. 169-170.  
 — — Clause as to a, in the French Declaration of Rights, ii. 516-517.
- Forces**—New, how far the discovery of, probable, vii. 85-86.  
 — Balance of. Inapplicability of the term, to the operations of government, ii. 446-447.
- Forced exchanges and sales**—Evils of, i. 321-322.
- Forcible offences against person and property**—Nature of, i. 119.
- Ford**—Dr Brownlow, Ordinary of Newgate — Information from, on Forgery, x. 357.  
 — — Letter from, to Bentham, on capital punishments and the Panopticon, xi. 143-144.
- Ford**—Account of a labourer named, and of his exertions in educating his class, x. 502-503.
- Ford Abbey**—Allusion by Bentham to his residence at, and the works written at, x. 25.  
 — — Bentham's residence at, with description of the place, x. 479-480.
- Fordyce**—Dr George—Suggestions by, as to ventilation, iv. 111 n, 114 n.  
 — — Casual notices of, viii. 148 n, 425 n; x. 122, 133, 183, 564, 571.  
 — — Notice of the family connexions of, x. 184.
- Foreign attachment**—Nature of the writ of, iii. 355.  
 — — ranked among complex actions, ii. 81
- Foreign Department**—Abolition of secrecy in, urged, ii. 554-560.
- Foreign languages**—Use of the importation of words from, viii. 319-320.
- Foreign workmen**—Encouragement to, may be advantageous to individuals—not to Government, iii. 65-66.
- Foreign-Relation Minister**—Provisions regarding, in the Constitutional Code, ix. 445-447. To give execution to whatever Government arrangements have a connexion with foreign states, 445-446. Functions, 446. Negotiative, ib. Missive, ib. Epistolary acceptive, ib. Hospital—reception of foreign agents, ib. The different classes of foreign agents, ib. Things belonging to his department, ib. Junction with Navy minister, ib. To keep watch on the observance of treaties, 446-447. Principles of foreign policy, 447.
- Foreigners**—In what circumstances and to what extent jurisdiction may be exercised over, ii. 543-544.  
 — — Reasons why the offer of draughts of Codes of Laws by, should be encouraged, iv. 560-563. Absence of local prejudices and sinister interests, 560-561. How far advantages counterbalanced by absence of local knowledge, 561-562. Evil from ignorance obviated by the power of the legislature to reject their work, 562-563.  
 — — Argument addressed to the Spanish people against the exclusion of, from preparing a code of laws for the acceptance of a state, viii. 497-500.  
 — — Prejudices against their being allowed to make laws for a country, answered, iv. 463-464.  
 — — Effect of the contraction of loans with, and of their repayment, iii. 76.
- Forensic disability** as an ingredient in outlawry, i. 512.

- Foretellers**—Popular prejudices concerning, ii. 251.
- Forfeiture**—Derivation of the term, i. 451 n.
- of moveables—Inequality of punishment by, i. 92 n \*.
  - in case of conviction of felony—Incidence of, i. 509-510.
  - of real and personal estate—Distinction between, i. 508.
  - Effect of punishment by, i. 403.
  - is a punishment that affects third parties, i. 485.
  - or Privative punishment, considered, i. 451-475.
  - Punishment by, analyzed, i. 451-453. Property and reputation, ib. Conditions in society, &c., 452.
  - Punishments belonging to the moral sanction with reference to, i. 453-458.
  - of reputation, i. 458-467. How it may be accomplished merely legislatively, 459. Advertisement, 460. Connecting it with form of punishment, ib. Grades of, according to nature of punishment, 460-461. Generally greater the smaller the affliction in other respects, ib. What kind of punishments chiefly convey, ib. Temporary and continuous, 461. Forfeiture of credibility, 461-462. Degradation from rank, 462-463. Simple ignominious punishments examined, 463-467.
  - Pecuniary, i. 467-470. Four kinds, 467-468. Exemplifications, 468. Convertibility to profit, ib. Equality, 468-469. Variability, 469. Frugality, ib. Exemplarity, ib. Remissibility, ib. Popularity, ib. Quantity, ib. Quasi-pecuniary—Confiscations, &c., 469-470.
  - of condition, i. 470-474. Elements of value of condition, 470. Matrimonial condition, 470-471. Paternal, 471. Child, 471-472. Trustee, 472. How far law can operate in these cases, 472-474. Condition of liberty, 474.
  - of the protection of the law, i. 474-475.
- Forged Deeds**—Method of preventing, by paper-marks, i. 552-553.
- Forgers** pay more attention to the use of formalities than the honest, vi. 549.
- Forgery**—an offence of falsehood, i. 104-105.
- a mere modification of fraud, iii. 364 n.
  - a species of mendacity, vi. 292 n.
  - Different modifications of, vi. 247.
  - Rarity of the suspicion of, against a deed, vi. 490.
  - Modes of proving, vii. 181-183. *See* De-authentication.
  - how far proveable by evidence of person forged upon, vii. 490.
  - of maker's mark on manufactures—Plan for prevention of, vi. 584-585.
  - of printed documents should be punished, vii. 140-141.
- Forgery of real evidence**, vii. 15-18. *See* Real Evidence.
- Use of two attesting witnesses, a safeguard against, vi. 538.
  - Analogical punishment of, i. 408.
  - as a mode of deceptive fallaciousness, ii. 45.
  - Regulations for the prevention of, i. 551-553.
  - Impediments to, by requiring deeds to bear time and place, v. 396.
  - Allusion to the lengthiness of the treatise on, in the Government criminal code, iii. 364 n.
  - of Bank notes—Correspondence with Dumont and Colquhoun on, and complaints of the unwillingness of the Bank directors to take the proper steps for prevention, x. 356-358.
- Forging a release against a forged bond**—allusions to the circumstance of, ii. 419; v. 495; vi. 179; vii. 49, 50, 285.
- Form**—a Physical fictitious entity, vii. 264.
- considered as an absolute fictitious entity of the first order, viii. 201.
- Form of oath**—Importance attached to, vi. 319 n \*.
- — — as practised in England, vi. 323.
- Forms for contracts**—Provision of, by the legislature, considered, vi. 522.
- of Enactment—Considerations as to, iii. 277-283.
  - Fixed. The employment of a protection in exercises of power, i. 576.
  - of government—The different kinds of, i. 272-277.
  - Fixed, in legislative bodies—essential to liberty, ii. 332.
  - Judicial. Fallacy that they are the shields of liberty, exposed, viii. 478-482.
- Formalities (of Deeds)**—how far necessary, and the means of enforcing them, vi. 64-65.
- Kinds of, in use, vi. 515-517. Five methods of authentication *ab intra*—Autography, Onomastic signature, Symbolic signature, Sigillation, Recognition, 515-516. Authentication *ab extra*, by attesting witnesses, 516-517.
  - Enforcement of, vi. 517-525. Not want of will, but of power and knowledge that occasions informalties, 517. The system of nullity, 517-518. Penalty produces the evil it is intended to prevent, 518. Should be under conditions—viz., knowledge of the formalities and their essentiality, power to observe them, and observance not too burthensome, 518. Treachery in the law professing its readiness to give effect to people's intentions regarding contracts, 519-520. Proper means to be adopted—separate paper for each contract, having the laws and regulations printed on the border, 522. Formalities should be easy of observance, 523.

- Non-observance should be only circumstantial evidence, 523-524. Note of suspicion should be substituted to nullity, 523-524. Impugner should declare persuasion or suspicion of spuriousness, 524-525.
- Formalities (of Deeds)—what proper, and in what cases, vi. 525-530. In what contracts ought writing to be required? 525. Use of attesting witnesses; 525-526. One of the witnesses should be a person easily discoverable, *e. g.* a notary, *ib.* Use of notary for securing propriety, 526-529. Honorary notaries suggested, 529-530. *See* Notaries.
- Application of, to preappointed evidence, vi. 512-513.
  - should not depend on the shape of the property to which the deed applies, vi. 543 n. †.
  - Casual remarks on presumption of spuriousness from failure in, vi. 24, 48-49, 134.
  - of wills, vi. 530-551. *See* Wills.
- Formulas—Judicial—reason of their proximity, ii. 373.
- of legislative bodies—Considerations as to, ii. 373.
  - Undue services attributed to, by the Aristotelians, viii. 110 n.
- Formulary for agreements and deeds—Utility of issuing, iv. 455.
- Forster—Mr John, and his claim to the authorship of "Wortley's Rise and Fall of Ancient Republics," x. 67.
- Forster—Nathaniel—Account of, x. 61-62.
- Fortescue—Sir John, noticed, v. 532.
- on the difference between absolute and limited monarchies—recommended to Bentham's perusal, x. 48.
- Forthcomingness of parties—Provisions for securing, ii. 47-48.
- for the purpose of execution in Judicial procedure, ii. 96-99. Considerations regarding the vexation and damage that may be occasioned, and the means of minimizing them without risk to efficacy, 96-97. Means employed, prehensive operating on the body, and accersitive on the mind, 97. Security for forthcomingness, 97-98. How the fictitious entities, called rights, can be obtained, 98. Circumstances which may bar forthcomingness, *ib.* Cases where forthcomingness of persons may be necessary, and the want productive of irreparable damage, *ib.* On the part of things—its purposes, *ib.* Either as the ultimate or instrumental object of what is done, 98-99. Causes which may produce want of forthcomingness, 99. Non-forthcomingness of rights impossible, *ib.*
  - Imprisonment with relation to, i. 393.
  - Account of provision for, in Despatch Court Bill, iii. 306-307.
  - of persons and things—Mutual security for, in proposed Despatch Court, iii. 419-420.
- Forthcomingness—Quasi-appeal for want of exaction of, ii. 162-163.
- as a branch of procedure, considered in reference to the Constitutional Code, ix. 27.
  - Means of securing, uselessly diversified in practice, vii. 305-306.
  - Duty of securing, in regard to evidence, vi. 12.
  - Proper extent of the measures for securing, ii. 8.
- Fortified places—Engines used in attack or defence of, ix. 349-350.
- Fortitude—is only a virtue according to circumstances, x. 582.
- Fortune-telling—Motives to credulity illustrated from, vii. 107.
- Forty shilling freeholders in Ireland—The differences of opinion as to preserving, xi. 6.
- Fothergill—Dr—Bentham's tutor at Oxford, x. 37.
- Foundations—charitable and educational—Merits of, i. 333-334.
- The erection of, an absolute act of legislation, by which bribery is employed to the perversion of truth, by binding people to particular opinions, ix. 35.
  - The evil of, in a free country, as official departments over which there is no control, ix. 303.
- Founders of states—Criticism on Blackstone's use of the expression, i. 274.
- Foundings—Registration of, vi. 572.
- Foundling hospitals commended, i. 578.
- Fountain of justice—should be the nation, through the channel of the Legislature—not the King, iv. 305-306.
- Foucher par essoign, in English practice, criticised, vii. 269.
- Fourcroy—A. F. De—noticed, x. 401.
- Fowler's Exchequer quoted, vi. 491.
- Fox—Charles James—Connexion of, with a negotiation between Lord North and the Rockinghams, x. 102-103.
- — — His use of the expression, measures not men, and *vice versa*, ii. 470-471.
  - — — Opinions of, on Parliamentary Reform, iii. 443 n, 449 n, 461 n, 463, 481 n.
  - — — Oratory of, noticed, ii. 363 n.
  - — — Dismissal of, an illustration of the kingly influence in Britain, ix. 141.
  - — — Opinion of, in a letter to Sir James Mackintosh, x. 428-429.
  - — — Noticed, ii. 383 n, 399, 449; iii. 469, 484, 489 n, 506; v. 321; x. 255, 258, 289, 366, 384, 403, 412, 415, 416, 467, 472, 564; xi. 131.
- Fox-hunter's reason for excluding self-criminative testimony, vii. 454.
- Foy—General—met by Bentham in Paris, x. 551.
- Fragment on Government*, i. 260 *et seq.*

- Fragment on Government*—Preface to the first edition of, i. 227-239.
- — — Historical preface to the second edition of, i. 240-259.
  - — — History, of the author's first conception of, and progress towards the opinions expressed in, and of the publication of the work, x. 78-82.
  - — — Persons to whom it was attributed, x. 82.
  - — — Two letters from the *Morning Chronicle* criticising the, with defence by Lind, i. 256-259.
- Fragments*—Pannomial, iii. 211-230.
- Fragments on Universal Grammar*, viii. 339-357.
- France—Frequency of religious persecution in, i. 64.
- Revolution of, characterized, i. 78 n\*.
  - Breaches of national faith in, i. 319.
  - Law of *legitime* in, i. 337.
  - Declaration of Rights of, on the subject of Equality, criticised, i. 358.
  - Allusion to an action regarding a canary bird in, i. 375.
  - Attestive satisfaction for calumnious injuries by the law of, i. 376.
  - Criticism on the phraseology of the law of, regarding punishments, i. 390 n.
  - Instances of the punishment of relegation in, i. 432.
  - Compulsory change of name as a punishment in, i. 473.
  - Bentham to his fellow-citizens of, on death-punishment, i. 525-532.
  - Respect for honour among the inferior classes of, stronger than in England, i. 542.
  - Law of, as to duelling, i. 543.
  - Reproach brought against, by the system of lettres de cachet, i. 576; vi. 364.
  - Academy of. Salaries of members of, ii. 238.
  - State of the bench in, before the Revolution, ii. 242.
  - Sale of duties and offices in, ii. 247.
  - Effect of admitting a numerous auditory to the National Assembly of, ii. 326.
  - Method of transacting business in the National Assembly of, ii. 330-331 n.
  - Service that might have been done to, by the adoption of the British practice of Parliament in, ii. 331 n.
  - The evils of the forms adopted in the legislative assemblies of, ii. 332-333.
  - Procedure of legislative assemblies of, regarding proposal and adoption of motions, ii. 339-341. Vicious, from their not being proposed in the very terms in which they are to be adopted, ib.
  - Procedure of legislative assemblies of, as to unity of subject of debate, ii. 341-342.
  - Procedure of legislative assemblies of, as to mixing the operation of debating and voting, ii. 343-346.

- France—Method of giving opinions and voting in the courts of, ii. 345-346.
- Procedure of legislative assemblies in, as to pre-audience of members, ii. 346-349.
  - Procedure of legislative assemblies of, to the method of collecting the votes, ii. 350.
  - Procedure of legislative assemblies of, as to referring to facts on hearsay, ii. 364.
  - Procedure of legislative assemblies of, as to taking the votes, ii. 371-372.
  - Absence of exactness in writers of, ii. 364 n.
  - Security to Protestants in, ii. 417.
  - Proficiency of, in chemistry, compared with deficiency in legislation, ii. 521-523.
  - and Britain. The interest of, in the adoption of propositions tending to the establishment of a perpetual peace, ii. 546-560. *See* Peace.
  - and Britain—Agreement of, would remove the principal difficulties to a general pacification, ii. 550.
  - and Britain. Disarming treaty between, preparatory to a plan of perpetual peace, ii. 550-552.
  - and Britain. War between, peculiarly mischievous, ii. 551-552.
  - Mischievous effect that the conquest of, by Britain would have, ii. 551.
  - has no use of a navy except for colonies, ii. 551.
  - Bankruptcy the price paid by, for a war, ii. 558.
  - Comparative wealth of, iii. 77.
  - Multiplicity of judicatories in, iii. 417-418 n.
  - Judicial procedure of—Mendacity-license in, iii. 417-418 n; v. 200.
  - Attacks on liberty of the press in, iii. 436.
  - Garrisoning. Effects of, on the liberties of Europe, iii. 436-438.
  - Draught of a code for the judicial establishment in, with commentary on the National-Assembly Committee's draught, iv. 285-406. *See* Judicial Establishment.
  - Prejudices in, in favour of registering laws, iv. 311.
  - happy in the abolition of aristocratic privileges, iv. 321.
  - System of public prosecutions in, compared with the English, iv. 405.
  - Address to the National Convention of, on the Emancipation of Colonies, iv. 407-418.
  - Bentham to his fellow-citizens of, on Houses of Peers and Senates, iv. 419-450. *See* Peers.
  - Scottish judicial system imitated from, v. 19.
  - Absence of judicial fees in, v. 233 n.

- France—Smallness of salary of the judges in, v. 344.
- Notaries in—their integrity as a class, with illustrations, v. 498.
  - Frequency of contradictory testimony in, accounted for, vi. 499.
  - Holograph deeds in, vi. 515 n.
  - Registration of births in, vi. 574.
  - Tediousness of criminal procedure in, with its causes, vii. 208 n.
  - Minuteness of the sifting of criminal transactions in, in comparison with the English system, vii. 467.
  - Limitation of testimony in, vii. 536-537.
  - Court of Marble table in, vii. 291 n, 310.
  - Law of—Confrontation according to, vi. 339.
  - Law of—Illustration of temporary recordation in the procès verbal of, vi. 82.
  - Law of—Precedents from, as to extempore recordation, vi. 82.
  - Law of—Female witness excluded by, vi. 116.
  - Law of—Expression of degrees of persuasion in, vi. 231.
  - Law of, as to perjury, vi. 303.
  - Law of—*Memoires* of, a succedaneum to publicity, vi. 379.
  - Law of—System of *recolement* or reexamination under, vi. 451-454. *See* Re-examination.
  - Law of, incidentally animadverted on, vi. 417, 421, 499; vii. 17-18, 253.
  - Charter of, useful, though infringed, viii. 593.
  - The division of, into departments, &c., ix. 149.
  - more alive to improvements in the army and navy than Britain, ix. 407.
  - Number of naval and military officers employed in, compared with the number in Britain, ix. 408.
  - High military feeling among the common soldiers of, ix. 421-422.
  - The number of judges in the supreme judicatory of, ix. 471-472.
  - Extent of attendance of the different classes of judges in, ix. 517-518.
  - Large judicial fees formerly payable in, ix. 523-524.
  - Bentham's first visit to, x. 47.
  - Visit by Bentham to, on his way to Russia, x. 149-150.
  - Bentham's endeavours to give a right direction to the Revolutionary movements in, x. 197.
  - Letter from Bentham on the state of affairs in, before the Revolution, x. 190.
  - Correspondence as to the introduction of the Panopticon in, x. 264, 269-270.
  - Proposals in Dumont's handwriting for Law Reforms to be undertaken for, by Bentham, x. 268-269.
- France—Bentham made a citizen of, and his answer to the official announcement, iv. 420, 457; x. 281-283.
- Proposal to Wilberforce and Lord St Helens of a pacific mission to, consisting of persons supposed not inimical to the dominant parties, x. 315-320.
  - The progress of Bentham's Works in, at the beginning of the 19th century, x. 378-380.
  - Reflections on the prospect of, at the Restoration, x. 485.
  - Notices of the progress of the first Revolution in, x. 216-217, 248, 249, 250, 255-256, 283-284, 286, 296, 297-300, 305, 313.
  - Notices of the state of, at the restoration of the Bourbons, x. 486, 499-500, 504.
  - Notices of the state of, between the Restoration and the second Revolution, x. 525-526, 527, 539; xi. 2, 4.
  - Events tending to the second Revolution in, noticed, xi. 19.
  - Proposals to the Duke de Broglie for Law Reform in, xi. 54-56.
  - Notices of the Revolution of 1830 in, xi. 56.
  - Letter to the people of, on the Revolution of 1830, xi. 56-58.
  - Examination of the Declaration of Rights of. *See* Declaration of Rights: Fallacies—anarchical.
- Franchise—The elective—a trust, i. 484; iii. 560.
- — Advantage of simplicity in regard to the, iii. 464-465.
  - — Inquiry into the early history of the, iii. 460 n.
  - — Mis-statements by Brougham as to the author's opinions on, and correction, iv. 567-568.
  - — Moderate extension of—the inadequacy of, iii. 518-519.
  - — Reform in the. *See* Reform: Universality of Suffrage.
  - — compared with qualification of jurors, ii. 127-128.
  - *See* Suffrage: Universality.
- Francis—Sir Philip—Opinions of, on Parliamentary Reform, ii. 443 n.
- Franklin—Benjamin—Description of, when present at the Meeting of Council, where he was attacked by Wedderburn, x. 59.
- — Anecdotes and notices of, x. 41, 88, 93, 527.
  - — His personal similarity to Bentham, xi. 78.
- Franklin—Rex, r.—The case of, cited, v. 126 n.
- Fraud—The absence of provisions at common law in relation to, shows the need of codification, v. 486.
- Regulations for protection from, i. 550-556.

- Fraud—What punishment tends to reformation in case of crimes of, i. 94.  
 — a species of mendacity, vi. 292 n.  
 — generated by the exclusion of informal evidence, vi. 134.  
 — What provisions necessary to obviate, in contracts, vi. 527.  
 — Conflicts between law and equity for suppression of, vii. 301.  
 — Danger of, not increased by number of media through which evidence is said to pass, vii. 156.  
 — Characteristic—The, to which makeshift evidence liable, vi. 59.  
 — Characteristic—The, of unoriginal evidence in general, vii. 132.  
 — Characteristic—The, of hearsay evidence, vii. 133.  
 — Characteristic—The, hearsay evidence less liable to, than extrajudicially-written, vii. 134.  
 — Characteristic—The, of real evidence, passing through other *media*, vii. 152.  
 — Characteristic—The, of casually-written evidence, vi. 164; vii. 121.  
 — Characteristic—The, of transcriptitious evidence, vii. 141.  
 — Statements for the purpose of, generally given in the form apparently most trustworthy, vii. 156.  
 — in contracts—Exclusion of oral testimony a false security against, vi. 139.  
 — Protection of creditors from, by registration, vi. 83-86.  
 Frauds of litigants—Personal presence would suppress, vii. 230-232.  
 Frauds—Statute of—Examination of, with regard to wills, vi. 542-551.  
 Fraudulent—Application of the term in the nomenclature of offences, i. 116.  
 Fraudulent obtainment. Nature of the offence, i. 118.  
 Frederick the Great and the Neufchatelans—Anecdote of, i. 181.  
 — — — His limitation of actions to a year animadverted on, ii. 31.  
 — — — His reform in custom-house salaries, ii. 244-245.  
 — — — Attempts of, at codification, ii. 229.  
 — — — His efforts to increase the opulence of Prussia, iii. 44 n, 58.  
 — — — His direction not to accompany laws with reasons, criticised, iv. 526.  
 — — — His influence with Lord Chatham, x. 94.  
 — — — Casual notices of, iv. 317; ix. 228; x. 585.  
 Fredericean Code—Law of divorce by, i. 355.  
 — — Law of marriages by, i. 357-358.  
 — — Left-handed marriages prohibited by, i. 545.  
 — — — Arrangement of the, criticised, iii. 163.  
 Fredericean Code—Incompleteness of the, iii. 206.  
 Free—That all men are born, and remain—Fallacy of, ii. 498. The truth that too many are not so, ib.  
 Free governments—Circumstances which distinguish from despotic, i. 288.  
 Free labour—Advantages of, in prisons, urged, iv. 49-51.  
 — — More productive than that of slaves, i. 345.  
 Free Trade. *See* Bounties : Monopolies : Restrictions : Trade.  
 Freedom of discussion—Securities for, adapted to a Mahomedan state, viii. 584-585.  
 Freedom—Line of demarcation between slavery and, i. 344.  
 Freedom of the Press. *See* Liberty of the Press.  
 Freedom of suffrage—an element of Parliamentary Reform, iii. 453.  
 — — — Examination of the seductive influences that impede, iii. 476-482.  
 Freeholds—Forfeitures of, affecting third parties, i. 485.  
 — — Reduction of copyholds to the state of, a reform in conveying, v. 391.  
 Freeholders—The only class who were believed to have an interest in the laws, v. 69.  
 — History of the reduction of the franchise to, iii. 460 n.  
 — — Committee of, as the origin of judicial publicity in England, vi. 373.  
 French language—Does not express continuous action in verbs, viii. 350.  
 — — Partly exempt from the ambiguity produced in the English by the conjunction *or*, viii. 35 n.  
 — — Pedantic use of, viii. 314.  
 French—Norman. Use of, in law, a device of the Technical system, v. 448-449.  
 French Revolution—Examination of the Declarations of Rights issued during, ii. 489-529. *See* Declaration of Rights.  
 — — The anarchical opinions brought into existence by, generally characterized, ii. 521-524.  
 — — Employment of the term “Crimes of Kings” in, ii. 450.  
 — — Animadversions on the doctrines which occasioned the violence of, iii. 218-220.  
 — — *See* France.  
 Friends of the People—Inadequacy of the Reforms proposed by The, iii. 516-517, 525-526.  
 Friendly Bondsmanship, or Bail—Provisions for, in Principles of Procedure, ii. 103-105.  
 Friendly Societies. Advantage of the project of Circulating Annuities to, iii. 107.  
 Friendly Societies' Banks—Defects in, and suggestions of amendment, viii. 410-414.  
 Actual legislative amendments, 410.



- Friendship—Effect of, on testimony, vi. 154-155.
- Frigidarium—Plan of a, for the preservation of fruit, vegetables, animal food, &c., x. 346-350.
- Frost—Expansion by, considered as a source of motion, viii. 142.
- Fructifying—Quality of, in rewards, ii. 216.
- Frugality in public rewards, ii. 201-203.
- Character attributed to the motive of, i. 214.
- Extent of, as a virtue, iii. 143 n.
- as a property of punishment, i. 398-399, 404.
- How far it should be virtually enforced by the absence of provisions for the support of the destitute, i. 314-315.
- Project of circulating Annuity notes conducive to, iii. 145.
- Forced—How far incidentally accomplished by government, iii. 44.
- Frugality Banks—System of, in connexion with central pauper management, viii. 408-417. Properties desirable in the system—Security, all-comprehensive scale of dealing equal to the capacities of the poor, advantageous terms, suitable places, promptitude of operation, &c., 408-409. Small deposits converted into annuity, 409. Variety of uses to which the annuity or its equivalent as a stock may be put, ib. Provision for widow, ib. For children, ib. Pledge or security, ib. Marriage fund, 409-410. Defects in the Friendly Society Banks—want of solidity, risk of embezzlement—disputes of members, 410-411. Their defects in respect of all-comprehensiveness—uses in the proposed plan not accomplished by them, 411-412. Incompatibility of the objects of the various members with each other in narrow and local establishments, 412. Their inadequacy from want of skill to support a varied scale of dealings, 412-413. No facilities for giving sufficiently advantageous terms in the ordinary banks, 413. Their inadequacy in respect of promptitude and convenience, 413-414. Immoral tendency of holding them in public houses, ib. Collateral inconveniences to which the proposed plan is not liable, 414. Evils to which the general system chiefly liable, and from which the local ones likely to be less so, are chiefly frauds in relation to state of health, &c., 414-415. Suggestions for counteracting: agencies with profit, or the central system united with the local, 416-417.
- Fruit—Plan for preserving, in ice, x. 346-350.
- Fumbling as a defect in the use of language, explained and illustrated, viii. 308.
- Function—Use of the word, viii. 231.
- Functions—Use of the term, in the Constitutional Code, explained, ix. 3.
- Functions of the Ministers collectively, according to the Constitutional Code, ix. 219-226.
- Elementary of Judges, in the Constitutional Code, ix. 481-483.
- Functionaries — Proposals for rendering them amenable to the Public-opinion Tribunal, by public admonitory rules of conduct and deportment, ix. 42-43.
- Provisions for, at length, in the Constitutional Code, ix. 213-333. *See* Ministers Collectively.
- Public—cases in which they are interested, particularly unfit for judicial privacy, vi. 369-372.
- Public. Emoluments of. *See* Offices.
- Fund—An equal Justice, for the assistance of helpless litigants—Plan for, in the Constitutional Code, ix. 490-493.
- Helpless litigants'—Establishment of, prayed for in Petition for justice, v. 503.
- Fund—Sinking—Action of the project of Circulating Annuities, in conjunction with the, iii. 107-153.
- — Operation of a, on the production of wealth, iii. 80-82.
- Funds—The. An outlaw punishable by forfeiture of dividends from, i. 513.
- — Charge against the radicals, of wishing to interfere with, discussed, iii. 608-611.
- Funded Debt—Project for reduction of, through conversion of Stock into Annuity notes, iii. 107-153.
- — Plans for reducing interest of, compared with operation of Annuity-note scheme, iii. 141-144.
- Furneaux—Dr Philip—noticed, i. 230, 233 n.
- Fury—in what circumstances attributed as a motive, i. 53.
- Fusion—Contraction or expansion by, as a source of motion, viii. 142.
- Future—Ambiguous employment of the word, instead of subsequent, viii. 314.
- Future Tense—Division of, into the simply predictive, and the dominative, and inquiry into the reciprocal use of shall and will, viii. 350-353. *See* Verbs.
- Futurity—Legislation as to, in connexion with fallacies, ii. 402.

## G

- Gabbett—Mr, a visiter at Bowood, x. 187.
- Gagarrn. The revolt of, noticed, i. 572.
- Gagging as a punishment, i. 417.
- National—Securities against, for a Mohammedan and partially civilized state, viii. 584-585.
- Gain and loss—Relative proportions of pleasure and pain occasioned by, considered, i. 305-307.

- Gam—Appetite for, a less dangerous motive to crime than sport, iv. 222.  
 — Hope of—its effect on testimony, vi. 158.  
 Gallantry. Double meaning of the word, and its effects, ii. 438 n.  
 Gallatin—Albert—(Secretary to Treasury of—afterwards Plenipotentiary in London from, the United States) Letter of, to Governor Snyder, introducing Bentham's proposal to prepare a code for Pennsylvania, iv. 468.  
 — — noticed, iv. 453; x. 433, 462-463.  
 Gallery—Visiter's, in courts of justice, n. 34.  
 Galleries—Inspection, as part of the Panopticon system of prison discipline, iv. 80-86.  
 Galleys—Punishment of the, examined, i. 438.  
 Gallois—M.—Letter from, to Bentham, introducing French refugees, x. 286.  
 — — casually noticed, x. 379, 389, 395.  
 Galvanism—defined, and located in the Chrestomathic system of Instruction, viii. 32.  
 — how far connected both with chemistry and mechanics, viii. 32-33.  
 — an illustration of defective nomenclature, viii. 71.  
 — considered as a source of motion, viii. 138.  
 Gambling characterized, ii. 255.  
 — Cause of the pernicious influence of, iii. 230.  
 Games. The good effects to which they may be rendered conducive, i. 540.  
 Game laws. Principles on which they are founded, i. 329-330.  
 — — Oppressive incidence of the, illustrated, v. 234.  
 Gamesters—Question, if mortgages should not be simply negotiable between, without dividing the funds transferred with lawyers? v. 400.  
 Gardens—Application of, in prison discipline, iv. 10.  
 Gardening—Source of experimental information regarding, in a system of Pauper management, viii. 426.  
 — Place of, in the Chrestomathic system of Instruction, viii. 34-35.  
 Garnier—(J. J.)—Letter from, to Bentham on Law Taxes, x. 398-399.  
 — Casually noticed, x. 388, 395, 399.  
 Garran—(J. P.)—Correspondence with, on proposal to introduce the Panopticon in France, x. 269-270.  
 Garrisoning France. Effects of, on the liberty of Europe, iii. 436-438, 442.  
 Garrow—Mr Serjeant—noticed, vi. 162 n; vii. 430.  
 Gascoigne — Chief-justice — Committal of Henry V. by—a subject for a historical picture, x. 73.  
 Gasification and digasification illustrated as a source of motion, viii. 134-136.
- Gates—General—Anecdote of, x. 527.  
 Gautier—M.—Supposition that he translated the Defence of Usury, x. 249.  
 Gautier—Madame—Letter from, on the state of France at the Restoration, x. 486.  
 Geddes—Mrs—a visiter in Bentham's family, x. 14  
 Gender—a proposition involved in the form in which it is expressed in grammar, viii. 190.  
 — Indications of, in common names an encumbrance in language, viii. 346  
 Genealogical facts—Registers of, vi. 63, 570-574. Deaths—civil and penal uses, 571. Births, 571-572. Marriages, 572-573. Statistic uses to the legislature, 573. Aberrations of English law on this subject, 573-574.  
 — Facts—Uses of the recordation of, ix. 627.  
 — — See Register.  
 Genealogical Table—Application of, to mathematics, in arranging series of propositions connected with each other, viii. 164-166.  
 General issue—Nature of the plea of, viii. 273.  
 — — Permission of plea of, by statutes, a censure on special pleading, viii. 325.  
 — — The various kinds of, and their service as a means of abbreviation, v. 42.  
*General view of a complete code of laws*, iii. 155-210.  
 General Warrants—The decision as to, shows that precedent cannot make law, iv. 261.  
 Generalities—Use of mounting into, by a reasoner who finds particulars too palpably against him, v. 131.  
 — Vague, as fallacies employed in discussion, ii. 440-448. Exposition—Use of a vague instead of definite expression, 440. Conveyance of an insinuation, 441. "Order," 441-442. "Establishment," 442. "Matchless constitution," 442-445. "Balance of power," 445-447. "Glorious Revolution," 447-448. Allegorical idols, 448-449. Sweeping classifications, 450-451. Sham distinctions, 451-453. "Popular corruption," 453-455. Observations on these fallacies in general, 455-457. The use of these terms, as contrasted with close reasoning, indicative of sinister design, ib.  
 Generalization—Nature of, as one of the human faculties, viii. 75 n.  
 — How to experiment in the direction of, viii. 278.  
 Generic, as distinguished from individual exposition, viii. 243.  
 Generic ideas—How far exposition of, capable of being given where parties have no common language, viii. 244.  
 Generosity—Mischievousness of the sort of, that gratifies itself at the expense of justice, v. 305.

- Geneva—Legislation committee of—Desire of, to found their Penal Code on Bentham's views, iv. 569-570.
- Dumont's commission to prepare a body of laws for, iv. 479, 507.
- Dumont's description of the state of, in 1816, x. 487.
- Sumptuary laws in, i. 535.
- Law of divorce in, i. 355.
- System of honorary rewards in, ii. 231.
- Genioscopic or Theoretical Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Gentive—The only internally inflected case in English language, viii. 346.
- Genus—Inventive—Difficulties it has to combat with in bringing its efforts before the world, iii. 49-50.
- Genoa—visited by Bentham on his way to Russia, x. 150.
- Gentlemen—should be mixed with the yeoman class in common juries, v. 164-165.
- and yeomen—Distinction between, ii. 140-141.
- Gentoo laws—Singular rules as to perjury in, vi. 271-272, 324.
- Gentoo—Position of, in the scale of sensibility, i. 174.
- Genuineness, as distinguished from verity, not noticed by Gilbert in his work on Evidence, vi. 183.
- of a document—Proper course where unsuspected, vi. 120-121.
- of a document—proper course where it is suspected, vi. 121-122.
- of writings—Securities, &c., for. *See* Authentication.
- Genus—a word which cannot be employed otherwise than in relation to species, viii. 122 n.
- Relation of, to species, viii. 264-266. Genera must be formed by aggregation before species are formed by analysis, ib.
- Genus Generalissimum—How created by abstraction, and divided, viii. 257.
- Geognosy—Defined and located in the Chrestomathic system of Instruction, viii. 34.
- Illustrative of the rise of new branches in the arts and sciences, viii. 27.
- Geography—Defined and located as a branch of instruction in the Chrestomathic School, viii. 29, 33.
- Extent to which a knowledge of, may be useful to the working-classes, viii. 25.
- The field of, separated from that of Topography, viii. 243.
- a science involving the predicament of place, viii. 286.
- Uranological—defined and located in the Chrestomathic system of Instruction, viii. 38.
- Geographical criterion for jurisdictions, vii. 288.
- Geographical criterion for jurisdictions—the original kind in England, vii. 296.
- Geometry—Defined and located as a branch of instruction in the Chrestomathic School, viii. 29, 33, 36.
- expressed by the term Morphoscopic Posology, in the Encyclopedical Sketch of Art and Science, viii. 85, 287.
- distinguished from Algebra, viii. 37.
- a science involving the predicaments of number, figure, and quantity, viii. 287.
- Geometry and Algebra—New principles of instruction applicable to, for the purpose of applying to them the exercise of the Chrestomathic system, viii. 155-185.
- — Verbally-expressing, or Diagram-discarding Principle, viii. 155-160. To state the propositions and demonstrate them in descriptive language, without the aid of a diagram, 155-156. Instances in which it was practised, 166. Mode of descriptive designation adopted, ib. Division into enunciative and demonstrative parts, ib. Directive part, ib. Use in collecting and fixing, in the aggregate, the knowledge acquired, 156-157. Saving of the time of constructing the figure, 157. Why should the enunciative part be always in general terms, and the demonstrative not? 157-158. Aggregate ideas attached to general terms become thus the more easily conveyable from one person to another, 158-159. Considerations as to why Euclid did not adapt the verbal mode to demonstrations, 159. Plan for trying whether the learner can accomplish the method, 159-160. Exemplification in 5th Proposition, 160. Considerations as to how far the system ought to be carried for the collection and arrangement of principles, 160. Necessity for a new nomenclature, ib.
- — Practical use-indication-maximizing Principle, viii. 161-164. The great service of separating the parts useful from those which not, 161. Probabilities and astronomy—cases where there is absolute utility, ib. Department where the use is only occasional—mechanics, ib. Economy of time from having the distinction fixed, ib. Cases where there is only a preparatory use, as a channel to others absolutely useful, 161-162. Necessity for a separation for the Chrestomathic School, and manner of accomplishing it, 162. Unpopularity of these novel notions—Beddoes' book, ib. Mathematics not true unless in so far as useful, *i. e.* in so far as the general propositions have individual ones to which they apply, 162-163. All mathematical ideas have root in physical, 163. Propositions invented in the order of practical application, 163-164.
- — — The Genealogical-Table-employ-

- ing, or synoptic-filiation indicating principle, viii. 164-166. The principle—the relations of which the propositions are susceptible in respect of use, 164. Construction of the table—Demonstrations like kites, and the propositions on which they are founded the tails, 164-165. Adaptation as school exercise, 165-166.
- Geometry and Algebra—Special visible sign-employment-maximizing Principle, viii. 166-169. The signs to be special and arbitrary, 166. Geometrical diagrams not arbitrary but imitative, *ib.* The chief use abbreviation, by condensing the multitudes of arbitrary signs of which sentences are composed into one, 166-167. New signs being the learning of a new language, a certain impediment created, 167. Use of Algebraic signs in abridgement, *ib.* Where signs are not arbitrary but analogous, they are liable to be cumbersome—*vide* Lavoisier's Chemistry, *ib.* An experiment tried in the use of signs, and its operation, 168. Use in the genealogical table, *ib.* Whether should signify other propositions besides those of Euclid, 168-169. Exercise by translation from the purely diagrammatic mode into the purely verbal, 169.
- — — key-presenting, or special contrivance-indicating principle, viii. 169-177. Applicable both to Geometry and Algebra, 169. Economy by having keys that may serve whole classes of propositions, *ib.* Specimen in Montucla's History of Mathematics, 169-170. No explanation ever offered of the abbreviations in Algebra, 170-171. Facility that would accrue to learners if there were a definite explanation, 171. Difference in the nature of Geometry, *ib.* Advantage of removing hard words from the path of the learner, 172-173. Practical-use-indication system would of itself convey explanation, 173. Purely verbal mode should be employed in giving the explanations, *ib.* The tonic or invigorating use of Mathematics, to be found in Geometry, in contradistinction to Algebra, 173. Necessity of explaining the fictions, *viz.* Fluxions or Differential calculus, 173-174. Conversions from the Algebraic form into the Geometrical are fictions, but not *vice versa*, 174. The necessity of the use of the fictions—*e. g.*, Fluxions—should be made known, *ib.* Illustrations of apparent self-contradictions in Algebraic language from this defect; *e. g.*, negative quantities, 175. Euler quoted in support, 175-176. Keys composed of the contrivances for accomplishing the object, 176. Great differences between understanding what so explained, and understanding according to the ordinary acceptance, 177.
- — — Need of revision of the whole field of, for the purpose of Chrestomathic instruction, viii. 177-184. *See* Mathematics.
- Geometry and Algebra—Interconversion of, viii. 184-185.
- — — Improper application of the terms Synthesis and Analysis to, viii. 258-259.
- George III.—Ode on the accession of, x. 41.
- — — an illustration of the fallacy of making a king's personal character an argument for monarchy, ix. 141-142.
- — — Charges against, iv. 431-432. Persecution of Wilkes, 431. Rapacity, *ib.* Bankruptcies, *ib.* Drove Sweden to war with Russia, *ib.* Caused the revolutionary war with France, 431-432. Piratical war with Spain, 432.
- — — Charges against, of thwarting the Panopticon Penitentiary project, xi. 96-107.
- — — Allusions to his opposition to the Panopticon plan, and his motives, iv. 171-172; v. 468.
- — — his opposition to the author's Poor-law plan, v. 422; xi. 97, 102.
- — — undeserving of the reputation of having made the judges independent, x. 548-549.
- — — his resistance to Catholic relief on the ground of his oath, v. 193.
- — — Coronation oath an excuse to, for proceedings against America, ii. 117-118 n.
- — — Papers he wrote in the Annals of Agriculture, x. 285.
- — — charged with writing letters in the Gazette de Leyde, urging Denmark to a rupture with Russia, x. 201.
- — — Letter, signed "Partizan," in the Public Advertiser attributed to, in answer to Bentham's Anti-Machiavel Letters, x. 206-207.
- — — Authority for holding him the author of the letter of Partizan, x. 211-212.
- — — Letter to, on the inventions in naval architecture of Sir Samuel Bentham, and on the Panopticon, x. 260-261.
- — — Notices of his dispute with Wilkes, x. 65-66.
- — — his proposal to take refuge with Bishop Hurd in case of an invasion, x. 418-419.
- — — Casually noticed, v. 130, 280; ix. 133, 291, 607; x. 250, 591; xi. 63.
- George IV.—Despotic principles of, iii. 562.
- — — his approval of the Manchester massacre, ii. 470 n.
- — — Inroads by, on liberty of the press, ii. 125.
- — — as Prince Regent. Character of, x. 472.
- Georgia—Power of the Crown in the Colonies, as illustrated in the foundation of the Colony of, iv. 258.
- German Diet—The. An illustration of an international judicature, ii. 552.

- Germans**—Opinion of the, x. 384, 562.  
 — The Ancient. Effects of idleness on, ii. 254 n.
- Germany**—illustrates the advantages of popular education, viii. 20.  
 — Secrecy and despotism of judicial procedure in, vi. 504.  
 — Inquisitorial procedure in, ii. 88.  
 — Letter to Bentham with remarks on the political position of, in 1794, x. 297-300.  
 — Ranks of nobility in, ix. 87.
- Gestation**—Duration of, in relation to evidence, vii. 88.
- Ghent**—Practice of the House of Correction at, iv. 13.
- Ghes**—Hassuna d', of Tripoli—Notices of, viii. 555; x. 534.
- Ghosts**—Children frightened into a belief in, ii. 418.  
 — Dread of, created in Bentham in his infancy, and its effects on his nerves, x. 18-19.  
 — Experimental argument against, x. 587.  
 — among the delusions created by intellectual ignorance, viii. 13.  
 — Instances of evidence professed to come through, vii. 101-102 n.
- Gibbon**—Edward, noticed, x. 55, 56.
- Gibraltar**. Reasons for giving up, ii. 548 n.
- Gibson and Johnson**—Case of, cited, vi. 488.
- Gifford**—Sir Robert, noticed, v. 357.
- Gifts by the Government**, to conduct commercial undertakings, &c., considered, iii. 59.
- Gilbert**—(Chief Baron,) his analogy between records and diagrams, vi. 184, 565; vii. 71-72.  
 — his division of all evidence into written and unwritten, vi. 71.  
 — his reasons for secrecy in equity causes examined, vi. 374 and n.  
 — his false theory of evidence, vi. 143-145, 183-187. Confounds verity and authenticity, ib.  
 — his reasoning on matters of record, vi. 185-186.  
 — his arguments for the necessity of secrecy in examining witnesses by commission, vii. 540-542.  
 — noticed or quoted, vi. 55, 73, 140, 175, 205, 565; vii. 200, 273.
- Gilmer**—F. W. Letter from, x. 498-499.
- Gladiatorial exhibitions**—Ferocity nourished by, i. 562.
- Glanvill**—Joseph, on witchcraft, noticed, vii. 362.
- Glanville**—Ranulph, noticed or quoted, ii. 152; iii. 420; vii. 243, 269, 379 n.
- Glenberrie**—Silvester Douglas, Lord, noticed, x. 133, 174, 175, 186; xi. 99.
- Globe Insurance Company**—Author's plan of a frugality bank adopted by, iii. 145 n.  
 — — — Objection to privileges proposed to be conceded to, as involving public frugality banks with a precarious speculation, x. 334-335, 375-376.
- Globe Insurance Company**—Sir F. M. Eden's account of his negotiations about, x. 397-398.
- Glorious Revolution**—Use of the term as a vague generality, ii. 447-448.
- Glory**—Destruction and misery caused for the sake of, iv. 438.  
 — Employment of the word in discussions as to war—a fallacy, ii. 437.  
 — Love of, as a motive, i. 51.
- Gloucester Penitentiary**—Practice as to solitary confinement in, iv. 73.
- Gluttony, Gulosity, Greediness, &c.**, as motives, i. 197.
- Glynn**—Mr Commissioner—Anecdotes as to non-attendance of, v. 364-365.
- Gnostosymbolic Mathematics**—a term applied to Arithmetic in the Encyclopedical Sketch of Art and Science, viii. 86.
- God**. See Deity.
- Godhead**—Unity of the, a characteristic of later creeds, i. 66.
- Godefroy**—Mr, an early acquaintance of Bentham, x. 66.
- Godolphin**—Earl of, noticed, vii. 528; x. 31.
- Godwin**—William, noticed, ii. 462; x. 13, 59.
- Gold currency**—Extent of the, iii. 111 n.  
 — Transmutation of baser metals into, an illustration of the motives which superinduce credulity, vii. 106.
- Goldsmith**—Oliver—A meeting with, x. 124.  
 — — — noticed, viii. 313.
- Golowkin**—Count—Notices of, in a letter from Lord Wycombe, x. 311-312.
- Good**. The adjective, vaguely used to mean what the speaker approves of, ii. 441.  
 — as denoting pleasure or exemption from pain—Considerations regarding, iii. 214.  
 — The component elements of, i. 206.  
 — Impropriety of applying the expression to species of motives, i. 214-216.  
 — The proper application of the term, i. 216-217.
- Good in theory, bad in practice**. The expression considered as a fallacy, ii. 459-460.
- Good conduct**—Security for, considered, i. 519-520.
- Good man and citizen**—Definition of, by the second French Declaration, criticised, ii. 527-528.
- Good order**—Uses made of the term, by Philosophers, i. 9 n.
- Good rule and bad rule**, in relation to the Constitutional Code, ix. 46-64. See Rule: Good and Bad.
- Good will**—Nature of, i. 53, 56, 453.  
 — — — Difference in the disposition shown by, according to the tendency of an act, i. 62.

- Good will—A standing Tutelary motive, i. 65.
- Good and bad—Arbitrary division of mankind into, by the vulgar, i. 487.
- Good and evil—Prefixure of the word "matter" to, as a means of mensuration, iii. 287.
- — — of the first and second orders—  
Uses made of the division, iii. 288-290.
- Goods—Community of, inconveniences of, i. 341-342.
- — — Incompatibility of, with progression, i. 312.
- Goodness and badness of intention—terms erroneously used, i. 42-43, 44-45.
- — — among the earliest qualities that would be expressed by language, viii. 203.
- Gorani—Joseph, made citizen of France, x. 281.
- Gordon—Lord George—Allusion to the riots of, x. 95.
- Goreh—The projects of, for the government of Spain examined, ii. 284-289.
- Gorgen—M.—Account of, x. 425-426.
- Goss r. Tracy—Case of, cited, vii. 190 n. †.
- Goutier—J. B.—Analytical table of Bentham's Works by, x. 517.
- Gouy-De—Case of, cited, vii. 126.
- Governing bodies—Renewal of, by rotation, i. 572-573.
- GOVERNMENT—First principles of, ix. 5-8.
- Proper end the greatest-happiness principle, 5. Actual end the happiness of the governors, *ib.* These laid as axioms, *ib.*
- The principle of self-preference, 5-6. Its universality proved by the consideration that the race would be extinct if each human being had charge, not of himself, but of some other, 6. The legislator, when impartial, viewing all interests alike, must take the greatest happiness as the rule, *ib.*
- Any principle predominating over this will be sinister interest, *ib.* Junction-of-interests principle—destroying the sinister interest, and giving the ruler only the common interest, 6-7. Impossible to produce this in a monarchy, 7. Conviction that it can best be produced by the author's code, *ib.* Reason for the sincerity of his opinion—the trouble taken in framing it, 7-8.
- Government—Formation of, i. 261-272. Passage from Blackstone on the State of nature, society, and the original contract, 261-262. Distinction of society as natural and political, 263. Difficulty of fixing the line in practice, *ib.* Government indicated by habit of obedience, *ib.* A state of perfect government as extravagant a supposition as one of perfect nature, 264. Whether one may be in the state of government, or of nature, not wholly dependent on the subject—partly on the ruler, 264. Circumstances that may affect the relative positions of governor and governed, 265. How the throwing off government is indicated, 265-266. Reasons why recourse had to the fiction of an original contract, 267-270. Utility the foundation of all conceptions of government, 271-272.
- Government—Fragment on. *See* Fragment on Government.
- The kind of, that a man lives under, as a circumstance influencing sensibility, i. 30.
- The art of, defined, i. 142-143.
- None can have in view the happiness of any other people than those by whom it is exercised, i. 240.
- Forms of—Blackstone on, criticised, i. 272-277. His view of the power of a monarchy explained, 272-273. His reference to the founders of governments, 274-275. His account of the ancient division into three forms, 275-277.
- Blackstone's views as to limitations of the powers of, criticised, i. 283-292. *See* Supreme Power.
- Right and duty of, to make laws, i. 292-295. *See* Supreme Power.
- Free and despotic—Circumstances which distinguish, i. 288; ii. 286-287.
- Acts of, always creating coercion, should not be exercised without a reason, i. 301.
- Characterized as a tissue of sacrifices, i. 313.
- Moral influence of the different kinds of, i. 467.
- Publicity to acts of, and promulgation of reasons, i. 575-576.
- Sinister interest of, how reconciled with that of lawyers in England, ii. 11.
- How far cost of litigation should be defrayed by, ii. 112.
- Operations of, weakened by unanimity in Jury Trial, ii. 119-122, 125-126, 135.
- Inability of, to reward mere passive virtue, ii. 230-233.
- Incidence of the expense of, ii. 269-272.
- Extent of protection that should be afforded to members of, against attacks on reputation, ii. 279-281.
- Safety of, depending on screening official malefactors—The fallacy of, ii. 421-429. *See* Official malefactors.
- No collection of men having a wish entirely to dissolve, ii. 424.
- Fallacy of inferring attacks on, when its vices only are attacked, ii. 440-441.
- Nature of the operations of a, and inapplicability of the word "balance" to them, ii. 446.
- Application of the term to those who administer it—a fallacy, ii. 448.
- Good. Influence of the Crown and authority of the Bishops defended as contributory to, instead of being considered obstacles, ii. 467-468.

- Government**—All rights based on the existence of, ii. 501.
- never originated in a contract, ii. 501-502.
  - That no act of, can be exercised except by authority of the nation—Criticism on the doctrine in the French Declaration of Rights, ii. 504-505.
  - The folly of its interfering to restrict the commercial projects of individuals, iii. 25-26, 43-44.
  - Limitations of the extent to which it should interfere in Political economy, iii. 33-35. *See* Economy.
  - Wherein it is justified in interfering to arrange or increase the amount of national wealth, iii. 41-42.
  - Support that would be given to, by a currency of circulating Annuity notes, iii. 145-146.
  - Monopoly of paper as well as metallic money should be in, iii. 148-149.
  - Reason why the paper money of, does not circulate so advantageously as that of the Banks, iii. 149-153.
  - Foundation of, and principle of obedience to, iii. 219.
  - considered as the choice of the least among evils, iv. 543.
  - How far it should lay in a stock of evidence for all purposes, vi. 509. To be impeded only by impracticability and expense, ib.
  - Offences against, particularly unmeet for judicial privacy, vi. 369-370. Judge, prosecutor, and defender, should not be entrusted with power to withdraw them from publicity, 370-372.
  - Secrets of, should not be extortable in evidence, vii. 348.
  - The art of, as a branch of Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
  - as a department of universal grammar, viii. 355-356.
  - Bad, is vexation when it injures individuals, oppression when multitudes, viii. 558.
  - Elements of the distinction between good and bad, ix. 46-64. *See* Rule.
  - Means of, in connexion with the supreme constitutive power, ix. 95-96.
  - Federative and simple forms of, compared—the disadvantages of the former, and advantages of the latter, ix. 643-647.
- Government Advocate.** *See* Advocate.
- Government Offices**—Use of Annuity notes in making payments at, iii. 111.
- Governors of Provinces**—Frequent changes of, as a precaution against revolts, &c., i. 572.
- Graduable and Non-graduable**—Suits divided into, ii. 84.
- Gradual.** Use made of the word in delaying reforms, ii. 433-434.
- Gradual-Progression Principle** in the management of the Chrestomathic School, viii. 50.
- Graham**—Sir James—Letter from, xi. 51.
- Grain**—Free trade in, the best security for subsistence, iii. 71.
- Tables of Imports and Exports of, from 1792 to 1812, iii. 102-103.
  - Foreign—How much of, used in Britain, iii. 99.
- GRAMMAR**—Its etymology: original and modern acceptation, compared with those of rhetoric, viii. 91-93 n.
- must have been preceded by the discovery of letters and the art of writing, which necessary to its formation, viii. 92 n.
  - formed by analysis of language after it has been created, viii. 322.
- Grammar**—Universal. Fragments on, viii. 339-357,—
- Introduction to, viii. 341-343. How the subject may be undertaken by one not acquainted with many languages, 341-342. Absolute and relative qualities of languages, ib. Analogy sufficient for the purpose, ib. Copiously and sparingly inflected languages, ib. English of the latter, and thence well adapted to a treatise on universal grammar, 342. Topics to be considered, ib. Purposes of language, ib. Properties, ib. Advantage of the sparingly inflected in these, ib. Means of improving language derived from the inquiry, ib. Distinction to be kept in view between parts of speech essentially diversified, and parts not so, 342-343. Diversifications of the noun and verb, ib.
  - Its reference to the words used in discourse in respect to the relations of the different classes of words to each other, viii. 343.
  - Uses of, viii. 344. Facility to study of languages, ib. Facilitating choice of a language to study, ib. Facilitating the study of thought through an acquaintance with its signs, ib.
  - Universal—Hints towards the composition of an elementary treatise on, for the Chrestomathic system of Instruction, viii. 185-191. *Introduction*, 185-186. *Basis* on logical considerations, 185. Horne Tooke's discoveries left unfinished, ib. The proposed instruction would show the superiority of the English language as a vehicle of discourse, 185-186. Utility to missionaries, 186. *Language*, 186-188. Analysis of the matter of, 186. Uses of, ib. Psychological history of language with relation to the uses, 186-187. Great division into material and immaterial, or real and fictitious entities, 187. *Systematical sketch of the parts of speech*, 187-

190. Must exist in some form in all languages, 187. Universal grammar a standard of comparison, 187-188. Words as the integers of propositions, 188. Single words by elipsis containing propositions, *ib.* Enumeration and characteristics of the parts of speech, *ib.* General division into simple and compound, 188. Simple either significant by itself or not significant by itself, *ib.* Substantives divided into real and fictitious entities, 189. Into proper and common names, *ib.* Elements of the proposition, *ib.* Accessory ideas consisting of entire propositions, of which the parts of speech must be divested—Gender, number, case, mood, tense, &c., 190. *Propertes desirable in a language*, 190-191. Different for different purposes, *ib.* Enumerated, 191.
- Grammarians—labourers in a particular department of Logic, viii. 323.
- Grammatical exercises—Uses of, and place in the Chrestomathic system of Instruction, viii. 33-34.
- Grammatical instruction—Dryness of, to the minds of the young, viii. 19.
- Granby—The Marquis of, noticed, x. 230.
- Grand Jury. See Jury—Grand.
- Grandier—Urban—Anecdote of, vii. 97.
- Grant—Sir William, noticed, v. 355, 370, 562.
- Grasse—Admiral de—Operations of, x. 95, 101.
- Gratitude—Mode of operation of, as an instrument of political corruption, iii. 476-477 n.
- a means of corruption, and a subject of praise when so used, ix. 70.
- Grattan—Animadversions on the conduct of, in the breaking up of the Volunteer Association, iii. 618-620.
- Gratuitous services—Propriety of the public receiving, from eleemosynary advocates, judges depute, &c., iii. 342-345.
- public service—Burke's arguments against, controverted, v. 294-297.
- Gravitation on the earth—The moon the only invariable source of, viii. 132.
- the general or universal law of bodies, vii. 35.
- Gray—James—master of the High School of Edinburgh—his opinions on the new instruction system, viii. 17.
- Report by, on favourable result of the Lancastrian system in his class, viii. 61-63.
- Great Seal—Pardon under, restores competency of witness, vii. 435.
- Greece (ancient)—Effect of the games of, ii. 227.
- Nature of the Legislation of, i. 467.
- Evil principles inculcated in the history of, i. 318.
- (modern) a country to which an increased army might be advantageous, ix. 418.
- Greece—Testimonials from, in favour of Bentham, as a legislative draftsman, and correspondence with the Provisional Government of, iv. 580-592.
- Correspondence with Dr Parr, on preparing a code for, x. 534-537.
- Greek Language—the best language to frame a general encyclopaedical nomenclature from, viii. 72, 82 n +, 97-98.
- a useful language for adapting words from to the English, viii. 320.
- — How far the acquisition of, necessary or useful in the middle ranks of life, viii. 17.
- — free from the ambiguity produced in the English by the conjunction *or*, viii. 84-85 n.
- — unsuited for a treatise on universal grammar, viii. 342.
- — Bentham's preference of, to the Latin, on account of the expletives, x. 35.
- — Value of a knowledge of, estimated, ii. 258-260.
- Greeks (ancient)—The absence of duelling among the, promoted assassination, i. 543.
- Robberies among the, i. 70.
- Unnatural crimes among the, i. 175.
- Prostitution among the, i. 546.
- Moderateness of pay of officers among the, ix. 378.
- (modern)—Letter to, recommending them not to appoint a king, x. 538-539.
- Greek youths—Correspondence as to Bentham and others undertaking the education of, iv. 588.
- Green wax—Surveyor of. An illustration of barbarous nomenclature, viii. 71 n.
- Greenwich Hospital—Nature of the court held by the auditors of, ix. 458.
- — Costliness and waste in, ix. 376.
- — Propriety of the establishment considered, ii. 219.
- Gregoire—M.—Notice of, x. 399.
- Gregor v. Lord Arundel—Case of, vii. 217 n.
- Gregory—Dr—Remarks on his having written a book on Liberty and Necessity, x. 216.
- Gregory VII. noticed, i. 549.
- Grellis and Gansel—Case of, cited, vi. 457.
- Grenada case—The, adduced to show that the Crown has no power to legislate for colonies but through Parliament, iv. 266-269.
- Grenadiers—Origin and use of, ix. 398-399 n.
- Grenville—George, noticed, iv. 267-268.
- Grenville Act—The—Extension of the principle of, to a court of Lords' Delegates for appeals, v. 184.
- — Badness of the system previous to, vi. 329; vii. 534.
- — casually noticed, in. 218-219; vi. 329; vii. 451, 534.
- Grenville—Lord—Letters to, on the proposed reform of the administration of justice in Scotland, v. 3-53.



Grenville—Lord—noticed, v. 321; ix. 141; x. 422, 423-425, 432, 433, 468.

Gretna Green—Marriages at, noticed, i. 357.

Grey—Earl—Opinions of, on Parliamentary Reform, considered, iii. 443 n, 450 n, 461 n, 480 n, 517, 518 n, 519, 532.

— — Vague expressions of, against Radical Reform, examined, iii. 600-602.

— — Opinion of, on Universal Suffrage, iii. 470.

— — Notices of, v. 371, 586; x. 468.

Grief—How far the degree of manifested, is capable of measurement, i. 27-28 n ff.

— Practices that give increase to, x. 530.

Griffenhoof—Parson—Notice of, x. 124.

Griffin—Admiral. Visit to, by Bentham, in his youth, x. 46.

Grose—Mr Justice—referred to on Libel Law, v. 105 n, 112.

— — referred to on exclusion of evidence, vii. 340.

Grosvenor—Lord, (afterwards Marquis of Westminster,)—noticed, v. 377; xi. 120.

Grote—George—Visit by Bentham to, x. 561.

— — noticed, x. 562, 577.

Grotius—Hugo—noticed, i. 150 n †, 340; ii. 524; iii. 158, 220; viii. 128 n.

Grove—The family of. Inquiry regarding, x. 474.

Grove—Mr, Bentham's uncle. Notices of, x. 24.

Grove—Alicia. Bentham's mother, x. 3. See Bentham—Mrs.

Grove—Mrs, Bentham's grandmother. Character of, x. 6, 23.

Guadalupe—Declaration of separation from France by, iv. 409.

Guardian—Formalities of appointment of, vi. 525-528.

— Responsibility of, for ward, in regard to reparation for offences, i. 385.

Guardians—The Eleemosynary Advocate to have a superintendence over the conduct of, in regard to their wards' litigations, by the Constitutional Code, ix. 578-579.

— Circulating Annuity notes as an investment for funds in hands of, iii. 144.

Guardian and Ward—Questions regarding, ranked among complex suits, ii. 81.

— — Principles of the Civil Code regarding, i. 347-348.

Guardianship of Minors and Imbeciles—Nature and origin of, i. 124-125. In former, necessity of drawing an abstract line—in latter, of leaving the necessity to arbitrary decision of some one, 125. Duty of guardian to do exactly as ward would have done if competent, ib.

— of minors, imbeciles, &c. Provision for, in Despatch Court Bill, iii. 386.

— Effect of the relation created by, on testimony, vi. 162; vii. 576.

— Offences to which the condition of, is exposed, i. 126.

Guienne. Practice of the Provincial Assembly of, ii. 341, 343-345, 348.

Guillotine—The. Invented with a merciful object, ix. 487 n.

Guilt—Avoidance of justiciability as affording evidence of, vii. 50-53.

— Altering things evidentiary of, vii. 15-18. See Real Evidence—Forgery of.

— Clandestinity as evidence of, vii. 47-48.

— Confusion of mind as evidence of, vii. 44-45.

— Exposure of—no good ground for excluding testimony, vi. 106-109; vii. 441-486.

— Facts having a tendency to establish, vi. 45. See Circumstantial.

— Fear indicated in deportment, as evidence of, vii. 45-47.

— Non-responson, and false or evasive responson, as evidence of, vii. 24-29.

— Plea of—Judge persuading criminal to withdraw, vi. 473.

— Preparations, attempts, declarations of intention, and threats, as evidence of, vii. 18-24.

— Situation of the accused in respect of motives, means, disposition, character, and station in life, as evidence of, vii. 53-62.

— Self-inculpatve testimony as evidence of, vii. 29-45. See Self-inculpatve.

— Suppression or fabrication of evidence as indicative of, vii. 48-50.

Guilty—Verdict of, must involve a decision on the law, v. 462.

— or Not Guilty—a question of law and fact combined, ii. 155.

— or Not Guilty—No medium between, expressive of want of opinion on the subject, in English law, ii. 157.

— person—Escape of, an inferior evil to conviction of an innocent, ii. 133.

— The. How far the effect of punishment can be limited to, i. 476. See Punishment—Proper seat of.

Guinea corps—The name applied to Special Jurors, v. 79.

Guineas—Extent of the use of, as a currency, iii. 111 n.

Gulliver's Travels noticed, vii. 89.

— — Bentham's reminiscences of reading, in his boyhood, x. 21.

Gunning—The Misses—noticed, x. 117.

Gunpowder as a source of motion—its applicabilities, viii. 136-137.

— Regulations against keeping, in large quantities, i. 535.

Gurney—Mr—noticed, v. 359.

Gymnastic Exercises—why necessarily excluded from the Chrestomathic system of Education, viii. 43.

## H

*Habeas Corpus Act*—Characteristic of the, iii. 204 n †.

- Habeas Corpus Act*—Suspensions of, i. 576 n; iii. 435.
- — — Violation of, charged against the method of governing New South Wales, iv. 277-278; xi. 128-134.
- — — The system of granting crown charters to colonies a violation of, iv. 259-260.
- Habit or Practice—Nature of, i. 37.
- a fictitious entity, i. 57 n †.
- The universal dominance of, over reason, viii. 241-242.
- Application of punishment to the extirpation of, i. 89.
- Suppression of, to be kept in view in the measurement of punishments, i. 402.
- Habit of obedience—The foundation of government on, explained; and the component parts of, analyzed, i. 263-264 n.
- Habits—National. Method of dealing with, in introduction of reforms, i. 180-184.
- proper subjects of the attributes, good and bad, virtuous and vicious, i. 216-217.
- Flexibility of, i. 436.
- Habitation—Indication to be given of, by litigant, ii. 55-56.
- Habitations—Method of indicating and recording, for election purposes, iii. 583-588.
- Hague—The. Visit to, by Bentham, on his return from Russia, x. 180.
- Haiti—a country to which an increased army might be advantageous, ix. 418.
- Hale r. Cove—Case of, cited, vi. 226 n\*.
- Hale—Sir Mathew—Estimate of his merits, ii. 210 n; v. 389.
- — — His condemning for witchcraft noticed, ii. 400; v. 493; vii. 97; ix. 108.
- — — Instances of false conviction of murder cited from, vii. 69.
- — — Passage from, against quibbles, vii. 308.
- Hales—Mr Little—Anecdote about, x. 50.
- Half and half—Applicability of the expression to a jury composed half of one class half of another, v. 165-166.
- Halhed's Gentoo Laws quoted, vi. 272, 324.
- Halifax—Lord—Verdict against, at Wilkes' instance, commented on, i. 394 n.
- Halifax—Bishop, quoted, vi. 302.
- Hall—Colonel—Allusion to, x. 565; xi. 33.
- Halley—his reasonings on the testimony for the Scripture, vi. 243.
- Halley's Breslaw Tables—A fundamental error in, viii. 366.
- Hamburg—Practice of the House of Correction at, as to giving the prisoners an interest in the profit of their work, iv. 13.
- Hamilton—Mr, of Payne's Hill—Notices of, as a visiter at Bowood, x. 111, 113.
- Hamilton—John—made citizen of France, x. 281.
- Hamilton—Lady—Notices of, in a letter from Lord Wycombe on Neapolitan Politics, x. 310-311.
- Hamilton—William—Colonel Burr's duel with, characterized, x. 432; xi. 14.
- Hamilton's Parliamentary Logic criticised, ii. 383-387, 414 n.
- Hammond—the name of a school-fellow of Bentham, x. 30.
- Hampden, (senior,) noticed, iii. 427 n.
- Hampden, (junior,)—The penalty imposed on, iii. 427 n.
- Hand—Burning on—a restorative to competency of witness, vii. 434-435.
- — — Origin and employment of the practice of, i. 510-511.
- Handwriting—Impediments to proving, from non-examination of party, iii. 416 n.
- Procuring extraneous evidence to, when the party might be questioned—the practice examined, vii. 447.
- Indications of spuriousness from, vii. 181.
- Evidence of, vii. 177-183.
- Similitude of—Evidence from, vii. 177-180.
- Hanging—Defectiveness of, as a means of putting to death, i. 442.
- Hannay—Trial of, noticed, vii. 257 n †.
- Hanover—Despotism in, iii. 562.
- Expense entailed on, by conversion into a kingdom, ix. 89.
- Evils of its connexion with this country, iii. 439.
- Visit to, by Bentham, on his return from Russia, x. 180-181.
- Hanway—Jonas—noticed, i. 426.
- HAPPINESS—What the term is employed to designate, iii. 214.
- The author's first mention of, as the source of good, i. 237.
- Distinction between pleasure and, x. 585.
- The common end of education, x. 71.
- made the source of a division of the Arts and Sciences, as the subject of every art, and the object of every science, viii. 82-83.
- The proper end of the acquisition of knowledge and of logic as a means towards it, viii. 241.
- Axioms of mental pathology, with reference to, iii. 224-230.
- Absurdity of applying the term to a condition which is avoided, i. 344.
- Proneness of the mind to discover means of, i. 436.
- Every man pursues what leads to his own, ix. 5-6.
- Dependence of, on knowledge, vi. 264.
- Relation of law to, vi. 7-8.
- Ratio of, to amount of wealth, ii. 271-272.

- Happiness—shown not to rise with the arithmetical ratio of property—Principal elements in possession of poor as well as rich, ix. 15-17.
- and morality—The connexion between, an illustration of design, ii. 230 n †.
- of the community—the object which the legislator should have in view, and the elements in which it consists, i. 301-303.
- The principle of Utility limited to the furtherance of, i. 1.
- Perfect—An imaginary desideratum, i. 194.
- Happiness—Greatest of all—Not capable of accomplishment, ii. 269 n\*.
- Happiness—Greatest—The term preferred to and substituted for Utility, i. 1 n\*, 271 n.
- HAPPINESS—THE GREATEST, OF THE GREATEST NUMBER—An account of the manner in which the principle of, was first embraced by Bentham, and brought out in the Fragment on Government, x. 79-80.
- — — — Suggested either by Priestley or Beccaria, x. 142.
- — — — The statement of the principle, is the statement of the fact that the author believes it to be the leading principle of a sound system, ix. 3-5.
- — — — A code founded on, the object and interest of the people, but not of lawyers, ii. 13.
- — — — The Fragment on Government based on, i. 242.
- — — — Circumstances in which imbecility of the laws conducive to, ii. 138-139.
- — — — ought to be the first principle of government, ix. 5-6.
- — — — should be kept in view in all newspaper articles, viii. 582.
- — — — Best security for the pursuit of, in the people having the choice of their own legislators, ix. 99-100. See Constitutive—Supreme.
- — — — Principles that have been substituted for, in most systems of law, ix. 1.
- — — — The principle of taste allowed to preponderate over, ix. 46.
- — — — The qualifications that it requires in a code of Laws for any state of Liberal Principles, iv. 537-563. All-comprehensiveness, 537-538. An accompanying Rationale, 538-539. That the Rationale shows the conduciveness of the laws to happiness, 539-543. That the various parts of the Rationale be in contact with the laws to which they apply, 543-545. That the drawing the code be open to competition, 545-551; but no reward for drawing, 551-554. That the draught be by one hand, 554-559; and that it be known to be so, 559. That the author's name be known, 559-560. That foreigners be admitted, and favour shown to foreign draughts, 560-563.
- Happiness—The greatest, of the greatest number—Requires that all governors be displaceable, ix. 95.
- — — — The end in view of the Constitutional Code, ix. 150.
- — — — The proper object of judicial procedure, ii. 6.
- — — — Disregard of, in the proposed Spanish Code, animadverted on, viii. 516-517.
- — — — Casual notices of, and references to the principle, ii. 403, 442, 443, 446, 482, 587; iii. 34, 210, 220, 224, 271, 272, 274, 325, 388; iv. 447, 575; v. 329, 374, 413, 419, 608; viii. 471, 472, 491, 497, 499, 509, 510, 511, 515, 517, 544, 574; ix. 1, 31, 36, 38, 41, 43, 77, 97, 114, 119, 127, 128, 131, 137, 144, 217, 303, 391, 407, 454; x. 46, 79, 81, 561, 581.
- Harborough—Lord, noticed as a visiter at Bowood, x. 123.
- Hard—Use of the adjective as an argument against compound interest, iii. 18.
- Hard labour—fallacy in theterm as used in prison discipline; the labour itself, not its economy or beneficial effects on the prisoner, looked to, iv. 144.
- Hard Labour Bill—View of the, iv. 1-35.
- — — — Preface to View of the, iv. 3-5.
- — — — Circumstances in which it came under the author's notice, i. 255; xi. 98.
- — — — View of—Circumstances connected with the publication of, x. 86.
- — — — Incidental remarks on the system of labour proposed in, iv. 51.
- Hardiness as a circumstance influencing sensibility, i. 23.
- Hardwicke—Earl of—Cobbett's prosecution for libel against, adduced as illustrative of the state of Libel Law, v. 106-114.
- — — — noticed, v. 159, 353; vii. 482, 530 n.
- Hardy's Life of Charlemont quoted on the Irish Volunteer Association, iii. 618.
- — — — Dumont's opinion of, x. 462.
- Harmony—in what respects distinct from melody, viii. 305-306 n.
- Harpichord—Instructions for performing on the, x. 124-125.
- Harrington—Earl of—Account of, xi. 3.
- Harris—James, (Author of Hermes,) blinded by the Formulas of the Aristotelian Logic, viii. 110 n.
- — — — casually noticed, viii. 27 n, 84 n, 146; x. 41.
- Harris—Sir James, met by Bentham at The Hague, x. 180.
- Harrison—Joseph—Case of the king against—Untenability of the indictment in, v. 253-261.
- Harrison's Chancery quoted, vi. 230-232.
- Harrowby—Lord, noticed, xi. 47.

- Harrowgate—Description of, by Dumont, x. 415-416.
- Hart—Rex *v.* Case of, cited, v. 141-142 n.
- Hartley—David, noticed, i. 57 n †; iv. 64; v. 370; x. 561.
- Hartley—Mr. His plan for obviating fires by iron plates, iv. 97 n.
- Hartop—Jonathan. His recollections of Milton, Killigrew, and Charles II., x. 52.
- Harvey—Daniel Whittle. Mention of, v. 270.
- Hastings—Marquis of. Question as to the prize-money earned in India under, ix. 383 n.
- — Mention of, xi. 2.
- Hastings—Warren, censured, i. 6 n<sup>a</sup>.
- — Impeachment of, a memorial of the inefficacy of the process, v. 504.
- — Bentham consulted on the trial of, by Lord Lansdowne, x. 117-118, 231.
- — Trial of, casually noticed, ii. 548; vi. 244, 329, 400; vii. 357.
- Hatred, malice, &c., as designative of motives, i. 203.
- as a motive in the infliction of punishments, x. 69-70.
- to the Constitution—Libel prosecutions on the charge of executing, considered, v. 243-245.
- Hatsell—His censure of the Commons for non-attendance, iii. 509-511.
- noticed or quoted, ii. 321, 335, 337, 347; iii. 495, 509-510.
- Hauterive—M., one of Talleyrand's clerks, noticed, x. 379.
- Hawkesworth—John, noticed, x. 50.
- — His Adventurer referred to, vii. 434.
- Hawkins—Sir John—Reminiscences of, x. 50.
- — — Opinion of the character of, x. 87.
- — — Mention of, x. 41.
- Hawkins—Sergeant, on the effect of interest on testimony, vii. 404-405 n.
- — noticed or quoted, v. 354, 355; vii. 181, 353, 409-410, 474, 481, 482.
- Hawkins and Simpson—Trial of, vii. 182 n.
- Hayes—Father—Reference to, x. 523.
- Headman—Local, in Constitutional Code—General view of the office of, ix. 148.
- — General definition of, in the Constitutional Code, ix. 467.
- — Specific provisions for, in the Constitutional Code, ix. 612-625 :—
- — Functionary who has to attend on the spot, to every description of political action, ix. 612-613. Number limited only by expense, *ib.* Analogy with the French Maire, 613. Inequality of the English Magistracy system, *ib.*
- — Fields of service of, ix. 613-614. The head of all the authorities whose power confined to the lowest subdivision, 613.
- Acts as the Deputy or Minister of the Legislature, *ib.*
- Headman—Local—Self-suppletive function of—arrangements for appointment of a Depute permanent, ix. 614.
- — General-Assistance Function of, ix. 614. Execution and effect to mandates, &c., of Ministers and Judicatories, *ib.*
- — Legislature-Aiding Functions of, ix. 614-615. Presidential function—occupies the chair at public meetings, *ib.* Convocative Function—convening of inhabitants on requisition, 615.
- — Administration-Aiding Functions, ix. 615-617. Stipendiary army-controlling—control over the military force in his bounds, in respect of all acts of military necessity, 615. Stipendiary navy-controlling Function, *ib.* Damage-Preventive Function—damage by calamity or casualty, such as conflagration, inundation, &c., 615-616. Damage occasioned by absence of the proprietary custodian, either from calamity or delinquency, 616. Eleemosynary Function : under the direction of the Indigence Relief Minister, 616-617. Hospitality-exercising Function—to agents of foreign powers, 617.
- — Sedative Function, ix. 617. Power to quell disturbance—having at his command the Radical or Popular Military force, *ib.*
- — Justice-Aiding Function—assistance to Judge when demanded or needed, ix. 617.
- — Uncommissioned-Prehension-Approving Function, ix. 617-618. When a person apprehended for a crime may be brought before the Headman, if no Judicature at hand, 617. He may give approval of the proceedings, 617-618. Connexion of this with Sedative and Justice-Aiding Functions, 618. Compared with English system, and its professed allowance of the apprehension of a felon, 618.
- — Judiciary Power-controlling Function, ix. 618-619. Used in case of abuse of authority committed under pretence of executing warrants, &c., of courts of justice, *ib.*
- — Subjudiciary Topographical Function, ix. 619. Cognizance of judiciary proceedings as to the partition or union of lands, transfer, eventual transfer, settlement of boundaries, fixing of water-courses, *ib.*
- — Subjudiciary Venditive Function, ix. 619. When, in consequence of warrant of court, property to be sold—superintendence to prevent collusion, &c. ix. 619.
- — Communication-Aiding Function—to be used when a public functionary may chance not to have the means of communication from place to place, ix. 619-620.
- — Beneficent-mediation Function, ix.

- 620-621. Use of good offices to heal family differences, 620. Not a function he can be responsible for, *ib.* Where women in the matter, benefit of having the assistance of a female, *ib.* May give instruction to the parties as to probable legal results, *ib.* Compared with the Danish Reconciliation Courts, 620-621.
- Headman**—Local—Beneficent-information Function, ix. 621. Instances—information as to the labour market; means of applying for sums due, &c., *ib.*
- — Travelling-disputes-settling Function, ix. 621-623. Instances—coachmen, innkeepers, &c., as to charges, luggage, &c., 621. Call for promptitude in such cases, 621-622. In other remedies—dilemma between giving too much power to the innkeeper, &c., or subjecting him to perpetual fraud, 622. Inefficacy of existing remedies, *ib.* Considerations as to the amount of power which the Legislature should put into the Headman's hands, 622-623.
  - — Hospitable Post-obituary Function, ix. 623. Exerciseable where a stranger dies in the locality, *ib.*
  - — Term of service—same as that of member of Legislature, ix. 623.
  - — Attendance—same rules as in case of Judge, ix. 623.
  - — Remuneration—Pecuniary competition system, ix. 623.
  - — Who locable—Application of the Consumption period, ix. 623.
  - — How located—By the electors, ix. 623.
  - — How dislocable—By the Ministers entitled to his services, the Judge, the Prime Minister, the Legislature, and the Electors, ix. 623-624.
  - — Reports—Publicity. Hanging up Tables of Births, Marriages, and Deaths, ix. 624.
  - — Relation of, to Local Registrar, ix. 624-625. Registrar records acts of Headman, 624. May attach opinion, *ib.* Bound to give official information of breach of duty on the part of one another, *ib.* Minutation of portions of discourse by Headman, 624-625. Presence of Headman, 625.
  - — Securities for appropriate aptitude enumerated, ix. 625.
  - — Inaugural declaration of, ix. 625.
  - — for purposes of judicial communication, ii. 55.
- Health**—The branches of Art and Science appertaining to—their place in the Chrestomathic system of Instruction, viii. 35-36.
- as a circumstance influencing sensibility, i. 22, 23.
  - its dependence on industry and active habits, iv. 163.
- Health**—Regulations for preservation of—Use of Registered Statistics for, ix. 627.
- Preservation of, as a feature in prison discipline, iv. 123.
  - Preservation of, to convicts through instrumentality of Panopticon, iv. 39, 122.
- Health Minister**—Provisions regarding, in the Constitutional Code, ix. 443-445. Functions, 443. Special functions in the army and navy, 443-444. Functions as to the medical men under the Indigence-Relief Minister, 444. Functions as to hospitals, lazarettos, and laboratories, *ib.* Prisons, madhouses, and poor-houses, *ib.* Establishments for sale &c. of drugs, surgical instruments, &c., *ib.* Procurement of supply of water, *ib.* Functions where public health may be affected by sewers, burial-places, theatres, &c., 444-445. Registers of health-regarding evidence—bills of mortality, registers of weather, &c., 445. Custody of medical museum—contents, *ib.* Supervisance of qualification-examinations for medical offices, *ib.* To prevent combinations prejudicial to the public among medical men, *ib.* Publication of proceedings, *ib.*
- Hearing**—Nature of defects in sense of, vi. 250.
- Facility of, as a desideratum in political assemblies, ii. 317.
- Hearing**—Initiatory, in Procedure, ii. 62-72. Commencement of suit by personal application, 62-63. Initiatory application for mandates to bring parties into court, 63-64. Avoidance of reiteration of suits, 64-65. Various kinds of demand paper for various suits, 66-70. Notes on them, 70-72.
- Hearsay evidence**, vii. 132-134. Defined as supposed oral testimony transmitted through oral, *ib.* Nine variations to the character of the testimony, 133. Characteristic fraud of it, *ib.* Practice of English law as to, 134 n.
- — Simplest example of makeshift evidence, vi. 57.
  - — liable to be superfluous, vi. 89.
  - — Purposes for which useful, vi. 89-90.
  - — and extrajudicially-written compared, vii. 134-137. Former less liable to characteristic fraud, 134; but more likely to be materially incorrect and incomplete, 135-136. Efficiency of cross-examination, 136-137.
  - — compared with direct evidence, vi. 172.
  - — compared with transcriptitious evidence in regard to probative force, vii. 142.
  - — self-criminative—admitted in cases where direct evidence is refused, vii. 468-469.

- Hearsay evidence—with reference to safeguards against deception, vi. 165.  
 — — Instruction concerning the probative force of, vii. 134-137.
- Heat—Method of uniting, with ventilation, considered, iv. 110-113.
- Heathen—A man converted into a, by ex-communication, i. 515.
- Heber—Bishop, noticed, v. 269.
- Hebrew Language—Estimate of, x. 583.
- Heedlessness with reference to an act—Nature of, i. 43.
- Heineccius noticed or quoted, i. 139; iii. 162; vi. 230-231, 302-303; vii. 70, 525.
- Heirs—System of apportionment among, i. 334-336.  
 — How far they should be liable in, or be entitled to, compensation for offences, i. 523-525.  
 — of an offender should fulfil his liability for satisfaction, i. 372.
- Hell-fire Club at Oxford—Account of, x. 39.
- Helluo curiarum—or Lord Brougham displayed, v. 549-612.
- Helmont—Van, noticed, ii. 401; viii. 217.
- Helps to recollection—How far compatible with obstructions to invention by witnesses, vi. 446-451. Difficulty of solving the question, 447. Superiority of oral interrogation, 448. Time to answer should be brief, 449. Preservative both from invention and from extraneous assistance, 449-450. Position of examiner as to interest, 450-451.
- Helpless—Justice for the—Arrangements for, in the Constitutional Code, ix. 489-493.
- Helpless litigants' fund—Establishment of, prayed for in Petition for justice, v. 503.
- Helvetius—Opinion that he has prepared the way for a digest of the law, x. 70-71.  
 — His opinion on the power of education, iv. 65.  
 — noticed or quoted, i. 49 n †, 196; ii. 197, 233; iv. 447 n; v. 372; x. 27, 54, 58, 270, 587.
- Henderson—A man taken by Bentham to Russia in the service of Prince Potemkin, x. 149, 152-156.
- Hendon—The farm-house of—taken by Bentham as a residence, x. 182.  
 — Bentham's account of his abode at, x. 248, 323.
- Henley—Orator—His expeditious method of making shoes by cutting down boots—an illustration, viii. 108.
- Henry II.—Simplicity of procedure in the reign of, ii. 151-152.
- Henry III. noticed, iii. 514; viii. 577 n.
- Henry V.—His committal by Chief-justice Gascoigne—a subject for a historical picture, x. 73.
- Henry VII.—Effects of his reign on Parliament, iii. 514.
- Henry VII. noticed, vii. 459.
- Henry VIII.—Use made by, of the wealth acquired by suppression of monasteries, iii. 514.  
 — — Policy of the reign of, characterized, ii. 444.
- Hereditary honours as rewards, ii. 194.  
 — nobility—Effect of, on the fund of reward for merit, ii. 201.  
 — Professions. Bossuet's opinions on, ii. 229 n †.  
 — succession of powers—Article in the second French Declaration as to, criticised, ii. 525-526.
- Heritable jurisdictions in Scotland. The abolition of, in connexion with the Union, considered, ii. 406.
- Hermosa—Judge-advocate of Spain. Observations on his Panegyric on judicial delays, viii. 474-482
- Herodotus—Bentham's reading in, x. 562-563.
- Herrera—Don Prospero, Minister from Guatemala to France, xi. 71.
- Hertford—Lord—Anecdote of, x. 103.
- Hertford—Earl of, noticed, x. 134.
- Hesitation, as evidence of guilt, vii. 44.
- Hesse Cassel—Landgrave of. Stipulation as to troops lent by, for American war, ii. 240.
- Hibbert's Philosophy of Apparitions referred to, vii. 105.
- High Commission—Proceedings before, a popular argument for excluding self-criminative testimony, vii. 455-458.
- High School of Edinburgh—Successful employment of the monitorial system exemplified in, viii. 59-63.
- Highlanders—Law against the dress of, considered, i. 184.
- Highwayman—Characteristic reward for apprehension of, ii. 217-218
- Hill—Mr. His school at Hazlewood, iv. 592 n.  
 — — His establishment visited by Bentham, x. 561.
- Hill—John—Trial of, noticed, vi. 45 n \*.
- Hindman—the name of a school-fellow of Bentham, x. 30.
- Hindoos—Illustrations from, as to the management of prejudices, i. 182.  
 — Considerations regarding the infliction of imprisonment on, i. 422 n.  
 — Inapplicability of British Institutions to, i. 185-188.  
 — in British India—Application of Jury trial to, ii. 137-138.  
 — Method of administering oath to, vii. 423, 431 n.  
 — Code of—Peculiarities as to false testimony in, vi. 271, 272, 324.  
 — Effect of the system of castes among, ii. 227.

- Hindostan—Conduct of Britain to, i. 6-7 n<sup>a</sup>.
- Hingham noticed, vii. 269.
- Hire—Perpetration of injury for—an aggravation, i. 165, 168.
- Hireling—That a reasoner is, is no argument against his reasoning, if in itself sound, iv. 417.
- Hiring of Service—Obligations connected with, i. 343.
- History—Every branch of Art and Science has its, viii. 77.
- Authorities should be quoted in works on, n. 364 n.
- Ancient. Evil principles inculcated in, i. 318.
- Natural. Stage it should occupy in Education, viii. 15.
- Natural. Inapplicability of the term to express what it is employed for, by the use of the words in totally different meanings on other occasions, viii. 68-69.
- Falsely awarded to the sole province of the faculty of memory by D'Alembert, vii. 77.
- Historical Chronology—defined and located as a branch of education in the Chrestomathic School, vii. 29, 33.
- Hoarding—Difficulties in the way of, on the part of the working classes, viii. 408.
- Hobart—Henry, quoted, vi. 315-316 n.
- Hobbes—noticed, m. 158; x. 73.
- Hobby horses—Tenderness of the hoofs of People's, x. 216.
- Hobgoblin Argument—The; or Fallacy of No innovation, ii. 418-420.
- Hobhouse—Sir J. C.—Wish of, to edit the Book of Fallacies, x. 519.
- — Letter to, on the Catholic claims, x. 523-525.
- — — noticed, viii. 470.
- Hodgson—Mr—Account of, as a visiter at Bowood, x. 109-110, 115.
- Hogan—Major—His pamphlet, and the prosecutions for libel occasioned by it, v. 65.
- Hogarth—His Beer Street and Gin Lane, i. 540 n †.
- Reminiscences and notice of, x. 50; xi. 105.
- Holidays—Judicial—Extent and evils of, vii. 241-245.
- Holished—Raphael—quoted, vii. 461.
- Holland—Comparative wealth of, in. 77.
- Arrangements as to Assembly of Estates of, u. 321.
- Reasons for a Second Legislative Chamber in, examined, iv. 427-429.
- visited by Bentham on his return from Russia, x. 180-181.
- Domestic economy in, i. 544.
- Letter to Bentham, with remarks on the political position of, in 1794, x. 297-300.
- Holland—(the first) Lord—His political connexion with Lord Shelburne, x. 101.
- Holland—(the second) Lord—Letter to, requesting his intervention to facilitate a project of Bentham's to emigrate to Mexico, x. 439-444.
- — Letters from, in answer to Bentham's applications regarding Mexico, x. 447-448.
- — Letter from Rome, supposed to be by, x. 483-484.
- — Letters from, x. 467, 477.
- — Letter to, x. 477.
- — Historical objections of, to Annual Parliaments answered, iii. 562.
- — Casual notices of, x. 433, 445, 455; xi. 128.
- Holograph deeds in France and Scotland, vi. 515 n.
- Holography, as a method of authentication *ab intra*, vi. 515.
- Holt—Chief Justice—Opinion of, on rewards for national services, v. 285.
- — — noticed, v. 81.
- Holy Alliance—The—characterized, x. 539.
- Homicide as distinguished from other personal offences, i. 114.
- Secret—Nature of, as a species of oppression, viii. 560.
- How satisfaction for, to be measured, i. 372.
- The quantity of removals from court to court that may take place in the trial of a case of, v. 528.
- Deodands for, animadverted on, i. 485-486.
- Prohibition of acts preparatory to, i. 560-561.
- Malice inferred from, vi. 55-57, 304.
- Unlawful—Securities against, applicable to a Mahomedan state, viii. 588-589.
- Honorary rewards considered, ii. 217-218.
- Honorary satisfaction to persons injured by insults, &c., i. 377-381.
- Honour—The nature of, i. 51.
- an excuse for obtaining public money for its support, iv. 439.
- Destructive and mischievous things done in the name of, iv. 438.
- the motive with many for respecting an oath, vi. 312.
- among thieves—Mischievous nature of the propensity termed, i. 428; iv. 225; vi. 265-266.
- Protection for injuries against, i. 542.
- Remedies for offences against, i. 381-382.
- Offences against, as a subdivision of the Penal Code, iii. 164-165.
- Professions of, by individuals—Danger of giving credit to, iii. 526.
- Motive of. Employment of, as a preventive of crime, i. 563-564.
- Loss of, as a punishment, i. 463. *See* Moral Sanction.
- Employment of the term, in discussions relative to war—a fallacy, ii. 437.
- Honour—Factitious. Nature and influence of, in connexion with the Constitutional

Code, ix. 78-92. Difference between such honour and dignity—The latter a quality real or presumed, 78. Signs of honour—visible and audible, ib. Personal and successional, ib. Analysis of different kinds of ensigns of honour, in connexion with property, privilege, power, &c., 78-79. Illustrations in the history of the Peerage, the establishment of Baronetage, &c., 79. The clergy, contrary to the dicta of their religion, have caused factitious honour and wealth to be worshipped, 79-80. Vicarious honour conferred on one person for the services of another—compared with vicarious punishment, 80-81. Produce inequality—inequality in power, virtue, talent, &c., insuperable, but in this gratuitous, 81. The most illogical instance is family pride, 81-82. Honours viewed, not as certificates of respectability but orders for respect, 82-83. Privileges in the usual intercourse of society, conceded to the holders of the honours, 83. Claims on the good opinion of the world, ib.; give the individual not only the reputation of wealth and power which he does possess, but of ability which he does not, ib. The influence compared to superstition, 83-84. The effect of adulation, 84. False inference that they are necessary in civilized society, because they may have conduced to order and government in a barbarous, ib. The evils of the distribution of undeserved honours, as an injustice to the public and to those who really deserve them, 85. Productive of corruption, 85-86. An excuse for deprecation for money to support the dignity, 86. Evil, in the creation and propagation of delusion, and the consequent mental debilitation, ib. Aggravation of inequality, ib. Usurpation of respect due to age, 86-87. Evil in reconciling people to the spectacle of injustice, 87. Spectacle of waste, ib. A rivalry of the inhabitants of different nations—attempts to impose on each other's ignorance in magnifying their own relative rank, ib. A fraud upon the public—demanding and obtaining respect where it is not due, 88. Great extent of deprecation produced for the support of the lustre, &c. of thrones, 88-89. Evil to a country of its chief magistrate having a high title—king or emperor, ib. Factitious distinctions, unapt as rewards for public services, as not graduated to their amount, 90. Considerations as to how far services may be duly rewarded by honours, 90-91. Ample notification of services rendered, ib. Register of meritorious service, 91. Principles of economy in the distribution of praise, ib. Means in the possession of the public for preventing itself from being defrauded of respect, positive and negative, 91-92. Sarcasm, caricature, and lampoons, 92

Honours given as rewards—Elements of, ii. 194-195.  
 — Method of conferring, by the Constitutional Code, compared with those in use, ix. 267-269.  
 — Evil of a profuse distribution of, and reasons for husbanding, ii. 200-201.  
 Honourable—Application of the term to legislatures criticised, iv. 438.  
 Hood—Admiral, noticed, x. 101.  
 Hooker—Richard, noticed, iv. 483.  
 Hoole—John, noticed, x. 184.  
 Hope of gain—Effect of, on testimony, vi. 158.  
 Horded money—Plan for interest accruing from, through Annuity notes, iii. 145.  
 Horner—Francis—Letter from, with information about Mexico, x. 446-447.  
 — — noticed, x. 428, 443, 582.  
 Hornsey—Case of the queen against the inhabitants of, cited, vii. 492 n.  
 Horse—Simily of sale of, adopted in exposure of usury laws, iii. 14-15.  
 Horse—Master of the—allusions to the costliness of the establishment, ix. 29.  
 Horse-Artillery—Duties and relative efficiency of, ix. 399.  
 Horseley—a fellow-student of Bentham's, x. 41.  
 Hoskins—Mr, account of, x. 425-426.  
 Hospitals—Numerous, an evil, ii. 211.  
 — Limits to the encouragement of, i. 566 n.  
 — Application of the Panopticon plan to, iv. 37, 61-62.  
 — Establishment of, in central towns, ii. 257.  
 — under the inspection of the Health Minister, by the Constitutional Code, ix. 444.  
 — naval and military—The costliness of the establishments of, ix. 375-376.  
 — naval and military—Propriety of, considered, ii. 219.  
 Hospitality—most practiced where most necessary, i. 542.  
 Hospitality-exercising Function of the Local Headman, by the Constitutional Code, ix. 617.  
 Hostility—Security from, as an end of the Constitutional Code, ii. 270-271.  
 Hôtel des Invalides—Appropriate decorations of, ii. 219.  
 House—That a man's, is his castle, a foolish and mischievous saying, ii. 511 n.  
 House of Correction. *See* Hard Labour; Prison Discipline.  
 House of Lords for Spain—Tract on the proposed, viii. 468-470.  
 Houses of Peers and Senates—Address to Citizens of France against, iv. 419-450. *See* Peers.  
 House (of Commons)—Number necessary to constitute a—Remarks on, ii. 325.  
 — Call of the—Nature and effect of, ii. 325.  
 — Whole—Committees of the—Rationale of, ii. 373.



- House (of Commons.) *See* Commons: Legislature: Lords.
- Houses (Legislative)—Division of legislative bodies into two, considered, ii. 307-310.
- Houses—Method of indicating and recording designations of, for purposes of determining voters, iii. 583-588.
- Houses—Penitentiary and of Industry—Application of the Panopticon system to, iv. 37-248. *See* Panopticon.
- Householder suffrage compared with virtually universal, iii. 464, 467 n, 470.
- — a compromise which the author would make, iii. 533, 599.
- — *See* Franchise: Suffrage.
- Householders—Definition of, for the purposes of suffrage, iii. 581 n.
- Howard—Defects in his plan of a Penitentiary-town considered, iv. 85.
- Connexion between physical and moral purity noticed by, iv. 158.
- His prison dietary criticised, iv. 154.
- His plans defective in not affording sufficient protection from mobs, iv. 106-107.
- His plan of having cell windows high up and unglazed, combated, iv. 96.
- quoted against death-punishment, i. 531.
- Tribute to the services, labours, and disinterestedness of, iv. 121.
- casually noticed, i. 426, 432 n; iv. 3, 9, 10 n, 13 n, 19, 22, 25, 32, 52, 61, 71, 76, 84, 98, 119, 136, 137, 143, 157, 164; vii. 419; x. 130; xi. 98, 108.
- Howard's Act for the liberation of prisoners against whom no bill is found—nullification of, by the judges, v. 179-180.
- Howe—Sir William—Anecdote about, x. 527.
- — — Mention of, x. 260.
- Howlett—Mr, on the Poor—Reference to, on vital statistics, viii. 410 n.
- Hudibras—Estimate of the poem of, x. 583.
- Hulks—The. Contract management illustrated in, iv. 133-134.
- Dissemination of crime from, xi. 120.
- Punishment of the, i. 439.
- Human actions in general, analyzed, i. 35-40. Tendency causes demand for punishment, 35. Determined by consequences, ib. Intention, and what it depends on, 35-36. Consciousness and unconsciousness, ib. Motive and disposition indicated by an act, 36. Positive and negative acts, ib. Absolutely and relatively negative, ib. External and internal acts, ib. Transitive and intransitive, 36-37. Transient and continued, 37. Continued act distinguished from repetition of acts, and repetition from habit or practice, ib. Indivisible and divisible acts, ib. Simple and complex, ib. Unity of an act, 37-38. Circumstances, 38-40.
- Human dispositions in general, analyzed, i. 60-68. *See* Dispositions.
- Humanity—Nature of the quality of, i. 53.
- Prejudices regarding punishments, founded on, i. 412.
- How it is pleaded as a reason for excluding self-criminative testimony, vii. 452-454.
- overpowers the sanction of an oath, vi. 311.
- used as a plea for the escape of malefactors on technicalities, vii. 361.
- Falsehoods of, vi. 267.
- Judicial—Popularity gained by displays of, vii. 258-259.
- The requisition of more than one witness, in particular cases, founded on false notions of, vii. 523-525.
- to animals—a feature in Bentham's character, x. 17.
- to animals—Letter to the *Morning Chronicle* in favour of, x. 549-550.
- Humann—M., of Brussels—Letter to, xi. 42-43.
- Humboldt—noticed, ii. 561, 562; x. 440.
- Hume—David. His character as a thinker—dispassionate, acute, and comprehensive, iv. 283-284 n.
- — The first to point out the difference between ideas and impressions, vii. 108.
- — Principle of Utility derived from, by the author, i. 242.
- — Exposure by, of the common confusion in the field of ethics between what is done and what should be done, v. 389; viii. 128 n.
- — Criticism on his Treatise on Human Nature, i. 268-269 n. Demolition of the original contract, ib. Author's obligations to his reasoning, ib.
- — on cause and effect, vi. 237.
- — His appreciation of great minds, ii. 553.
- — A mistake in his history pointed out, ii. 596 n †.
- — on reforming taste, ii. 254.
- — noticed or quoted, i. 8 n, 542; iii. 285; iv. 22, 447 n; vi. 240 n; vii. 91; x. 562.
- Hume—Joseph, noticed, x. 533, 538; xi. 40, 50.
- Humour—Relation of, to pleasure and pain, x. 509.
- Humphreys—Mr—His Real property code—Commentary on, v. 387-416.
- — His Real property code alluded to, vi. 203.
- Humphries—Mr. Bentham's residence with, at Constantinople, x. 154-155.
- Hundred Court—Early existence of the, vii. 234, 371.
- Evidence against a, for compensation in case of robbery, vii. 492.
- Hungary. Attempt of Maria Theresa to extirpate prostitution in, i. 546.

**Hunger and fear of hunger as designative of motives**, i. 197.

**Hunt—Henry—Anonymous letter to, recommending him to give up his acrimonious disputes with O'Connell**, xi. 5-7.

— — Estimate of, x. 600-601, 602.

— — noticed, iii. 471 ; v. 247, 260.

**Hunt—John. The prosecution of, cited**, v. 342.

— — noticed, x. 471-472, 531.

**Hunter—Captain, Governor of N. S. Wales, quoted on the state of the colony**, iv. 180.

**Hunter—Dr John, noticed**, vii. 148 n ; x. 183.

**Hunter—Dr William—Estimate of**, x. 285.

**Hunting—Cruelty of**, i. 562.

— Liberty of, considered, i. 329-330.

**Husband—Extent of, and reasons for, the guardianship of**, i. 355-356.

— Origin of authority of, over wife, i. 121 n †, 129.

— Offences that may be committed against the condition of, i. 129-131.

— Impediments to wife obtaining relief from cruelty of, ii. 178.

— Responsibility of, for wife, in regard to reparation for offences, considered, i. 386.

— false inference of legitimacy from non-expatriation of, vi. 53-54.

**Husband and wife—Exclusion of testimony of, in regard to each other, considered**, vii. 480-486. Vexation from sympathy an insufficient ground, 481. So of antipathy, dissension, and danger of perjury, 482-483. Tends to convert the house of every man into a nursery of unpunishable crimes, 484-485.

— — Influence which the connexion between, may have on testimony, vii. 577-581.

— — Principles of the Civil Code regarding, i. 349-358. *See* Marriage.

— — Succession with regard to, i. 335.

— — Law of, should be embodied in a particular code for the use of those who may have occasion to refer to it, viii. 533-534.

— — Questions as to, ranked among complex actions, ii. 81.

**Husbandry—Place of in the Chrestomathic system of Instruction**, viii. 34-35.

— Stage it should occupy as a branch of education, viii. 15.

— Source of experimental information regarding, in a system of Pauper management, viii. 426.

— Labourers in. Their inability to provide for their families, viii. 442.

**Huskisson—William, noticed**, ix. 293.

**Hutchinson—Julius, an early companion of Bentham**, x. 14.

**Hutchinson's Justice of Peace quoted in favour of Small Debt Courts**, v. 24.

**Hutton—William, of Birmingham. Letter of, to Bentham**, x. 422-423.

— — His account of the Court of Conscience at Birmingham, v. 23.

**Hydraulics, defined, and located in the Chrestomathic system of Instruction**, viii. 31.

**Hydroptic source of motion from the descent of water**, viii. 132-133.

**Hydrostatics, defined, and located in the Chrestomathic system of Instruction**, viii. 30-31.

**Hygiastics, or the branches of Art and Science appertaining to health—their place in the Chrestomathic system of Instruction**, viii. 35-36.

**Hypothetical propositions—Proper collocation of**, iii. 269.

— The form of enactive propositions in the statutes, iii. 277 n.

## I

**Ice-House—Plan of a, for the preservation of fruit, vegetables, &c.**, x. 346-350.

**Idea of an object confounded with its existence**, vi. 255.

— how distinguished from impression, viii. 108 n †.

**Ideas—Consideration whether they are real entities**, viii. 196.

— could not be fashioned, fixed, or communicated, without words, i. 205.

— only presented to the mind by individual objects, viii. 99 n.

— Rules for the classification of, in the mind, viii. 277.

— Immaterial—Process by which they are described by the names of material things, viii. 327-329.

— Like, should be expressed in the same words, iii. 209.

— Concrete and abstract: difference between the respective cognoscibilities of, viii. 26.

— Innate, exploded by Locke, vi. 240-241.

**Identification marks on the body—Utility of, for various purposes: prisons, the army and navy, &c.**, x. 414-415.

— of a party distinguished from that of a witness, vii. 175 n †.

**Identity—a fictitious entity connected with relation**, viii. 203.

— of Denomination. Imputations founded on, in politics, ii. 416-417.

— and Diversity—Importance of conveying, in nomenclature, viii. 65.

— Systematic nomenclature should provide for indicating, viii. 65-66.

— proved under Roman practice by confrontation, vi. 501-502.

**Idiocy—a branch of insanity**, vi. 251.

**Idioscopic Anthropurgics, or Chemistry—**

- Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.
- Idioscopic, or Practical Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Idioscopic Ontology, or the general field of Art and Science, with the exception of Metaphysics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 83-84.
- — Division of, into Somatology or Somatics, and Pneumatology or Pneumatics, viii. 84.
- Idiosyncrasy—Definition of, i. 27 n\*.
- Idiots—Provision for guardianship of, in Despatch Court Bill, iii. 386.
- Idle—Increase of the, an evil, iii. 73-74.
- and Dissolute—Suppression of the, by a right system of poor-laws, viii. 401-405.
- Idleness—Classification of, as an offence, iii. 170.
- Means of discouraging, iii. 68.
- Intellectual instruction a security against the mischievous effects of, viii. 10.
- aids fallacies of authority, ii. 393.
- Effect of, on the ancient Germans, ii. 254.
- Love of, as a cause of crime, i. 539-540.
- not to be legally attacked for its own sake, but as the source of crime, iii. 40.
- Idols—Allegorical. Fallacies of, ii. 448-449. "Government" applied to Governors, "Law" to Lawyers, and "Church" to Churchmen, ib.
- Ignominy—Punishment by, i. 456-458. *See* Moral Sanction.
- Ignominious Punishments—Simple, examined, i. 463-467. Their variability, 463-464. Exemplarity, 464. Frugality, ib. Remissibility, ib. Cases in which the public opinion does not correspond with the legislator's duty, 464-465. Remedy proposed, 465. Some offences to which the legislator tries to attach infamy in vain—libel, 466-467.
- Ignorance—increases the influence of fallacious authority, ii. 390-391.
- renders popular associations dangerous, i. 577.
- Difficulty of punishing false allegation of, vi. 244.
- Delusions and superstitions attendant on, viii. 12-13.
- Ignorance of law—kept up by those who punish it, vi. 519.
- Illegal—Absurdity of the term, for censuring bad laws, i. 231 n\*, 288, 412; ii. 403, 493-495; vi. 180; vii. 382-383, 462.
- Illegitimacy—Considerations regarding legal declarations of, i. 473.
- Ill humour—Nature of, i. 53.
- Ill will, ill humour, &c.—as designative of motives, i. 203.
- — Nature of, i. 53.
- Ill will—Inference of disposition from an act caused by, i. 64.
- — What punishment tends to reformation in crimes of, i. 93-94.
- Imaginary wrong—Persuasion of, furnishes extenuation, i. 165.
- Imagination—Nature of, as one of the human faculties, viii. 74 n.
- makes the first step in invention and discovery, viii. 76.
- a faculty necessary to the inventor—not to the learner or teacher, viii. 76.
- as a mental operation in connexion with Logic, viii. 225-226.
- The pleasures of the, i. 18.
- The pains of the, i. 20.
- Connexion of, with pleasures and pains, i. 207.
- How to strengthen the impression of punishments upon, i. 549-550.
- Effect of, on evidence, vi. 18.
- an intellectual cause of incorrectness in testimony, vi. 254-256.
- Ordinary and extraordinary work of the, distinguished, vi. 256 n.
- Value created by, to be considered in indemnification, i. 374-375.
- Methodisation applies to useful purposes, viii. 261.
- Imaginative faculty—Application of methodisation to the assistance of the, viii. 272-273.
- Imbecility—How far the evils of judicature attributable to, vii. 210-211.
- as affecting evidence—Definition of, vii. 385.
- Mental—Impropriety of holding it as a ground for the exclusion of evidence, vi. 105; vii. 427-432. Difficulty of drawing a line, 427. Method of examining children, 428-432.
- ground for suspicion in testimony, vi. 111.
- Immaterial ideas. Description of the process by which they are expressed through the language applied to material ideas, viii. 327-329. *See* Entities—Fictitious.
- Immorality—Engaging a man in, blunts him to the nature of, vii. 205.
- on the part of a witness—its effect on testimony. *See* Improbability.
- Immoveable property—Importance of contracts as to, peculiarly demands registration, vi. 577-578.
- Immoveable Stock-book—in the system of official registration in the Constitutional Code, ix. 237, 242, 243-244.
- Immutability—Clauses of, in Constitutions—declaration of infallibility, and prohibition of improvement, viii. 483.
- of laws and of articles of faith, compared, v. 210.
- Impartiality as a quality in evidence, vi. 211-212.

- Impassioned as a characteristic of appellatives, i. 209-210.
- Impeachments—Proposal to give the judicature in, to a Court of Lords' Delegates, v. 184.
- no remedy for official wrong, as shown in the instances of Hastings and Melville, v. 504.
- Imperation—Power of, essential to sovereignty, ii. 540.
- Imperative law—what? i. 151.
- Imperative mood—Explanation of the Psychological state of which it is the sign, viii. 330.
- Use of, involves a sentence or proposition, ix. 337.
- Imperfection—Bodily, as a circumstance influencing sensibility, i. 23.
- Impertinence—a designation of irrelevant evidence in equity, vii. 363-365.
- Impey—Sir Elijah, censured, i. 6 n<sup>a</sup>.
- Impey's Common Pleas quoted, vi. 185.
- Impignoration as a means of giving counter-security to a defendant, ii. 105.
- Import—Unsteadiness in, as a defect in laws, iii. 247.
- of words—Questions concerning, confounded with questions as to facts, in theories as to impossibility, vii. 76-82.
- Imports—Prohibitions and restrictions on, discussed, iii. 88-100.
- Taxes on—Incidence of, in. 40.
- Taxes on rival—Their incidence, iii. 65.
- from Spain—Tables of, iii. 101.
- Importance of a fact—Vivacity of the impression of it depends on, vi. 252.
- What constitutes, in a law-suit, iv. 347.
- Importation—Relation of, to national wealth, iii. 39.
- Relation of, to increase of wealth, iii. 39.
- Agreements against—Operation the same as that of prohibition, iii. 65.
- Impossible facts distinguished from verbal contradictions, vii. 79, 80-81.
- *per se*, distinguished from impossible *si alia*, as in alibi evidence, vii. 111-113.
- Impossibility—Nature of the expression, as the name of a fictitious entity, viii. 211.
- Impropriety of the term for judicial, though necessary for colloquial purposes, vii. 80.
- resolvable into disconformity with the established course of nature, vii. 83-84.
- Illustration of the theory of, vii. 85.
- Psychological, considered as disprobative of a fact, vi. 47.
- Character of, improperly attached to psychological facts, vii. 113-114.
- See Improbability.
- Impostors—Utility of a Treatise on Projects, exposing the operations of, iii. 51.
- Impostor terms—Use of, as fallacies of confusion, ii. 438-439.
- Imposture—Instances of, vii. 210.
- Imposture—Instructions to guard the public against, recommended, i. 553-554.
- Knowledge a preservative against, and facilities for detecting given by enlightenment, i. 568; viii. 13.
- Impounding of witnesses' notes by judge—Reference to practice of, vi. 387.
- Impracticability—Physical and prudential, distinguished, vi. 328 n<sup>+</sup>.
- Allegation of, always thrown in the way of one who has anything good to propose, viii. 22.
- Imprescriptable rights—Fallacy and mischief of the expression, ii. 500-504.
- Impression—How distinguished from idea, viii. 108 n<sup>+</sup>.
- Impressiveness—Rules for obtaining, in collocation, viii. 316-318.
- or force, as a property desirable in language, viii. 191, 307, 310.
- Impressment of seamen—Reference to the necessities which may justify resort to, ix. 404.
- Imprisonment as a punishment, i. 420-429.
- May be for forthcomingness or compulsion, 420. Proper qualities of, in latter case, 421. Negative evils inseparable from imprisonment, ib. Accessory evils commonly attendant, with their remedies, 421-423. Fees, 423-424. Efficacy with respect to disablement, 424. Frugality, ib. Incapable of equality, ib. Divisibility, ib. Exemplarity, ib. Simplicity, 424-425. Discipline as applicable to, 424-429. See Prison discipline.
- viewed as a disabling punishment, i. 404.
- viewed as a subsidiary punishment, i. 518.
- Its variability as a punishment, i. 403.
- Reason for employing, as a punishment for corporal injury, i. 167.
- General scheme of, with reference to debtors and different grades of criminals, i. 429-431.
- Provisions for, in Despatch Court Bill, iii. 382-388.
- Unthinking employment of, in Technical procedure, ii. 169.
- in relation to punishment and forthcomingness, i. 393.
- Ordinary evils of, obviated by arrangements in Pauper management, viii. 418-419.
- as a means of giving counter-security to a defendant against oppressive proceedings, ii. 108, 110.
- Illegal—Remedies against, i. 370.
- Arbitrary—Securities against, adapted to a Mahomedan state, viii. 586-587.
- for want of compliance with orders of court—should not be indefinite, but for renewable periods, iii. 359.
- Perpetual—Advantages of, over death-punishment, i. 450.

- Imprisonment—Quasi, as a punishment, i. 431-435.
- Secrecy of, how far safe, iv. 23.
  - Solitary, how far justifiable, to keep an accused person or witness from intercourse and tampering, vi. 450-451. *See* Confinement.
  - Wrongful—Considerations as to, in the transplantation of laws, i. 173-174.
- Imprisonment for debt—how created by the division of jurisdictions, for self-interested purposes, v. 491-497; vii. 382 n.
- — — considered, vi. 176-183; vii. 381.
- Inaptitude of, as an instrument of compulsion, vi. 176-177; or as an instrument of punishment, 177. Its needlessness, 177-178. True end of, 178. Produced by judicial mendacity and usurpation, 178-179. Unfitness of the affidavit, 179. Puts exclusion on evidence, 179-180. Errors committed by advocates for its abolition, 180-181. The Scottish system of *cessio*, 181-182. Proper course to be adopted on occasion of insolvency, 182-183.
- — — Alteration of the law of, vi. 334 n.
  - — — Exclusion of evidence involved in, vi. 135-136, 179-180. Course prescribed by natural procedure as to, contrasted with that adopted by technical, 135-136.
  - — — Evils of the English system of, casually noticed, ii. 63.
  - — — Substitution of attachment of goods for, and principles that should regulate the attachment, iii. 354-356.
  - — — Exceptions necessary in abolition of, iii. 352 n.
- Improbability—Dependence of, on the extent of the knowledge of nature possessed by the individual experiencing it, vii. 91-98.
- resolved into disconformity with the established course of nature, vii. 83-84.
  - as a cause of suspicion in evidence, vi. 153-154.
  - Decision on the sole ground of, is not without evidence, vi. 278.
  - of a fact considered as counter-evidence, vi. 45-46, 240.
  - considered simply as a particular case of counter-evidence, vii. 98-105.
  - Mathematical distinguished from ordinary, vi. 243-244.
  - as regards psychological facts, considered, vii. 113-115.
- Improbability and impossibility—Nature of, and relation to one another, vii. 76-79, 81. Not qualities of external phenomena, but of the degree of persuasion in the mind, *ib.*
- — — the belief that they are intrinsic to things, considered, vii. 103.
- Improbable facts—The necessity of disbelieving, though they should turn out to be true, vii. 98, 104.
- Improbability as a means of corrupting evidence—definition of, vii. 385.
- no good ground for excluding the testimony of a witness, vi. 106; vii. 406-420.
  - in the shape of perjury, no good ground for excluding the testimony of a witness, vii. 406-412. The most plausible ground, 406. Good ground of suspicion only, 407. Almost always attended by subornation, 408. Exclusion intended as punishment to the witness, falls on parties, 409. Inconsistencies of English law, 409-412. Record amissing, 409-410. Restorative, 410. Affidavit evidence, *ib.* Diversity of opinion among judges, 411-412.
  - in other shapes than perjury, no good ground for exclusion of the testimony of a witness, vii. 412-415. Impossibility of estimating the character of the criminal from the crime, 412-413. Accomplices admitted, though the most dangerous of all, 414. Admission where the mischief of misdecision is the greatest, 415.
  - as a cause of untrustworthiness in testimony, vii. 585-591. How far probity of party a protection, 585. Habit to be looked to rather than individual offences, 586. In the case of crime, influence of collateral circumstances to be looked to, *ib.* Judge should be prepared for anomalies, 587. Peculiar strength of suspicion where mendacity is the kind of improbity, 587-589. Circumstances which aid the mendacity-restraining sanctions, 589-591.
- Improvement—Arguments employed for stopping the progress of, ii. 6-7.
- Plans of. How met by expressions of Theoretic, Utopian, &c., ii. 457-462.
  - of a code of laws—Rules regarding the, iii. 209-210.
- Improvements in science—Impediments to, in reverence for great names, viii. 177.
- In what cases property in the thing improved should be created by, i. 328-329.
- Impunity—Effect of, in nourishing crimes, i. 396.
- The hope of, nourished by the absence of compensation to sufferers by offences, i. 372.
  - where punishment threatened—Evils of, i. 324.
  - a consequence of death-punishment when unpopular, i. 450, 526-527.
- Imputation—Atrocity of an, how far a ground for incredibility, vii. 115-117.
- on the character of a witness—how far to be sanctioned, vii. 60.
  - Punishment for, when false, ii. 279.
- Imputations, as fallacies used in political discussion, ii. 414-417. Bad design, 414-415. Bad character, 415. Bad motive, 415-416. Inconsistency, 416. Suspicious

- connexions, 416. Denomination corresponding with that of men supposed to have done evil, 416-417.
- Imputations on men in office—License for, salutary, though a portion should be unjust, ii. 425-426, 451-452. The unjust generally defeated in the end, 426.
- Inaccuracy in transcripts—forms it generally assumes, vii. 142-143.
- Inaction—as an inconvenience in legislative assemblies, ii. 302.
- Inalienable—necessity for precision in the employment of the word, in settlements, &c., v. 403-404.
- Inaptness of expression, vi. 253-254. *See* Expression—Inaptness of.
- Inaugural declaration by members of a legislature, ix. 124-125. *See* Legislature.
- Legislator's, in Constitutional Code, ix. 198-204. Purpose—not for subjecting the legislator to punitionial responsibility, but to enable the Public-opinion Tribunal to act, 198. Provision for the manner in which he is publicly to read it, 198-199. Provision for his dissenting from any part of it, 199. Ends aimed at by—The greatest-happiness principle as the main end of government, and the subsidiary ends tending to it, 199-200. Guarding against the appetites of factitious respect, &c., 200. To keep in view economy, counting all pay additional to what will procure the service, waste, *ib.* Abjuration of punishment for differences of opinion, 201. Notoriety of the law to all, *ib.* To keep in view the removal of all impediments to cheap and speedy justice, 201-202. Impartiality in using the patronage of the legislature, 202. Justice and beneficence in national dealings—no war, except for self-defence or pecuniary damage, *ib.* No distant dependencies, *ib.* The prospective evil of all efforts to support honour, glory, dignity, &c., at the expense of justice, benevolence, &c., 202-203. Impartiality in the exercise of power, 203. Assiduity, *ib.* Subordination to the constitutive authority—The people, *ib.* No unnecessary encroachments on subordinate authorities, *ib.* Deception and delusion, and all forms of insincerity abjured, *ib.* Arrogance abjured, 204.
- of Judges and other officials of the judicial establishment in the Constitutional Code, ix. 532-535.
- Incapacitation for offences—not accomplished by the transportation system, iv. 183-199.
- Incapacities—Punishment by, in ecclesiastical courts, i. 514-516.
- Incendiariism—frequency of the crime in penal colonies, iv. 220-222.
- Dangerous nature of the crime of, iv. 222.
- Application of analogical punishment to the crimes of, i. 407.
- Incest—Principles of the Civil Code regarding, i. 350-352.
- Incidence of punishment, i. 475-490. *See* Punishment—Proper seat of.
- Incidental Complaint-Book, in the Judiciary Establishment of the Constitutional Code, ix. 500-502.
- Incidental decision—Evidence may with propriety be made conclusive for, vii. 547-549.
- Inclination—Bent of, as a circumstance influencing sensibility, i. 24.
- Inclinations—proper subjects of the attributives good and bad, &c., i. 216-217.
- Income—Definition of, iii. 36 n. †.
- converted into capital through taxation, iii. 44.
- Effect that taxes on, may have on capital, iii. 76.
- Calculation of the average, of the whole inhabitants of the empire, v. 233.
- Money increased beyond the ratio of commodities is a tax on, iii. 45-70.
- Calculation of, for subsidiaries to pecuniary punishment, i. 518.
- National, of Britain—Estimate of, iii. 134, 141.
- Incomes—Official—opinion that they are insufficient, and should be eked out by pensions, controverted, v. 307-308.
- Income-Tax—Nature of an, ii. 582.
- Examination for—Oath only administered in, if found necessary, vi. 434 n.
- Incompetent witness—the expression criticised, vi. 147.
- Incongruities in the method of extracting evidence in English law, vi. 465-499.
- in the method of extracting evidence in Roman law, vi. 499-501. *See* Extraction.
- Inconsistency the chief instrument for detecting falsehood, vii. 590.
- Imputation of, a fallacy used in debate, ii. 416.
- Inconsistencies—Psychological improbabilities called, vii. 114.
- Incorporative unions between States—The principles of, ii. 405-408.
- Incorporation. *See* Corporation.
- Incorporeal rights—origin and use of the expression, i. 109.
- Incorrectness—Modes of, in testimony, vi. 244-247. Depend either on the will or on the facts, 244. Three sorts of falsehood—positive, negative, and alleged ignorance, *ib.* Difference between fact and circumstance, 245. Falsehood in circumstance and falsehood *in toto*, 245-246. Circumstantial falsehood, 246-247.
- in testimony checked by publicity, vi. 355.
- and incompleteness of evidence—the source of misdecision, vii. 385.
- Incredible—No facts universally recognised to be, vii. 80-82.
- Incredibility—How far the atrocity of

- an offence a ground for, vii. 115-117.
- Incredibility—Modes of disconformity in nature creating, vii. 84-91.
- Inculpativ acts as separate offences, vi. 45.
- evidence. *See* Self-disserving; Self-inculpativ.
- but not criminative suits—Demand paper for, ii. 67-68, 70-71.
- Incumbrance—Committee of the House of Commons takes three months to comprehend the meaning of the word, in reference to real property, iv. 501.
- Indebitatus assumpsit*—Nature of the action of, vii. 549-550.
- Indemnity to persons rendering services, ii. 234.
- Indemnity to sufferers by offences. Principle of, i. 387-388, 578-580. *See* Satisfaction.
- The principle of, for essential services, though voluntarily rendered, i. 340.
- to officers whose sources of emolument are interfered with, ii. 251-252.
- to the holders of places and pensions abolished, i. 320-321.
- Indemnity—Acts of, are to cover proceedings which ought to be punished, or ought to have been sanctioned by previous legislation, ix. 390-391.
- Independence—Universal—impossible, i. 362.
- Misplaced—Political evils of, iii. 452, 522.
- Kind of, that is dangerous to the community, ii. 394.
- Kind of, that should characterize representatives, iii. 454-457.
- Character for, obtained by the utterance of fallacies, ii. 480.
- in the case of Judges, considered, iv. 362-363. Independence, as against individuals, good—as against the public, bad, ib. Latter, despotism, ib.
- Independent Whig*—Case of, for libel, cited, v. 112.
- Index—Nature and composition of an, for a code of laws, iii. 193.
- Indices to the Journals of the House of Commons—Circumstances connected with formation of, ii. 228-229 n.
- India—Conduct of Britain to the natives of, i. 6-7 n<sup>a</sup>; vii. 196-197.
- Inapplicability of British institutions to, i. 185-188.
- India—British. How far the relief of, from British control would be advantageous, v. 268-269.
- — Protection gained by the inhabitants of, iii. 58.
- — Whether Jury trial suitable for? i. 178-179.
- — Letter to the author on introduction of Jury trial in, i. 182-185.
- India—British. Hints as to how Jury trial might be made use of in, ii. 137-138; x. 468.
- — High feeling among the Sepoys of, ix. 421-422.
- — Military discipline a means of amelioration of, ix. 418.
- — Effect that would be produced by the native money of, being invested in British Government paper, iii. 146.
- — Company's marks of, held evidence of contents in China, iii. 146 n<sup>+</sup>.
- — Remarks on the Governorship and Council of, i. 571-572 n, 572-573.
- — Letter from Colonel Young on the state of, under Lord William Bentinck, xi. 7-9.
- — Letter to Rammohun Roy on the state and improvement of, x. 589-592.
- Indications respecting Lord Eldon, including History of the pending Judges' salary-raising measure*, v. 348-386.
- Indicative Evidence, defined, vi. 214.
- — Importance of receiving, ii. 59.
- — as distinguished from appropriate, ii. 57-58.
- — Importance of admitting makeshift as, vii. 164-165.
- Indictment—Procedure on, vi. 467.
- Narrative told several times in, vi. 455.
- Procedure by, in misdemeanour, vi. 474-476.
- Particularity as to time and place in, vii. 38.
- Strictness of construction of, productive of pardon to criminals, ii. 14.
- Proceedings by, in the technical system, characterized, ii. 171.
- in the King against Edmonds—Untenability of the, v. 239-251.
- in the King against Sir Charles Wolseley and Joseph Harrison—Untenability of the, v. 253-261.
- Indigence as a cause of crime, iii. 227.
- Means of preventing the crimes arising from, i. 543-544.
- Protection of, as an alleged reason for the Usury Laws, discussed, ii. 7-8.
- Support of. Principles on which it should be founded, i. 314-316.
- Indigence Relief Minister—Functions and powers of, in the Constitutional Code, ix. 441.
- Support of. Sieyè's doctrine as to, considered, ii. 534.
- Indigent Suitors—Appointment of Eleemosynary Advocate for, iii. 342; ix. 577-579.
- Indirect means of preventing crimes, i. 533-580.
- Indirect Taxation. The only kind that is voluntary on the part of the taxed, ii. 518.
- Indispensable Evidence—Doctrine of, ope-

- rates as an exclusion of evidence, vi. 115. *See* Exclusion; Formalities.
- Indistinctness as an imperfection in testimony, vi. 280.
- Causes and adjuncts of, in testimony, vi. 425-426.
- Individuals—The good of, considered as the real objects of the laws, i. 321.
- Offences against, distinguished from others, i. 97.
- Injury to, is injury to the public, ii. 252
- The positive evils of judicature not perpetrated by, but by the system, vii. 212-213.
- Individual management—Superiority of, to corporate, iii. 571; iv. 125-134; v. 17-18; vi. 557-558.
- Individual-responsibility principle—The, in public offices, explained, ix. 250.
- Individuation, or exposition with relation to individual subjects—its nature, viii. 243.
- Importance of, with regard to the subjects of contracts, iii. 177-178.
- Indolence—Nature of, i. 55.
- Idleness, &c., as designative of motives, i. 204.
- a source of prejudice, ii. 478.
- one of the causes of the profession of dread of innovation, ii. 418.
- an impediment to the exposure of offences, viii. 578.
- a cause of exclusion of evidence, vii. 391.
- Remedy against, in workhouses, by the earn-first principle, viii. 383.
- Indolent—Judge may be, in absence of publicity, vi. 355.
- Indorsation—Official, authentication by, vii. 178.
- Industrious—The. Their interest in preserving the existence of government, ii. 424.
- classes—would be the greatest sufferers by a general partition, iii. 608.
- Industry—Character generally given to the motives producing, i. 214.
- Security and freedom all it requires of the Government, iii. 35.
- How far it should be encouraged by refusing relief to poverty, i. 314-315.
- Impediments to the creation and continuance of large masses of property should not be so stringent as to interfere with, ix. 34.
- Effect of a general equalization of property upon, i. 360.
- The destruction of, involved in attacks on property, i. 310-312.
- Free, more productive than that of slaves, i. 345.
- with reference to punishment and reformation, i. 439-441.
- Invigoration of, through instrumentality of Panopticon, iv. 39.
- Industry Houses—Establishment of, as a part of Pauper management, viii. 369.
- — The system of, viii. 372-439. *See* Pauper Management.
- — The collateral purposes to which they may be applied enumerated, viii. 371.
- — Application of the Panopticon to, iv. 37-248.
- Inebriety as a main cause of crime and non-reformation in penal colonies, iv. 230-235.
- Inefficaciousness—renders a punishment unmeet, i. 397.
- Inequality—a natural condition of mankind, i. 361.
- Infallibility—human—Remarks on, vii. 388.
- The assumption of, an incident of adopting articles of faith, v. 209-210.
- claimed by the Church of England, v. 228-229.
- Infamy—Punishment by, i. 458 n. *See* Moral Sanction.
- When punishments ought not to embrace, i. 404.
- Extent to which it may do good in punishments, i. 420.
- Where it should apply to the offence, not the individual, i. 431.
- as a punishment—Motives which have dictated, vii. 409.
- How far it has relation to the nature of the offence, vii. 412 n +.
- How it may be made a security for the trustworthiness of testimony, vi. 284.
- of attesting witness makes his hand proveable, vii. 190.
- Imputation of, against those who fail to prove their charges against official delinquents, criticised, ii. 429.
- Infancy as an extenuation of an offence, i. 79.
- Infant—Administering an oath to, vii. 428-429.
- Testimony of, should not be excluded, vii. 427-432.
- Infants—Guardianship of. Principles of the Civil Code regarding, i. 347-348.
- Infant mortality—Reduction of an anticipated collateral advantage of a good system of Pauper management, viii. 421-424.
- Infanticide—False views of the criminality of, i. 80.
- Infantry as a branch of the defensive force, ix. 349.
- Infection—Risk of, in prisons, obviated by Panopticon plan, iv. 45-46, 119.
- Inference—False. Effect of a, vi. 293.
- The necessity of, a characteristic of circumstantial evidence, vii. 2.
- Inferences of judge-made law, vi. 53-57.
- Inferential entities. *See* Entities.
- Inferior courts—Extinction of, by the higher in England, vii. 234-236.
- Infinite and finite—No medium between, vi. 224.
- Infirm—The. Appropriate additional com-



- forts to, under Pauper management, viii. 433.
- Infirmity in a Panopticon Penitentiary—**Accommodation for, considered, iv. 78, 119.
- Infirmaries—**Proper adaptation of, to prisons, iv. 24-25.
- Infirmative circumstances—**Nature of, in connexion with evidence, vii. 5.
- Application of, to preparations, attempts, declarations of intention, and threats—as evidence of delinquency, vii. 21-24.
- Infirmity—**Points of, common to makeshift evidence, vi. 59.
- Inflections—**Exposition, by the tracing of to their roots, viii. 245.
- Paucity of, gives simplicity and force to language, viii. 310 n.
- Effect of the multiplicity or paucity of, on a language, especially with relation to its adaptation to a treatise on Universal Grammar, viii. 341-342.
- Influence—**The author's early ignorance of the meaning of the term, i. 248.
- described as corruption under another name, iv. 440-441.
- Effect of secrecy of voting in destroying bad, but leaving effect to good, ii. 369-370.
- Uses of the expression, in political discussion, ii. 438-440. Of the crown, ib. Of will on will, as distinguished from mind on mind, ib.
- of the crown—represented as a cause of, instead of an obstacle to good government, ii. 467.
- of the crown. False views formed under the notion of, ii. 472.
- Corruptive. Means and instruments of, in elections, examined, iii. 476-482.
- Official. Reduction in the amount of, no reason for tolerating any portion, v. 323-324.
- Secret. Its efficacy in promoting the interests of individuals to the sacrifice of those of the public, iii. 97-98.
- Undue—Means of guarding against, in Parliament, iii. 454-457.
- of time and place in matters of Legislation, i. 170-194.
- Influences—**the proper distinguished from the improper, iii. 448-449.
- Information—**Political. Benefit of propagating, iii. 474.
- Self-notificative. Extraction of, from litigant, ii. 43.
- Secret—admission of recommended, i. 573-574.
- Information—**ex-officio—Tyranny exercised under, iii. 417 n.
- Prosecutions for libel by, noticed, i. 466.
- Procedure by, animadverted on, vi. 467-468; vii. 470, 496-497, 512.
- tolerated, because grand juries obstruct justice, vi. 375, 473.
- Information—**Mendacity-serving *See* Mendacity-serving Information.
- Information—**elicitative function of ministers, by the Constitutional Code, ix. 263-264.
- Informative—**Officially, function of ministers, by the Constitutional Code, ix. 260-263. *See* Ministers.
- Informers—**Evils suffered through, have proceeded not from their immorality, but the badness of the laws, vii. 592.
- Law does not sufficiently encourage, i. 559, 564; vii. 406, 490.
- Evil effects of the prejudice against, and proposed remedy, i. 465; ii. 197.
- Danger from the prejudice against, iv. 226.
- are the best prosecutors, especially if eye-witnesses, and should not be suppressed by sole power of prosecution being in a public officer, iv. 394-395.
- The best means of procuring, as prosecutors, iv. 398-404. Two obstacles—individual enmity and odium, 398-399. Remedy in secrecy, so long as no charge of calumny to expose, 399. Prejudices against secrecy have arisen where it is used to hide, not good but bad laws, ib. Whether a case of calumny so made out, that pursuer should be unveiled, is for judicial decision, ib. Origin of the odium in vulgar errors created by bad laws, 400. Trouble and expense where function of prosecutor severed from that of informer, ib. Indemnification and costs, 401. Not sufficient inducement, ib. Advantage of the plan of simply paying for information, 402. When the informer bound to prosecute, his stake in the result and consequent inducements to false accusation are increased, 402-403. Hardship of heaping additional injury on one already injured, ib. Adoption of means of making the service of the law honourable, 403-404. But then the laws must be such as it is not dishonourable to make, 404.
- Public. Provisions for obtaining information from, in the Plan of Judicial Establishment proposed for France, iv. 387.
- Proper principles of rewarding, so that they may not have temptation to excite to crime for the sake of the reward, ix. 573-575.
- Considerations as to, with respect to public and private prosecutors, iv. 387-406. *See* Prosecutors.
- restrained by the punishment of death, i. 526.
- Rewards to, considered, with the prejudices against them, and the causes, ii. 222-223.
- Infortunium, according to Roman law, i. 45.**
- Ingenhousz—**Dr, noticed, x. 265.

Ingram v. Mitchell—Case of, vi. 458.  
 Inheritance—Proper principles of, i. 334-336.  
 Initial Sketch of the Procedure Code, ii. 178-181.  
 Initial meeting. *See* Meeting—Preliminary.  
 Initiative of a law as distinguished from the consummative—open to the public at large, iii. 321-324.  
 — The. Arrangements as to, in Legislative Assemblies, ii. 350-352.  
 Initiatory application on constitution of a pursuer, ii. 63-64.  
 Initiatory examination of parties for purposes of proposed Despatch Court, iii. 413-418.  
 — — of parties in proposed Despatch Court—Reasons for, iii. 306.  
 Initiatory hearing, in Procedure, ii. 62-74.  
 Injunction in Equity—Nature of, vii. 299.  
 — Delay in proceedings on, vii. 380.  
 — Absence of substitutes for the process of, at common law, shows the want of codification, v. 486-487.  
 Injuring—Methods of taking away the physical power of, i. 534-536.  
 Injurious waste—Specimen of a section of the Penal Code regarding, iii. 175-176.  
 Injuries—Simple corporal. Legislation as to, in specimen of Penal Code, i. 164-168. Definition, 164. Explanations, *ib.* Punishment, *ib.* Aggravations, 164-165. Extenuations, 165-166. Explanations, *ib.* Commentary of reasons for the different provisions, in the form of question and answer, 166-168.  
 — Simple corporal—Specimen of a section of the Penal Code regarding, *iii.* 174-175.  
 — Corporeal and mental—Considerations regarding, in respect to the time and place of infliction, i. 173-174.  
 — How far preventable by hindering the acquisition of the requisite knowledge, i. 536-538.  
 — *See* Crimes.  
 Injustice—Real and apparent, distinguished, and evils of the latter shown, ii. 20-21.  
 — under technical procedure, matter of necessity; under natural, matter of chance, *vii.* 324.  
 Ink—Evidence of spuriousness from, *vii.* 182.  
 Innkeepers—Imperfectness of existing remedies in disputes with—Proposed arrangements in Constitutional Code, *ix.* 621-623.  
 Inns—under the superintendence of the Interior-communication Minister, by the Constitutional Code, *ix.* 441.  
 — Frugality—Use of, for the poor in travelling, *viii.* 417.  
 Inns of Court—The system of qualifying by commons at, criticised, *v.* 331-332.

Innate ideas—Law of nature and other fallacies found to correspond with, *i.* 300.  
 Innate propensities the successor to the exploded system of innate ideas, *vi.* 241.  
 Innocence—Presumption of, as regards person accused—Limits of, *ii.* 513.  
 Innocent—Treatment of an accused person as if he were, an absurd doctrine, and the reverse practised, *ii.* 169.  
 Innocent—The. How far they can be saved from the risk of punishment, *i.* 476. *See* Punishment—Proper seat of.  
 — — Rarity of convictions of, *vii.* 523.  
 — — Chance of conviction of, an argument against death-punishment, *i.* 448.  
 — — Punishment of—Actual effects of, *ii.* 133.  
 — — Evils occasioned by precautions in favour of, on false principles, *i.* 558.  
 — — Protection of; dangerous rules of evidence founded on, *vii.* 522-523, 525.  
 — — may be accidentally surrounded by evidences of guilt, *vii.* 16-17.  
 Innovation—Use made of the term, *vii.* 298.  
 — Prejudices regarding, *ii.* 7.  
 — Fallacy of the cry against, *ii.* 418-420.  
 Absurdity on its face, 418. Existing institutions founded on innovation, *ib.* Sources—Labour and difficulty of reforms, and sinister interest against them, 418-419. Counter-fallacy, of time being an innovator, by changing the applicability of institutions to their purpose, 419-420. Sinister interests protecting the fallacy—lawyers, sinecurists, contractors, country gentlemen, priests, 420.  
 — held in greater abhorrence than perjury by the Universities, *v.* 227.  
 — Blackstone on, *i.* 234.  
 Innovations—Principles on which they should be formed, *i.* 323-324.  
 Inquests—Coroners'—Proceedings of, in cases of suicide, *i.* 479-480.  
 — — Findings on suicides by, an instance of the inefficacy of oaths, *ii.* 41. *See* Coroner.  
 Inquiry—Stages of, in suits, *ii.* 92-94.  
 — Courts of—Natural procedure in, *vii.* 321.  
 — Free. The suppressors of, characterized, *x.* 510.  
 — Commissions of—Means of keeping off reforms, *iv.* 424-425 n.  
 Inquiry-Judicatory—Legislation, for collecting evidence as to legislative projects, in the Constitutional Code, *ix.* 181-188. *See* Legislature.  
 Inquisition—Practice of, a popular argument against judicial interrogation of parties, and self-criminative evidence, *vi.* 345; *vii.* 455-458.  
 Inquisition caused victims to be burnt to avoid the nominal offence of shedding blood, *i.* 412.

- Inquisition**—Hints for emblematic punishment from the practice of, i. 549.
- Inquisitiveness, pryingness, &c., as designative of motives, i. 199.**
- Inquisitorial procedure**—Nature of, ii. 83, 88.
- Insane**—Regulations for the custody of the, i. 370.
- Appropriate establishment for the, as a branch of Pauper management, viii. 394-395.
- Custody of. Advantage of Panopticon system for, iv. 40.
- Whether the Suffrage should extend to the, iii. 559.
- Insane Paupers**—How to obtain facts as to cost of custody of, viii. 362.
- Insanity as a circumstance influencing sensibility, i. 25.**
- Guardianship in case of, considered, i. 124-125.
- Effect of, in rendering a case unmeet for punishment, i. 84.
- Plan for a registration of commencement and termination of, ix. 631-632.
- Declaration of, a subject for registration, vi. 567.
- Finding of, by Coroner's inquests, an instance of inefficacy of oaths, ii. 41.
- Distributive-seeking suits arising out of, ii. 86.
- Intellectual effect of, on evidence, vi. 251.
- Insecurity**—The evils of, i. 310. *See* Security.
- Real evil of, in its being felt, iv. 359.
- A feeling of, the great source of mischief in bad judicature, iv. 340-341 n.
- The discouragement of, the object of the book of fallacies, ii. 486.
- Insincerity**—Position of the Church of England tends to nourish, ii. 397.
- Insolence**—Official—Means of restraining, by public admonitory rules, ix. 43.
- Insolvency.** Suits as to trusts in contemplation of, reckoned as continuous, ii. 85.
- Adjustment of proposed Despatch Court to procedure in, iii. 428-430.
- Distributive-seeking suits arising out of, ii. 86.
- Consequence of public compensation for the losses by, i. 388.
- as an offence, i. 116.
- Imprisonment gives no remedy against, vii. 381.
- Proper procedure in cases of, vi. 135-136, 182-183.
- A National. The evils of, enumerated, iii. 610-611.
- Insolvency and bankruptcy**—Factitious distinction between, vi. 180; vii. 383 n.
- Insolvents**—Application of imprisonment to, i. 429-431.
- Insolvent debtors' Act, vi. 178 n.**
- court—Defectiveness of, x. 584.
- Inspection**—Want of, in penal colonies, renders them inadequate to reformation, iv. 175.
- Improvement on the means of securing, in the Panopticon, iv. 69-71.
- Inspection galleries and lodge in Panopticon**—Necessity for, iv. 80-86.
- Inspection-house**—The, or Panopticon, iv. 37-248.
- Inspection principle in Penitentiaries**—The importance of, illustrated from its absence in the American Penitentiaries, iv. 238-240.
- Application of, to the public offices, ix. 327-333.
- in the management of the Chrestomathic school, viii. 48.
- Inspective function**—The, of ministers collectively, in the Constitutional Code, ix. 257-260. *See* Ministers.
- Inspectors**—Judicial, as judiciary officers, in the Constitutional Code, ix. 467.
- Special provisions for, in Constitutional Code, ix. 569-570. The public who happen to be present, 569. Classes it is likely to consist of, ib. Functions—may exercise the inspective, interrogative, and commentative, at discretion of judge, 569-570.
- Inspector's lodge**—Plan of, in Panopticon, iv. 41, 69-71.
- Institutions**—Meaning of the term, as politically employed, ix. 223.
- how far the fact of their being established a reason for their continuance, i. 179-180.
- Subsisting. Regard to be paid to, in transplanting laws, i. 177-180.
- How far those of civilized nations adapted to the uncivilized, i. 189-192.
- Propriety of criticising, and slightness of the risk they run from censure, i. 230.
- Distinction to be made between the good and the bad in, i. 573.
- for the diffusion of useful instruction, considered in relation to the principle of rewards, ii. 256-260.
- Instruction**—Uses to be drawn from the power of, i. 567-569.
- Conductiveness of to reformation, in connexion with penal law, i. 500.
- secular and religious, as an object in prison discipline, iv. 122.
- Diffusion of, through instrumentality of the Panopticon Penitentiary system, iv. 39.
- How far the Panopticon system can be advantageously adapted to, considered, iv. 62-66.
- Popular institutions for diffusion of, discussed, ii. 256-260.
- for expectants of public offices—Consi-

- derations as to, with reference to the provisions regarding it in the Constitutional Code, v. 273-275.
- Instruction—The system of, to qualify for office, by the Constitutional Code, ix. 277-279. *See* Ministers Collectively.
- Chrestomathic system of. *See* Chrestomathic.
- Public—to come under the authority of an Education Minister by the Constitutional Code, ix. 441-443.
- Necessity of, as a means of supplying certain kinds of service, ii. 234.
- derived from attending courts of justice, vi. 355-356.
- of Irish labourers in New York—Proposals for the, x. 500-503.
- Intellectual—General view of the advantages derivable from, viii. 8-16. *See* Learning.
- Public. Circular on, to Governors of United States, iv. 531-532.
- Instructions—Substitution of, for regulations, in statutes, vi. 524 n.
- concerning the probative force of extrajudicially-written and hearsay evidence, vii. 134-137.
- Instructions from the legislator to the judge for estimating the probative force of evidence, vi. 118-119, 151-175; vii. 563-598;—
- — Use of, vii. 563-567. Where there is no good ground for exclusion there may still be for suspicion, 563. No instructions given under existing systems, and why, 564-565. Object and character of those of the author, 566-567. *See* Cautionary Instructions.
- — as to interest in general considered as a ground of untrustworthiness, vi. 154; vii. 567-573. *See* Interest.
- — as to pecuniary interest, vi. 156-160; vii. 573-575. *See* Pecuniary Interest.
- — as to interest derived from social connexions in general, vii. 575-577.
- — as to interest derived from sexual connexions, vii. 577-581.
- — as to interest derived from situation with respect to the suit, vii. 581-584.
- — as to improbity as a cause of untrustworthiness, vii. 585-591.
- — as to the comparative mischief from misdecision as against plaintiff, and as against defendant, vii. 591-593.
- — as to ulterior safeguards against inconvenience from abolition of exclusionary rules, vii. 593-597.
- Instructional matter—Reasons for introducing, in a code of laws, v. 275.
- Instructional part of the Constitutional Code—Nature of, ix. 3.
- Instrument of demand as a substitute for Declaration or Bill in equity, vii. 270-271.
- Instruments—Authentication of, vii. 176-180.
- Forms of, embodied in legislative acts, iii. 595-596.
- of procedure corresponding to the operations performed, ii. 25-27.
- Written—Multiplicity of, in suits complained of in Petition for justice, v. 449-451.
- Insubordination among functionaries—Provisions for obviating, in the Constitutional Code, ix. 302-304.
- Insult defined, i. 115-116.
- Insults—Satisfaction with reference to, i. 377-381.
- Place of, in the subdivisions of the Penal Code, iii. 165.
- Insurance—its foundation in the equal distribution of losses, i. 306.
- How far the principle of, can be extended to losses occasioned by offences, i. 386-388.
- Application of the principle of, to prosecutions, i. 579-580.
- Frauds with regard to, how prevented, i. 547.
- of lives—Advantages of extending the principle of, viii. 416.
- Crimes connected with, ii. 212.
- of enemies' property, considered, i. 547.
- Insurance offices—Insufficiency of data for rendering speculations in secure, x. 354.
- Insurrection. Character of the offence of, i. 369.
- Popular associations not a cause of, i. 577.
- Vague and prejudicial employment of the word, in indictments for sedition, v. 257.
- Insurrection acts—The Irish, characterized, ix. 521 n.
- Integrity, probity, uprightness, &c., as designative of motives, i. 201.
- Intellect—Effect of interest on the operations of the, ii. 477-478.
- Intellection—Test of. Establishment of, as a branch of school discipline, viii. 44-45.
- Helps to, as a requisite in drawing laws, iii. 240-241.
- Intellectual aptitude of members of Parliament—Effect of non-attendance on, iii. 497-500.
- — Rules for securing, on the part of governors, ii. 273-274.
- Intellectual causes of trustworthiness in evidence, vi. 250-256. *See* Trustworthiness.
- Intellectual communication—Obstruction of, considered as a species of oppression, viii. 560-561.
- Intellectual facts. *See* Psychological.
- Intellectual faculties—The, concerned in testimony, classified, vi. 248.

- Intellectual faculties**—Philosophy of the, represented by Nooscopic Pneumatology, in the Encyclopedical Sketch of Art and Science, viii. 88.
- — A general list of, with definitions and descriptions, viii. 74-76.
- Intellectual instruction**—Advantages derivable from, viii. 8-16. *See* Learning.
- Intellectual weakness**—Effect of, in causing misjudgment and misconduct, i. 217-218.
- Intelligence**—Forgery of articles of, should be punished, vii. 140-141.
- Effect of, in regulating belief, vii. 102.
- vulgarly allied with improbity, vii. 393.
- Intemperance**—Use of statistical information on the prevalence of, ix. 627.
- Intensity**, as an ingredient in pleasure or pain, i. 16.
- Intention**—Inference of disposition from, i. 60-68. *See* Dispositions.
- with regard to the consequences of an act, i. 35-36.
- Reference of disputes regarding possession to, iii. 189.
- Declarations of, as evidence of crime, vii. 21.
- Infirmative circumstances applicable to declarations of, as evidence, vii. 22-23.
- good and bad—Erroneous uses of the term, i. 42-43, 44-45.
- Intentions**—as proper subjects of the attributes good and bad, i. 216-217.
- Intentionality**—Connexion between, and consciousness, i. 44.
- with regard to actions, i. 40-43. May regard either the act itself or its consequences, 40. Consequences cannot be intentional without act being so in its first stage, *ib.* Consequence may be *directly* or *obliquely* intentional, 41. *Ultimate* and *mediate* intentionality, *ib.* *Exclusive* and *inexclusive*, *ib.* Inexclusive may be *conjunctively*, *disjunctively*, or *indiscriminately*, *ib.* Disjunctive may be with or without preference, *ib.* Illustration, 42. Stages of intentionality, *ib.* The expression good and bad intentions discussed, 42-43.
- How it may influence the mischief of an act, i. 73-76. Cases—an involuntary act, heedlessness, misapposul with and without rashness, and complete intentionality, 73-74. Influence of motive, 74-75. Secondary mischiefs may be aggravated by the nature of the motive, 75-76. By the goodness or badness of intention, 76.
- Interception of evidence**—Deductions from, vii. 49.
- Intercourse (Judicial)**—Means of, with a pursuer. How to be entered in his demand paper, ii. 66-70.
- Means of securing, for judicial procedure, ii. 52-57.
- Intercourse**—Means of securing, in proposed Despatch Court, iii. 418-419.
- Interdiction**—Nature of the right of, iii. 181, 183.
- of prodigals, &c., i. 332.
- Interessees**—Litigation by, ii. 36-37.
- INTEREST**—Indefinability of the term, i. 2 n. †.
- of individuals—Nature of the, i. 2.
- of the community—Meaning of, i. 2.
- Meaning of the expression, that a person is said to have an, i. 207, 211.
- Men, in the average, guided by their own, iv. 495.
- The high merit of those who act against their own, for the public good, iv. 499.
- as the foundation of political conduct, and the clue to its motives, iii. 526-527. Rules, 526. Certain application to bodies of men—difficulty in case of individuals, from difference of idiosyncrasy, 526-527.
- Fallacy of expectation that legislators will do their duty against their, iii. 507.
- Advantage of uniting, with duty, ii. 475-476; iv. 126.
- and duty. Advantage of connecting, in official emoluments, ii. 237-239.
- and duty—Importance of uniting, in Pauper management, viii. 380-381.
- and duty—Union of, in self-acting laws, ii. 199-200.
- No human action performed independently of, i. 211-212.
- The universal—advantage of shaping particular interests in the direction of, iii. 453-454.
- among the earliest feelings to which the faculty of speech would give utterance, viii. 203.
- Those who have, in an abuse, consulted about its removal, ii. 13.
- Effect of, in causing misjudgment, i. 217-218.
- That a man consults his own, cannot be a reason against employing him for the public good, ii. 473-474.
- connected with and distinguished from motive, vi. 257-258.
- Power of, to elicit declaration of belief or disbelief, vii. 82.
- Interest in a witness**—as a ground for excluding his evidence, discussed, vi. 105-106; vii. 393-406; —
- — in general—not a proper ground, vii. 393-396. Motives and interests, 393. Mistake that all interests are sinister, 393-394. The four sanctions, 394. Falsehood produced by a preponderance of motives, 395. Rejection of tendered testimony in Scotland, 395-396.
- — considered as a ground of untrustworthiness in testimony, vi. 154-156; vii. 567-573. Foundation in motives, which dependent on hopes and fears, 567. List

- of pleasures and pains correspondent, *ib.* Only two that can be measured—pecuniary interest, and aversion to labour, 568. Sanctions which bind a witness to the observance of truth, 569. Effect of sympathy, 569-570. Effect of love of justice, 570. Regard for reputation, 570-571. Time at which interest in operation to be kept in view, 571. All interests should be viewed, 572. The falsehoods most liable to be incurred, 573.
- Interest in a witness—Pecuniary—Exclusion on the ground of, according to English law, vii. 397-400. Dependence of, on the extent of the sum and the opulence of the party, generally overlooked, 397-398. The only sort of interest of which people can see the extent, 398-399. According to lawyers, the *only* interest, 399. Witness believing himself interested, 399-400. Alteration of the law, 400 n.
- — — Pecuniary—Exceptions to the rule excluding evidence on the ground of, vii. 400-404. Interest against interest, 401. Interest contingent, 401-402. Illustrations, 402. Course of trade, 402-403. Wager on the cause, 403-404. Interest new, 404; *voir dire*, *ib.*
- — — Pecuniary—Effect of, on testimony, vii. 573-575.
- — — from social connexions—Effect of, on testimony, vii. 575-577.
- — — from the sexual connexions—Effect of, on testimony, vii. 577-581.
- — — from situation with respect to the suit—Effect of, on testimony, vii. 581-584.
- — — Legatees excluded from bearing testimony to wills by, vi. 548-549.
- — — Resignation of the subject of—How it restores competency of witness, vii. 438-440.
- — — Effect given to, in case of witnesses authenticating deeds, vii. 190.
- Interest—Self-regarding—the great ruling principle of human action, ix. 5.
- Interest—Simster. The term defined, and its application described, vii. 385.
- — Operation of, in producing fallacies, ii. 475-477. Interest divided into public and private, 475. All that the best men can do is to try to reconcile them, *ib.* The only hold on the performance of duties to the public is this personal interest, 475-476. Abuses a bond of connexion between governors, 476. Creation given up—preservation all that can be attempted, *ib.* Creation of some false principle as an instrument of protection, *ib.* Adoption of custom instead of utility as a standard, 477.
- — One of the causes of dread of innovation, ii. 419.
- — Various kinds of, which create dread of innovation, ii. 420.
- Interest—Simster—Plans opposed to, said to be too good to be practicable, ii. 461.
- — Its influence in fallacies of authority, ii. 389-390.
- — Action of, distinguished as perceived, and unperceived, ii. 484
- — of public opinion, i. 530-531.
- — and not upright prejudice, the cause of monarchical misrule, ix. 138-139.
- — Action of, in tinging the opinions of lawyers and churchmen on matters of legislation, ii. 395-398.
- — Uselessness of attempts to counteract, by reason, iii. 600-601, 621-622.
- — of judges and lawyers—Alliance between, vii. 201-214. Pecuniary, 202. Division of spoil, *ib.* Lies a means of increasing business, 203. Admissions as to personal purity of the existing judges, 204. Depravation of the intellectual and moral faculties of the people, 204-205. Interest in irrationality of the laws, 206-207. Limits to the operation;—The fear of being sufferers gives lawyers an interest in the furtherance of criminal justice, 207-209. How far the vices are the effect of design, 210-211. Recapitulation, 211-214.
- — not capable of being counteracted by any measure for giving better expression to truth, vi. 227.
- — of various classes of persons in the false ends of judicature, vi. 10-12.
- — the false but pursued end of judicature, vi. 10-12.
- — Source of affidavit and other unfit modes of evidence, vi. 42-43.
- — Laws generally made in furtherance of, in barbarous times, vi. 373.
- — of judges—Fee-gathering system founded on, vii. 199-201.
- — the term Dexter interest proposed as a converse of, vi. 258.
- Interests—Application of appellatives to, i. 217.
- corresponding to pleasures and pains, in the Table of the Springs of Action, i. 197-205.
- Characters given to the motives arising from the various kinds of, i. 212-214.
- Particular. Their superiority in tactics and adventitious aids over the interest of the people at large, iii. 98.
- as giving rise to political fallacies, ii. 482-484. Preponderance of self-regarding over social interest, 482. Interests of the many sacrificed to those of the few by people in power, 482-483. Community of interest between those who have and those who expect power, 483. Points on which their interests are opposite, *ib.* Opposition by Outs to the good measures of the Ins, 483-484. Opposition to bad measures when likely to be unsuccessful, 484

- Interests**—Combination for the furtherance of—their effects in producing restrictions on trade, iii. 97.
- that affect attendance in Parliament, iii. 503-505.
  - See Motives.
- Interest-begotten prejudice**—a cause of the existence of fallacies, ii. 477-478.
- Interest (of money)**—Impolicy of legal restraints on, urged in Defence of Usury, iii. 1-29.
- Impolicy of legal restraints on, considered in Manual of Political Economy, iii. 47-52.
  - Variations that have taken place in the rate of, and application to the usury laws, iii. 4.
  - Method of fixing rate of, by custom, iii. 4.
  - Forced reductions of, an infringement on the security of property, i. 319-320.
  - Peculiar utility of a high rate of, for projectors and others striking out new sources of profit, iii. 22.
  - Reduction of, through the project of circulating annuities, iii. 107.
  - Reason why paper not bearing, is not circulated by Government, iii. 149-153.
  - on funded debt—Reduction of, as compared with operation of Annuity-note scheme, iii. 141-144.
  - Compound. The refusal of, is punishment to a creditor for lenity, and reward to debtor for unpunctuality, iii. 18-19.
  - Compound. The project of circulating annuities as a means of realizing, iii. 107.
- Interesting**—The word has no meaning save as it refers to conduciveness to wellbeing, viii. 290.
- Interior-communication Minister** — Provisions regarding, in Constitutional Code, ix. 441. To take order for facilitating communication between place and place, ib. His functions, and the subjects on which they are exercised, ib.
- Interjections**—do not form a part of organized language, viii. 188.
- are fragments of original language involving propositions in single words, viii. 323, 357.
- Interlocutors in the Court of Session**—Delays attending, vii. 222-223.
- Interlocutory orders of courts**—should not be subject to appeal, iv. 343-344.
- Intermediate evidence** defined, ii. 60.
- Interment**—Plan for preventing occurrence of, where death has not taken place, vi. 571 n.
- Internal evidence** of spuriousness of writings, vii. 183.
- International**—Reasons for coining the word, i. 149 n \*.
- International Code**—Plan of the, iii. 200-201.
- The sea as a subject of the, iii. 201.
- International Law**—Position of, as a branch of Ethics in the Encyclopedical Sketch of Art and Science, viii. 94.
- Place of, with reference to a general code, iii. 162.
  - Principles of, ii. 535-560.
  - Objects of, ii. 537-540. Common utility of all nations, 537. Statesmen to keep it in view that it may at least give a direction to their proceedings, ib. Five rules regarding the doing good and avoiding evils to other countries, so far as may be consistent with our own not suffering, 538. The doing what makes another nation suffer disproportionately to the gain, an offence, 538-539. Like principle as to obligation to do good, ib. Principles and application of war, 538-539. The Adjective international law, 539. Offences of sovereigns divided into those of good and those of bad faith, ib. Causes of the former, and of wars, 539-540. Means of prevention, 540.
  - A court of judicature for the administration of proposed, ii. 552-554. Would be advantageous though not armed with coercive powers, ib. Illustrations from history, 552. Would reduce the burdens of nations, 553. Its power in reporting and circulating its opinion, and putting the refractory under ban, 554.
  - Principles that should rule a member of a legislature in regard to, ix. 202.
  - The term Balance capable of application to, ii. 447.
  - A Code of, a desideratum, x. 584 ; xi. 34.
- International morality**—Deficiency of, ii. 552.
- Interpretation of a code of laws**—Rules regarding the, iii. 209-210.
- Interpreting a law**—the application of the term presumes dubiety, iv. 313.
- Interrogated** contrasted with affidavit evidence, vi. 38.
- Interrogatedness**—as a security for evidence, vi. 283.
- Interrogation**—Modes of, to be abstained from in procedure, ii. 59.
- Modes of, in use in English practice, vi. 33.
  - as a security for correctness and completeness in, and thence for the trustworthiness of testimony, vi. 284, 289, 332-351 ;—
  - Uses of, as applied to extraction of evidence, 332-333. Chief use in case of *mala fides*, 332. Produces completeness, ib. Particularity, ib. Discovers falsehood, 332-333.
  - Exceptions to the application of, vi. 333-334. Where delay may produce irreparable damage, 333. Where security outweighed by expense, 334. Rules to be followed where dispensed with, ib.

**Interrogation**—on whom should it be performable? vi. 334-335.

- by whom should it be performable? vi. 25, 335-345. No interrogator to be excluded but on ground of mendacity-serving suggestion, or preponderant inconvenience, 335. Judge, Plaintiff, Defendant, Advocates, and in some cases extraneous witness, should have the power, *ib.* List of possible interrogators and interrogatees, 336 and *n.* Cases in which there can be but one interrogator, 335-336 *n.* Diversities in common law and equity on the subject, 336-337. Parties should be interrogators and deponents, and should be interrogated by their own advocates, 337-338. Witnesses should be allowed to interrogate each other and the parties, 339-341. (*See* Witness.) Defectiveness of English cross-examination, 342-343. Circumstances rendering it unfit to commit the duty of interrogation entirely to the judge, 343-345.
- Affections of the parties concerned in, towards each other—how far presumable, vi. 346-347. Examination of different cases, and deduction that no general rules can be made, *ib.*
- Distinction between amicable and *ex adverso*, vi. 347-351. Beneficial effects of hostile examination, 348. Judge examining—the principle, that he should be counsel for the accused, attacked, 349-351.
- Five modes of, compared, (*viz.* 1. Oral, by the parties publicly before the judge; 2. By the judge privately in absence of parties; 3. By the judge publicly in their absence; 4. By judges chosen by the parties; 5. Epistolary,) vi. 423-428. Oral and written compared, 424-426. The four oral modes compared, 426-428.
- should be essential to the acting upon admission as confession, vii. 31.
- Difference between Extrajudicial and Judicial, in point of efficacy, vii. 41-44.
- confounded with torture, vii. 454-455.
- Assertion performing the part of, vii. 40 *n.*
- Confessorial and other self-disserving evidence extracted by, vii. 39-44.
- Faculty of, to notary who certifies contract, vi. 527.
- when the Oral, and when the Epistolary form of, should be used, vi. 33.
- as an instrument for supplying the deficiencies of real evidence, vii. 14-15.
- Discreditive, vi. 400-406. *See* Discreditive Interrogation.
- Epistolary;—compared with Oral, vi. 524-526.
- Epistolary—In what cases applicable, vi. 429-436.
- Epistolary, recommended, in case of impediments to Oral, vii. 374-375. *See* Epistolary.

**Interrogation**—Method of, in equity causes, vi. 444-445.

- Oral, analyzed, vi. 383-386. *See* Oral Interrogation.
- of parties in suits, urged, vii. 487-489.
- of parties by each other—difficulty of reconciling with their being examined apart, vi. 362 *n.*
- in the Roman mode—partakes of scriptural and *à la voce*, vi. 444.
- Suggestive, vi. 392-399. *See* Suggestive Interrogation.
- Written—Difficulties in the way of, vii. 42. *See* Epistolary Interrogation.
- Right of, difference between its depending on the sanction of the judge, and his merely having the power to restrict it, vi. 504.

**Interrogative mode of instruction**—Specimen of, viii. 107 *n.*

**Interrogatory in a Bill** having a charge to support it, ii. 49; vi. 483.

**Interrogatories for examination by commission**, vi. 487.

- on the system of confrontation, vi. 501.

**Intervals**—Long, between sittings of courts, vii. 241-245.

- — Proposal to remedy, vii. 371-373.

**Intestine troubles** as a source of international wars, ii. 539, 545.

**Intimidation**—Counterpart of remuneration as an instrument of government, ix. 47-48.

- in the form of vituperative and contemptuous expressions against those who attempt law reform, v. 96.
- at elections—Analysis of the operation of, iii. 479-482.
- at elections compared with bribery, iii. 482-485.

**Intolerance**—productive of the evils attributed to vengeance, i. 383.

- a characteristic of those who, by adopting the authority of others, admit their own imbecility, ii. 392.
- How far it may be successful in coercing opinion, vii. 108.
- traced to its source, vii. 109 *n.*
- Operation of, created prejudices against informers as to crimes, ii. 222-223.
- Demoralizing and debilitating effects of, i. 565.
- Religious. Suppression of benevolency by, i. 562.

**Intoxication**—Extent of the mischief of, i. 72.

- Effects on society of indulgence in, i. 539-540.
- In what cases admissible as an extenuation of an offence, i. 79, 84.
- Pleasures and pains of, as springs of action, i. 197.

**Intransitive acts distinguished from transitive**, i. 36-37.

*Introduction to the Principles of Morals and Legislation*, i. 1 *et seq*



- In-trust holders or consignees**—Provision as to, in Dispatch Court Bill, iii. 382-388.
- Inundation**—Application of analogical punishment to the offence of, i. 407.
- One of the dangers to be kept in view by the Preventive Service Minister in the Constitutional Code, ix. 439.
- Invalidity**—Causes of, in contracts, i. 331-333.
- Invasions**—Incongruity of the principles of, in modern warfare, ii. 551.
- Invention**—Nature of, as one of the human faculties, viii. 74-75 n.
- as a mental operation in connexion with logic, viii. 226.
  - A faculty not necessary to the teacher or learner, viii. 76.
  - as a department of logic, viii. 275-279.
- Precedes teaching and learning**, 275.
- Presupposes art**—either a new art or a new mode of an art, 275-276. Inventions applicable to all arts are so to all sciences, 276. Mementos applicable:—*Respice finem*, ib. Avoidance of servile imitation, ib. Guard against intellectual weakness, sinister interest, interest-begotten prejudice, adoptive prejudice, ib. Classification of ideas, ib. Use of analogy, ib. Logical subalternation, ib. Knowledge of existing discoveries, ib. Latest inventions to be searched for, ib. *Quodlibet cum quolibet*, ib. Trial of relation to end, ib. Elucidations and examples, 277-279. Application of the subalternation scales—what is shown of the species try if it is in the genus, and *vice versa*, ib.
- described as imagination taken under command by attention, viii. 76.
  - Nomenclature should keep progress with, ii. 383.
  - The trouble of, a motive for truth, vi. 262.
  - Mendacious, oral interrogation gives fewer opportunities for, than written, vi. 424-425.
  - on the part of witness—how far helps to recollection compatible with avoidance of, vi. 446-451. See *Helps to Recollection*.
- Invention and discovery**—The author's instruments of, or logical arrangements, iii. 285-295.
- Inventions**—In what instances rewards for, unnecessary, ii. 212.
- Principle of granting patents for, iii. 71-72.
  - Kinds of, that are ranked among extraordinary services, ii. 193.
  - propagate each other, iii. 27.
  - Authorship of, a subject of evidence, vi. 5 n.
- Inventive faculty**—Application of methodisation to the assistance of the, viii. 272.
- Inventor**—is in relation to art what the discoverer is to science, viii. 76.
- Inventor**—Difficulties he has to combat with in introducing his productions to the world, iii. 49-50.
- The faculties exercised by, distinguished from those by the teacher and learner, viii. 74-76.
  - Discouragement to, by the usury laws, discussed, iii. 20-29, 47-50.
- Investigation**—as a security for trustworthiness in evidence, vi. 284-285.
- by judge in case of application for services, ii. 37-38.
- Investigatorial authority**, as part of the power of a judicature, to enable it to search out evidence, v. 32-33.
- Investitive facts**—Nature of, vii. 270.
- Investments**—Profitable. Individuals can choose better for themselves than Government for them, iii. 43.
- Involuntary distinguished from voluntary evidence**, vi. 218.
- Ireland**—Conduct of England to, i. 7 n.
- Letter against the coercion of, xi. 64-66.
  - Usage of the Catholics of, ii. 451.
  - Prevalence of the Roman Catholic faith in, an evidence that religion is not supported or put down by coercion, viii. 546.
  - Catholics of—Plan for uniting with the Dissenters for the furtherance of religious liberty, x. 592-594.
  - Nature of the associations in, i. 577.
  - Allusion to the support of a Protestant clergy in, i. 317.
  - Use of the Protestant bishops in, questioned, ii. 449.
  - Bishops of—their oath to erect schools broken, v. 456.
  - Political phraseology applicable to the monarchy does not comprehend, iii. 571 n\*, 604 n\*.
  - Injustice to, in respect of amount of representation, iii. 584 n.
  - Registration of titles in, i. 552.
  - Creation of the order of St Patrick in, ii. 221.
- Ireland's forged papers of Shakspeare noticed**, vii. 193.
- Irish insurrection acts characterized**, ix. 521 n.
- Irish labourers in New York**—Plan for the instruction, and the improvement of the moral character of, x. 500-503.
- Irish**—The United. Fear of disturbances from, in New South Wales, as illustrative of the state of that colony, iv. 205.
- Irish Volunteers' Association** an illustration of the advantages of Democratic ascendancy, iii. 613-622.
- — — Origin and characteristics of, iii. 614-615.
  - — — The breaking up of, by the treachery of the leaders, described and accounted for, iii. 618-620.
  - — — Conduct of, adduced to the Spa-

- nish people as a testimony to the moderation of democrats, viii. 473-474.
- Iron**—The employment of, in buildings, and especially prisons, urged—great strength, and little room occupied, iv. 97-98.
- Irons**—Necessity of putting prisoners in, obviated by Panopticon plan, iv. 47.
- Irrationality of the law**—Interest of lawyers in, vii. 206-207.
- Irregular nouns and verbs**—Fragments of language anterior to the use of systematic inflection, viii. 327.
- Irrelevancy in evidence**—Anticipative survey would be a means of exposing, vii. 369.
- as a ground for the exclusion of evidence, vi. 89; vii. 362-366. Necessity for giving Judge discretion in, 362. Exemplifications of irrelevancy, 363. Inquiries in which irrelevancy is suppressed in English practice, ib. Irrelevancy a peculiar growth of equity, ib. Irrelevancy enforced by rejection of confessorial evidence, by the system of pleading, by equity practice, and its divergence from common law, 364-366.
- Irrevocable Laws.** The fallacy of, ii. 401-408. How connected with the fallacy of vows, 401-402. Absence of sufficient data and experience, 402. Worse than laws of living tyrants, because no chance of revocation, 403. Laws should be tried by their own merits, ib. Laws called void, ib. Classing laws as contracts, 403-404. Treaties, 404. Grant of privilege by the Sovereign, ib. Constitutional distribution of powers, ib. Incorporative unions, 404-407. England and Scotland, ib. All laws made for the future, but should bind it by their rationality, 407-408.
- Irritability**—Bodily—Nature of, i. 23.
- Isagoge**—The, of Porphyry—The formula for Dichotomous division in, examined, viii. 111 n.
- Issue**—Directing an, v. 43; vi. 40, 71, 488.
- Rule that evidence is to be confined to the points at. Chapter on, by Editor of original edition of *Rationale of Evidence*, vii. 558-562.
- Issue Books in the system of Official Registration in the Constitutional Code**, ix. 245.
- Issues**—General. A means of abbreviation, but defective, v. 42.
- Judge leaves the framing of, to an inferior, v. 43.
- Italian system of Book-keeping.** Objections to, v. 383-386.
- — — The author's system of National Book-keeping compared with, ix. 253 n.
- Ivernois**—D'—Letter from, and Bentham's opinion on his work on the French Revolution, x. 305
- J**
- Jacks**—Mr Deputy—His fears for the destruction of property under Radicalism, ii. 560.
- Jackson**—President—Letter to, on his opening message, &c., xi. 40-42.
- Jacobinism**—Opinions on the state of, in France, x. 296.
- Jacobites**—Illustration of the corruption of blood with reference to the, ii. 273.
- Jacobitism**—Prevalence of, in the early part of the eighteenth century, x. 2.
- Jactantial evidence, or boasting of iniquity**, vii. 33.
- Jail discipline.** See Prison discipline.
- James I.**—Reign of, characterized, ii. 444.
- — Persecution of Arans by, ii. 417, 450-451.
- — Credulity and cruelty of, viii. 78.
- — His monopolies, iv. 262.
- — casually noticed, i. 10 n; iv. 267; ix. 79; x. 495.
- James II.**—Designs of, characterized, ii. 443.
- — Criticism on application of the word "abdicate" to, iii. 508-509.
- — Falsehood of the alleged "abdication" of, ii. 409.
- — Characteristics of, iv. 282-283.
- — casually noticed, iv. 280; v. 280, 369; viii. 557, 575; x. 47.
- Januarius**—St. The miracle of, proposed to be made a toy of, i. 568.
- Japan**—Curious police regulations in, i. 557.
- Japanese**—their remarks on a balloon, cited, vii. 94.
- Jargon**—Legal. Principle of, vii. 230-283. Makes business, 280-281. Intercepts legislative interference, 281. Bond of union to lawyers, 282. Different kinds, with illustrations, 282-283.
- — stated as a device of Technical procedure, v. 13.
- Jassy**—Bentham's visit to, on his way to Russia, x. 158.
- Jay**—Chief Justice, (United States), noticed, x. 302.
- Jealousy**—Nature of, i. 53.
- Jebb**—Dr. His opinion against employing military to guard prisons, iv. 164.
- Jefferson**—Jacob. Bentham's tutor at Oxford, x. 37.
- Jeffrey**—Francis, noticed, x. 422, 473.
- Jeffries**—Judge, noticed, v. 375.
- Jekyll**—Sir Joseph. Letter from, to Bentham, x. 486.
- — Position of, as a nominee of Lord Lansdowne, x. 239-240.
- — noticed, x. 123, 145, 237, 280.
- Jenner**—Dr. His reward for invention of vaccination, ii. 212 n.
- — noticed, viii. 25.

- Jephson**—Mr. The pension procured for, by Gerard Hamilton, discussed, ii. 384-385.
- Jephthah's vow**—Illustration from, vi. 271, 318.
- — The enforced performance of, an illustration of the influence of priestcraft, v. 222-223.
- Jervis**—Sir John, (Lord St Vincent,) noticed, x. 296.
- Jest**—Evidence apparently criminative prepared in pursuance of, vii. 34.
- Jesuits**—Dumont's account of the influence of, in China, x. 406.
- Characteristics of the, i. 537, 575.
- Jesus**—Oaths prohibited by religion of, v. 219-220; vi. 28-29.
- Jew**—The application of an oath in the case of a, considered, v. 202; vii. 423.
- Form of swearing a, vi. 323.
- presenting to a Christian benefice in England, ii. 509.
- Jews**—Origin of Christian prejudices against, iii. 16.
- Whether provision can be made for the religious observances of, in prisons, iv. 24.
- Allusion to the persecutions of, in England, vii. 196.
- Incident of the murder of, with Coke's remarks, vii. 276.
- The—Confiscations levelled against, i. 320.
- Job**—The reproach of a, used as a weapon in political discussion when useful plans proposed, v. 186.
- Jobbing**—Vague and fallacious employment of the term in political discussion, ii. 473.
- The irrational passions of the people chargeable with the temptation to, ii. 202.
- Jockeyship**—Use of the expression, iii. 14-15.
- John**—King, noticed, v. 288-289 n; viii. 577 n.
- John the painter**—Trial of, cited, vii. 31 n, 33 n.
- Johns**—Mrs. Account of, as a visiter at Bowood, x. 106-107.
- Johnson**—Mr Cochrane—Allusions to, x. 449, 455.
- Johnson**—Samuel. His attributing the Fragment on Government to Dunning, i. 240-241.
- — His commendation of Bentham's Latin verses, x. 41.
- — His admiration of Hamilton's Parliamentary logic, ii. 386.
- — casually noticed, vii. 210; viii. 313; x. 13, 22, 51, 124, 142.
- Johnson**—General, a visiter at Bowood, x. 114.
- Johnson**—Mr Justice—Trial of, for libel, cited, v. 66, 106, 114 n, 243.
- Johnstone**—Governor. Bentham's desire to be secretary to, x. 64.
- Johnstone**—Lieutenant-Colonel—Trial of, noticed, x. 465.
- Joint-stock company**—Proposed vesting of the management of the poor in a, viii. 369.
- Jones**—Gale. Allusion to the case of, v. 291.
- Jones**—Sir William—Estimate of, x. 51, 571.
- — — Quoted in favour of virtual universality of suffrage, iii. 459 n.
- — — noticed, x. 168.
- Jones**—Colonel—Mention of, xi. 20.
- Jones**—a music teacher: gives instructions to Bentham, x. 8-9.
- Joseph II.**—Miscalculation of his reforms, i. 181.
- Joseph**—The cup of, in Benjamin's sack, an illustration of forgery of real evidence, vii. 16.
- Journal of motions in legislative assemblies proposed**, ii. 352-353.
- Journal Books for the registration of official operations in the Constitutional Code described**, ix. 234.
- — Different sub-specific books of, and method of keeping them, ix. 242-246. See Books.
- Jousse**—M., noticed, vi. 231, 503 n.
- Jovellanos**, (Don Gasper de)—Letter, seeking Lord Holland's intervention with, to facilitate a project by Bentham to emigrate to Mexico, x. 439-444.
- Letter from, x. 448.
- Bust of, sent to Bentham by Lord Holland, x. 477.
- noticed, x. 445.
- JUDGE**—Evils of discretionary powers in, i. 325-326.
- Latitude of, in case of reparation for offences, i. 384-385.
- and person judgeable—Communication between, ii. 27-28.
- Rules for the guidance of, in the exercise of his ulterior powers, ii. 29-31. Balance between direct and collateral ends of justice, 29. Give reasons for decision, ib. Cautions regarding vexation, delay, number of persons affected, &c., 29-30. Middle-agency-sparing principle, 30-31.
- Responsibility the effectual protection from abuse of power of, ii. 31.
- No application should be to, except in open court, ii. 40.
- Method by which useless consumption of the time of, obviated, ii. 46.
- Conciliative distinguished from punitive functions of, ii. 47.
- How he should preserve parties wronged from ridicule, ii. 114.
- Responsibility of, lessened by jury, ii. 118.
- Influence of, over jury, ii. 123.
- Propensity of, to convict in libel cases, ii. 124.

JUDGE—Corruption and misdecision by, more alarming than by jury, ii. 124.

- Tendency of presence of jury to increase his aptitude, ii. 124.
- Manner in which a quasi-jury might act with, as assessors, ii. 141-158.
- Inspection of, by jury, to be effectual, should attend every step of procedure, ii. 145-146.
- Method by which he will defeat a law reform, ii. 411-412.
- No decision of, should fix a doubtful law till legislatively sanctioned, iii. 210.
- The necessity of education and experience for the office of a, iv. 363-364.
- Importance of his having a *rationale* to the law he administers: guidance, restraint, and support, iv. 492
- without jury—preferable to a covertly pensioned jury in cases of libel, v. 116-117. The responsibility of one who judges openly, ib.
- Exclusion of parties from presence of, a device petitioned against in Petition for justice, v. 446-448.
- characterized as the physical enforcer of the sovereign's will, vi. 7.
- Use of records to, vi. 31.
- Erroneous decision by, has permanent effects, vi. 52.
- Effect of vexation to, in the production of evidence, vi. 92-94.
- Vexation to, how far a ground for exclusion of evidence, vii. 350-352.
- the vexation attending the performance of his functions—how it should be viewed, vi. 94.
- should have discretionary power of rejecting or refusing evidence where mischief apprehended from disclosure, vi. 98.
- Initial meeting of parties before, vi. 136-137.
- Nature of the services he renders to plaintiff and defendant, vi. 210.
- Power with which the legislator should arm him in relation to evidence, vi. 211-213.
- not necessary for him to push evidence to the utmost strength of probative force it is capable of, vi. 233.
- Should he decide without external evidence? vi. 276-278.
- not to be overlooked in precautionary arrangements as to evidence, vi. 281.
- Extent of his sphere of transgression, vi. 282.
- Power and authority give credit to the assertions of, vi. 290.
- Reasons why the interrogation of witnesses, &c., should not be entirely left to, vi. 343-345.
- Cases in which interrogation is left to, vi. 345.

Judge—as an examinant, should be neither adverse nor amicable to either party, vi. 349-350.

- Proposition that he should be counsel for prisoner combated, vi. 349-351. Should be counsel for all parties, and discover attempts by lawyers to take the question off the merits, ib.
- should have the power of limiting publicity in his court, vi. 97 n \*, 354.
- Publicity tends to protect his reputation, vi. 355.
- Giving reasons for his decisions occasioned by publicity, vi. 357. How far a good practice, ib.
- Security of, from violence, &c., a reason for restricting publicity in courts of justice, vi. 361.
- how he is to act in cases where the feelings of individuals seem to demand privacy, vi. 365-366.
- should not be permitted to withdraw procedure in public offences from publicity, on his own sole instance, or on that of the prosecutor, or of the defendant, or of both, alone, vi. 370-371.
- Principle of humanity prompts to neutralize penal laws, vi. 378.
- What would be the effect of personally soliciting? vi. 379.
- Conduct he should pursue when witness browbeat, vi. 407.
- Uses of judicial registration to, vi. 409.
- should be himself recorder of procedure for his own use, vi. 413.
- Ease and interest of, consulted in the plan of severing the collection of evidence from decision, vi. 422.
- Ordinary motives prompt him to decide well, if there be no preponderant counteracting interest, vi. 446.
- should have power to limit the time for witness answering questions, vi. 449.
- Examination of witnesses by, in the Roman mode—Defects of the system, vi. 499-500.
- Extent to which he should be entitled to limit interrogation, vi. 504.
- Laws secretly abrogated by, vi. 552-553.
- Exclusion of the parties from the presence of, vii. 226-233. *See Parties.*
- Necessity of discretion to, as to exclusion of evidence on ground of inconvenience, &c., vii. 344-345, 347.
- Proceedings of, must be taken as legal, vii. 462.
- How far his personal convenience to be consulted in respect to the amount of evidence produced, vii. 531-532.
- Instructions from the legislator to, for estimating the probative force of evidence, vi. 151-175; vii. 563-598. *See Instructions.*

- Judge**—Notes by—Authority of, vi. 413 ; vii. 409.
- Position and functions of, described, ix. 465.
- Judges**—Power of, made arbitrary by death-punishment, i. 448.
- Latitude to, in regard to punishments, i. 516-517.
  - Sinister interest of, against the proper ends of procedure, characterized, ii. 13-14.
  - Principal and depute—Outline of arrangements regarding, ii. 22.
  - Method in which they should examine applicants as to the service they wish, ii. 37-38.
  - Extent and nature of the sinister interest of, as exhibited in rules of procedure in England, ii. 75-76.
  - Extent of discretion of, in curtailing the pursuer's demand, ii. 84.
  - Impossibility of punishing, when they offend, ii. 119.
  - Application of the system of unanimity as among juries to, ii. 136.
  - Influence of system of appeals on conduct of, ii. 165-166.
  - Recapitulatory examination as a protection from, ii. 158-161.
  - of immediate and appellate judicatories—Difference between the checks applicable to, ii. 167-168.
  - Evils of remunerating by fees, iii. 336.
  - Fees of, are rewards for contravention of duty, ii. 209.
  - Remuneration of—how to adjust to the profits of the bar, ii. 215-216.
  - Considerations as to salaries of, iii. 335-336.
  - Unpaid—Propriety of receiving the services of, iii. 343.
  - Duty of, to propose amendments to the Code, iii. 370 n.
  - The uninterrupted attendance of—Reasons for, iii. 406-409 ; iv. 378-379.
  - Corruption and bribery of, compared to the system of placemen in Parliament, iii. 491.
  - Popular election of, advocated in preference to the mode of the National Assembly of France, of presenting a leet to the King, iv. 307-309.
  - The plans of the French National Assembly for keeping them subordinate to the Legislature, examined, iv. 310.
  - Necessity of a suspensive power to, with reference to the legislature, in cases where the strict interpretation of a law would produce hardship, iv. 312-315.
  - Utility of publicity as a check on, and its exemplification in England, iv. 317.
  - Malversation of. Feeling of insecurity the chief mischief from, iv. 340-341 n.
  - Necessity of the appeal system as a check on, iv. 338-353. *See* Appeal.
- Judges**—Appointment, continuance, power, and rank of, in the Judicial Establishment proposed for France, iv. 354.
- Arrangements for the pay of, in the Plan of Judicial Establishment proposed for France, iv. 354-355.
  - Attendance of, according to the Plan of Judicial Establishment proposed for France, iv. 356.
  - Official oath of, according to the Plan of Judicial Establishment for France, iv. 356-357.
  - Deputes of, according to the Plan of Judicial Establishment proposed for France, iv. 357-358.
  - Responsibility of, according to the Plan of Judicial Establishment proposed for France, iv. 358.
  - Power of motion of, considered in reference to the Judicial Establishment of France, iv. 358-368. Necessary to the efficacy of election, 358-359. Popularity—Utility of a magistrate being thought good whether he be so or not, 359. A door left open to correct mistaken choice, ib. No pride or self-love to prevent the retracing their steps as in the case of individuals, 359-360. Better to deprive people of choice of a good judge than of privilege of getting rid of a bad one, 360. No personal interests in the way of patronage that the people can pursue, 359-360. A remedy for defects against which no specific recourse could be otherwise had, 360. Improbability one of these, ib. Want of intelligence, ib. Harshness and ill-humour, 361. Hastiness, 361-362. Considerations as to independence—good under a despotism—bad in a democracy, 362. Independence against individuals *favourable*, against the public *unfavourable*, to probity, ib. Independence on the public is despotism, 362. Injustice and caprice of the people exaggerated, 363. Periodical election not a succedaneum, 363-366. If there be forced intervals of exclusion it deprives the public of the benefit of the judge's experience, 363-364. Attention to the periodical elections would induce a too active courtship of popularity, 364. Contagion of partiality, ib. Would throw the office solely into the hands of those who could live independently of it, 365. Disquiet and profligacy produced by the frequent repetition of popular elections, 365-367. Reservation of salary notwithstanding motion—renders it less invidious, supports independence, enables the public to make a good bargain, 367-368.
  - Power of Deputation by, in proposed Plan of Judicial Establishment for France, iv. 368-370. Affords materials for choice in elections, 368-369. Promptitude, 369.

- Economy—unpaid depute practising for the sake of experience and name, 369-370.
- Judges—Gradual promotion of, as part of the Plan of Judicial Establishment proposed for France, iv. 370-372. Gives a choice among the inferior Judges, of persons for the higher offices, 370. Support from public opinion to Appeal Courts, ib. An inducement to qualification by education, 370-372.
- Emoluments and remuneration of—proper principles of, iv. 372-378. The patriotic auction, 372. Means of accomplishing the most perfect economy, ib. Service the reverse of prejudiced, 372-373. If person chosen have offered nothing—transcendent merit indicated, 373. Paying shows a love not for the salary but the office, 373-374. Not to be confounded with venality, 374-375. Difference where saleable offices in hands of individuals, 375. Burden to the state diminished by increase of its wealth, 376. The dignity and other accessories of wealth capable of being given to the Judge without it, 376-378.
- The rank of, iv. 378. Should be coordinate with their power, and therefore above that of the persons bound to obey them, ib.
- should be prohibited from electioneering, iv. 379.
- should be prohibited from holding other offices, iv. 380-381. Want of time, 380. Danger to probity, ib. Unjust monopolies, ib. Especial danger when the additional office in patronage of the crown, ib. Examples in England where Judges members of the Legislature, ib.
- Rules and principles as to their taking an oath of office, with opinions as to official oaths as laid down in Plan of Judicial Establishment for France, iv. 381-384.
- Their function and profession should be kept distinct from those of the other official lawyers connected with their judicatories, iv. 387-389.
- Advantage of competition among, v. 17.
- The proper use of Juries is to act as a check upon, v. 67-69.
- Interests to the action of which they are particularly liable to be exposed, v. 89-91. not directly to bribery, but to love of ease and of vengeance, ib.
- instead of making law by decisions, should be allowed to propose it *in terminis*, v. 500.
- Extent of their interest in the delay of justice, v. 520.
- Application of a scale of persuasion with regard to probative force of evidence to, vi. 225-226.
- Species of, who administer the moral sanction, vi. 353.

- Judges—Rules concerning authentication for the use of, vii. 184-188.
- of last resort—the only Judges on the aggregate quantity of whose time there is a certain limit, vii. 350-351.
- Opinion against retiring allowances to, ix. 31.
- of Courts of Appeal—Provisions regarding, in Constitutional Code, ix. 585-588. See Appellate Judicatories.
- Reasons why they should not be chosen from among professional lawyers, ix. 592-595.
- Functions of, by the Constitutional Code. See Judiciary Collectively.
- casually unadverted on, i. 187, 240, 448; ii. 11, 73, 109, 111, 122, 151, 152, 181, 208, 238, 396, 422-423, 425, 456, 466 n, 575; iii. 280-283, 351, 352, 406-407, 505, 566 n, 568 n; iv. 484; v. 5, 6, 202, 233-237, 462, 467, 472, 489, 503, 515, 522-523, 529, 533, 575, 583; vi. 14, 22, 23, 26, 32, 36, 40-41, 50-51, 53-57, 97 n, 100, 102, 103, 104, 112, 113, 138, 150, 175-176, 178-179, 181, 182, 184, 266-267, 269, 273, 314, 326, 338, 364, 389, 400, 445, 463, 464, 491, 494 n, 516 n, 517 n, 547 n, 557, 581; vii. 44, 106, 155, 159-160, 192, 193, 194-195, 285, 290, 291, 329, 381, 387, 390, 430, 473, 484 n, 519, 546 n, 565; viii. 472, 474; ix. 2, 186, 193, 196, 391, 414, 462, 463, 470 n, 502, 511, 514, 578, 604.
- Judges—The English—their conduct as to findings under forty shillings, marks their disapprobation of death-punishment, i. 526-527.
- — Connexion of sinister interest of, with that of the crown, ii. 11-12.
- — Example of mendacity shown by, ii. 60.
- — Indifference of, to effects of their proceedings on offenders, ii. 119.
- — A plan for their making rules for arrangement of business, &c., subject to disallowance by Crown or either House, iii. 367-371.
- — Inapplicability of the designations of the, iii. 397 n.
- — Their method of respecting the Declaration of Rights, iii. 427 n.
- — though having seats in the Legislature, how indolent as law reformers, iv. 314.
- — Removal of, on address from Parliament—Merits of the system, iv. 361 n.
- — only denied seats in the Commons, when they have to attend on the Lords, iv. 380.
- — Evil of their having seats in the House of Lords, iv. 381.
- — Means of corrupt misinterpretation which the uncertainty of the common law gives them, iv. 489.

Judges—The English—Check on, of juries  
 —how done away by influence, v. 69-76.

- Purposes to which their influence on juries may be made subservient, v. 88-97.
- Interests to the action of which they stand exposed, v. 91-97. Position and profession from which they are taken give sympathy with the higher classes and with delinquents, 91. Fees in their various shapes, *ib.* Worse than other countries where they are liable to palpable bribery only, which can be obviated, 92. Falsehood learned in the manner of acquiring jurisdiction, *ib.* Fictions and their influence, 92-93. Legalization of pillage by its antiquity—common law, 93. Baneful influence in making of statute law, 93-94. Illustrations, *ib.* n. Evil done by laudation of the impurities in the system, 95. Intimidation, vituperative and contemptuous expressions levelled against those who attempt reform, 96-97.
- Their exertions in crushing the Liberty of the Press, v. 97-101.
- Having so many abuses of their own to protect, assist in guarding other people's, v. 99-100.
- Doctrines and rules by which, in libel actions, they crush the Liberty of the Press, v. 105-114.
- Illustrations of their lax views of the obligatoriness of acts of Parliament, v. 126 n, 140.
- Their propensity to found on and support the abuses of their predecessors, v. 142-143.
- Instances of their nullifying statutes in the case of Howard's Act and others, with proposed remedy, v. 176-186.
- Creation of the Mendacity-license by, through encouragement to oaths, which being the only punishable form of falsehood, was held to license it in all others, v. 197-200.
- Their influence over the minds of jurymen in relation to the obligations of oaths compared with priestcraft, v. 204-205.
- Make laws by inflicting them as dogs are taught obedience, v. 235.
- The extent to which they are under the influence of the crown, as possessing the power of promotion, &c., v. 339-342.
- Conduct of, with respect to fees, &c., animadverted on in "Indications respecting Lord Eldon," v. 348-386.
- Creation of fees by, rendered illegal by various acts of Parliament, v. 353-354.
- Lord Eldon's Act for legalizing the creation of fees by the, criticised, v. 362-364.
- Evils created by the sinister interest

of, the foundation of the complaints in the Petition for justice, v. 444-445.

Judges—The English—Origin of granting writs to, to try causes, v. 446.

- Their license of mendacity to litigants—an article in the Petition for justice, v. 451-452.
- In connexion with the Mendacity-license, vi. 22-23 ; vii. 268-270. *See* Mendacity-license.
- The offences of lying and theft perpetrated in their system of fictions, v. 453.
- Their sinister interest in the system of administering oaths exposed in Petition for justice, v. 458-460.
- Notes of, substituted for official record of evidence, v. 475.
- Their deciding on grounds foreign to the merits—a grievance charged in the Petition for justice, v. 476-480.
- The manner in which they split jurisdictions described, v. 482-483.
- Early—The conflicts of for jurisdiction and fees, described in Petition for justice, v. 491-494.
- charged, in the abridged Petition for justice, with licensing, rewarding, compelling, and practising mendacity, v. 510-513.
- The imputability of corruption to, v. 539-541. Although no bribery and individual corruption, yet corruption by wholesale, *ib.* Manifested in grasping for power—support of class-interests—and to the government against the people, *ib.*
- Paying by fees—Brougham's opinions on, criticised, v. 588-589.
- Constitutional evils that may be committed by, vi. 10 n.
- Sinister interest of, in judicature succeeded that of monarch, vi. 11.
- Their creation of, and alteration of laws animadverted on, vi. 13, 529 n, 552-553.
- Conscious of the unfitness of their mode of extracting evidence by affidavit, vi. 40-42.
- The system of deposition evidence kept up by their sinister interest, vi. 42-43.
- Province of juries in respect to circumstantial evidence, invaded by, vi. 50-51.
- Their interest in the evils of exclusion of evidence, vi. 103-105.
- Sinister interest of, occasioning imprisonment for debt, vi. 178.
- will set aside evidence as suspicious which a party would not have the effrontery to call so, vi. 434.
- Legislation for the sole interest of, vi. 445.
- will not decide on any kind of evidence but affidavit, in which they have a sinister interest, vi. 463-464.

Judges—The English—treating perjury as a joke, vi. 465.

- — persuading criminal to withdraw plea of guilt, vi. 473.
- — daily certify falsehoods, vi. 557.
- — instead of providing means of evidence, lie by to take advantage of those who make mistakes, vi. 565.
- — Alliance between their sinister interest and that of lawyers, vii. 201-209. *See* Interest—sinister.
- — Admissions as to personal purity of the existing, vii. 204, 212.
- — Use to, of the exclusion of litigants from their presence, vii. 232-233.
- — Arbitrary powers conferred on, by the principle of nullification, vii. 258-259.
- — Influence of party feeling on, vii. 259.
- — their interest in the evils of the system of written pleading, vii. 274-275.
- — have given themselves arbitrary power through fictions of law, vii. 287.
- — Emulation among—extent to which it may operate, vii. 288-289.
- — Their privilege of resorting to the literal, or the equitable enforcement of the law at discretion, vii. 308-309.
- — Contempt shown by, to the authority of the legislature, vii. 311-315.
- — The theory that formalities are a check on, considered, vii. 324.
- — General remarks on the manner in which, notwithstanding individual integrity, they are in the mass subject to sinister influences, vii. 329-334.
- — Dicta of, on exclusion of evidence, vii. 340-341.
- — Diversity of opinion among, as to exclusion of witnesses for improbity, vii. 411.
- — Testimony of, would be excluded, were mendacity a just ground for exclusion, vii. 415-420.
- — Want of a regulated and constant system of attendance for—indolence in some departments, and in others health bartered for the power and emolument, ix. 519-521.
- — Independence of—The accomplishment of, falsely attributed to George III., x. 548-549.
- — Plot by, in Henry VIth's time, to seize land by outlawing, x. 568.

Judge of proposed Dispatch Court—Account of powers, exemptions, and checks proposed for, iii. 311.

- — — Account of provisions in Bill, for locating and remunerating, iii. 308-309.
- — — Provisions for the location of, by the ballot of the suitors, iii. 330-335.
- — — Remuneration of, iii. 335-341. To be by salary, not fees, ib.

Judge of proposed Dispatch Court—Deputes of—Account of provisions for, iii. 310-311.

- — — Deputes of—Appointment of—to be nominated by judge, and unpaid, iii. 343-344.
- — — Powers, exemptions, and checks of, iii. 345-376. Introductory note with analysis, 345-349. Considerations with respect to end and means, 346. Subject-matters—things, and persons, ib. Powers in the abstract—Prehensive, Dispositive, and Imperative, 346-347. Applied powers—Sistitive, Evocative, Punitive, Remunerative, Satisfactive, Self-extensive, Self-regulative, 347-348. Operators, time, purposes, occasions, 348. Provision for stopping proceedings in original court, 348-349. Provision for requisite authority over persons, things, and instruments, 349. Prehensive and dispositive power, ib. Provision for transference of documents from Equity court, 350-362. When transmission not made, prehensors authorized to take, with power to overcome obstacles, obstructions, &c., 352-353. Prehension of things intrinsically valuable by way of execution, with the order of preference in which they should be taken, 354-355. Counter-security, 356. Consignment of property in dispute, 356-357. Discretionary power to judge, 357. Protection to him from interference, ib. Punishment for obstructions and deception, with exemplifications, 357-358. Considerations as to evil-consciousness, and heedlessness, in measuring punishment, 358. Prehension and incarceration of offenders, 358-359. Limits of coercion, 359. Modes of punishment, 360. Persons at whose instance it may proceed, ib. Considerations as to the efficacy of punishment with relation to the gain by the offence, the affluence of the party, &c., ib. English practice, 361-362 n. Power to award damages without jury, 362-363. Evidence to be elicited from any quarter and in any form, 364-365. Power to proffer expense of evidence which he thinks good and not otherwise obtainable, 366-367. Power in relation to questions divided between Equity and Ecclesiastical courts, 367. The same authority over any common law courts as the Equity court would have had, ib. Plan for judge making rules for carrying out the system, subject to disallowance by Crown or either House of Parliament, 367-368. Reasons for the measure to be stated by judge, and in disallowance, reason, or statement that none assigned, 369. The power inclusive of that of making rules and orders, ib. No objection to such regulation, that it is con-



- trary to statute, 370-371. Obstructions by other courts null, 371. Habeas corpus may be sued out, but not to give power to disincarcerate, 371-374. Punishment for corruption, oppression, or extortion by the judge, 374. General remarks on the temper in which the established judicatories would be likely to treat the proposed powers of the judge, 375-376.
- Judge of proposed Dispatch Court**—Grounds of decision for, iii. 388-390.
- — — — Method of dealing with questions and observations of, iii. 418.
- — — — Power of, in regulating the amount of penalties, iii. 426-427, 427-428 n.
- Judges**—Auxiliary, in proposed Dispatch Court, to perform the functions of the master, adjust divisions, &c., iii. 395-406.
- Judge-Advocate**—The duties of, in Court-martial, ix. 419-422.
- Judge-Appellate**. Nature and functions of a, ix. 466-467.
- — To give opinion as to integrity, &c., of judge-immediate, in reversing his decrees, ii. 168.
- — Proceedings before, ii. 166-167.
- Judge and Co.** The use of the expression explained and vindicated, v. 369.
- Judges-Immediate**—Provisions specially regarding, in the Constitutional Code, as distinct from those applicable to the Judiciary collectively, ix. 541-544;—
- — Night attendance of, ix. 541-542.
- — Cases of crime or calamity, 541. Performs duty of Registrar, in minuting, &c., ib. Night registers, and night-attendance registers, ib. Arrangements of the night-chamber, rules for admission, &c., 541-542.
- — Out-door attendance, ix. 542-544.
- — Purposes enumerated, 542. Maximizing the instructiveness of evidence—converting oral into real by inspection, 542-543.
- — Preservation of evidence from deperition, 543. Prevention of damage in operation through calamity, or delinquency, ib. Incidental out-door registry, with heads of entry, 543-544.
- — Deputes of—permanent and occasional—Provision for, in Constitutional Code, ix. 544-554. See Deputes.
- Judges**—Police, of the metropolis—Sir Robert Peel's plan for raising the salaries of, criticised, v. 328-348.
- Judges**—Single-seated—Reasons for employment of, in preference to many, iv. 325-328. Responsibility, reputation, promptitude, certainty and clearness, absence of dispute, &c., 325. Economy, ib. Confusion from multitude of judges (unless where one chosen for duty, and the multiplicity abandoned) illustrated in the examination of witnesses, &c., 326. Reasons for the partiality to numbers dis-
- played in the French National Assembly, 326-327. Prejudices arising out of an epigram by Montesquieu, 327-328.
- Judges**—Single-seated—The superior adaptation of, to judicial duties farther considered, v. 555-556. Dependence on public opinion, 555. No person to shift responsibility on, ib. No person to share odium with him, ib. No person in his own position to support him in class prejudices, ib. Cannot give effectuation to a bad opinion without committing himself, ib. No one to share his merit in doing right, 555-556. His reputation rests on his acts, 556. Less arbitrary power, ib. What renders plurality necessary to a legislature does not apply, ib. More intelligence and exertion, ib. Promptitude, ib. Any advantages that are real in a numerous judicatory may be secured by a numerous auditory, ib. Where plurality of heads wanted for investigation, &c., may be had by appeals, ib. Saving of delay and expense, ib.
- — — — Reasons for, as expounded in Constitutional Code, ix. 470-473.
- — — — The principle of, urged in "Scotch Reform," v. 18-22.
- Judge-made-law**—characterized as a quasi-command, iii. 223.
- — — — Origin and progress of, vii. 197, 261.
- — — — Effect of, in counteracting the Legislature, iii. 280-283.
- — — — View of the encroachments of, iii. 370 n.
- — — — Specimen of, in the enlargement of the law of conspiracy by Mansfield and Ellenborough, v. 248-249.
- — — — when on the merits has some analogy with justice, but when not on the merits is the strongest case of ex-post-facto law, v. 477-478.
- — — — Examples of the false inferences of, vi. 53-57.
- — — — Indeterminateness and other defects of, in regard to evidence, characterized, vi. 142.
- — — — Justice purchased under, vi. 101.
- — — — casually animadverted on, v. 5, 235, 339, 354, 374 n, 500; vi. 107, 109, 112, 113, 150, 391, 552; vii. 195 n, 447 n; ix. 8-9, 322, 480; x. 575.
- Judgment**—A faculty of the mind necessary to the teacher and the learner, viii. 76.
- — The liability of, to be operated upon by interest, i. 217-218.
- — as an operation of Logic, viii. 225.
- — Private. Those who feel unfit to exercise, instead of being humble, are intolerant, ii. 392-393.
- — Private. Blackstone against the right of, i. 230.

**Judgment**—Acts of, overlooked, and referred to mere operations of the senses, viii. 320-321.

— The. How influenced in political matters, iii. 448-449.

— The. How far under the dominion of the will, vii. 107-108.

**Judgment (judicial)**—Various grounds of, vi. 7 n.

— in one case, how far evidence in another, vii. 170-173.

— by default renders pleading conclusive evidence, vi. 23 ; vii. 246-249, 545-547, 551-552.

— Plaintiff should not have, without producing evidence, vii. 547.

— by consent, vi. 480-481.

— See Decree.

**Judication with relation to procedure**, ii. 27-28.

**Judiciary**—The attributes of a, in respect to ruling interest, functions, and operations, viii. 563-564.

— Plan of a, to be called the Court of Lords' Delegates, v. 55-60.

— Inquiry, for collecting evidence in relation to legislative projects, as a department of the Constitutional Code, ix. 181-188. See Legislature.

**Judicatories**—Intercourse between, in procedure between parties distant from each other, ii. 99-103.

— Account-taking. Proposal for, ii. 181-182.

— Appellate. Provisions regarding, in Constitutional Code, ix. 585-588. See Appellate Judicatories.

— Official—The Public-opinion Tribunal compared with the, viii. 561-572. See Public Opinion.

**Judicature**—Origin of, vii. 197-198.

— General view of the ends of, ii. 8-11.

— Extent of measures for security of forthcomingness, 8. Publicity a security, ib. Sinister interest, and its influence, 9. Maximization of redress, and minimization of hardship, ib. Means to these ends, ib. Punishment for evil consciousness or temerity by sutor, ib. Eleemosynary assistance to litigants, 9. Presence of parties at the court, 10. Means of execution, definitive, and provisional, ib. Means of probation, 10-11. Means of communication with parties, &c., 11.

— Ends of, apt and unapt, ii. 11-15. Former, the ends of justice, 11. Actual ends of judicature in England, and their cause, 11-12. Proper end with regard to number of suits—Maximization of good—Minimization of bad, 12. How lawyer's interest opposed to this, 13. Absurd practice of consulting those interested against reforms about them, ib. Consultation of Lawyers and Judges an illustration, 13-15.

**Judicature**—Establishment of a Court of, for deciding in differences between nations, ii. 552-554.

— Reasons why there should only be a single judge to each, iv. 325-328; v. 555-556. See Judges—Single-seated.

— Uniformity in, obtainable by a Central Court of Appeal, iv. 348-349.

— Mechanical—substituted to Mental—a grievance charged in Petition for justice, v. 472-473.

— Relation of evidence to, vi. 7-8.

— Relation of, to law, vi. 7.

— Collateral ends of, defined, vi. 12 n †.

— How far the vices of, are the effect of design, vii. 210-211.

— Natural system of. See Natural System.

— should always be preceded by regulation, vi. 529 n.

— Proper ends of, vi. 8-9. Divided into positive and negative, ib.

— False but practised ends of, vi. 10-11.

— Ends of, opposite to the ends of justice, vii. 199-201.

— Evils resulting from the power of ;—direct and collateral, vi. 9-10.

— List of devices for promoting the ends of, at the expense of ends of justice, vii. 225-226.

— Mechanical, as a device of the Technical System of Procedure, vii. 246-249.

— as a branch of Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 95.

— Evil influence of Monarchy on, from the patronage of the Bench, ix. 142-143.

— Technical system of. See Technical System.

**Judicatures**—Military—Provision for, in Constitutional Code, ix. 392-395. See Defensive Force.

**Judicial application**—in the Principles of procedure, ii. 33-49. See Application.

**Judicial authority**—Subordination of to the legislative in a free country, ix. 119-124.

**Judicial book-keeping**—System of, vii. 63-64, 595-596.

**Judicial offices**—Use of record of the transactions at, vi. 76-77.

— Official evidence as furnished by, vi. 561-566. See Official Evidence.

**Judicial procedure**. See Judicature ; Procedure.

**Judicial registration**—System of, proposed, vi. 330.

**Judicial services**—Nature of, vi. 210.

— Those that are independent of the conferring a new right, vi. 9 n \*.

**Judicial committee of the Privy Council**—Formation of, x. 431.

**Judicial communication**, with relation to procedure, ii. 52-57. See Communication.

Judicial Establishment in France—The author's draught of a code for, proposed as a succedaneum to that of the committee of the National Assembly, iv. 287-304 ;—

— — — Courts of justice in general with relation to, iv. 287-289. Fountain of justice, 287. Election of judges, ib. Justice to be gratis, ib. No taxes on justice, ib. Judges not to be legislators, ib. Rules derivable from their decrees to be law till legislatively superseded, ib. Judges to have no regulating power, ib. ; but power of provisional settlement of novel points, ib. ; and may suspend laws, reporting to the Legislature and superior courts, 287-288. Judges to report where literal execution of the law produces inconvenience, 288. Judges to enforce acts of subordinate legislatures if within their sphere, ib. Judicial office to be for life, ib. Procedure public, ib. Litigants to appear by themselves or counsel, ib. Monopolies of law practice abolished, ib. Parties to appear personally, ib. Privileges as to jurisdiction abolished, ib. Power of evocation to be provided for, ib. System of procedure and of penal law to be framed, 288-289.

— — — Distribution and graduation of courts in, iv. 289. Parish and district courts, ib. Appeal, ib. Single-seated courts, ib. Jurisdiction universal in their territory, save as to courts-martial, maritime and ecclesiastical jurisdiction, and power of representative assemblies to preserve order where they are sitting, ib. Pursuer and defender general, ib. Deputes to these and to the judges, ib.

— — — Judges of the ordinary courts of, iv. 289-294. *Appointment, continuance, power, and rank*, 289-290. Election, 289. Fixed age and amount of experience, 289-290. Vacancies of upper grades to be filled from lower, and lowest grade from deputes, 290. Office to be for life except as excepted, ib. Power over all persons for enforcement of decrees, ib. Rank in his own and other jurisdictions, ib. Judge to have no collateral occupation, ib. No vote or influence at elections, ib. *Pay*, 290-291. Expense to lie on the district, 290. Patriotic auction, ib. Inventory of qualifications to be distributed among electors, 290-291. Inventory of private fortune, which liable to a rateable deduction, 291. Full salary to continue in case of amotion without forfeiture, 291. *Attendance*, 291-292. Judgment seat never to be vacant in ordinary courts during the judicial day, or in appeal courts when there are cases for hearing, ib. *Pay* to be daily and for daily attendance, 292. *Oath of office*, 292-293. *Deputes*, 293-294. Duty and power, 293.

No pay, ib. Principal responsible, ib. Oath and attendance, 294. Occasional deputes for particular duties, ib. Shifting of causes to be avoided, ib. *Responsibility*, ib. Grades of punishment for malversation, ib.

Judicial Establishment in France—Jurisdiction in, iv. 294-296. Natural and occasional court, 294. Causes as to immoveable property to the court of the subject matter, 294-295. Other causes to be begun in jurisdiction of defendant, 295. Arrangements for preponderant convenience, including consideration of the wealth of parties, ib. Liabilities of plaintiffs purposely occasioning inconvenience, ib. Convenience of all parties to be considered, ib. Facilities for a mutual choice of a court, ib. Causes of citizens arising beyond the territory belong to defendant's jurisdiction, ib. Provision for orders of foreign courts, ib. Arrangement where judge admits cause of partiality, or it is suspected, 295-296. Provisions against pushing extraneous business on a court to the prejudice of the regular, ib.

— — — Parish Court according to, iv. 296-298. Clergyman to be natural judge, where not superseded by regular, 296-297. District assembly may appoint regular judge, 297. Office for life, under reservations, ib. Evocation power, ib. Pursuer-general to look to the interests of criminal justice in District Courts, ib. Cases in which Parish judge should remit to District, 297-298. Place of Judicature, 298.

— — — Immediate District Court according to, iv. 298-299. Immediate judicial power, conjunctly with Parish judge, 298. Cases in which no appeal from it, except on requisition from specified classes of persons, 298-299. Provisional execution during appeal, with precautions, 299. Punishment for irreparable damage, ib.

— — — District Court of Appeal according to, iv. 299.

— — — Department Court according to, iv. 299-300.

— — — Metropolitan Court according to, iv. 300. Constitution, ib. No appeal from, except with complaint of misbehaviour, ib.

— — — National Assembly Court according to, iv. 300.

— — — Pursuer-generals according to, iv. 300-301. Duty in civil matters to the nation, the crown, and poor litigants, 300. Duty in Penal causes, 300-301. Oath of office, 301. Farther regulations correspondent with those applicable to judges, ib.

— — — Defender-generals according to, iv. 301.

- Judicial Establishment in France**—Arrangements as to secret causes according to, iv. 301-303. Classification of cases, where peace and honour of families concerned, 301-302.
- — — Provision for bearing the expense of Pauper litigations according to, iv. 303.
- — — Trial by Jury according to, iv. 303-304; only by way of rehearing, and that under restrictions, *ib.* Arrangements for trial, 304.
- — — The code for, by the National Assembly committee, compared with the author's, and commented on, iv. 305-406.
- — — How the draught of a code for, was acknowledged in France, x. 223-224.
- Judicial faculty**—Application of Methodization to the assistance of, viii. 273.
- — as one of the faculties giving substance to discourse, viii. 300.
- Judicial Forms**—Fallacy that they are the shields of liberty, exposed, viii. 478-482.
- Judicial independence.** The true principles of, iv. 362-363.
- Judicial iniquity**—Extent of the alarm created by, i. 76.
- Judicial Inspector,** as an officer, in the Constitutional Code, ix. 467.
- — Provision for, in Constitutional Code, ix. 569-570.
- Judicial Oaths**—Practice of receiving, repugnant to the precepts of Jesus, v. 219-220.
- — How far different in their nature and power of obligation from the merely promissary, v. 218.
- — *See* Oath.
- Judicial oppression on the part of a pursuer**—Counter-security against, ii. 105-110.
- Judicial powers**—Application usually made of the term, criticised, iii. 198. Various operations embraced, *ib.*
- Judicial Procedure.** Principles of, ii. 5-181. *See* Procedure.
- Judicial Services.** Nature of, ii. 71.
- Judicial transfer to defendant's judicatory** to receive his statement, ii. 115-116.
- Judicial trust**—Breach of, as an offence, i. 132-133 n.
- Judiciary Collectively**—Provisions regarding, in Constitutional Code, ix. 454-541 ;—
- — Preliminary observations, ix. 454-456. Indignation created in those who have a sinister interest in existing systems, 454. Connexion of judicial establishment with procedure, 454-455. Oppressiveness obviated in that department by throwing all burdens on the party in the wrong, 455. Elements of injustice in existing systems—Taxes on justice, fees, unapproachableness of Judicatures, &c., 455-456.
- — Excepted Judicatories, ix. 456-459.
- What included in the term Judicatory, 456. The excepted are Legislative and Military Judicatories, 457. How far proceedings in military, necessarily distinct from those in other Judicatories, *ib.* Courts in practice, but without reason, excepted—Audit Courts and Courts of Claims, 457-458. Reasons for employing the word Judicatory instead of Court, which is ambiguous, and has corrupt uses, 458-459.
- Judiciary Collectively**—Actors in the Judicial theatre, ix. 459-464. Judiciary applicant—principal or assistant, 459. Party preferring service—either aid-tenderer or informant, 459-460. Judge's functions—Pre-interpretative, and Non-contestational-evidence-elicitation, 460. Pursuer and Defendant, *ib.* Incompletely and completely constituted suits, *ib.* Former where the place of one of the parties is occupied by the judge, *ib.* Sources of division, with correspondent species and denominations of assistance in *litiscontestation*, 460-461. Different chains of Judicial assistants, 461-462. Redundant Judiciary assistants in practice—Special pleaders, at, and under the bar, 462. Equity Draughtsmen, 462-463. Quantity of redundant and mendacious matter prepared by, *ib.* Necessity of the parties' own presence—opposite practice created under sinister interest, 463-464.
- — Judiciary Functionaries, ix. 464-467. Enumeration of, as divided into Ministerial and Ministerial, 464-465. *Magisterial*—Functions of the Judge, 465; Registrar, *ib.*; Government Advocate, *ib.*; Eleemosynary Advocate, *ib.*; Quasi-Jury, 465-466. *Ministerial*—Judiciary Messenger, 466; Prehensor, *ib.*; Door-keeper, *ib.*; Guard, *ib.*; Jailor, *ib.*; Quasi-lictor, *ib.*; Vendue Master, *ib.*; Justice Minister, 467; Judicial Inspector, *ib.*; Local Headman, *ib.*; Local Headman's Registrar, *ib.* Cases in which an obligation or a duty on persons at large to assist Judicatures, *ib.*
- — Grades of Judicatories, ix. 468-470. Immediate judicatory in each sub-district, 468. Appellate in each district, *ib.* Reasons for appeal—security of aptitude by supervision of ability, checks on corruption, &c., incitement to diligence, &c., 468-469. Reasons for not more than two grades—Expense and delay, coupled with absence of satisfactory certainty, 469. Reasons for giving the right in all sorts of suits, 469-470.
- — Numbers in a judicatory, ix. 470-473. Only one, 470. Reason the same as in the ministerial department, with additional control from the open discussion, *ib.* Exceptions—the Legislature,

- Quasi-jury, and Military courts, *ib.* Fallacy that number gives responsibility, 471. Encourages indolence and torpor, *ib.* Occasions expense and delay, by concentrating the judges who should be distributed over the country, *ib.* Number of judges in the French supreme court—in that case, however, perhaps a succedaneum for a worse method of spending the money, 471-472. Number of judges in English practice—contradictions—sometimes one, sometimes several employed—one or the other system must be wrong, 472-473. House of Lords and Justices of Peace—both subject to the objection of being unlimited in number, *ib.*
- Judiciary Collectively—Fields of service, *ix.* 473-475. Districts and subdistricts, 473. Subdistricts such that a person may walk to the justice-chamber and return within twenty-four hours, 473-474. Economy in the numerousness and dispersal of the tribunals, 474. Appellate judicatories—approachability less necessary, as no new evidence or pleadings to be elicited, *ib.* In a country like England, should be in the metropolis, *ib.* Except in the specially excepted judicatories—no distribution of suits among different classes of courts: all judicatories immediate and appellate competent to all cases, 475.
- Intercommunity of judicial service, *ix.* 476-479. Power of invasion—or power on the part of a judge in whose territory operation has commenced to follow it up against persons and things beyond it, 476. Precautions, 476-477. Instances of incompatibility between the operations of the different judicatories, 477. Jurisdiction-adjustive function, *ib.* Intercommunity of jurisdiction—Reconciliation of this with the partition into local jurisdictions, 477-478. Distinction as between an originating or home, and a casual or extraneous judicatory, 478-479.
- Functions common to judges, *ix.* 479-481. Non-distinctive functions, or those which judges have in common with other officials, 479. Distinctive or judicative functions, *ib.* Purely self-exercised, or exercised through others, *ib.* The Transmissive function analyzed, 479-480. The several mandates that may be issued, 480. The Judicative or Appropriately-executive function, 480-481.
- Elementary functions of judges, &c., *ix.* 481-483. Auditive, Lective, Interrogative, Commentative, Ratiocinative, Opinative, Imperative, Recordative, Directive, Incidentally-requisitive, Incidentally-receptive, and Incidentally-informative, 481-482. Functions appertaining exclusively to appellate judge—the simply Confirmative, Nullificative, Reversive, Substitutive, Modificative, Suspensive, Accelerative, Sistitive, and Retrotransmissive, 482-483.
- Judiciary Collectively—Self-suppletive function, *ix.* 483-486. Obligation to appoint a depute, 483-484. Depute has not the power of presenting an act of the Legislature as unconstitutional, nor the locative and dislocative powers, 484. Responsibility for depute, *ib.* Method of appointment, *ib.* Deputes occasional, in case of emergency, *ib.* How depute displaceable, 485. All magisterial functionaries exercise the function, *ib.* Proved that this the only system giving sufficiency without superfluity, *ib.* Illustration of the value set upon judicial distinction and power—Courts of Conscience, Danish Reconciliation Courts, Justices of Peace, *ib.* Other inducements to the depute—Prospect of succeeding to the principal, official education, &c., 485-486.
- — Sedative function of judges, *ix.* 486-487. For putting down disturbance in court, 486. Elimination, Imprisonment, security for good behaviour, &c., 486-487. Physical means of preventing disturbance where it is necessary to keep the disturber as an accused party or otherwise in court, 487.
- — Aid-compelling function of judges, *ix.* 487-489. Purposes for which it may be necessary to demand extrinsic aid, 487-488. Note of the exceptions to the general responsibility of all persons to obey the call, 488. Method of demanding the services of the military power, 488. To belong not only to judges but to other magisterial officers, 488-489.
- — Justice for the helpless, *ix.* 489-493. Impossibility of preparing a system which shall totally exclude the risk of expense, 489. Necessity, therefore, of protection to the indigent and powerless from oppressive operations of the rich, 489-490. The expense natural and factitious—latter should be extirpated, 490. Least oppressive incidence of the necessary expense, *ib.* Establishment of an equal-justice fund, 490-491. The regular branch composed of penalties on malversation—juridical vexation and juridical falsehood, 490-491. Such funds should not go to the support of the establishment, the services of which are to the Public at large, 491-492. Supplemental branch—deficiencies supplied from other public sources, 492. Voluntary contributions, and the circumstances that may induce to the making them, *ib.* Precautions against subscriptions and combinations under this sanction, *ib.* Deficiency of existing systems in providing justice for the helpless, 493.
- — Publicity, recordation, and publication, provided for, *ix.* 493-494.

**Judiciary Collectively**—Secret intercourse obviated, ix. 494. Provision for public mention of any communications to a judge, tending to influence him, ib.

— — Partiality obviated, ix. 494-496.

Where judge has an interest—his duty to transfer to another judge, or to a depute, 494-495. Method of trying the question whether there is partiality, 495. Transference where necessary by Appellate Judge, ib. Absence of any check in existing systems—the highest and most powerful judicatories completely exempt in England, 496.

— — Migration, ix. 496-500. Applies to judges, and Government and Eleemosynary advocates—to prevent their forming prejudicial local connexions, 496. No more than three years and a fraction in one place, ib. Migration, periodical and incidental, 496-497. Causes of incidental migration, 497. Direction of Justice Minister, ib. Considerations for the adjustment of distance of migration, ib. Arrangements for separation between judges and Government advocates, &c., to prevent their having an understanding with the judge, 497-498. Annual judicial-service calendar—method of keeping heads of entry, &c. 498. Incidental Location and Migration Report, 498-499. Migration not to apply as a matter of course, to the Registrar, 499. Inconvenience that may arise from shifting causes from judge to judge—deputation and other arrangements in the code obviate, 499-500.

— — Incidental Complaint-book, ix. 500-502. Occasions of complaint—vituperative language, menaces, interruption, &c., by the judge, 500. Registrar to keep the book, and make entries at party's requisition, ib. Exemplars to be distributed, 500-501. Also complaint if judge fail to correct misconduct of a party, 501. Provision for reading and inspection, and notifying corrections, ib. Responsibility of the complainant, ib. Neglect of like provisions, whether against or in favour of the judge, in existing systems, 501-502.

— — Judges' Contested-Interpretation-reporting Function, ix. 502-504. Promotion of uniformity of decision, and improvement, 502. In case of an appeal, on ground of difference of opinion as to the interpretation of a law, the judge by appropriate form to give his interpretation as opposed to the appellant's, and his opinion whether or not alteration required, 502-503. Contested-Interpretation Report to be prepared by Registrar, and exemplars distributed, 503. Judge-appellate's Contested-Interpretation Report,

503-504. Justice Minister to prepare like report for the Legislature, 504. Committee of the Legislature to act, ib. Annual Interpretation Diversity Report and Table, ib. Provision for conflicting amendments, ib.

**Judiciary Collectively**—Judges' Eventually-Emendative Function, ix. 504-508. A proposed amendment of the law, prepared by the judge, consulting the Government and Eleemosynary advocates, 504-505. Transmission to Judge-appellate and Justice Minister, 505. Distribution of exemplars, ib. Mode for an individual to suggest amendment to a judge, ib. Notice to Legislation Minister, ib. Adoption, if no disapproval by Judge-appellate or Justice Minister, and no motion for consideration in the House, ib. Principles on which the judge to act to parties proposing amendments, 505-506. Matters for consideration as to the merits of amendments, 506. Objection answered, that the plan would give facilities for factious attempts—easily quashed in the Legislature, 506-507. Topics which are least adapted, compared with those which are most so, to this operation, 507. No retroactive punishment in case of a new offence, ib. Profit of the offence, however, may be abstracted, and compensation given to sufferer, 507-508.

— — Substitutive or Execution-staving Function of Judges, ix. 508-511. To be used where the judge thinks that giving execution to the letter of the law is contrary to its spirit, and that the emendative function should be used, 508. Method of issuing decrees on the occasion, ib. Conditions warranting the exercise, ib. Proceedings for adjustment of the state of the case as to evidence, &c., 508-509. Considerations as to the feeling of the instability of the law that might be raised if the practice improperly used, 509. To be employed only in those cases where the execution of the law would shake confidence by its palpable injustice—illustrations, Merchant of Venice, &c., ib. Strained construction a greater evil than any producible by the system, 509-510. Objections answered as to the danger of judicial interference with the province of Legislation, 510. No necessity to extend the power to Judges-appellate and the Justice Minister, 510-511.

— — Preinterpretative function of judges, ix. 511-512. Used where a person wishes to have an opinion from the judge of the practical operation of a portion of the law, 511. Use of the emendative function if necessary, ib. Precautions against injury to other interests, and frivolous inquiries, 511-512. Uses of the plan, 512.

- Judiciary Collectively**—Application of the several functions, viz., the Contested-Interpretation-Reporting, the Eventually-Emendative, the Sensitive, and the Pre-interpretative, to the several codes of the Pannomion and to Unwritten Law, ix. 512-514. Advantages—Symmetry of the Laws, Melioration, Prevention of arbitrary authority of Judges, Uniform Interpretation, Relief from the cost of the Opinion system, 512-513. Substance given to unwritten law, 513. Contrasted with the lax system of deciding according to the merits or not at discretion, 514.
- — **Non-Contestational-Evidence-Elicitation Function of Judges**, ix. 514-515. Reception and Registration of evidence to whatsoever legal purposes it may eventually be made applicable, ib.
- — **Attendance of the Judges and other functionaries**, ix. 515-521. Always a judge sitting in the immediate judicatory, 515. Day duty and night duty, ib. Home duty and out-door duty, ib. Division into three terms of eight hours, ib. Days of relaxation to the Judge—Immediate—Sundays, and a limited number of others, ib. Weekly, monthly, and annual Attendance-register, 515-516. Individual-service calendar, 516. Payment daily on attendance, ib. Attendance of Government and Eleemosynary Advocates—with special exceptions the same as judges', ib. Attendance of deputies, 517. Police judges in England—Attendance system only partially met by, ib. Interruptions in the ordinary courts in England, ib. Attendance in France, 517-518. Modifications of the general rule to climate and season, 518. Distinction between appointed service and cases of urgency—generally police, ib. Attendance requisite for the latter sometimes when no direct business doing, 518-519. Adaptation of the attendance exacted to that which the climate and habits of the people prescribe to the labour of working people, 519. System in England—instead of well-regulated attendance, indolence in the lower departments, and labour detrimental to health bartered for the power and emolument of the higher, 519-520. Oppression from periods of inaction and delay of justice, 520-521.
- — **Term of service of Judges and other officers**, ix. 521-522. Judges, Government and Eleemosynary Advocates, and Registrars, to hold for life, ib. Reason why not during good behaviour—such a system establishes dependence, and ill behaviour, 522.
- — **Remuneration of Judges and other officers**, ix. 522-523. Form for filling up amount of salaries, 522-523. No other money to be received in any form, either by the judge himself or others through him, 523. Means of inquiry into suspected corruption, ib. Prospect of promotion an item of remuneration, ib. Illustrations of extortion—France and Scotland, 523-524. Considerations as to the effect of the pecuniary competition in making the judiciary to a certain extent unpaid, ib. Unpopularity of the unpaid magistracy in England—just, but not occasioned by their being unpaid, 524. So long as there are fees to justices' clerks, the worst sort of remuneration paid, ib. General reasons against fees—expense of justice should rather be borne by those who are saved the trouble of going to law than by litigants, 524-525.
- Judiciary Collectively**—Who locable as judges and other officials, ix. 525-529. For appointment as judge immediate—service as judge depute, 525. An original preparation period for the commencement of the system, 525-526. Service must be actual—not nominal, ib. Individual-service calendars, and annual aggregate-service calendar, for preserving proof of experience, 526-527. Method of proclaiming proposed appointment of judge, and allowing any party to carry on an investigation into his previous official character, 527. Propriety of excluding from the bench certain classes, on account of the risk of bias, or other ground of inaptitude, ib. Those who have served as Government or Eleemosynary Advocates, 527-528. Professional lawyers, 528. How the system of official instruction designed by the code to be brought into operation, ib. Application to Government and Eleemosynary Advocates, and Registrars, Immediate and Appellate, and to the Government Advocate-general and his Registrar, 528-529.
- — **Method of location or appointment of judges and other officers of**, ix. 529-532. Judges, Government and Eleemosynary Advocates, and Registrars, appointed by Justice Minister, 529. Reasons for not placing the function, like the election of legislators, in the hands of the people—want of time and aptitude, risk of making judges tools of party leaders, 529-530. Sufficient beneficial control created by giving the people the power of displacement, 530. Similar reasons for not giving the power to the Legislature, ib. Reasons for not giving it to the executive chief—keeping the judges independent of one possessing so much power, 530-531. Plan for procuring a supply of judges on the occasion of emergency from unusual influx of business, 531. Contrast with existing practice, 531-532.

Judiciary Collectively—How the Judges, Government and Eleemosynary Advocates, and Registrars of, are removable from office, ix. 532. By the Justice Minister, *ib.* Also in the same manner as a member of the Legislature is removable—*viz.*, by the Supreme Constitutive, &c., *ib.*

— Inaugural declaration of judges and other officers of, ix. 532-535. Use—to direct public attention to points of conduct, 532-533. Execution and effect to the law promised, 533. Impartiality in the exercise of power, *ib.* Bribery, corruption, and secret intercourse with applicants eschewed, *ib.* Publicity in the general case, and secrecy where incumbent, *ib.* To abstain from revenge for obloquy, and self-service, *ib.* No interference with elections, 534. Constancy of attendance, *ib.* Despatch without precipitation, *ib.* Minimization of expense, *ib.* Restraint of impatience, *ib.* Avoidance of partiality in appointment of deputies, *ib.* No false statements to mislead witnesses, *ib.* Urbanity to parties and witnesses, *ib.* Repression of rudeness by lawyers or others, *ib.* Assistance to other judges in the execution of the laws, 534-535. Explanations, so far as time allows, of the reasons of proceedings for the instruction of the public, 535. Performance of the functions sanctioned by the code for judicial amendment of the laws, &c., *ib.* Publication of the declaration, *ib.*

— Securities for appropriate aptitude of judges and other officers, ix. 535-537. Publicity—accommodation for spectators in the court-rooms, 535-536. Persons necessarily present enumerated, and extent of the publicity obtained through them estimated, 536. Persons for whom accommodation to be made for the separate purpose of publicity, *ib.* List of benefits in the shape of impartiality, diligence, constancy of attendance, &c., to be reaped, and of evils to be excluded, 536-537. Securities applying to deputies only, 537. Judges appellate, *ib.* Eleemosynary Advocates, *ib.*

— Judiciary apparatus, ix. 537-538. Things necessary to enable the judiciary to discharge its functions, *ib.* List of them, 538.

— Justice chambers for, ix. 538-539. Provded at expense of Subdistrict, 538. Arrangements for promoting the necessary, and preventing sinister intercourse, 538-539. Disposal of witnesses, 539. Admonitory legends to be hung up, *ib.* General rules for construction of a justice-chamber, *ib.* Stations of the officials, *ib.*

— Judiciary habiliments, ix. 540-541. Means of discrimination that a judge may

at once be recognised—not instruments of factitious dignity, 540. No necessity for any description of robes to command respect—the most highly-respected judicatories without them, 540-541.

Judiciary Establishment—Outline of the, attached to Principles of Procedure, *ii.* 22-23.

Judiciary Establishment—Prayer of Petition for justice in relation to, v. 498-500. In all cases two stages of jurisdiction, 498. Military and Ecclesiastical the only exceptional jurisdictions, *ib.* Vicinity of courts, *ib.* Single judges, *ib.* Deputies, *ib.* Daily sittings, *ib.* Sufficient supply of ministerial officers, *ib.* Salaries instead of fees, 498-499. Paid by the public, 499. Judge to remain in one place only three years, *ib.* Influence of public opinion provided for, *ib.* Jury for recapitulatory hearing, *ib.* Juries to exercise all judicial functions but the effectutive, and to exercise the effectutive as a restraint on the judge in political cases, *ib.* Number to be lessened and grand jury abolished, *ib.* Appellate judicatories, 499-500. Government and Eleemosynary Advocates, *ib.* A justice minister, who to hear accusations against judges and to be himself judged in the House of Lords, *ib.* Restriction of criminal jurisdiction of the Lords, *ib.* Decisions not to be acted on as precedents, *ib.*

Judiciary Guard—an officer in the Constitutional Code, ix. 466.

Judiciary Messengers—Provisions for, in Constitutional Code, ix. 466, 636-637. *See* Messengers.

Judiciary Prehensors—Provisions for, in Constitutional Code, ix. 466, 637-640.

Judiciary Registrars, Immediate and Appellate—Provisions for, in Constitutional Code, ix. 579-585. *See* Registrars.

Jugglers—Theory of credibility illustrated from, vii. 94.

Junctiana proposal for uniting the Atlantic and Pacific, by means of a joint-stock company, *ii.* 561-571. Practicability of the plan—Track of Lake Nicaragua, 561-562. Arrangements and plan of agreement—Territory to be occupied, benefits, and obligations, 562-563. Relation of the company to Mexico and Columbia, and the sacrifices and advantages of the plan in regard to these States, 563-567. The water communication an advantage to Mexico and Columbia, in conjunction with the United States, 567-568. Protection of the United States required, to give satisfaction to capitalists, 568-570. Inducements the United States would have to grant protection, 570-571. Other nations no inducement to withhold acquiescence, 571.



**Junction-of-interests principle**—The, by which the sinister interests of rulers being destroyed, they have no interest but what is common to all alike, ix. 6-7.

**Junius' letters**—How far their popularity indebted to secrecy, x. 79.

— Remarks on the authorship of, x. 564.

— noticed, i. 250; x. 82.

**Juramentum**—*expurgatorium*, and *suppletorium*, vi. 322; vii. 70.

**Juridical vexation**—the proper name for the offence to which conspiracy was first applied, v. 248.

— and falsehood—Punishment of, in the Constitutional Code, ix. 491.

**JURISDICTION**—Partition of, with relation to procedure, ii. 27-28.

— Principles of limitation and distribution of, in connexion with International Law, ii. 540-544.

— divided into Potential, Actual, and Rightful, ii. 541, 543.

— Extension of, over the natives of foreign states—Circumstances that may create, ii. 543-544. Circumstances tending to control, ib.

— On the mode of parcelling out, iv. 328-338. Time occupied by judge, and local distance of suitor, the causes for a partition, 328. Distribution necessary, ib. The purely local may be a cause without the temporal, ib. Division wherever the value of the time spent in going to court greater than the cost of so saving it, 329. Demand for publicity may limit the division, ib. Appeal a method of reconciling the two, ib. All courts should be so situated, that the most remote parties can appear at them and return in a day, ib. Necessity of personal attendance does not extend to appeals, 329-330. Expense should be borne by whole country, 330. Whether ministers might not be local judges, ib. Where the extent of population requires more than one court, they should be as distant as may be, ib. Evils of the metaphysical system—viz., partition of jurisdictions according to the nature of the cause, 331. Complexity and confusion, ib. Great multitude of courts to give a sufficient supply of all kinds in all places, 331-332. Increased bulk of the law, 332. Difficulty of suitors knowing the court to resort to, ib. Increases the trade of lawyers and expense of justice, ib. Pecuniary criterion, by which causes of certain value to certain courts, still worse, 333. Gives a false measure of value—small pecuniary causes may be more important than large to the community and individuals, ib. Hence the legal distinction between regular and summary justice, 333-334. Courts stealing or seasing jurisdictions from each other, 334. Certain pur-

poses for which peculiar tribunals necessitated—Courts-martial, Jurisdiction at sea, Ecclesiastical courts, Representative bodies for preservation of order, 334-335. Demarcation not inconsistent with intercommunity, 335-336. Benefits—convenience as to distance, choice among judicatures (and thence emulation) preventing conflicts among judicatures, protection from partiality, ib. English circuits not a *succedaneum*, 336-338.

**Jurisdiction**—Arrangements as to, in Draft of Judicial Establishment for France, iv. 294-296.

— The early conflicts of the English courts for, described, v. 493-496.

— Thefts of, by the courts from each other, vii. 285-287.

— Demarcation of, should be geographical solely, iv. 324.

— Appellate—Essay on, iv. 338-353. See Appeal.

— Equity—Origin and extent of, vii. 291-300. Difficulty of definition, 291-292. Substantive law—distinction between legal and equitable estates, 292. Power to do what Law courts could not, 293. Origin of the Chancellor, 294-295. Difficulty of defining logical bounds of his jurisdiction, 295-296. His importation of equity from Rome, 297. Equity a popular term, 297-298. Controlling power, 298-299. Injunctions, 299. Abuses, 299-300.

**Jurisdictions**—The transference of suits from one to another, and the mischievous effects so produced, v. 473-476, 525-531.

— Splitting of, presented as a grievance in Petition for justice, v. 481-491, 531-533. Physical and logical bounds of jurisdiction—Former should be the sole division, 481-482. Ecclesiastical courts, 482. Exchequer, ib. Chancellor's common law power, ib. Common Pleas, ib. Chancellor's equity power, ib. Equity side of Exchequer, ib. Bankrupt and Insolvent courts, ib. Justices of Peace, single and collective, 483-484. General sessions, 484. Justices on preliminary examinations, ib. Small Debt courts, ib. Besides these, the Military and Ecclesiastical courts, &c., 483. Specimens of farther subdivision as illustrative of the evil, ib. Materials out of which law manufactured in these courts, 484. In Equity courts, trust, fraud, accident, injunction, ib. In Common Law courts, conspiracy, blasphemy, &c., 484-485. Procedure in Ecclesiastical courts founded on calling anything a sin, and adding a punishment called penance, 485-486. Illustration of want of codification in the non-existence of Provisions by common law for these purposes, viz. Trust, 486; Fraud, ib.; Accident, ib.; Injunction of both kinds, 486-

- 487 ; Account, 487 ; Delivery of things in kind, *ib.* ; Fulfilment of obligatory obligations, 488 ; Elicitation of evidence from parties, *ib.* ; Time allotted for elicitation, 488-489 ; Elicitation and recordation for eventual use, 489. Illustrations of the complexity and confusion created—varieties of courts multiplied by the variety of procedure in each, 490-491.
- Jurisdictions**—The splitting of, how productive of groundless arrest for debt, v. 491-497.
- The various kinds of which may have cognizance of judicial questions in England, enumerated to the number of forty-eight, v. 531.
  - Evils arising from the variety of, vi. 134-135.
  - Entanglement of, a device of the technical system, vii. 288-305.
  - How far division of, useful, vii. 288-290. Geographical limits, 288. Extent to which emulation may operate, 289. Division according to nature of the causes, objected to, 289-290.
  - Law and Equity—Distinctions between, vii. 290-291, 511, 514-515.
  - The absurdity of the distinctions between law and equity, and illustration in the quarrel and compromise between, with the results, vii. 303-305.
- Jurisprudence**—The Branches of, examined, i. 148-154. Expository and Censorial, 148. Authoritative and unauthoritative, *ib.* Local and Universal, 149. Internal and International, *ib.* National and Provincial, 150. Ancient and Living, *ib.* Statute and Customary, *ib.* Civil and Criminal, 150-151. Difficulty of the distinction, 151. Difference between a law and a statute, *ib.* Laws declaratory and coercive, imperative and punitive, 151-152. Use of complex terms, 152. Expository matter, *ib.* Obscurity of the limits of law in various codes, 153. Necessity for a constitutional branch—Absurdity of laws binding down the Legislature, 154.
- Division of writers on, into two classes, iii. 158.
  - Technical language of, compared with that of other sciences, iii. 269-270.
  - Barbarous state of the Science of, vii. 597.
- Jurisprudential law**—Laudation of, a device of the technical system, vii. 309-311.
- — Contrasted with statute law, vii. 309-310.
  - — See Judge-made Law.
- Jurist**—The, a Law Periodical—Account of, xi. 35-36.
- Jurists**—Political speculations of the, unadverted on, iii. 220.
- JURY**—Distrust of, in the exclusionary rules of evidence, i. 489.
- Effect that should be given to judgment of unanimous, as compared with majority's, ii. 128.
- Jury**—Power to award damages without intervention of, in proposed Dispatch Court, iii. 362-363.
- Star Chamber preferable to a covertly pensioned, as a judicature for libel, v. 115-116.
  - A juryless judge preferable to a covertly pensioned, as a judicature for libel, v. 116-117.
  - *de medietatu status*—The equity and humanity of the arrangement, v. 166.
  - Instance of the bribing of a, v. 175 n.
  - Application of the principle of, to school discipline, viii. 49.
  - Vicinage of. The proper kind of, x. 71.
  - The division of the members of, into three—those having positive belief, those having disbelief, and those neutral; and a table of the possible proportions, in which each opinion may be held among twelve men, x. 143-144.
- Juries**—Effect of death-punishment in prompting to acquit, i. 450.
- Perjuries of, to prevent injustice in cases of suicide, i. 479-480.
  - Findings of, under forty shillings, an argument against death-punishment, i. 526-527.
  - Advantages of, more indirect than direct, ii. 141.
  - Their inspection of the Judge, to be effectual, should attend every step, ii. 145-146.
  - The advantages of, found to rest in publicity, the inducement to the Judge to give reasons, and the extraction of evidence in the best form, ii. 147-148.
  - as furnishing schools of justice, ii. 149-150.
  - Valuations of property by, for public works, considered, iv. 11.
  - The uses and disadvantages of, stated in general terms, iv. 324.
  - Utility of, in the belief that in such a fluctuating body no fixed principle of error can perpetuate itself, iv. 341 n.
  - Their use when in a proper state, as a check on Judges, v. 67-69. The ordinary view, that the Judge is a check on the Jury, reversed, 67. Necessity of independence to this end, 67-68. Species of influences to which they are exposed—understanding over understanding, and will over will, 68. Precautions in their original constitution to protect them—impunity and secrecy, 68-69.
  - Their use as a check on the Judge; how done away by influence, v. 69-76. The perpetual propensity which power has to remove checks, 69. Even if submissive, jurors would still interfere with judicial ease, 69-70. Constant wish, therefore, to shake them off, 70. Three modes of influencing—intimidation, corruption, and deception, *ib.* The first incompatible, *ib.* Two methods of corruption—finding people of the disposition requisite, or creating it in

- those found, 71. The former simple packing, *ib.* Best method—placing persons over whose interest and welfare the Judge has an influence, *ib.* The power of dismissing the juror an effectual hold, 72. This permanent packing, *ib.* Necessity of disguising the operation, 72-73. No occasion for carrying it farther than to the cases in which the crown and judge have an interest, *ib.* Juries in the old mode of packing caught wild and subdued—by the new mode kept tame, *ib.* Deception, 73-76. Two means—causing them to have a will the same as the Judges, or no will at all—latter the easier, 74. Two means of accomplishing—rendering law incomprehensible, or elevating the estimate of the Judge's knowledge, 75. Corporeal added to these incorporeal instruments in the official habiliments, &c., of the Judge, *ib.* Influence of judicial condescension, 76.
- Juries**—Mystery in the early history of, v. 69.
- Unanimity of—increases the corruptive power in the case of special juries, v. 84-88. If the system had been the invention of an enlightened age, a majority would have been adopted—unanimity the work of barbarism, 84-85. Compelling twelve men to be of one opinion by torture, involves mendacity, 85. Means it gives to any one who has an interest to hold out, to rule the verdict, 85-86. Regular corruption exercised in prosecutions for libel, 86. Casual corruption illustrated in the case of a question of smuggling tried in the Exchequer, and a juryman bribed, 86-88.
  - Chief purpose to which influence on, may be made subservient, v. 88-97. If judges were not exposed to the action of sinister interest, juries should be abolished, 88-89. Influences to which judges are liable to be exposed, 89-91. Class partiality, 89. Money—not directly, *ib.* Love of ease and vengeance the principal, 90-91. Influences to which English judges particularly exposed, 91-97.
  - Influence on, chiefly employed to crush the liberty of the press, v. 97-101.
  - Extent to which the packing of, carried in the Court of Exchequer, v. 101-105.
  - The rules by which they are made instruments in the hands of judges for crushing the liberty of the press, v. 105-114.
  - Remedies proposed for the corrupt state of the system of, v. 163-186.
  - Proposal for restoring the constitution as to, v. 163-175. Existing special jury system in London and Middlesex should be abolished, 163. Objects to be held in view in reform—preservation from corruption, obtaining greatest amount of aptitude, minimizing the hardship to the jurors, 164. Mix a few gentlemen with the yeomen on common juries, 164-165. Making special juries half yeomen, half gentlemen, for obviating the influence of partialities of class, &c., 165-167. Compensation—money to the jurors, for journeys and demurrage, 167-168. Fund from which the compensation to be paid—main sum county rates, with partial application of costs in particular cases, 168-170. Inquiry as to means of extending qualified list, 170-171. Means of preventing party from foreknowing his jurymen, 172-173. Case where party chooses his jurors, and case where knowing who they are to be he has access to corrupt them, compared, *ib.* How unanimity increases the facilities for corruption, 174-175. One firm man gained is sufficient, *ib.* Obviated by giving verdict to majority, *ib.* General repeal of all existing acts on the subject, and consolidation of the Jury Code in one act, 175.
- Juries**—Historical inquiry as to the remuneration of, v. 167-168 n.
- Obligation to serve on, should be imposed on all, except for some cause of exclusion or exemption, v. 171.
  - Verdict should be in majority of, v. 174-175.
  - State of the system of, in Scotland, when "The Art of Packing" was written, and subsequent alterations, v. 175.
  - Proposal for restoring the authority of Parliament in relation to, v. 176-184.
  - Indictments for sedition drawn in a manner to influence the passions of, v. 241-261.
  - Question if they form the best tribunal for fixing damages? v. 558.
  - That they are subdued and subjugated by the judges, a grievance presented in Petition for justice, v. 480-481.
  - Functions of, as prayed for in Petition for justice, v. 499.
  - Real extent of their province as judges, vi. 50-52.
  - Their functions infringed on by the creation of rules of law in circumstantial evidence, vi. 53-57.
  - The powers of, invaded by fictions, vi. 287.
  - Probative force of circumstantial evidence should be left to the determination of, vi. 51.
  - should have every kind of evidence submitted to them, vii. 72, 160, 387-388.
  - Effect of vexation to, in the production of evidence, vi. 92-94.
  - Forced unanimity of, and findings under the value of 40s., as illustrations of the feebleness of the religious sanction, in the disregard of oaths, ii. 41; vi. 273-274, 311, 314.

**Juries**—Fallacy of exclusion of butchers from, vii. 61 n.

- Instances of their deciding by lot, vi. 226 n\*.
- perform the task of weighing evidence, which judge professes to be unfit for, vii. 530-531.
- Inability of the Common-law courts to act without, vii. 293.
- regulated by judge's charge in pronouncing verdict, vi. 418.
- Form of swearing a witness before, vi. 323.
- **Petit**—Trial of criminal before, vi. 473-474.
- Prosecution of, by attain, vi. 415.
- Verdicts of, on insufficient evidence—New trial against, vii. 164.
- considered as committees of the Public-opinion Tribunal, ix. 41.
- Method of selection of, according to Peel's Act, criticised, ix. 281-282 n.
- The work on the Art of Packing—Fears of the Booksellers to undertake—Romilly's advice to suppress, and Mill's to publish, x. 450-451.

**Jury**—Grand—Defects of, ii. 105.

- — with reference to the Rationale of Procedure, ii. 139-141. Purpose—securing impunity to the ruling classes, 139. Good of the original constitution gone—bad remains, 140. Consisting of gentlemen, to exclusion of yeomen, 140-141.
- — Resumé of the evils of, ii. 171.
- — Fiat of, required by earlier law, before a criminal could be apprehended, v. 532.
- — Procedure before, advantageous when first started, now an evil, ii. 140; vi. 375, 472-473.
- — Plaintiff gives evidence without cross-examination before, while defendant is not questioned, vi. 467.
- — Obstructions of, to justice, make Informations tolerated, vi. 375.
- — Secrecy continued in the inquiries of, though it has ceased to be useful, vi. 375.

**Jury**—Quasi, in "Rationale of Procedure," ii. 141-158. See Quasi-Jury.

- — Provisions as to, in Constitutional Code, ix. 465-466, 554-568. See Quasi-Jury.

**Juries**—Special—Elements of the Art of Packing as applied to, particularly in cases of libel, v. 61-186.

- — with reference to the Rationale of Procedure, ii. 138-139.
- — a special engine of corruption, v. 76-84. Obscurity of origin, 76. Nomination in right-hand men of the judge—masters, prothonotaries, &c., 76-77. The guinea fee, 77. Influence of the crown in crown cases, of the judge in private, ib. The method of selection from the qualified list detailed and examined, 78-79.

So completely hirelings, that the name of the "guinea corps" applied to them, 79. Besides those whose wishes are ostensible to him, many persons in power unknown to the jurymen whose wishes he feels he must not counteract, 80. Limitation of the faculty of discarding, 81. Extent of the field covered by the corruption, 82. Crown causes—libels especially, ib. Injustice of paying this higher class of jurors when lower unpaid, ib. Destructive influence on the constitution, of such a pensioned corps, 83. Treachery of the lawyers who drew the acts, 83-84.

**Juries**—Special—State of the packing system of, in 1808, v. 118-157.

- — State of the system in 1809, v. 157-162.
- — in the Exchequer Court. Letter by Sir Richard Philips to Chief Baron Macdonald on the packing of, with the answer and a commentary, v. 121-136.
- — Devices by which the corruption of, is supported, v. 136-139. Excluding from the reforming act any term binding on the master, by whom the special jurors chosen, 136-138. The hands of the Sheriffs tied up, 138-139. Concealing the power of nomination, 139.
- — Inquiry as to whether they were struck without consent of parties before the 3 Geo. II., v. 140-141.
- — Letters to Sir Richard Philips from the Temple and Lincoln's Inn, on the packing of, with comments, v. 143-153.
- — Expense of, to the country, and corruption of, by double fees in crown causes, v. 160-162.
- — Alterations in the manner of choosing, made or proposed from authority since the "Art of Packing" was published, v. 163 n.

**Jury-trial** discussed in the Principles of Judicial procedure, ii. 117-138;—

- — Jury in general considered, ii. 117-119. Defined, 117. Divided into those for general, and those for particular purposes, 118. Former, petit and grand, ib. Inconveniences and evils, ib. Not to be employed except preponderant necessity, ib. Saving by employing only in appeal, ib. In civil cases, and penal questions between private parties, may be dispensed with, ib. Not so in crimes especially public or constitutional, 119.
- — Effects of unanimity, ii. 119-122. Weakens Government, interfering with its vengeance on political offenders, ib.
- — In what causes jury should be employed, ii. 122-123. In civil causes by appeal, and in certain penal causes, 122. Cases in which misapplied in England, 122-123.
- — Effects of—Advantageous and disadvantageous, ii. 123-127. Where judge

- with his superior qualifications has sufficient moral aptitude, jury useless, 123. Evils of the second degree—alarm, &c., not so great from misdecision of jury as of judge, 123-124. Effect on official aptitude of judge, 124. Effect on juries, 125. Benefits would be greater were the law rational, *ib.* Protection against tyranny of judge, 126.
- Jury-trial**—Unimpaired jury proposed in, *ii.* 127. Use for countries to which ordinary system could not be introduced, *ib.* Procedure before, *ib.*
- — What persons should be capable of serving on, *ii.* 127-129. Comparison with elective franchise, and reasons for exceptions which do not occur there, 127-128. Forms in which they may stray, 128. Methods of removing the danger, 128-129.
  - — Appointment of jury, *ii.* 129-131. Chance, 129. Packing defined, 130. Should be selected out of the voters, (on the virtually universal system,) or out of a large select body, *ib.* Action of lot in producing impartiality, 130-131.
  - — Securities for appropriate aptitude of jurymen, *i.* 131-132. In Republics—against party feeling, power of dislocation, or challenge, 131. Impossible in monarchy to avoid misdecision from party spirit, *ib.* Effects of corruption or intimidation, *ib.* Unanimity system, 132. How far votes may be concealed by ballot where majority decide, *ib.*
  - — Number of jurymen, and proportion necessary to command the verdict, *ii.* 132-138. The smallest number that can fulfil the purpose, 132. Evils of punishing innocent greater than of acquitting guilty, 133. Evils correspondent of forced unanimity—torture, perjury, &c., 133-135. Unanimity bad when the laws are good—serviceable when they are bad, 135. Application of unanimity to the judges, &c., 136. Method of applying the jury to such a community as British India, 137-138.
  - — The opinion that it should be in no case in the first resort—in all cases in the second, *v.* 29-41. A security for good decision, but troublesome, and so should only be resorted to when there is complaint of misdecision, 29-30. Cases in which jury-trial physically impossible—others in which it is prudentially impossible, 31. Particular inconveniences in adjusting the receipt of evidence to the jury system, 32-34. An advantage in the judge having examined and arranged the evidence before it goes to the jury, 34. Case can be decomposed and sent to several juries if expedient, 34-35. Such the advantages where the procedure in the first instance natural—the delays, &c., of the technical system enhance the advantage of being rid of a jury, 35-36. Employment of jurors as mere puppets, 37. The good that might be accomplished by the investigatorial power, with illustrations, 37-38. Inadequacy of examinations *de bene esse* to fill a gap, 38-39. Lord Somers' defective plan for amendment, 40-41.
- Jury-trial**—Effect of strict limitation of the times for, *ii.* 75-76.
- — Whether it would be a suitable institution in British India, *i.* 178-179.
  - — Hints for the application of, to British India, *x.* 468.
  - — Letter to the author urging introduction of, in British India, *ii.* 182-185.
  - — Letter from Sir A. Johnston on the practice of, in Ceylon, *ii.* 185-188.
  - — The proposal to add, to the procedure of the Court of Session in Scotland, considered, *v.* 29-47. *See* Session.
  - — Multiplicity of matters crowded into, *v.* 469.
  - — Characteristics of extraction of evidence in, *vi.* 35.
  - — Origin of, in the proceedings of Freeholders, *vi.* 373.
  - — in England—Perjury a necessary ingredient in, *vi.* 314.
  - — Compression of evidence by, into the time of a single sitting, *vi.* 104; *vii.* 538-539.
  - — in civil cases—Nature of procedure in, *vi.* 479-480.
  - — The advantages of, proceed from the system of oral examination, *vi.* 506-507. The praise that should be confined to this feature bestowed on the system, *ib.*
  - — Excellence of the method of collecting evidence in, *vi.* 35.
- Jurors**—Their consciences weakened and enslaved by their taking an oath and submitting to the judge's interpretation of its obligations, *v.* 204-205.
- Exhortation to, in the case of the King against Edmonds, *v.* 239-251.
  - The oaths of, a grievance complained of in the Petition for justice, *v.* 462-467. Putting an oath to men, to declare according to their conscience, and then torturing them till they all decide one way, 462-463. A means by which a resolute man can force any verdict he pleases, 463-464. Weakens the force of the religious sanction, 464. Even those who resolve to stand out are accessory to making the others, whom they expect to yield, commit perjury, 464-465. Object in the unanimity—to drown the voice of a minority, 465. The system being a prostration of law, is useful in the case of tyrannical political laws, 466-467.
  - Oaths of. Argument for the inefficacy

- of, abridged, in the Abridged Petition for justice, v. 515.
- Jurors**—Disabilities to be, a consequence of excommunication, i. 514.
- Special and Common—Difference of their position, vi. 94 n †.
  - Special and Common—Inequality of the treatment of, commented on, v. 144 n.
- Justice**—Unmeaning use of the word, i. 58 n †.
- Absurdity of appeals to first principles of, iii. 388 n \*.
  - Love of. Component elements of, i. 210.
  - Ends of, in connexion with those of judicature, ii. 11.
  - Rendering—a phrase comprehensive of all measures for effectuating the substantive law, ii. 20.
  - Real and apparent—Distinction between, and necessity of supporting the latter in judicial procedure, ii. 20-21.
  - Main and collateral ends of, distinguished, v. 445.
  - Direct and collateral ends of, to be balanced by judge, ii. 29.
  - Direct and collateral ends of, distinguished in Scotch Reform, v. 5.
  - Obstruction of—How to be dealt with, ii. 46.
  - Schools of. How the jury system may furnish, ii. 149-150.
  - Taxes on—Rewards to injustice, ii. 211.
  - Litigants support, for the public benefit, ii. 243.
  - The expense of, prevents application for it, ii. 431, 574.
  - Protest against taxes that add to the cost of, ii. 573-583; vii. 199-201, 377-378.
  - Administrators of—Principle of giving them high damages for groundless prosecutions, ii. 508.
  - Ministers of. Punishment of abuse of power by, ii. 513.
  - Offences against, as a subdivision of public offences, i. 101-103; iii. 169. Divided into those of the officers of justice, and those of private parties, ib.
  - *Genera* of offences against, enumerated, i. 132-133 n.
  - Sale and denial of, by the system of judicial fees, iii. 337.
  - Penal—Objects of, Example, Reformation, Incapacitation, Satisfaction, and Economy, iv. 174. *See* Punishment.
  - Fiction that the King is the fountain of, discussed, iv. 305-306.
  - Gratis administration of, a commended feature in the Code of the French National Assembly, iv. 309-310.
  - Publicity the soul of, illustrated in the English system, iv. 316-317.
  - Summary, as distinguished by lawyers from regular, iv. 333-334.
- Justice may sleep when injustice sleeps, iv. 356.
- The costliness of, in answer to Mr Justice Ashhurst's dictum, that it is attainable by all, v. 233-234.
  - Cheap and dear—Opinion of lawyers that the former bad, the latter good, vii. 323.
  - Ends of, on the occasion of judicature, vi. 8-12.
  - Ends of, sacrificed to the ends of judicature, vi. 422, 430; vii. 199-201.
  - Neither the collateral nor the real ends of, followed in the English system of evidence, vi. 505-506.
  - Connexion of exclusion of evidence with the ends of, vii. 335-336.
  - Disregard shown to the ends of, by exclusion of evidence, vii. 336-338.
  - Bought and sold under judge-made law, vi. 101, 134.
  - Courts of—Publicity with reference to, vi. 351-380.
  - Idea of a system of pleading adapted to the ends of, vii. 270-272.
  - Love of—Extent of its effect on testimony, vi. 227; vii. 570.
  - Evasions of, through quirks, vii. 257.
  - The kind of, on which the public depend, not abstract, but apparent, vii. 154 n.
  - Fewness of the days on which it is administered in England, vii. 51 n †.
  - Delay of. Maxims adduced in favour of, controverted, vii. 475-482. "That it is the price of security"—proceeds on the mistake that time without action in it brings about justice, 475-476. "Danger of precipitation"—involves a confusion between promptitude and precipitation—the latter often occasioned rather than averted by delay, 476-478. That "the judicial forms are the shields of liberty"—adduced in answer, the delay, vexation, and expense occasioned by them, 478-482.
  - Course of, should not be interrupted by vacations, &c., iii. 406.
  - Parliamentary committee of—its uselessness, vi. 183-184.
- Justice and Codification Petitions, being forms proposed for signature by all persons whose desire it is to see justice no longer sold, delayed, or denied, &c., v. 437-548.*
- Justice**—Petition for—Prayer of, in relation to the Judiciary Establishment, v. 498-500.
- Petition for—Prayer of, in relation to procedure, v. 500-503.
  - Abridged Petition for, v. 507-534. Expense, 507. Delay, 507-508. Fees, 508. Devices by which the state of things occasioned—1st. Exclusion of parties from presence of judge, 508-509. 2d. Unintelligible language, 509. 3d. Superabundance

of written pleadings, 509-510. Mendacity licensed, rewarded, compelled, and by judge practised—Bill in Equity and Fictions, 510-513. Oaths—their needlessness, mischievousness, and unchristianity, in the cases of witnesses and jurymen, 513-517. Delay in groundless and boundless lengths established, 516-521. Precipitation necessitated by the delay, 521-522. Blind fixation of times for judicial operations, and chicaneries about notice—Proposal of plan for securing accessibility to persons concerned in litigations, 522-524. Mechanical substituted to mental judicature, 524-525. Mischievous transference of suits—with an estimate of the extent to which transference may be necessary, 525-531. Decision apart from the merits, 531. Juries subdued, *ib.* Jurisdiction split and spliced—enumeration of forty-eight tribunals to which reference may be made, 531-533. Result—groundless arrest for debt, 532. Supplement on oaths, 533-534.

Justice—More abridged Petition for;—Sale and denial of justice, abuses in equity, inaction from vacations, &c., falsehood necessitated—Fictions—Fees for fictitious duties, *v.* 534-538.

Justice-aiding functions of Local Headman by Constitutional Code, *ix.* 617.

Justice Minister—Provisions regarding, in the Constitutional Code, *ix.* 597-612;—

— — Fields of service and functions, *ix.* 597-598. Over all the territory of the state, 597. The locative, suspensive, dislocative, and translative functions as to judges, *ib.* Self-suppletive function as to his own office, *ib.* Procurative, custodial, &c., functions as to things belonging to his department, *ib.* Visitative, 598. Inspective, statistic, and recordative, *ib.* Control over judges in relation to their legislative suggestions, *ib.* Conservative function—as to the wording of the law, *ib.*

— — Visitative function of, *ix.* 598-599. Inspection visits to the judicatories, 598. Beneficial objects and business of the visits, *ib.* Periodical and occasional visits considered, and their respective merits, 598-599. Union of the two, 599. Visitation of Local Headmen and their Registrars, *ib.*

— — Judicative function, *ix.* 599-600. Complaints of denial of justice in appellate judicatories, 599. Methods of dismissal of judges—a gentle form in case of deficiency in ability, 599-600.

— — Dispunitive function, *ix.* 600-607. Remission of punishment, 600. Different grades of remission, *ib.* Relative times of, in relation to the times of prosecution and conviction, *ib.* Grounds of, *ib.* Dis-

covery of disculpative evidence as a ground, 601. Expected service by precautionary information on delinquencies, *ib.* Expected service against a foreign power, *ib.* Expected service in obviating calamity, *ib.* Expected service by communication of useful invention, *ib.* Service actually rendered in these shapes, *ib.* Cases of a diplomatic and political character, in which it will not be in the province of the Justice Minister to decide whether the grounds are sufficient for remission, 601-602. Service by information as to co-delinquents—Points to be attended to in the bargain, 602-603. Indirect methods of giving impunity examined—Cases of pecuniary penalty which less than what may be made through the offence, 603. Cases where the Legislature is compelled by public opinion to make bad laws, such as prohibitions from circulating peculiar opinions—the laws kept dormant by limiting the right of prosecution to the Public Prosecutor, 603-604. The irrational system of nullification—criminal let loose because a copying clerk has made a mistake, 604. Sole justification of remission the same as that of punishment—The public good, *ib.* Inquiry to be made by the Justice Minister in the exercise of his office, 604-605. Should always be after conviction, 605. Not to be confounded with the pardon-power, which predicates previous tyranny, 605-606. Pardon-power instrument of gaining monarchical popularity, *ib.* Evil effects of the English system, where so many are condemned to death and pardoned—production of arbitrary power, 606-607.

Justice Minister — Jurisdiction-adjustive function of, *ix.* 607. Settlement of questions as to the judicial functionary who is to exercise a disputed power, *ib.* Examples, *ib.*

— — Term of service, *ix.* 607-608. For life—with the causes of removal specially proved for, *ib.*

— — Remuneration of—including official residence, and indemnity for outlay, *ix.* 608.

— — Attendance of—the same as that of judge-immediate, *ix.* 608.

— — Who locable as, *ix.* 608. Service as judge-immediate and as judge-appellate, *ib.* Temporary arrangements in the interval, till persons can be qualified, *ib.*

— — How located, *ix.* 608-610. By the Legislature, 608-609. Reasons for appointment not being in the hands of the constitutive authority—though they may make up their mind as to the qualifications of a representative, have not the means of doing so as to the functions of a Justice

Minister, 609 Reasons for not putting in the hands of the executive chief—too much concentration of power, facility of oppression, &c., 609-610.

Justice Minister—How dislocable, ix. 610. By the Prime minister, and otherwise as a member of the Legislature is, ib.

— — Securities for appropriate aptitude, ix. 610-612. His probation as a judge, 610. Dislocability—Punibility by the Legislature, ib. Chief difficulty is in neutralizing or preventing corruptive intercourse with the Prime minister, 610-611. Method of preventing communication, in the adjustment of their edifices, 611. Procuring notoriety to their conduct and proceedings—a trumpeter—dignity a compensation, 611-612.

Justices of Peace. Various sorts of jurisdiction of, and their origin, v. 482-483; vii. 235 n.

— — Authority of, to examine felons, an exception from the exclusionary rules as to evidence, vi. 109, 417 n, 471-472; vii. 459-460, 497, 500, 508.

— — In case of felony, must record the evidence, ii. 181 n; vi. 410 n.

— — prohibited from taking certain affidavits on oath, vi. 304 n.

— — Decisions of, quashed on pretences, vi. 464; vii. 314.

— — might be employed as temporary recorders, vi. 81.

— — Precedent for employing, as temporary recorders, vi. 82.

— — Courts of, vi. 35-36.

— — Nature of the initial examinations by, ii. 181; vi. 428.

— — of the metropolis—Alteration in the constitution of, vii. 327-328.

— — might act as honorary notaries, vi. 530.

— — Registration of regularly recurring facts by, proposed, vi. 568.

— — Recording of convictions by, enforced, vi. 414.

— — Natural procedure before, iii. 329; vii. 321, 323.

— — Summary procedure before, in certain cases of theft, vii. 504-506.

— — in Scotland—Arrest by, of debtor *in meditatione fugæ*, vi. 334 n.

— — Circumstances under which the power of apprehending criminals without authority of Grand Jury was given them by statute, v. 532-533.

— — popularly censured as the unpaid magistracy, but defect arises from other causes than their being unpaid, ix. 524

— — Clerks of, receiving fees, makes the system instead of unpaid, a tax on justice, ix. 524.

— — Illustrate the value set on judicial power and distinction, ix. 485.

Justices of Peace—a mistake to say they serve for nothing, iv. 376.

— — Trading, compared with fee'd judges, v. 340.

— — Detrimental transference of suits from—a grievance charged in Petition for justice, v. 473-474.

— — Casual remarks on, iv. 353 n, 379; v. 37.

Justices—Police, of the Thames—Heads of a Bill for regulating the authority of, x. 331-333.

Justiciability—Avoidance of, as affording evidence of delinquency, vii. 50-53.

— — Principles of security for, iii. 205.

Justification of the means by the end—Fallacy of the principle of, ii. 469-470.

Justinian—Arrangement of the works published under, iii. 162-163.

## K

Kames—Lord, quoted on Custom-house oaths, i. 567.

— — His Historical Law Tracts noticed, i. 264 n.

— — His misconception of the use of Bifurcate or exhaustive division, in Logic, viii. 115-116.

Kampfer's History of Japan—Impressions on Bentham from the perusal of, in boyhood, x. 22.

Kempel, a Hungarian—Proposal by, to improve the steam-engine, viii. 135 n.

Kenrick—Dr—His support of the probability of inventing the perpetual motion, viii. 147.

Kent's Commentaries on the Laws of the United States—Remarks on, x. 559-560.

Kenyon—Lord—His dicta on Libel Law, v. 243.

— — on exclusion of evidence, vii. 340.

— — noticed, v. 93 n, 159; vi. 389-391; vii. 482 n; x. 16, 45, 60.

Keppel—Admiral Lord—His connexion with a negotiation between Lord North and the Rockinghams, x. 102-103.

— — Reference to the trial of, vii. 521.

Kersaint—Deputy—Imprisonment of, x. 286.

Key to the operations in Geometry and Algebra—Utility of, for the purposes of useful intellectual instruction, viii. 169-177.

Kind—Restitution in, as satisfaction to sufferers by offences, i. 374-375.

Kindness, Amicableness, &c., as designative of motives, i. 202.

— — Application of the principle of, to conversation, x. 518-519.

King—Blackstone on the attributes of the, i. 235-236 n.

— — and People—Foundation on which the



- connexion between, has been laid by Blackstone and others, considered, i. 269-270.
- King**—Blackstone's confusions regarding the division of the Legislative and Executive power of, i. 278-279.
- How far the legislative power of, can be called independent, i. 279.
  - Fictions of law regarding the, i. 508.
  - Pardon-power a dangerous instrument in the hands of a, i. 529.
  - Uses to which he can employ the coronation oath, ii. 117-118 n, 408-409; v. 193.
  - "can do no wrong." Effect of the principle, ii. 422.
  - "can do no wrong"—Probable original meaning of the maxim, vii. 519.
  - Use of the word, instead of Monarch, inconvenient, iii. 563 n.
  - The alleged prerogative of, to grant charters to colonies containing legislative powers, or to legislate for them without consent of Parliament, examined, iv. 258-269.
  - Fiction of his being the fountain of justice, discussed, iv. 305-306.
  - Fiction of his being the executive power, iv. 306.
  - How his feudal powers came into the hands of the judges, iv. 306.
  - Veto of, on legislative measures—its effect, iv. 308-309.
  - Form for his approbation of official appointments, as exemplified in that of the Dispatch Court judge, iii. 334.
  - Circuits invented by, to increase his power, iv. 337-338.
  - Power of, shared by the aristocracy since the Revolution, iv. 446-447.
  - The origin of his practice of issuing writs to try cases, and appease clamorous complainants, v. 446.
  - Design against the life of, not proveable by the evidence that will convict of an ordinary crime, vii. 527.
  - not above the influence of shame in this country, vi. 326.
  - How the Public-opinion Tribunal can operate against, viii. 562.
  - The impossibility of creating responsibility in the person of a, ix. 10.
  - The power lodged in the hands of, an incitement to treason, ix. 39.
  - Costliness to a nation of the Chief Magistrate having so high a title, ix. 88-89.
  - The government of a—Nature and influence of, examined in connexion with the Constitutional Code, ix. 127-141. *See* Monarchy: Operative—Supreme.
  - *c.* Whitaker—Case of, cited, v. 82.
- King (The) against Edmonds and others—Brief remarks tending to show the untenability of this indictment, v. 239-251.*
- King (The) against Sir Charles Wolseley, Bart., and Joseph Harrison, schoolmaster—Brief remarks tending to show the untenability of this indictment, v. 253-261.*
- Kings**—Necessary expense of, ii. 245.
- Crimes of—Allusions to, an instance of the fallacy of sweeping classifications, ii. 450.
  - Vulgar errors as to the injustice of, ii. 539.
  - Disclamation of a wish to abolish, iii. 441, 451.
  - The mischief they may do by patronage and power—especially when they have the making of a second legislative chamber, iv. 429-432.
  - The number of, that have been insane, an illustration of the falsity of the qualities attributed to them, ix. 131-132.
  - adopted prorogations, &c, of Parliament, to get rid of opposition and trouble, ix. 164-165.
  - *See* Monarch.
- King's Bench**—Sinister interest of chief justice and marshal of, ii. 14.
- — Power of, to convert expressions into offences, ii. 126.
  - — Double remedies in, iii. 361 n.
  - — Its power of issuing a mandamus to a corporation, iv. 316.
  - — Arrangement of causes in, iv. 322.
  - — Chief-justice of—Profit to, by sham writs of error, v. 93 n.
  - — The raw materials out of which the law promulgated by, enumerated, v. 484-485.
  - — Depredation affected by the privileges of the Rules of, v. 544.
  - — Admission of the public to, vi. 377.
  - — taking on itself the powers of legislation, vi. 414.
  - — enumeration and examination of sham writs of error to, vii. 214-216.
  - — Business stolen by, through instrumentality of fictions, v. 493; vii. 285.
  - — Mandamus in, vii. 293.
  - — Affidavit evidence in, vi. 463, 478.
  - — Jurisdiction of, vii. 297.
  - — History of imprisonment for debt in, vi. 179; vii. 382 n.
  - — History of the form of obtaining delay in, on ground of absence of witness, vii. 359.
  - — has perverted statutes awarding treble costs, vii. 529.
  - — Bentham takes his seat as a student in, x. 45.
- King's death**—Imagining—Absurdity of, as a definition of treason, x. 321.
- King's evil**—Cure of, noticed, vii. 93.
- King's speeches**—Practice of the Commons reading a bill before they are considered, ii. 335.
- — Radical Reform attacked in, iii. 602-603.
  - — Characteristics of, viii. 577.

King—Governor. Attempt of, to ameliorate New South Wales, iv. 181.  
 King—Mr. Mention of, xi. 134.  
 King—Mr R. Mention of, x. 170.  
 Kingdoms—the three physical—Subalternation and division as applicable to, viii. 268-269.  
 Kingston (Duchess of)—Case of, cited, vi. 491.  
 Kinnaird—Douglas—A dinner party with, x. 576.  
 Kippis—Dr Andrew, noticed, xi. 74.  
 Klaproth the chemist—Visit to, by Bentham, x. 180.  
 Klieger—M.—a lawyer of Warsaw—Latin letter to, regarding the pension granted by Stanislaus to Mrs Lind, x. 358-359.  
 Klopstock—made citizen of France, x. 281.  
 Kneller—Sir Godfrey—noticed, v. 301.  
 Knighthood—Orders of, as rewards, ii. 194-195.  
 Knowledge—Meaning of the word, vi. 230.  
 — as a circumstance influencing sensibility, i. 23.  
 — Spread of, has brought men nearer an equality, i. 269.  
 — that may be rendered injurious—Hinderance of the acquisition of, as an indirect means of preventing offences, i. 536-538. Diffusion of knowledge not hurtful, 536. The worst offences require little knowledge, and those of barbarism more dangerous than those of refinement, 536-537. It is where knowledge confined to a few that it has vitiated and weakened nations, 537. Liberty of the Press, 538.  
 — as to the means by which deceptions are practised—Promulgation of, recommended, i. 553-554.  
 — Application of, to the Arts and Sciences, ii. 253.  
 — Popular institutions for diffusion of, ii. 256-260.  
 — Propagation of, one of the forms in which trade may be benefited by Government interference, iii. 35, 71.  
 — Dependence of happiness on, vi. 264.  
 — of the course of nature—Influence it has on belief, vii. 91-98.  
 — of law. Kept from those in whom ignorance of it punished, vi. 519.  
 — of the necessity of formalities, necessary to the presumption of spuriousness in their omission, vi. 518.  
 — Intellectual—The advantages of, viii. 8-16. *See* Learning.  
 — Jealousy of the higher classes, of extension of to the lower, viii. 19-21.  
 — The impracticability of an arbitrary fixed division of the field of, viii. 27.  
 — Useful—Number of branches of, taught—an advantage of the Chrestomathic education plan, viii. 11.  
 — Useful. Services to the collection and

propagation of, by a good system of Pauper management through the field of observation so supplied, viii. 424-428. *See* Pauper Management.  
 Knowledge—*See* Instruction: Learning.  
 Knowledge qualification—The, for the franchise, iii. 464-465, 470, 560, 565.  
 — — Application of, to jurymen, ii. 127, 144.  
 Knox—Vicesimus—Opinion of, against university oaths, v. 196 n, 227-228.  
 — — noticed, ii. 468.  
 Koe—John Herbert—Letters to, x. 484, 485.  
 — — — casually noticed, x. 62, 382, 411, 444, 452, 453.  
 Koran—The, characterized, i. 551.  
 — — and its commentaries, as a collection of laws, compared with the English Books of Reports, viii. 573-574.  
 Kosciusko—Thaddeus, made citizen of France, x. 281.  
 Kotchubey—Count—his furtherance of Bentham's opinions in Russia, x. 440, 445.  
 Kremenschuk in Russia—Bentham's visit to, x. 159.

## L

Laborious or active punishment, i. 437-441.  
 Can only be accomplished by influence of another punishment over the will, 437-438. Instances, 438. Specific and indiscriminate, 439. Convertibility to profit, *ib.* Frugality, 439-440. Equability, 440. Variability, *ib.* Exemplarity, *ib.* Subserviency to reformation, *ib.* Analogy, 440-441. Popularity, 441. Different kinds of labour which should be preferred, *ib.*  
 Laborious restraint—Hatred of criminals for, i. 450.  
 Labour—in what cases it is a reforming punishment, i. 94.  
 — Fatigue, &c., the pains of, with the corresponding interest and motives, i. 204.  
 — Love of—Character generally attributed to, as a motive, i. 214.  
 — The protection of the law the inducement to, i. 307-308.  
 — Casualties to which subsistence from, *lable*, i. 314.  
 — The sources of uncertainty in, as a means of subsistence, ix. 13.  
 — Free—More productive than that of slave's, i. 345, 441.  
 — Restrictions on, illustrated, ii. 225.  
 — Bad effects of meddling with the wages of, whether by fixing them, or by bringing them to a level by parochial relief, viii. 441-444.  
 — in Penitentiaries—Conduciveness of, to reformation, i. 499.

- Labour—Interest of, in good government, ii. 424.
- mental and physical—both eschewed by rank, u. 481.
  - Relation of, to capital, iii. 36 n †.
  - Effect of machinery on the employment of capital on, iii. 39.
  - the source of wealth, iii. 45.
  - Wages of, regulated by relation of capital to number of labourers, iii. 61.
  - Inefficacy of attempts to fix the wages of, iii. 66.
  - Means of increasing the efficacy of, iii. 67-68. Increase of skill and saving of time—division of labour, 67. Cheap prime movers, ib. Simplification of processes, ib. Saving materials, ib. Improvement of products, ib. Diminution of expense of carriage, ib. Machines, 67-68.
  - The real balance of trade is in an excess of the produce of, iii. 70.
  - Reference of enlargement of the currency to increase of employment for, iii. 141.
  - The mass of capacity for, an element in the limitation of production, iii. 295.
  - Means of extracting, from felons—application of punishment and reward, iv. 12-13.
  - Hard—A fallacy to suppose it can be forced in prison—only to be obtained by reward, iv. 144.
  - Duration of, with reference to Prison discipline, iv. 18.
  - of convicts—Arrangements as to, under the Panopticon plan, iv. 41-53. *See* Panopticon.
  - Choice of species of in prisons, urged, iv. 49-51.
  - not less reforming by being profitable, iv. 50.
  - Division of, in Prison discipline, iv. 51.
  - Means of extracting, from convicts, by the Panopticon system, iv. 54-55.
  - of convicts—Use of so adjusting, that it teaches them a trade to exercise when liberated, iv. 55.
  - Useless—in prison discipline, reprobated as uneconomical and unreforming, iv. 143-145.
  - Time that may be daily spent in, consistently with health, considered, iv. 163.
  - The, of Liberated Prisoners—Plan for encouraging, iv. 165-171.
  - Division of, exhibited in the administration of justice, iv. 388.
  - Aversion to—How far the interest in, admits of measurement, vii. 568-569.
  - Application of estimates of the value of, in connexion with that of rearing and supporting the labourer, to Poor-law arrangements, viii. 367.
  - Adaptation of, to Pauper management, viii. 381-385. *See* Pauper Management.
  - Rules for the alternation of, with rest, and with other occupations, in relation to Pauper management, viii. 396.
- Labour—the original fund of subsistence, ix. 13.
- Cessation from, as an element of felicity, ix. 15.
- Labourers. Increasing the number of, iii. 68. Banish prejudices against labour, ib. Find employment for the unproductive—prisoners, beggars, &c., ib. Inducements substituted for coercion, ib.
- Increase of, an advantage, while that of consumers an evil, iii. 73-74.
  - the persons who would suffer most by a general division of property, iii. 608.
  - Agricultural. Their inability to provide for their families, viii. 442.
  - Irish—in New York. Plan for the instruction and the improvement of the moral character of, x. 500-501.
- Labouring classes—List of exigencies operating on, and corresponding forms of supply, viii. 407.
- — Considerations as to the sources of frugality at the disposal of, and utility of Savings Banks to, viii. 407-417.
  - — Plan for advantageously boarding the children of, in connexion with the Poor-law, viii. 421-424.
  - — enjoy, in common with the rich, the principal elements of felicity, ix. 15-17.
  - — looked on with chief disgust by those members of the aristocracy who do them most injury, ix. 62.
- Labouring and embracing jurymen—The offence of, vii. 49 n.
- La Combe—M. Bentham's French lessons from, x. 9.
- Lafayette—addressed on the subject of a Chamber of Peers in France, iv. 419.
- Letters to, xi. 1-2, 60.
  - Letter from, on the state of France—Standing armies, &c., xi. 3-5.
  - Proclamation of, in 1830, noticed, xi. 56.
  - Anecdotes of the American Revolution by, x. 526-527.
  - casually noticed, x. 93, 262, 286, 551; xi. 3.
- La Grange, noticed, viii. 37.
- Lally—Allusion to the case of, i. 417.
- Lampoons—as an instrument by which the public may protect itself when honours are unworthily conferred, ix. 92.
- Lancastrian system of Education—The economy of, viii. 14.
- — Corporal punishment unknown in, viii. 15-16.
  - — Power of the arrangements of, for tuition, viii. 16.
  - — Success of, exemplified in one of the classes of the High School of Edinburgh, viii. 61-63.
  - — casually noticed, i. 206 n, 468.
- Land laid bare by the retreat of water—how to be appropriated, i. 328.

Land—Nature of title to, and subjects embraced in it, i. 327-328.

— Obstacles to the alienation of, considered, i. 333-334.

— Colonial system discourages the cultivation of, at home, ii. 547.

— Effect of American war on the value of, iii. 9-10.

— Increase of, by colonization, considered, iii. 52-57.

— Advantageousness of, as an employment for capital, when not interfered with, iii. 68-69.

— Continuance of feudal usages with regard to, vii. 383 n.

— Distinction between, and moveables, in regard to wills, vi. 533, 542-551. Alteration of the law, 533 n\*.

— Mode of designation of, for the purpose of registration of contracts, vi. 579.

— Rights in—Necessity of permanent evidence as to, vi. 60-61

— Functions of Local Headman as to settlement of boundaries, &c., of, by Constitutional Code, ix. 619.

— Inquiry as to the means of estimating the gross profits from the culture of, x. 373-374.

— Sale of. Evil of taxing, i. 319.

Lands—Crown. Application of public competition to the leasing of, v. 325-328.

Land-marks—Removal of—Forgery of real evidence, vii. 17-18.

Land-surveying—defined and located in the Chrestomathic system of Instruction, viii. 34.

Landed estates—large—Disadvantages of, to agriculture, iii. 68-69.

Landed interest—Prevalence of the, as exhibited in the Corn-laws, iii. 99-100.

Landed property— Examination of Mr Humphrey's Outline of a Code as to, v. 389-416. *See* Real Property.

— Outline of a Plan of a general Register of, v. 417-435.

— Exemption of, from liability for certain debts, commented on, vi. 85 n

Landed proprietors—Interest of, to oppose innovation, ii. 420.

— Interests of, as opposed to reform, iii. 532-533.

Landlord and tenant—Formalities of contract between, vi. 528-529.

Landlords—Examination of the method in which the influence of, may be employed at elections, iii. 479-482.

— Their power of despotism over tenants, iv. 435.

— as aids to monarchical despotism, ii. 283.

LANGUAGE—The signs of, in connexion with the origin, viii. 227-229. First embodiment of ideas verbal—writing and other signs followed, ib. Importance of considering both the transitive and the in-

transitive use of language—latter necessary for embodying thoughts, 228-229.

Language—Essay on, viii. 294-338.

— Note on, by editor, explaining state of MSS., &c., viii. 294.

— Uses to which in the character of ends it is directed, viii. 297-298. Practical and speculative, 297. Modes of discourse, uses of language, operations, occasions of use, properties, degrees of the properties, means of possessing the properties, the parts of speech, 297-298.

— Definitions preparatory to, viii. 298. Considered as a simple instrument of interchange of ideas, ib. Considered in respect to particular occasions, ib. Considered as expressing the different methods in which different classes of men speak, ib. Most extensive sense—aggregate of the matter of discourse, ib.

— Signs employed in, viii. 298-299. Those of the ear first in use, 298. Common to man and the inferior animals, 298-299. Signs—Evanescent and permanent, 299. Divided also into principal and subsidiary, ib. Subordinate or collateral topics—short-hand, signals, cyphers, signs, ib.

— Subjects of, in discourse, viii. 299-300. *See* Discourse.

— Uses of, viii. 301-302. Social and solitary use, or transitive and intransitive, 301. In the former it may contain pure information, or information to produce excitement, 301-302.

— Operations which, in the character of an art, are performable in relation to, viii. 302-303. Learning, using, teaching, and ameliorating, 302. Often done conjointly, and mischief in the notion that when one is performed in particular, it excludes performance of the others, 302-303.

— Division and enumeration of properties desirable in a, viii. 303-304. Use of the enumeration, 303. Chance of improvement, ib. Enumeration, 304. The information-regarding, the nation-regarding, and the purpose-regarding, ib.

— Clearness as a property of, viii. 304-305. Exemption from ambiguity and obscurity, ib.

— Conciseness as a property of, viii. 305. Saving of time, clearness, impressiveness, apprehensibility, retainableness, ib. Uses to Law and Posology, ib.

— Facility of utterance, or pronounciability, as a property desirable in, viii. 305.

— Melodiousness or harmoniousness as a property desirable in, viii. 305-306. Positive and negative in amount, ib. Application to poetry and eloquence, 306

— Ornability or decorability as a property of, viii. 306-307. Presumes the giving ornament to the necessary substance of the discourse, without increasing it, ib

- Language**—Impressiveness or force as a property desirable in, viii. 307.
- Dignity as a property desirable in, viii. 307-308. External sign of strength of mind, ib. Consists in the absence of the defects of laxity and fumbling, ib.
  - Mutual relation of the properties desirable and undesirable in, viii. 308-310. Clearness, conciseness, and correctness, as the counter-parts of obscurity, indistinctness, ambiguity, incorrectness, &c., 308-309. Relation of copiousness, conciseness, and tractability, with their opposites, poverty, &c., 309. Relation of copiousness and simplicity, 309-310.
  - Comparative estimate of the relative importance of the various properties desirable in, viii. 310-311.
  - in the sense of style—Properties desirable in, viii. 311-312.
  - Questions applicable to improvements in, viii. 312.
  - The alterations in, that may be deemed improvements, enumerated, viii. 312.
  - The improvements that take place in, without design, or without a general survey, viii. 312-313. Copiousness and simplicity, ib.
  - Improvement in—How and by what hands it can be accomplished, viii. 313. Practice, instruction, association, Government authority, ib.
  - Externally applied instruments of improvement in, viii. 313. For abbreviation, for diffusion, for durability, ib.
  - Rules for obtaining clearness in, so far as depends upon the choice of words taken singly, viii. 313-316.
  - Rules for clearness, and thence impressiveness, in so far as depends on collocation, viii. 316-318.
  - Rules for obtaining correctness and completeness in, viii. 318.
  - Rules for improving in respect of copiousness, viii. 318.
  - Modes of enrichment of, viii. 318-319. Generic names, ib. Analogy, 319. Spiritualization, ib. Aggregation, ib. Importation, ib. Filling up of conjugates, ib.
  - Importation of words from foreign—Advantages of, in increasing the stock, viii. 319-320.
  - Thought as the basis of, viii. 320-323. Conveys state of the speaker's mind, 320. Conveys judgment as distinct from perception—judgment frequently erroneous—perception not, 321. Opinions or thoughts embodied in propositions must form the matter of all discourse, 321-322. Among barbarians propositions involved in single words—Interjections a relic of this original language, 322-323. To form sentences into words, and words into syllables and letters, the work of analysis,
- 323. Use of thus analyzing—to show by the compounds already made how the process may be carried farther, ib.
- Language**—Analytical view of the matter of, as the elements of thought, viii. 320-333. *See* Thought: Conjugates.
- Relation in, between archetype and type, or between the thing signified and the sign, viii. 331-333.
  - Effect of the imperfections of, in bringing reproach on moralists, i. 49 n †
  - Dependance of its effect on association, ii. 437.
  - Disorder in—Effects of, iii. 171.
  - Purity of, prejudice in favour of, an obstacle to improvement, iii. 273-274.
  - Additions to, necessary to amplify current stock of ideas, vii. 130.
  - unites words with real entities, vi. 237.
  - Defectiveness of, for expressing degrees of persuasion, vi. 224, 229-230.
  - Difficulty of improving, except where purely scientific, vi. 226-227 n †.
  - A theory of, should be comprehended in a system of Logic, viii. 120.
  - Technical. Wherein that of law differs from that of other sciences, iii. 269-270.
  - Technical legal—Inaptitude and mischievousness of, vii. 280-283.
  - Legal—Importance to society of improvement in, and prejudices opposed to, iii. 270-274.
  - Unintelligibility of, charged as a device of the technical system, v. 448-449, 509.
  - Abridged view of the component parts of, the purposes of, and the Psychological history with relation to the purposes, viii. 186-187.
  - Abridged view of the properties desirable in a, viii. 191.
  - Mental operations to which it is subservient, viii. 229.
  - as the main instrument of all logical operations, viii. 230-231.
  - How far exposition of may proceed without the use of, viii. 244.
  - The impossibility of freeing from ambiguity illustrated, and the dishonest uses made of the defect, viii. 249-251.
  - How far appositeness obtainable in, viii. 290.
  - Opinions on, expressed in conversation, x. 569-570.
  - A universal—One of the existing languages better suited to, than any new language that could be framed, viii. 150.
- Languages**—A repulsive branch of education which should be postponed to the more easy, viii. 17.
- Instruction in the nature of—Grammar as introductory to the acquisition of, viii. 33-34.
  - Their deficiency in a proper nomenclature for the elements of knowledge, and the reasons, viii. 63-64.

- Languages**—Dead—Value of, and extent of attention that should be paid to, ii. 258-260.
- Lansdowne**—William, first marquis of. *See* Shelburne.
- Lansdowne**—Henry, marquis of—Notices of, in his youth, x. 90, 122.
- La Place** noticed, viii. 37.
- Larceny**—Distinction between grand and petty, abolished, vi. 381 n 2.
- Latency and latitancy**, as evidence of delinquency, vii. 50, 52-53.
- Latin Language**—Value of a knowledge of, n. 258-260.
- How far the acquisition of, useful in the middle ranks, viii. 17.
- unsuited for a treatise on Universal Grammar, viii. 342.
- Latin**—Law. Blackstone on the use of, i. 235.
- Latinity**—Specimens of Bentham's early, x. 38-44.
- Latitude to judges regarding punishment**, i. 516-517.
- Laud**—(Archbishop)—his explanation of the Oxford oaths criticised, v. 211-212.
- Statutes of, for Oxford, and their effect considered, ii. 260-262.
- noticed, v. 224.
- Laudation of corruptions in the judicial system**—Evils of, v. 95.
- of jurisprudential law, a device of the technical system, vii. 309-311.
- Laudatory Personalities**—The fallacy of, ii. 412-413.
- Lauderdale**—Earl of, noticed, x. 323.
- Launey**—M. De—his discussion with Frederic the Great on custom-house salaries, ii. 244-245.
- Lavoisier** noticed, iii. 273; vi. 205, 442.
- Lavoisier's Chemistry**—Illustration of a clumsy system of signs, viii. 167.
- LAW**—Penal and civil. Difficulty of drawing the line between, i. iv.
- Incapacity to obey, renders case unmeet for punishment, i. 85.
- Limits between the operation of, and that of Private Ethics, i. 142-148.
- Languages which have distinct words for the abstract and concrete senses of, i. 148 n ||.
- The branches of, i. 148-154. *See* Jurisprudence—Branches of.
- Study of. Reason of repulsiveness, and means of making more interesting, i. 160.
- Study of. How far an acquaintance with the dead languages necessary to, viii. 17.
- Expositor of, distinguished from censor, i. 229.
- Free censure of the defects of, should be encouraged rather than checked, i. 230-231.
- Ignorance of, among the people—Blackstone's exultation in, i. 235.
- Law**—Statute and common. The distinction between, analyzed, i. 263-264 n.
- How the happiness of a people may be affected in the administration of, i. 270.
- Security the principal object of, i. 307-308.
- Protection of—Forfeiture of, as a punishment, i. 474-475, 513-514.
- Impossible to have, without mis-seated punishment, i. 476.
- Relation of procedure to the rest of the, ii. 15-22.
- Clause directing obedience to the, in the French Declaration of Rights, criticised, ii. 511.
- Clearness and rationality of. Dependence of jury trial on, ii. 125.
- Questions of, distinguished from questions of fact, ii. 155.
- Students of. Admission of, to hear legislative debates, ii. 326.
- Influence of fallacies of authority on, ii. 393.
- Application of the abstract term to designate lawyers, a fallacy, ii. 448.
- Extent of the liberty it ought to protect, ii. 505-506.
- Fallacy of the principle that it has no right to forbid anything but what is hurtful, ii. 506.
- Fallacy of the principle that no one can command or hinder, except in terms of, ii. 506-507. Children, apprentices, &c., adduced in illustration, ib.
- Fallacy of the principle that it is the expression of the general will, ii. 507.
- Fallacy of the principle that every citizen has the right of concurring in the formation of it, ii. 507-508.
- Fallacy of a fundamental declaration that it ought to be the same to all, ii. 508.
- Fallacy of a declaration to the effect that no one *can* be accused, arrested, &c., except in terms of, ii. 510-511.
- Fallacy of a declaration that it must be promulgated before punishment *can* take place in virtue of it, ii. 512-513.
- A—Meaning of the term, iii. 215.
- The reference to, as a fictitious person, characterized, iii. 223.
- The different ways in which the interests of different persons may be affected by a portion of, iii. 256-258. Persons benefited and persons charged, 256-257. Person benefited has sometimes to act—sometimes not, 257-258. Reason of inquiry—to find what branches of law should be brought prominently in view to particular individuals, for the sake of general brevity, 258.
- Cases where different parties are concerned in a portion of, with reference to each having the means of receiving his share, iii. 258-259.

- Law—Proper ends of the distributive branch of the, iii. 293-294.
- Study of. Gradual promotion of judges as an inducement to, iv. 370-372.
- The service of the. How to make it honourable instead of odious, iv. 398-404.
- The—The proper means of inducing individuals to give aid in executing, considered, iv. 398-404.
- Whatever is useless in, is pernicious, iv. 426.
- Logical scheme of division of, and its connexion with the Political, iv. 491-492 n.
- dictum that every man has the means of knowing that by which he is bound, controverted, v. 235-237.
- Use of unintelligible language in, a device of the technical system, v. 448-449, 509.
- Declaration of, by judge to jury—a declaration of the judge's will, v. 481.
- Relation of, to happiness, vi. 7-8.
- Relation of judicial procedure to, vi. 7.
- taken to be the perfection of reason by non-lawyers, because lawyers say so, vi. 206.
- Ignorance of, kept up by those who punish for it, vi. 519.
- Irrationality of—Interest of lawyers in, vii. 206-207.
- Source of the disposition to pay obedience to, vii. 330.
- Evils necessarily attending the enforcement of, vii. 335.
- and Equity—Distinctions between, ii. 63, 74, 87; vii. 290-291, 511.
- and Equity—Irrationality of the distinctions between, vii. 300-305.
- and Equity—Quarrel and compromise between, with the results, ii. 87; vii. 303-305.
- unpromulgated—Tyranny of, vi. 519.
- not what it does, but conception of what it ought to do, that keeps society together, vii. 528.
- The uses of, vi. 509.
- Point of—postponement of evidence till it be settled, vii. 231.
- Definition of, and position in the Encyclopedical Sketch of Art and Science, viii. 94-95.
- Amendment of a—Meaning of the term, viii. 494.
- Criticism on, with the view of amendment, predicates censure of, viii. 494-495.
- General division of the aggregate body of the, ix. 8-9. Substantive, and adjective or procedure, 8. Private and public, ib. Benefits and burdens, ib. Distributive and penal, ib. Real or statute, and judge-made law, 8-9.
- Law—civil or distributive. General objects of, ix. 11-18. *See* Security; Subsistence; Abundance; Equality.
- — Distinct objects of, and relation between them, i. 302-303.
- Law and Lawyers—Conversational remarks on, x. 581-582.
- Law—Adjective. *See* Adjective Law.
- Law—Constitutional. The province of, ix. 9-11. *See* Constitutional Law.
- Law—Common. *See* Common Law.
- Law of Denmark. *See* Denmark.
- Law—Ecclesiastical. *See* Ecclesiastical Law.
- Law—English. *See* English Law.
- Law of Equity—*See* Equity.
- Law of France. *See* France.
- Law of Rome. *See* Roman Law.
- Law of Scotland. *See* Scotland.
- Law—Financial. *See* Financial Law.
- Law—Judge-made. *See* Judge-made Law.
- Law—Martial, with reference to the best method of dispersing mobs, i. 370-371.
- Law—Procedure. *See* Procedure Law.
- Law of nature—Use made of the term, vii. 83 n, 96.
- Law—Jurisprudential and statute, contrasted, vii. 309-310.
- Law—Unwritten—a fictitious entity, vi. 529 n.
- Law—Penal—Evils of, illustrated in the exclusion of criminating evidence, vii. 348-349.
- — *See* Penal Law.
- Law—Wager of, vii. 70, 549-551.
- Law Books—Character of those on evidence, vi. 204.
- Law—Fictions of. *See* Fictions.
- Laws—*Ex post facto* and unpromulgated—Injustice of, i. 84.
- Promulgation of, and of the reasons—Essay on, i. 157-163.
- Impossibility of the composition and the sanction of, being from the same hands, i. 160.
- Transplanting, i. 172-188. *See* Transplanting.
- whether those of the present time would have been the best for times past, or would be the best in future? i. 188-194.
- Mischievous uses made of the argument that they are good enough for the people or the times, i. 191.
- Bad—Mischievous practice of disputing the validity of, i. 231 n<sup>o</sup>.
- Blackstone on the reasons for, i. 234.
- Right and duty of the supreme power to make, i. 283-295. *See* Supreme Power.
- should be consistent in themselves, i. 323-324.
- The power of over expectation, i. 324-326.
- should follow the principle of utility, i. 324
- Advantage of making known, i. 323.
- Advantages of method in, i. 324.
- Advantage of certainty in execution of, i. 324-325.
- Advantage of intelligibility in, i. 325-326.

- Laws divided into substantive and adjective, ii. 5-6.
- Imbecility of, advantageous when they are guided by sinister interest, ii. 138-139.
  - Self-acting, considered in connexion with the union of self-interest and duty, ii. 199-200 ; iv. 12.
  - Impossibility of teaching, in their present state, ii. 258.
  - Proposal and initiative of, in Legislative Assemblies, ii. 350-352.
  - The drawing up of, ii. 354-358. How far regulation can go, 354-355. Brevity in the articles and paragraphs, 355. Simplicity of propositions, 355-356. Illustrations of complex propositions, ib. Pure declaration of will, 356-357. Bills should contain the whole terms of the law to be passed, 357-358.
  - Conflicting interests of lawyers and the public in the state of the, ii. 395-396.
  - Irrevocable—The fallacy of, ii. 401-408. See Irrevocable Laws.
  - made for perpetuity, but should continue only on the ground of their rationality, ii. 407.
  - Duration of. Variety of opinions and practice entertained as to, ii. 410 n.
  - Obedience to, not dependent on the character of the administrators, ii. 423-424.
  - Declarations, that those of a certain description cannot be passed by the legislature—Fallacy and mischief of, ii. 493-495.
  - Method of inculcating observance of, in the French Declarations of Rights, criticised, ii. 527-528.
  - Principles of obedience and opposition to, ii. 528.
  - Eluding. Clause regarding, in the second French Declaration, criticised, ii. 528-529.
  - Personal extent of the dominion of the, for the purposes of International Law, ii. 540-544. Definition of Dominion or Jurisdiction, 540. Subjects divided into ordinary and occasional, and corresponding division of sovereignty, 541-542. Criterion of standing sovereignty—Territorial right, ib. Criterion of subjection—birth within the jurisdiction, ib. Limitations of this principle—alien parentage, &c., 542-543. Circumstances influencing extent of jurisdiction in special cases, 543-544.
  - Bad. Definition of, iii. 180.
  - Fallacy as to the effects of, on liberty, iii. 185.
  - The utility of making them easy of reference and comprehension, iii. 193.
  - A complete written digest of the, urged, iii. 205-206.
  - written and unwritten compared—evils of the latter, iii. 206.

- Laws—Purity in the composition of, urged, iii. 206-207.
- Style of the, considered, iii. 207-209. Object—to have the idea in the mind at the right time, 207. Intelligibility, unequivocality, ib. Brevity, 207-208. Methods of Prolixity, with illustrations in the statutes, &c., 208. Secondary qualities—force, harmony, and nobleness, 208-209. Ordinary language to be as much as possible used, and technical defined, 209. Like words to like ideas, ib.
  - The art of inditing, iii. 231-233. See Nomography.
  - wherein their administration in a private family differs from that in a state, iii. 233-234.
  - Notoriety to, the general end of their formalities, iii. 236-237.
  - Ambiguity and obscurity as defects in, iii. 234-235.
  - Uncognoscibility as a defect in, iii. 243-244. *Ab extrâ* from want of promulgation—*ab intrâ* from defective composition, ib.
  - Overbulkiness as a defect in, iii. 246-247.
  - Unsteadiness in respect of expression as a defect in, iii. 247.
  - Unsteadiness in respect of import as a defect in, iii. 247.
  - Redundancy as a defect in, iii. 247-248.
  - Longwindedness as a defect in, iii. 248-249.
  - Complexity productive of entanglement in, iii. 249-250.
  - Importance of helps to intellection in, by means of abbreviated references, &c., iii. 250-251. Neglect shown in British statutes, ib.
  - Unapt arrangement and disorderly collocation as defects in the composition of, iii. 252-253.
  - Remedies for ambiguity in the composition of, iii. 253-255. Kinds incapable of remedy, 253. Remedies for miscollocation of limitative propositions, 253-255. If one clause only limited, the limitation to be within it—if a greater number, before all, ib.
  - Remedies for relative overbulkiness in the composition of, iii. 255-256.
  - Modes of notification of, to the parties interested, iii. 259.
  - Necessity of keeping in view party favoured and party burdened in, iii. 259. Former, the justification of law—its communication to the latter its sanction for obedience, ib.
  - Method of avoiding redundancy and obtaining steadiness and certainty in the composition of, iii. 260-264. Plea that redundancy necessary to certainty combated, 260. Appellatives to be adopted



- for classes of persons, 261. Appellative words to be printed in peculiar type, defined, and indexed, *ib.* Comprehension of objects under generic names, *ib.* Use of vulgar abbreviated appellatives where objects repeated, 261-262. Finding a term of continuous application for an establishment liable to change, 262. Ampliation and restriction of appellatives, *ib.* Rules as to the directive clause, 262-264. Command includes permission, 262. No permissive matter where an act already lawful, 263. Specimens of redundancy in a statute, *ib.* Causes, 263-264.
- Laws—Making divisions and subdivisions in, *iii.* 265-266.
- Method of constructing designations for divisions and subdivisions in, *iii.* 266-267.
  - should never have *recommendations* in them, *iv.* 144.
  - French system of registering examined, *iv.* 311.
  - Cases in which judges should have a suspensive power in regard to, until the sense of the Legislature is taken, *iv.* 312-315.
  - Alertness of delinquency in taking advantage of defects in the, *iv.* 391.
  - Sleeping. Mischievous effects of, *iv.* 397-398. Slavery, despotism, and anarchy, 397. Put every man at the mercy of his neighbour, *ib.* Generally consist of such laws as the tyrants conceal out of fear, 398.
  - How seldom they have appealed to reason, *iv.* 400.
  - Absurdity of negativing, by discouraging informers, *iv.* 400.
  - Unwritten and uncertain, have the effect of *ex post facto*, *iv.* 459-460.
  - Incomprehensibility of, places juries in the hands of judges, *v.* 74-75.
  - Dictum that no one too low to be without the protection of the, controverted, *v.* 233-234.
  - Dictum that they only impose restraints necessary for the common safety, controverted, *v.* 234-235.
  - Dictum that we are bound to obey none but what have received the virtual consent of the whole realm, controverted, *v.* 235.
  - Division of, into Enactive, Expositive, Instructional, Ratiocinative, and Exemplificational—in relation to the department of Real Property, *v.* 412.
  - of England—Impossible to obey them because impossible to discover, *v.* 546-547.
  - Necessity for their being recorded and published—neglect in this country, *vi.* 77-78.
  - Their origin generally to be traced to periods of barbarism, when they were made to suit particular interests, *vi.* 373.
- Laws—Promulgation of, considered in the Rationale of Evidence, with the evils from the want of it, *vi.* 521-523.
- Instances of, too iniquitous to be taken advantage of, *vi.* 549.
  - Preappointed evidence as applied to, *vi.* 551-553.
  - Bad, should be altered, instead of being interrupted in their operation, *vii.* 442-443, 452-453, 457, 525.
  - Execution of the—vexation from, no good ground for exclusion of evidence, *vii.* 441-444.
  - Printed, should be on a par with written, as evidence, *vii.* 140.
  - Method of promulgation of, adapted to a partially civilized or Mahomedan state, *viii.* 573-577.
  - Impolicy of attempting to adjust production or consumption by, *ix.* 13-14.
  - Extent of the interest which a monarch can have in the just administration of, examined, *ix.* 137-138.
  - Duty of the Legislation Minister in regard to the operation of passing, amending, &c, *ix.* 430-437.
  - Method of giving the sanction of the Legislature to amendments of, proposed by judges, in the Constitutional Code, *ix.* 504-508.
  - Anomalous—Provision for suspension of the operation of, by judges, in the Constitutional Code, *ix.* 508-511. See Judiciary Collectively.
  - Circumstances in which individual discretion must supply the place of, *i.* 336-337.
  - Causes of prolixity in the composition of, *x.* 74.
  - Illustration of the manner in which the principles of, are popularly criticised, *x.* 75-76.
  - Promulgation of reasons for, and facts on which they are founded, *i.* 575-576.
  - of the University of Oxford—their moral influence, *ii.* 260-262.
  - See Statutes.
- Laws—Body or Code of—General view of a complete, *iii.* 155-210;—
- — — General division of a, *iii.* 157.
  - — — Customary divisions of a, *iii.* 157-158. Internal law and law of nations, 157. Penal and civil, *ib.* Penal, civil, and political, *ib.* Civil and ecclesiastical, *ib.* Civil and military, *ib.* Written and unwritten or customary, *ib.* Natural, economical, and political, *ib.* Difficulty of classifying maritime, police, political economy, procedure, and criminal law, 157-158.
  - — — New divisions of a, *iii.* 158. Substantive and adjective, *ib.* Coercive or punishing, and attractive or remuneratory, *ib.* Direct and indirect, *ib.* General and

- particular, *ib.* Permanent and transitory, *ib.* Laws and formularies, *ib.*
- Laws**—A Body or Code of—Relation to each other of offences, rights, obligations, and services, with relation to, *iii.* 158-160.
- — — Reasons for dividing into Enactive, Expositive, Ratiocinative, and Instructional, *v.* 275.
  - — — Requisites of, according to the Codification Proposal addressed to all nations professing liberal opinions, *iv.* 537-564.
  - — — Necessity of all-comprehensiveness to, *iv.* 537-538. Hated by party-leaders as to the constitutional branch—by lawyers as to the whole, 537. Vaguely looked on by their dupes as impossible, 537-538.
  - — — Necessity of its being accompanied by a Rationale, or indication of the reasons for each law, *iv.* 538-539. The several purposes served by the Rationale, *ib.* See Rationale.
  - — — Essential that the Rationale of, should indicate the conduciveness of the several laws to the universal happiness, *iv.* 539-543. Elements of happiness—pleasures, and exemption from pains, 540-541. Application of arithmetic to their estimate, 542. Vague generalities employed instead of greatest happiness, 542-543.
  - — — Essential that the various portions of the Rationale should be in juxtaposition with the articles of law to which they apply, *iv.* 543-545. Vagueness of the preliminary separate discourses attached to codes, *ib.*
  - — — Essential that competitors for drawing, should be as numerous as may be without expense, and plan for obtaining them, *iv.* 545-551. Invitation to all competitors to send outlines and samples, with inducement to them that, in proportion to the merits of their work, they will be held qualified for office, 546. A sample chosen as the best model, its author and others invited to send draughts, 547. Reasons—extent of chances of excellence, materials for amendment of draught adopted—School of Legislation, 547-548. Objections answered, 548. Reasons for not giving the members of the Legislature exclusively the duty—no time, and public competition will act as a bridle on them, 548-551.
  - — — Advantageous that no reward should be offered for the drawing of, *iv.* 551-554. Evils—Expense; number of apt competitors lessened, as reward creates patronage and interest; precipitate execution for a chance of the reward; public deprived of partial effects; school of legislation narrowed, *ib.*
- Laws**—A Body or Code of—Advantageous that it should be the work of one hand, *iv.* 554-559. The greater the number, the less the responsibility, the more the sinister interests to be served, and the more the defenders of deficiencies, 554-556. Consistency of parts with each other, particularly the Adjective and Subjective branches, 558-559.
- — — Advantageous that it should be known to be the production of only one hand, and that the author's name should be known, *iv.* 559-560.
  - — — Preferable that the draught of, should be by a foreigner than by a native, *iv.* 560-563. Absence of local prejudices and sinister interests, 560-561. Estimate of how far absence of local knowledge may be an obstacle, and superior general knowledge a facilitation, 561-562. Check on inapplicable draughts, in the power of the Legislature at home to reject them, 562-563.
  - — — The willingness to interweave a Rationale with, is the test of the draughtsman's aptitude, *iv.* 563-564.
  - — — The willingness to see established, with Rationale, &c., a test of a legislator's aptitude, *iv.* 564.
  - — — Properties desirable in, *iv.* 480. Notoriety, conciseness, clearness of language, compactness, completeness, usefulness, justifiedness, *ib.*
  - — — Notoriety as applied to, *iv.* 481-483. Separation of General Code from parts concerning peculiar individuals, 481. Separation of laws of occasional from those of constant concernment, *ib.*; and of laws of major from those of minor concernment, *ib.* Text and expository matter, 481-482. Nearest approach to making every man his own lawyer, 482-483.
  - — — Completeness as applied to, *iv.* 483-490. Common law a gap in the body, 483-484. Created by the judges, with assistance of reporters and publishers, 484-486. Illustrations of the elements of dubiety to be found in it, 486 *n.* Not amendable—attempts by forced constructions and taking distinctions, 487-488. Multiplicity of exceptions, *ib.* Inaccessibility arising from dubiety and consequent multitude of commentaries, 488. Gives judges the means of interpreting the law as they like, and corruptly applying it, 488-489. The Decisions, with their reasons, serviceable in some respects—guide to the Legislature in making real law, 490.
  - — — Justifiedness as applied to, *iv.* 491-494. Not sufficient that the laws be reasonable—must be shown to be so, 491-492. For the citizen at large, reasons fix details in the memory, and point to their true sense, 492. To the legislator, would

- serve as guidance, restraint, and support, *ib.* The same to the judge, *ib.* Source of general security and tranquillity, 492-493. A school-book of morals, 493. Use to all public functionaries, *ib.* Use to electors in guiding their choice, *ib.* Ultimate reasons applied to the whole body of law constitute principles, 494.
- Laws**—A Body or Code of—Correspondence as to offer to draw up, for Russia, *iv.* 514-528.
- — — Two ways of preparing, distinguished—The close, where a party specially employed—The open, where competition encouraged, *iv.* 518-520.
  - — — In the adoption of, open competition between draughts urged, *iv.* 520-521.
  - — — The advantage of hearing public criticism on, before adoption, *iv.* 525.
  - — — List of Positions in reference to the greatest-happiness principle, on which it should be founded, *viii.* 491.
  - — — Argument for free inquiry into any proposed, and for receiving the assistance of foreigners to, *viii.* 493-505.
  - — — Illustrations with reference to the proposed Spanish Code, of the propriety of having a general code applicable to all citizens, and having the laws which apply to individuals in peculiar positions (such as functionaries, &c.) separated into distinct codes, *viii.* 529-532.
  - — — The requisites of, explained in remarks on the proposed code for Spain, *viii.* 516-535. *See* Spain.
  - — — Project of a, contemplated by the author, *i.* 111.
  - — — Proposal to draw up, for the use of the United States, *iv.* 453-467.
- Law-agent**—Vexation and inconvenience to, in the production of evidence, considered, *vi.* 93, 94, 95.
- Law Officers**—may profess ignorance of matters of fact, but never use untechnical expressions, *v.* 159.
- — of the Crown—Double fees to, is charging the public with double the factitiously-increased professional remuneration, *v.* 160.
- Law Taxes**—Evils of, *i.* 319.
- — Protest against, *ii.* 573-583. Falls on people at the moment of distress, 573. A burden that no provision can be made against, 574. To those who cannot pay it is a denial of justice, *ib.* Equivalent to outlawry, *ib.* Situation of those who can pay them at commencement of suit, but are beggared by it, 575. Answer to the argument that they are borne by those benefited, 576. Answer to the argument that they discourage litigation, 576-577. Tend chiefly to the discouragement of the honest, 577. Trivial suits—
- none can be said to be so to those who are willing to undergo the evils of pursuing them, 577-578. The poor who most likely to be oppressed, most subject to be checked, 578-579. Tax on pardons—repeal, 579 and *n.* Check to vexatious litigation in the method of awarding costs, 579. Breach of Magna Charta, 580. How submitted to, 580-581. Confounded with other less objectionable taxes, *ib.* Come by stealth on isolated parties, while other taxes press constantly on masses, 581. The wealthy have an interest in supporting, *ib.* Taking off the taxes, if it did not render justice accessible to all, would at least reduce its price, 581-582. Repeal, 582 *n.* Notes as to increase, &c., of these taxes, 582-583. Limitation to conveyancing would be a relief, 583.
- Law Taxes**—objectionable, on the ground that the public being benefited should pay, *ii.* 243.
- — a license for injustice, to those who can pay, against those who cannot, *iii.* 239-280.
  - — considered, in remarks on the Bankruptcy Court Bill, *v.* 583-596.
- Law Reform**—Prejudices that impede, *i.* 230, 255.
- — Lord Auckland's attempts at, *i.* 241-242.
  - — Fallacy of self-constituted authority—how opposed to, *ii.* 411-412.
  - — Delays of, accomplished by calls for consideration and reflection, *ii.* 434-435.
  - — Persons interested in, *iii.* 299.
  - — Slowness of the pace of, *iii.* 325.
  - — Principles of compensation to those affected by, *iii.* 325-326.
  - — Inimicalness of judges, though with seats in the Legislature, to, *iv.* 314.
  - — Difficulty of getting either legislators or constituents to see the importance of, *iv.* 498.
  - — Cromwell's attempt to accomplish, and the opposition he met with, *iv.* 501-502.
  - — Obstacles to, in the laudation of defects, and the use of vituperative and contemptuous language to reformers, *v.* 95-96.
  - — Lawyers unwilling—others unable for, *v.* 183.
  - — Petitions for, under the name of Justice and Codification Petitions, *v.* 438-548.
  - — Consideration of the interests that would be affected by, *v.* 505-506. As to Barristers, the number would cease to increase as the operation went on, 505. Attorneys would chiefly suffer, *ib.* Officials would be indemnified, 505-506.
  - — The sources of opposition to, *v.* 541-543. Interests of legislators as members of the public in favour of reform, but preponderant class-interests in favour of abuse, 541. The still stronger interest of

- the lawyers, who, instead of being the furtherers, are thus prompted to give the strongest opposition to reform, 542-543.
- Law Reform**—Paucity of the statutes enforcing, ii. 434-435; vii. 319.
- Statutes as to, an indication of the preëxisting evils of the jurisprudential system, vii. 319-320 n.
  - Suggestions of, to remedy the evils of the Technical system as exposed by the Author, vii. 320-329.
  - Technical language an impediment to, vii. 281.
  - Recapitulation of the impediments to, vii. 211-214.
  - Suggestion of heads under which imperfections requiring, may be ranked, in amendments, ix. 158-159.
  - Method for the accomplishment of, by judges, with the tacit sanction of the Legislature, in the Constitutional Code, ix. 504-508.
  - in Scotland—Resistance to, by Commissioners of Inquiry, v. 154.
  - in Scotland—Correspondence with Sir Samuel Romilly, &c., about, x. 421-425.
  - Correspondence with Brougham on a Commission of Inquiry as to, x. 574-576.
  - Brougham's projects of—Opinion on, x. 588-589.
  - Correspondence with O'Connell on, x. 594-597.
  - Letter to the Duke of Wellington on, xi. 9-12.
  - Suggestion of Itinerant Lecturers on, xi. 20-21.
  - Attempt to organize an Association for, xi. 30.
- Law**—Bishop, noticed, x. 290.
- Law**—Edward, Lord Ellenborough. *See* Ellenborough.
- Law**—Thomas—Correspondence of, with Bentham, x. 287-288, 288-289, 290-291.
- Lawrence**—Dr—Notice of, x. 285.
- Lawrence**—W. E.—Chargé d'affaires of the United States—Letter to, x. 541.
- — — noticed, x. 513; xi. 36.
- Lawrie's Form of Process** quoted, vii. 222-223, 307.
- Lawsuits.** *See* Suits.
- Lawyer and Non-lawyer**—Dialogues between, in the Rationale of Evidence—viz., on Masters in Chancery, vii. 218. On the mendacity-license, 266-267. On the Author's system of pleading, 271. On the English system, 279. On equity practice, 302 n. On the contempt shown by judges to the legislature, 312-315. On bringing officials into contempt, 334. On exclusion of self-criminative interrogation, 455-469. On motion for criminal information, 470. On the extraction of a defendant's evidence by bill in equity, 472. On the exclusion of husband and wife from giving testimony regarding each other, 482 n. On safeguards as substitutes for the exclusionary system, vii. 593-594.
- Lawyer**—French and English, and Non-lawyer—Dispute among, on law and equity, vii. 304-305.
- LAWYERS** sit contentedly under the abuses of their own system, but not under those of other systems, i. 184.
- Author's early feelings regarding, i. 268-269 n.
  - Business of, would be increased by an equal division of property, i. 360.
  - Sinister interest of, in the state of English procedure, ii. 13.
  - The system of consulting the interests of, about law reforms, characterized, ii. 13.
  - Employment of, and principles applicable to their exclusive privileges, ii. 50-51.
  - Compulsory recourse to, in England, ii. 73.
  - Expense and inconvenience occasioned by parties appearing through, ii. 113-114.
  - Necessity for employment of, a means of oppression by the rich, ii. 171.
  - Their sinister interest an illustration of operation of fallacies of authority, ii. 395-396.
  - Interest of, to oppose innovation, ii. 420.
  - Their employment of fallacies in procuring delay of reforms, ii. 434-435.
  - Interest of, in the incognoscibility of the law, ii. 457.
  - have an interest in the overbulkiness of the law, iii. 246.
  - Whether the principle of compensation can extend to, in case of law reforms, iii. 325-326, 373 n.
  - Interest of, in protracting suits, iii. 408.
  - Propensity of, to follow old beaten tracks, illustrated in the French National Assembly, iv. 311.
  - Monopoly of business to, and division into classes, attacked, iv. 318-319.
  - Trade of, created by the complexity occasioned by having different tribunals for different classes of cases, iv. 332.
  - rate the importance of causes by the amount of fees derivable, iv. 333.
  - Reasons why judges should not be chosen from among, iv. 371.
  - Apprenticeship unnecessary to the qualifications of, iv. 371.
  - Interests of, adverse to those of the public, iv. 495-498.
  - Their obstruction to Cromwell's Plan of Law Reform, iv. 501-502.
  - Injustice the great source of the profits of—the sinister interests it gives them, v. 6.

Lawyers—Their mistakes visited on their clients, v. 10.

- Their approval of proposed law reforms a ground of suspicion, v. 15.
- Their protection of bad systems by lavishing praise on them, v. 95.
- Illustration of their adjusting the phraseology of drafts of acts to suit their views, v. 136-138.
- Their propensity to found on and support abuses sanctioned by precedent, v. 142-143.
- Interest of, to keep up the confusion of the statute law in drawing new acts, v. 150 n.
- being the most able to reform the law and most unwilling—difficulty of getting it accomplished, v. 183.
- The interest of, in the arrangements of courts of justice, distinct from that of the suitors, v. 560.
- make no distinction between written evidence provided for a particular suit, and that provided without a view to it, vi. 70-71. (*See* Preappointed.)
- might be employed as temporary recorders, vi. 81.
- should be solely responsible for technical errors, vi. 84.
- Clients' communication to, should be evidence, vi. 99-100; vii. 473-479.
- Their interest in regard to exclusion of evidence, vi. 103-105.
- Their interest that a man should litigate, however bad his cause, vi. 139.
- Form in which they discuss the subject of evidence, vi. 143. Their division of it into written and unwritten, *ib.*
- acknowledge no interest but what is pecuniary, vi. 258; vii. 399, 415, 439.
- Mendacity-license of, vi. 298-300; vii. 262-270.
- the only persons in whom ignorance of law not punished, vi. 301.
- Least exposed of all men to the operation of humanity, vi. 311.
- Reasons why litigant should be allowed assistance of, vi. 337-338.
- Impossibility of getting them to be law reformers, vi. 545.
- The making deponents speak in the third person instead of the first, a device of, vi. 439.
- Respondent not allowed to answer bill in equity except through, vi. 440.
- The distinctions they have made in regard to evidence—A list of the presumed sources of, vi. 470-471.
- will admit compromise when fees exhausted, vi. 480.
- knowing the best method of extracting evidence, employ the worst, vi. 505.
- guilty of breach of faith in the law of nullity—an unknown exception to the

general rule, that the law will enforce the intention of parties to a contract, vi. 519-521.

Lawyers—Their holding a different code of morality from that of the public, vii. 188.

- Alliance between their sinister interest and that of judges, vii. 201-204. *See* Interest—Sinister.
- Their interest in the efficiency of criminal justice, vii. 207-209.
- become the dupes of their own system, vii. 210.
- The absurdity of confiding in their opinion of their own system, vii. 213-214.
- Scottish, do not conceal the vices of their system, vii. 224.
- Use of the principle of nullification to, vii. 258.
- The dividing of their consciences in the splitting of jurisdictions, vii. 303.
- General remarks on the manner in which they are subject to the influence of sinister interest, vii. 329-334.
- Opinion of, that cheap justice bad, and dear good, vii. 323.
- Knowledge of, confined to the corrupt part of human nature, vii. 393.
- view all interests as sinister, vii. 393.
- have neglected the efficacy of motives on human conduct, vii. 395.
- Pecuniary interest the only one they admit, vii. 399, 415, 439.
- Testimony of, should be excluded were mendacity a good ground of exclusion, vii. 415-420.
- Their methods of restoring the competency of witnesses, vii. 433-440. *See* Restoratives.
- Their interest in the escape of criminals, vii. 451.
- accessories to the crimes they defend, vii. 475.
- Their interest in the abundance of lawsuits, and consequently of vice, vi. 266.
- Their interest in the exclusion of parties from the presence of the judge, vii. 232-233.
- Their interest in the distance of tribunals, vii. 235-236.
- Their interest in the bandying of causes from court to court, vii. 239.
- Their interest in the blind fixation of times for judicial procedure, vii. 240.
- Their interest in sittings at long intervals, vii. 244-245.
- Their interest in motion business, vii. 246.
- Their interest in mechanical judicature, vii. 248-249.
- Their interest in keeping litigants from coming in contact with each other, vii. 253.
- Their interest in the system of English pleadings generally, vii. 274-275.

**Lawyers**—Their interest in technical jargon, vii. 280-283.

— Their interest in fictions of law, vii. 286-287.

— Their interest in the diversifications as to execution, vii. 306.

— Their interest in needless and useless offices, vii. 307.

— Their interest in sham pecuniary checks to delay, vexation, and expense, vii. 307.

— Their interest in the double-fountain principle, vii. 309.

— described as one of the instruments of monarchy, ix. 135-136.

— considered as Judiciary assistants—what classes of, may be necessary—what are redundant, ix. 461-464.

— not eligible to the Bench by the Constitutional Code, ix. 528, 592-595.

— Charity of, in being always anxious to find good reasons for laws, x. 73-74.

— incidentally animadverted on, i. 163, 187, 238, 243-245, 466; ii. 11-12, 60, 73, 75-76, 102, 111-112, 122, 151, 152, 209, 373, 390, 391, 393, 394, 410, 430, 431, 448, 456, 465, 559; iii. 191, 241, 264, 301, 311, 319, 327, 332, 335, 370, 371, 373, 386, 391, 406, 407, 502; iv. 375-387, 459, 483, 537; v. 5, 74, 83, 84, 86, 93, 95, 98, 181, 182, 233-237, 275, 292, 391, 392, 400, 408, 409, 427, 476; vi. 23, 24, 84, 100, 144, 145, 149, 161, 180, 206, 223, 230, 273, 364, 403, 435, 438, 443, 464, 470, 475, 483, 492, 505, 506, 519, 529 n, 543, 544, 548 n, 551, 582; vii. 25, 61 n, 77 n, 189, 190, 191, 194, 195, 253, 267, 268, 269 n, 318, 319, 339, 340 n, 352, 364, 387, 408 n, 436, 440, 443, 498, 503 n, 504, 523, 538, 557 n, 598; viii. 468, 469, 470, 479, 501, 535, 539, 542; ix. 1, 194, 454, 472, 606; x. 74, 237, 374, 388, 568; xi. 10, 55, 56.

**Lawyers**—Professional. Provisions regarding, in Constitutional Code, ix. 589-597;—

— Who constitute, ix. 589. Person who assists another in litiscontestation, or frames written evidentiary instruments, ib. Parties should have one nomenclature—Demandant and Defendant, ib. Litiscontestation preferable to the term litigation, ib. The several classes—Attorneys, Advocates, Counsellors or Advisers, and Notaries, ib.

— Litiscontestational class of—one only, ix. 590-591. May act in partnership, but no separate charge, one for one sort of work, and another for another, 590. Evils of division—Removal of responsibility, encouragement to mendacity, increase of expense, inimicalness to improvement—all with increase of remuneration, ib. Manner in which, from the different media through which the pleadings pass to courts, the mendacity-license sanctioned,

ib. Impediments to mendacity in the simplicity of the code, 590-591.

**Lawyers**—Professional. Fields of service of, ix. 591. No allocation to particular courts, ib.

— Who locable as, ix. 591-592. Service as probationary, a preliminary to being put on the locable list, 591. Part spent in inspector's gallery—rest may be as gratuitous eleemosynary lawyer, 592. Ages—not locable to serve till 23 years old, ib.

— Capacity as to appointment to offices, ix. 592-595. While merely in training as Inspector, not disqualified for office, 592. But after he has commenced, disqualified as Judge or Registrar, ib. Not disqualified to be Government or Eleemosynary Advocate, ib. Reasons—the practice of taking a side, and of furthering injustice, 592-593. Is accustomed to be the higher reputed and employed the more he perverts, 593. Efforts to protect malefactors, ib. Impossible to bring the practitioner's feeling of interest to correspond with the universal interest, 594. Interest to create disputes, which judge's duty to allay, ib. Illustrations—Procurer and bravo, 594-595. Effects on the Bench in England, 595.

— Remuneration of, ix. 595-596. The less so spent the better, 595. Fixing the amount insufficient to keep it down, 595-596. Provisions in the code which will have a tendency to the reduction—Personal appearance of parties, printed forms of papers, exclusion of grades among lawyers, ib.

— Securities for appropriate aptitude on the part of, ix. 596-597. Responsible by punishment and compensation for statements mendaciously and temerarily false, 596. Subjection to power of Judge, by whom may be deprived, ib. Obligations to good conduct towards the adversary, as well as to client, 596-597. Prevention of accumulation of expenses for the purpose of recovering them from opponent, 597.

Laxity as a defect in language, viii. 308.

**Lazarettos**—Applicability of the Panopticon system to, iv. 37-248.

— Special application of the Panopticon plan to, iv. 119 n.

**Laziness**—Remedy against, in workhouses, by the earn-first principle, viii. 383.

**Leach**—Sir John, noticed, v. 562.

**Lead**—Summary convictions for the theft of, vii. 504-505.

**Leader of mankind**—Energy both of head and heart that must be in a, i. 191.

**Leading Principles of the Constitutional Code**, ii. 269-274.

**Leading a witness**, vi. 393. See Suggestive Interrogation.

- Learner—The faculties necessary for the, distinguished from those necessary for the inventor and the teacher, viii 75-76.
- Learning or Intellectual Instruction—Advantages derivable from, in whatever shape obtained, viii. 8-10. Securing general respect, 8. Security against ennui, 8-9. Security against sensuality, 9-10. Security against idleness and mischievousness, 10. Admission into good company, ib.
- — — Particular advantages of the system of, proposed in Chrestomathia, viii. 11-16. Number and extent of branches of useful skill and knowledge, 11. Increased chance of lighting on the most appropriate pursuits, ib. General strength of mind derivable from these resources, ib. Application of this mental strength to the pupil's professional pursuits, 11-i2. Habits of order, 12. Possession of sources of comfort and security, ib. Means of protecting health, ib. Security against the terrors, impositions, and self-delusions, to which ignorance is subject, 12-13. Securing the choice of good companions, ib. Relieving parents from the burden of personal superintendance, 13-14. Cheapness, 14. Preference to the more useful branches of instruction, 14-15. Corporal punishment superseded, 15-16. Superior position of the pupils in the general rank of education, 16. Enlargement to each pupil's field of occupation, ib.
- System of, proposed in Chrestomathia—Objections to, answered, viii. 16-21. That it is impracticable, 16-17. That it disregards classical learning, and other accomplishments, 17-18. That the conceptions entertained will be superficial and confused, 18-19. That conceit likely to be engendered, 19-21.
- Learning—Classical—Value of and extent of attention that should be paid to, ii. 258-260.
- Legal—Interests which tend to increase the necessity for, vi. 207.
- Useful—The universities obstacles to, ii. 468.
- Leases—Use of registration with regard to, vi. 575-576.
- of crown lands—Application of public competition to, v. 325-328.
- Le Blanc—Mr Justice—Case of the *Independent Whig* for a libel against, cited, v. 112.
- Le Brun—Case of, vi. 214; vii. 18.
- Le Clerc noticed, vi. 213; vii. 7.
- Lecturers—Itinerant, on Law Reform—Suggestion of, xi. 20-21.
- Le Dispenser—Lord—Notice of, x. 53.
- Le Dieu—Operations of, as an agent of Louis Philippe, xi. 41-42.
- Lee—Arthur, noticed, x. 94.
- Lee—The orientalist, noticed, x. 150, 154.
- Leeds—Duke of, noticed, x. 214, 246; xi. 100.
- Leeds—Duke and Duchess of—Bentham's interviews with, when a school-boy, x. 31.
- Left-hand Marriages—Practice of, in Germany, i. 545.
- Legacy Duties—Incidence of, ii. 592.
- Legal Language—Technical. Wherein it differs from other technical, iii. 269-270.
- — Importance to society of improvement in, iii. 270-272.
- — Prejudices adverse to improvement in, obviated, iii. 272-274. Created in a barbarous age—wisdom of our ancestors, 273-274. Purity of language, ib. Love of ease; prejudice against inventor; sinister interest, 274.
- Legal maxims—Instances of, dictated by caprice instead of utility, i. 6-7 n \*.
- Legal obligation—Nature of, viii. 206.
- Legal redress—Benefits of, as a succedaneum to revenge, i. 542.
- Legal or Political sanction—Source and direction of the, i. 14; ii. 290-291
- — — Its effect on testimony, vi. 260-261, 268-270. See Sanction.
- Legal statistics. Extent to which they may be obtained, and uses they may be put to, vi. 561-564.
- Legatees — Expedients for making them good witnesses for the will, vi. 158.
- Effects of their exclusion as witnesses, vi. 548-549.
- Legerdemain defined, vii. 105-106.
- Leghorn—visited by Bentham on his way to Russia, x. 150.
- LEGISLATION—Introduction to the Principles of Morals and, i. 1 *et seq.*
- The art of, as distinguished from private Ethics, i. 142-148.
- Declaratory restrictions on, attacked, i. 154
- Anticipative, unadverted on, i. 154.
- Influence of time and place in matters of, i. 171-194.
- Penal. Divided into direct and indirect, i. 533.
- Difficulty of the science, and paucity of persons capable of exercising it, ii. 249.
- Influence of fallacies of authority on questions of, illustrated in Lawyers and Churchmen, ii. 395-398.
- Suppression of ingenuity in, by fallacies as to precedent, ii. 410.
- Divisions of, with respect to forms of enactment, iii. 277-283. Principal and modificative, 277-278. Principal and effectivative, 278. Direct and indirect, ib. Indirect mandate with remuneratory inducement, 278-279. Prohibition with indirect punitive inducement to compliance, 279-283.
- Judicial—Plan for accomplishing, by regulations of Judges subject to disallowance of crown or either House, iii. 367-371.

Legislation incapable of providing minute rules for enforcing economy, iv. 132.

— Creating a school of, by inviting free criticism on legislative alterations, iv. 521-523.

— Creating a school of, by receiving drafts of codes by open competition, iv. 547-548

— Authority of, usurped by King's Bench, vi. 414.

— often looked upon as a right, not a duty, vi. 207.

— Proper ends of, vi. 6.

— Positive—Cases in which exclusion of evidence justifiable, not a subject for, vii. 344-345.

— Rhetoric too often substituted for Logic in, viii. 508-509.

Legislation Minister—Functions of, by the Constitutional Code, ix. 428-437. List of functions, 428-429. Care of archives and edifices, 429. Persons to whose accommodation he has to attend—members, ministers, clerks, reporters, visitors, &c. ib. To report as to expiring laws, ib. Printing and distribution of laws, ib. Intimation to sub-legislatures, ib. To attend to the tactics of the assembly, ib. To attend to alterations, whether by simple abrogation, simple addition, substitution, or modification, 429-430. Revisions of the general code, and of the special codes applicable to people in peculiar positions—latter the more frequent, 430. To take cognizance of amendments, for the purpose of rendering them uniform with the whole body of the law, 430-431. Provision as to cases declared urgent in which he cannot be consulted beforehand without preponderant mischief, 431. Nature of the minister's report as to symmetricalness, 431-432. What constitutes symmetrical form, 432. Course to be taken towards procuring alteration where not symmetrical, ib. Reasons why amendments should not be received unless they be symmetrical, 432-433. Admits assistance of ministers and of the public in legislation, and teaches habits of precision in thought and expression, 433. Reasons why these regulations do not interfere with the liberty of proposing any law, ib. Reasons for exception in the case of urgency, 433-434. Answer to the objections that the plan would cause delay, that one man's time insufficient, and that it creates monopoly, 434. A previous security in the circumstance, that whatever law may be proposed is prepared by an official, or by the Continuation committee, 434-435. The Legislation minister's office a school for teaching his art, 435. Method of receiving and dealing with amendments proposed by Judges, 435-436. Daily list of amendments in the Government newspaper, 436.

Publication of Periodical-amendment Calendar—heads of its contents, ib. Grounds for believing that these arrangements will suffice to keep the body of laws free of irregularities, &c., 436-437. Legislature to be kept clear of the judicial matter brought before it in England in the way of private bills, 437. The proposed system has in it all the good held out as an excuse for giving the monarch the initiative, without the evil, ib.

Legislational Judicatories—held excepted from the rules applicable to the others, by the Constitutional Code, ix. 456-459.

Legislative Assemblies—Essay on the Tactics of, ii. 301-373.

— — Conditions requisite to giving the people confidence in, ii. 301.

— — Unanimity, majority, and quorum in, considered, ii. 306-307.

— — Permanence in, ii. 306-307.

— — Absence of members of, ii. 307.

— — Policy of dividing into two, ii. 307-310. Gives minority effect of majority, 307. Rivalry and corruption, ib. Distinct grounds in the different Houses, 307-308. Delays, 308. The ritual kept by one—simple negative by the other, ib. The advantages of a division enumerated by Dumont, 308-310.

— — Publicity with regard to, ii. 310-317.

— — Publicity with regard to—Reasons for, ii. 310-312. To keep members to their duty, 310. Securing the confidence and assent of the people by open candour, 310-311. To let the wishes of the constituency be known, 311-312. Enabling electors to act from knowledge, 312. Deriving information from the public, ib. A rational amusement to the public, ib.

— — (Publicity,) Objections to, stated and answered, ii. 312-314. Incompetency of the public to judge, 312-313. Exposing legislators to popular hatred, 313. Legislators acting for popular applause, ib. Displeasure of the sovereign, 314.

— — (Publicity,) Objects to which it ought to extend, ii. 314-316.

— — (Publicity,) Exceptions to the rule of, ii. 315.

— — (Publicity,) Means of, ii. 315

— — (Publicity,) State of, in England, ii. 315-317.

— — Place of meeting for, and arrangements connected with it, ii. 317-320.

— — Matters immediately concerning the members of, ii. 320-327. *See* Members.

— — Arrangement of hours of business for, ii. 322-323.

— — Attendance of members of, ii. 323-325.

— — Requisition of a quorum in, ii. 326.

— — Admission of visitors to, how to be regulated, ii. 326-327.



Legislative Assemblies — Presidents and vice-presidents of, n. 327-330. Rules for their office, 327-328. Should be one principal, who should be permanent, *ib.* Rules as to his functions and competency and incompetency, 328-329. Should be judge and agent, 328. Should be subject to control, *ib.* Should not be a member, 328-329. Choice, 329. Object of all regulations the obtaining of the genuine will of the assembly, 329-330.

- — Mode of proceeding in, in the formation of decisions, n. 330-350.
- — Points to be attended to in the formation of acts of, and correspondent rules, n. 335.
- — Unity of the subject of debate in, to be kept inviolate, n. 341-342.
- — Process of debating in, to be kept distinct from and prior to that of voting, n. 342-346.
- — Impropriety of a fixed order of preaudience in debating in, n. 346-349.
- — Reason for taking votes simultaneously in, n. 349-350.
- — Different acts entering into the formation of a decree in, n. 352.
- — Motions, bills, and amendments in, n. 352-354.
- — The drawing up of laws in, n. 354-358.
- — Rules for debates in, n. 358-364.
- — Should not act on hearsay evidence of circumstances, n. 364.
- — Amendments in, n. 365-366.
- — Motions of adjournment in, n. 366-368.
- — Voting in, n. 367-372.
- — Special committees in, n. 372-373.
- — Committees of the whole House in, n. 373.
- — Formulas for, n. 373.
- — Means of preserving, from disturbance of members, n. 591-592, 596-597.
- — Should be courts of judicature to the end of keeping order, *iv.* 355.
- — Evils of cessations in the sittings of, n. 283-284.
- — Recordation with reference to the debates in, *vi.* 78-79.

Legislative Power — Application usually made of the term, criticised, n. 198.

Legislator — Definition of a, n. 223.

- How far he can lead public opinion, *i.* 464.
- Qualities requisite for a, *ii.* 301.
- Must work by the interests, affections, and passions, *n.* 474.
- Folly of the interference of, to limit the projects which individuals think safe, *iii.* 25-26.
- Importance to, of a Rationale to the Code of Laws, *iv.* 492.
- should promulgate reasons for his laws, *vi.* 67.

Legislator — should provide that probative force of evidence may be as great as possible, *vi.* 221-224.

- His inability to draw a line distinguishing true and false witnesses, *vi.* 280.
- All fixed rules regarding evidence should spring from, *vi.* 184.
- Duties of, in regard to evidence, *vi.* 12-14, 210-212. Should give the judge power to give effect to, 210. Should give judge instructions for his guidance, and take securities that evidence be trustworthy, 211. Should provide against evidence being produced at preponderant inconvenience, 212. Should arm judge and parties with power for investigating, *ib.* Should provide records, *ib.*
- Instructions to be delivered from, to the judge, for estimating the probative force of evidence, *vi.* 151-175; *vii.* 563-598. *See* Instructions.
- What he should do in the case of makeshift evidence, *vi.* 59-60.
- Power of, to acquire knowledge as a foundation for his laws, *vi.* 152.
- Uses to, of inquiry into causes of trustworthiness of evidence, &c., *vi.* 247.
- Use of judicial registration to, *vi.* 330-331.
- Use of records to, as furnishing statistic facts, *vi.* 72, 76, 77, 511, 512, 553, 562, 564, 573.

Legislators — Representative — Advantages of impermanence of the situation of, *iii.* 511-516. Short Parliaments supported both by utility and usage, *ib.*

- Proper endowments of, and means tending to their attainment, *iii.* 539-541.
- Constancy of attendance of, urged, *iii.* 495-511.
- Propensity of, to give commands rather than reasons, *vi.* 151.
- The question of their exclusion from reeligibility considered in the Tract on proposed Portuguese Constitution, *viii.* 483-485.
- Inaugural Declaration of, in the Constitutional Code, *ix.* 198-204. *See* Inaugural.
- Reeligibility of — Discussion with Dr Bowring on, *x.* 528-530.

Legislatorial Attorney — Charges of sedition for the election of, criticised, *v.* 241.

Legislature, The — Its superordination to the judicature — Plans by the French National Assembly for enforcing, criticised, *iv.* 310.

Legislature — Qualifications for members of a, considered, *n.* 248-249.

- British — Blackstone on the powers, duties, and utility of the branches of, criticised, *i.* 277-282.
- — Blackstone's opinions on limitations of the powers of, criticised, *i.* 283-292.

Legislature—Fallacy in the opinion that the powers of, are limited, i. 288.

- Fallacy and mischief of attempts to bind, by declarations as to what it can and cannot do, ii. 493-495, 515.
- Acts of the—Essay on the drawing of, iii. 233-283.
- Designs of—how frustrated by operations of judges, iii. 281-283.
- Propriety of reference to, by judges, on laws of which the strict enforcement would produce injustice, iv. 312-315.
- Judges should not have seats in a, iv. 380-381.
- An upper chamber of—Address to the citizens of France against, iv. 419-450 *See Peers.*
- Members of. Reasons why they should not have the sole duty of preparing a new code of laws, and why it ought to be left to general competition, iv. 548-551.
- Contempt shown by English judges to the authority of, vii. 311-315.
- Members of—Difficulty in keeping the elements of corruption from, illustrated in the proposed Spanish Code, viii. 496-497.
- Connexion which the Prime Minister has with, by the Constitutional Code, ix. 206-207.
- Proper limits that should be preserved in the operations of, x. 510.

Legislature—Supreme—Exposition of the principles of, as introductory to the Constitutional Code, ix. 114-127;—

- — Single or divided, ix. 114-117. No second chamber—would only counteract the first, 114. A hereditarily aristocratic, would do so specially, 114-115. Always profitable to a monarch and themselves—detrimental to the body of the people, ib. Though elected, the defects of loss of time, and expense, ib. Illustration of how it might be the means of a minority outvoting a majority, 115. The one house being the active legislator's, the other not to be quite useless would seek employment in counteraction, ib. Complexity, and therein facility for corruption, 115-116. Lines of demarcation as to privileges, intercepting public business, 116. Various reasons why such a chamber inferior in aptitude to a first, 116-117.
- — Reasons why it is not in the supreme constitutive, or the people, ix. 117. Impracticability, ib.
- — Reasons why the election of, should be immediate, and not by the election of electors, ix. 117-118. Want of responsibility—exposure of elected electors to corruption, ib.
- — Duties peculiar and not peculiar to, ix. 118. Should not undertake the matters which are the subject of local and private acts in Britain, ib.

Legislature—Supreme — Dislocadility and punibility of the members of, ix. 118-119. Former insufficient of itself to counteract the temptation to corruption—latter must be added, ib.

- — The omnipotence of the, ix. 119-124. Limitations are founded on the presumption that at the time the constitutive and legislative have more aptitude than they can afterwards have, 119. Absurdity of the supposition, 119-120. No danger of tyrannous use—checks, 120. Uselessness and mischievousness of requiring a lapse of time before an alteration can take place, ib. Mischief of judicial invalidation, 121. Remedy for overstretch of authority in the refusal of obedience, ib. Declarations of limits self-absurd, as liable to be revoked by successors, 121-122. Use of restrictions on bad governments in weakening them—Bill of rights, &c., 122-123. The arguments about the division and balance of power overlook the greatest-happiness principle, which is found in giving power to the majority, 123. Necessity of having the judicial and executive open to remedy from the legislative, but no interference by them with legislative, 124.
- — Reasons for Inaugural declaration by members of, ix. 124-125. Means of letting their aptitude be known, 124. Check on conduct, 124-125. Saves the member from unreasonable solicitation, ib.
- — Reasons for sittings of, being unintermitted, ix. 125-127. Performance of the public business, and avoidance of opportunities for corruption, 125. Objection answered, that men of worth will not submit to the restriction, 125-126. Objection answered, that the strictness without a precedent, 126. The objections brought by those who have a sinister interest in non-attendance, 126-127.

Legislature—Supreme—Provisions for the, in the Constitutional Code, ix. 160-198;—

- — Powers and duties of, ix. 160-161. For the time being, unlimited in power, 160. Authority over the executive, ib. Besides its own duties may, therefore, when it thinks right, assume those of the other functionaries, ib. The legislator to listen to individual constituents, but not to obey them, to the detriment of the general body, ib. Not to violate his duty by adopting the interest of the constituents at large, though it should seem contrary to the national interest: if a majority of constituencies are thus for it, it will become the national, ib. May give his opinion against, and his vote for his constituents, ib. Full powers to amend the code, ib.
- — Responsibility of, ix. 161-162. Judges not to refuse obedience to their acts, but

- if they be unconstitutional, the constitutive may exercise their punitive and dislocative authority, 161. The constitutive to have the enforcement of observance of all contracts entered on by the legislative, 161-162.
- Legislature—Supreme—Powers of, as to sub-legislatures, ix. 162. Directive, corrective, arbitrative, *ib.*
- — Election code of—List of the various heads of, and reference to Radical Reform Bill for substance of, ix. 162-163.
- — Attendance of, ix. 163. Constant, except Sunday, when only in case of urgency, *ib.*
- — Remuneration of, ix. 163.
- — Attendance and remuneration of, connected, ix. 163-166. Plan for member receiving his daily pay at the door, while a register kept of present and absent, 163. Reason why attendance should be exacted from these high functionaries, as well from those whose attendance is of inferior consequence, 164. Reasons of vacations, &c., in British Parliament—The monarch's wish to get rid of his checks, 164-165. America has blindly imitated these to much detriment, 165. A provision for necessary absence, sickness, and death, 165-166.
- — Sittings of, public and secret, ix. 166. The general sittings to be public, with as much room for attendance of visitors as possible, *ib.* Arrangements for a Registry of secret sittings—movers, cause, &c., *ib.*
- — Term of service of members of, and continuation, ix. 166-167. Briefest that convenient, 166. A regular recurring election without any official direction, 166-167. A year recommended, 167.
- — Self-suppletive function of members of, ix. 167-170. Power to appoint as substitute any eligible person who is not a member, 167. Responsible for substitute, *ib.* Provision for each naming a permanent substitute to be called on to attend when the principal out of the way, 167-168. Reasons for making such a provision—constant transaction of business, prevention of fluctuation, &c., *ib.* Reasons why the substitute not chosen by the electors—constancy of attendance, responsibility, avoidance of delay and expense, &c., 168-169. Correlative uses—educating a set of men as legislators, and bringing them into notice, 169. Considerations as to official dress, *ib.* Arrangements for letting constituencies know and judge of defalcations, *ib.*
- — Continuation committee of, ix. 170-172. To carry the measure of a preceding into a succeeding legislature, and so prevent good measures from falling, and supply deficiencies in aptitude, 170-171.
- Saving time, and preservation of the knowledge that has been acquired, 171. No right of voting, and the reasons, 171-172. Reasons why they should be appointed by their colleagues, 172.
- Legislature—Supreme—Who may be relocable as members of, ix. 172-180. Arrangements for making it so that no person can be reelected until there are three times as many who *have been as who are* members of the legislature, 172-173. Object—providing a set of qualified competitors, so that the electors may not look always to the same men, 173. No disappointment by the arrangement, *ib.* If it were not a fixed rule, deprivation would be invidious, 173-174. Will increase moral aptitude by removing the efficacy of, and the incitements to corruption, *ib.* Objection as to experience—advantages of, obtainable through the Continuation committee, 175-176. The non-relocability not to be perpetual, because it is good to give a choice among tried men, 176. The exclusion should not continue above two or three years; if too long the aptitude acquired is lost, &c., *ib.* Difficulty lessened by the other situations of public service open in the meantime, 176-177. Experience admitted to be of great value in the case of new-formed republics, especially when the people demoralized by the misrule from which they have broken, 177. Temporary non-relocability a medium course for such a case, 177-178. The Rump Parliament an illustration of the danger of relocability in such circumstances, 178. Impossibility of getting the same securities which are applicable to the executive officials directed against legislators, *ib.* The moral aptitude must depend on the Public-opinion Tribunal and the liberty of the press, *ib.* Answers to objections;—that the plan impedes freedom of choice, 179; that it is unmerited ill-treatment of the representative, *ib.*; that capable people would not accept of the temporary trust, *ib.* Tabular comparative view of this system with that of undiscontinued relocability, 179-180. The system adds the sanction of punishment for neglect of duty, to the more feeble arrangement of withholding the pay on non-attendance, 180.
- — Wrongful exclusion of members of, obviated, ix. 180-181. Majority of those present to decide, but a declaration to be entered if persons excluded would have turned the scale, *ib.*
- — Inquiry Judicature of, for collecting evidence as to proposed new laws or other proceedings, ix. 181-188. Cases when the Legislature must commit this duty to others, its own time being fully occupied,

181. Preappointed evidence, in Records, Statistics, &c., 181-182. Evidence that has to be elicited, 182. Personal and Real, *ib.* The powers to be given, those of the Courts of Law, and the additional ones which the Legislature has at command through its Agents, Envoys, &c., 182-183. Defect, in the evidence afforded by silence not being useful, as it is in judicature, 183. Exclusion on account of delay, vexation, and expense, not necessary as in judicature, *ib.* Qualities that evidence should possess, *ib.* Securities for the possession of these, *ib.* (*See Evidence.*) Choice of Legislation Evidence-elicitor, 183-184. May be a deputy or not, 184. If a deputy, the elicitation not to go on during the sittings, *ib.* Arrangements as to place, the persons present, &c., *ib.* Arrangements for secrecy where necessary, without danger of corruption, 185. The Report, *ib.* Its qualities—methodization, condensation, application, *ib.* The procedure in Committees of the Commons may be advantageously studied, 185-186. Favourably contrasted with the English judicial procedure, which sinister interest has perverted, 186-187. Defect in not possessing sanctions for truth, or means of enforcing answers to questions, 187. House of Lords—Inquiries capricious and useless, 187-188. Royal Commissions—sinisterly granted and for sinister purposes, 188. Suppression of interrogatories a bad feature in all, *ib.*
- Legislature—Supreme—Legislation Penal Judiciary for, *ix.* 188-190. For trial of members of existing or anterior Legislature, the Prime Minister, or the Justice Minister, 188. Either all or none members of the Legislature, 189. Chosen by secret suffrage, *ib.* If the whole Legislature have time, may act, *ib.* Recommendations for impartiality, *ib.* Legislature not to act as an Appellate Judiciary, but to give redress where wrong purposely committed by Judges, 189-190.
- — Members' motions, *ix.* 190-191. Distinction between new laws and amendments of old—in latter case a system for indicating precisely what is amended, 190. The redemptive mode, 190-191. Every member entitled to move—seconding necessary, to prevent captious motions, 191. Recommendation to consult with the Minister of the department before a motion made, *ib.*
- — Securities for appropriate aptitude in members of, *ix.* 191-198. Principles acted on—minimizing confidence, and maximizing control, 191. Rules founded on them, 192. Self-regard and sympathy existing in all human minds, but latter rooted in the former, 192. If there be exceptions, not to be counted on, *ib.* Rulers act as if the subject many had more than they have of the selfish disposition of aggrandizement—themselves none, 192-193. Goodness of a Government tested by willingness to submit to the securities, 194. In representative Democracies, all classes but the lawyers willing to do so, *ib.* An absolute Monarch has no objection, if it do not interfere with himself, 194-195. A pure Aristocracy opposes, 195. The various departments in a mixed Monarchy opposed to, save so far as compelled to give way to the Public-opinion Tribunal, 195-196. Securities for general aptitude—wide suffrage, general responsibility, shortness of service, non-relocability, publicity, &c., 197. Reference to precautions applicable to moral aptitude, *ib.* Reference to those applicable to intellectual and active aptitude, 197-198.
- Legislatures—Local. Advantages of, and uses they can be turned to, *iv.* 429-430 n.
- — Provisions for, in the Constitutional Code, *ix.* 640-643. *See* Sublegislatures.
- Legitimacy—Questions as to, ranked among complex suits, *ii.* 81.
- Uses of registration for the purpose of proving or disproving, *vi.* 572.
- False inference of, from husband's non-expatriation, *vi.* 53-54.
- Crimes that have been perpetrated in the name of, *viii.* 472.
- Legitimate influence of property—Nature of the, *iii.* 483.
- Leibnitz noticed, *viii.* 37, 174, 178.
- Leicester—*ex parte.* The case of, cited, *v.* 357.
- Leinster—Duke of—His situation of Master of the Rolls alluded to, *m.* 441 n.
- — — An officer in the Irish Volunteers, *iii.* 614
- Lemma—Instance of a, applied to exhaustive division, *viii.* 102.
- Lenders of Money—Causes of unpopularity of, *iii.* 17.
- Leonard's Reports noticed, *vii.* 458.
- Lese majesty—The offence of, an incident of the Monarchical system, *ix.* 39
- Lessart—M.—The case of, noticed, *n.* 364.
- Letter—as casually written evidence, *vii.* 119.
- by defendant—used against him without interrogation, *vii.* 166.
- Exclusion of, as evidence on writer's decease, *vii.* 167-168.
- considered as makeshift evidence, *vii.* 58.
- Interrogation by. *See* Epistolary Interrogation
- Letter-press—Applicability of, to judicial

- intercourse—Use for conveying judicial writs, &c., n. 55; iii. 378-379; ix. 637.
- Letter-post—Adaptation of the machinery of, to indicating habitations for election purposes, iii. 587 n.
- The advantages of establishing, in every country, viii. 583. Evils of making it a source of revenue, *ib.* Contributes to the efficiency of the judicial power, to education, and to the increase of commerce, *ib.*
- Under the administration of the Interior-communication Minister, by the Constitutional Code, ix. 441.
- Letters—Inviolability of. Sieyes' doctrines regarding, considered, ii. 532.
- Letters to Count Toreno, on the proposed Penal Code, delivered in by the Legislation Committee of the Spanish Cortes*, viii. 487-554.
- Lettres de cachet animadverted on, i. 576; vi. 364 n.
- Levelling system—Incompatibility of the, i. 311-312.
- Essay on the, i. 358-364. Property and sources of livelihood that would be destroyed, 358-361. Impossibility of counteracting the circumstances which cause inequality, 361-363. A case to which the common argument, of the difficulty of stopping, really applies, 363. Perpetual divisions with the alteration in population, 363-364. Increase of idleness and dissipation, 364.
- Democratic representatives have no interest in the, iii. 471, 475.
- A general project of, impossible, and not seriously entertained, iii. 605-608.
- Leviticus—The Book of, cited on the subject of oaths, v. 219.
- Lewenhoeck noticed, i. 329.
- Liability—a word requiring special exposition when used in law, v. 413.
- Liancourt—Duke de—referred to on the Philadelphia Penitentiary, iv. 213, 216, 235, 237.
- Letter from, on the Prison Discipline of America, x. 308.
- Answer to letter from, x. 312-313.
- noticed, x. 247, 399, 402.
- Liancourt—M. de—Letter from, with an account of the death of the Duke de Rochefoucauld, x. 285-286.
- Liar—Infamy attaching to the character of a, vi. 264.
- Oaths give a certificate of veracity to, vi. 322.
- Label—Character of the offence of, i. 369, 538.
- Elements of the art of packing juries in cases of, v. 61-186.
- Best proof of, according to the doctrines of judges, is the act of prosecution, as it shows the prosecutor's feelings to be hurt, v. 107-108.
- Libel—considered the more criminal the worse the conduct it attacks, v. 234.
- Libel Law—an instance in which the Legislature attempts to attach infamy to an act, in vain, i. 466.
- Effect of unanimity of juries on, ii. 121.
- considered in Letters to the Spanish people on the Liberty of the Press, ii. 275-297.
- A strict interpretation of, would involve nearly all literary works, iv. 392 n.
- Tendency of, to destroy liberty, v. 65-66. A Libel, any paper in which any one able to punish finds what he dislikes, 65. Means of reducing the government to a despotism, 66. Can only be radically cured by Parliament, *ib.* But may receive palliation from firmness of jurymen, *ib.*
- Work on, commenced, and postponed to Art of Packing Juries, v. 65-66, 105.
- Influence of judges—how employed in strengthening and enforcing, v. 97-101.
- Instruments of, for crushing the liberty of the press, and their method of use, illustrated from the dicta and proceedings in Cobbett's Trial, v. 105-114.
- The Star-chamber, or a judge without jury, a preferable judicature for, to a covertly-pensioned jury, v. 115-117.
- Its state in 1820, with reference to the case of the King against Edmonds, v. 240-251.
- Forced unanimity of jurors serviceable in defeating, v. 466.
- Account of, in Petition for justice, v. 481.
- Protection it gives to judicial delinquency, v. 540.
- Truth an aggravation by, vi. 269-270.
- carried to its full extent would depopulate a country, viii. 538.
- a creation of monarchy, does not exist in a representative democracy, ix. 38.
- Communication to Cobbett offering remarks on, x. 448-449.
- Correspondence as to the existence of, in the United States, x. 512-513.
- Safety of the people dependent on the weakness of, x. 518.
- Attempt of Lord Mansfield to extend the operation of, xi. 62-63.
- casually animadverted on, ii. 418; iii. 591 n. †; vii. 216, 270.
- Liberal opinions—Codification Proposal addressed to all nations professing, iv. 533 *et seq.*
- Liberalists and rigorists—their disputes concerning evidence, vi. 145-148.
- Liberality at the expense of the public—a name for waste, ix. 267.

Liberated prisoners—Plan of providing for, in the army or navy, or by a subsidiary establishment to the Panopticon Penitentiary, iv. 165-171.

Liberty—Love of—Component elements of, i. 210.

- Caprices regarding the infringement of, by punishment, i. 411.
- Forfeiture of, as a punishment, i. 474.
- and Government—Difficulty of the task of adjusting the claims between, i. 286.
- cannot be supported but at the expense of a certain portion of itself, i. 301.
- never should be infringed without a reason based on utility, i. 301.
- False popular definition of, i. 301.
- not to be considered as a principal object of the law, but as a branch of security, i. 302.
- Distinction between slavery and i. 344.
- Deception that has attended the use of the term, i. 564.
- and licentiousness of the press—a sham distinction used to deceive, ii. 451-452.
- Fallacy of Declarations of imprescriptible right of, ii. 502-503.
- The definition in the first French Declaration, that it consists in doing what is not hurtful to another, criticised, ii. 505.
- as one of the Rights of man—Clause as to, in the second French Declaration, criticised, ii. 524-526.
- of travelling—Sieyes' doctrine of, considered, ii. 532.
- Fallacies as to laws spoken of as hurtful to, iii. 185.
- Confusion of individual and political, with the evils occasioned by it, iii. 185.
- Attacks on, at commencement of 19th century, iii. 435.
- False use of the term, vii. 522.
- Fallacy that judicial forms are the shields of, exposed, viii. 478-482.
- a loose expression, "security" preferable, viii. 509-510.
- of discussion—A common interpretation of, is permission to say what the grantor of the liberty approves of, viii. 495.
- Religious—Plan for uniting the Catholics and Dissenters for the furtherance of, x. 592-594.
- British. The seeds of, to be found in the forms of Parliamentary procedure, ii. 332.

Liberty and necessity—Opinion of the unprofitableness of inquiries into, x. 216.

Liberty of the Press—Preponderant advantages of, in comparison with censorship, i. 538.

- — — Efficacy of, in directing public opinion, i. 563.
- — — Principles on which it should be founded, i. 574-575.

Liberty of the Press—Effect of unanimity of juries on laws against, ii. 121.

- — — Special juries invented against, ii. 138.
- — — and Public discussion, considered in Letters to the Spanish people, ii. 275-297.
- — — Advertisement to Letters on, &c., ii. 276.
- — — The foundation of all other liberties, ii. 443.
- — — Criticism on the clause regarding, in the French Declaration of Rights, ii. 515-516.
- — — Sieyes' doctrines regarding, ii. 532.
- — — Chief use of the office of Attorney-general, to struggle with, iv. 405.
- — — Extent of the danger of, from Libel Law, v. 65.
- — — Influence of judges on juries, employed in crushing, v. 97-101. The existence of the liberty seemingly denied in judicial dicta, 97-98. Judges having so many of their own to protect, must assist others in protecting their abuses, 99-100. Free Press an object of hatred to incapable judges, 100-101.
- — — Instruments for crushing, and their employment, v. 105-114. Confusion of what demands disapprobation with what demands punishment, 105-106. Rules of the practice of Libel Law drawn from the case of Cobbett, 106. Rule of disesteem, which involves all who detect abuses, 106-107. Rule as to hurting the feelings—hence no better evidence of libel than a man being so far hurt that he is prompted to prosecute, 107-108. Discovering the unfitness of the occupants of high places, 108-109. Rule concerning dislike—certain qualities in a discourse creating dislike held libel, 109-112:—viz., Want of fairness and liberality, 110; Flippancy and deviation from decency, ib.; Unbecomingness and flippancy, ib.; Improperity, slanderousness, ill-nature, ib.; Want of candour, ib.; Tendency to ridicule, 110-111; Contradictoriness—a quality exhibited by the supporters of legal fictions, 111; Discussing, unless it be with what a judge calls decency and candour, 112. Terror occasioned by the mysterious darkness in which the doctrines are hid, 112-114.
- — — restricted to the liberty of praise, v. 243.
- — — Laws making express provisions for, are always to be suspected—Illustration in the proposed Spanish Code, viii. 510-512.
- — — Remarks on, in relation to South America, in a letter to Jose Del Valle, xi. 18-19.
- — — Casual remarks on, ii. 418; iii. 470, 474, 562.

*Liberum veto* in Poland noticed, ii. 306.  
 Libraries—All large, would be destroyed by a general division of property, i. 358-359.  
 — Encouragement for the formation of, ii. 258.  
 License—The Mendacity, animadverted on, vi. 298, 302, 316. *See* Mendacity-license.  
 Licenses—The substitution of, for commercial restrictions—a means of raising revenue, x. 304.  
 — for political societies considered, ii. 294-295.  
 Licentiousness of the press—Distinguished from its liberty, for fallacious purposes, ii. 452.  
 Lie. The term in its full meaning, applicable to fictions of law, v. 452.  
 Lies (Judicial)—Business made through, vii. 202-203. *See* Fictions.  
 — Multiplicity of, in ordinary life, vii. 407.  
 Life—Duration of, as a question of probability, vii. 87-88.  
 — Sacrifice of, in Penal colonies, and the transportation system, iv. 195-199.  
 — not to be twice put in jeopardy—remarks on the principle in criminal law, vii. 361.  
 Life Insurance—Application of the principle of, to surgeons for convicts, and others, having charge of their fellow-beings, iv. 196-197 n.  
 Lilly the Astrologer—an illustration of the superstition of his age, viii. 78.  
 Limbrey agamst Gurr—Case of, cited, v. 357.  
 Limitation—Title by, examined, i. 327.  
 — in English law—Analysis of the operation of, and criticism on the term, x. 509.  
 — put upon the number of witnesses—Exclusion of evidence occasioned by, vii. 531-537. Multiplicity an evil, in respect of complexity, &c., 531-532. Cases, however, in which number of witnesses essential, 532-533. Remedies—preliminary meeting, 533; in complicated cases, analysis, 534. Election cases, ib. Cases where an offence consists in the reference of distinct acts to each other, 534-535. Application of the hints to courts of natural procedure, 536. Division of causes for the purpose of decomposition, ib. Aberration of established systems, French and Spanish, 536-537.  
 Limitation—Statute of, noticed, vii. 193 n. †.  
 Limitative Propositions—Proper collocation of, in composition of laws, iii. 253-254.  
 Lincoln—Lord—Case of, cited, vi. 145.  
 Lincoln's Inn—Advice from, to Sir Richard Phillips, in relation to his inquiries as to the packing of Special juries, with comment, v. 147-153.  
 Lind—John—Bentham's acquaintance with, x. 55.  
 — — Bentham's account of, for Barker's

Parriana, x. 55-65. Birth and parentage, 55. Intercourse with Bentham's family, 55-56. Services in Poland—appointed Privy-councillor to the king, 56. Reads to Prince Czartoriski, ib. Reception by Lord North and Lord Mansfield, ib. Work on Poland, ib. Review of the Acts of the thirteenth Parliament, 56-57. Connexion with Lord Mansfield, 57-58. Success, 58-59. His visitors—Baron Maseres, Wedderburn, &c., 59-60. Defends Lord Pigot, 60. His marriage, ib. His wife's history, 60-61. His intercourse with Nathaniel Forster, 61-62. His work on the colonies, and the assistance he received in it from Bentham, 62-64. His acquaintance with Governor Johnstone, 64-65. His style, 65.  
 Lind—John—Notice of, in preface to Fragment on Government, i. 247.  
 — — Defence of Fragment on Government by, i. 258-259.  
 — — casually noticed, iv. 259 n, 262 n, 268; x. 46, 48, 180.  
 Lind—Mrs—Pension to, by King Stanislaus, and Bentham's exertions to get it paid, x. 358-359.  
 Lindgren—Mr—Letter from Bentham to, x. 323.  
 Lindsay—Rev. Dr, noticed, x. 528.  
 Lineage, as a circumstance influencing sensibility, i. 30.  
 Linen—Rarity of leprosy attributed to the use of, iv. 22.  
 Linguet—Estimate of, x. 123.  
 — His Theory of Civil Law animadverted on by Dumont, i. 299.  
 — His Plaidoyers quoted, v. 200 n.; vi. 303; vii. 126.  
 Linnæus—Characterized as an observer and inventive methodizer, viii. 76.  
 — His logical division, of the aggregate facts as to botany supplied by the operation of synthesis, considered, viii. 125-126.  
 — His method a model for a system of Technology, viii. 149.  
 — The nomenclature and subdivisions of, examined, viii. 269-270.  
 — casually noticed, vi. 442; viii. 108 n.  
 Liquor—Intoxicating—Addiction to, as a main cause of crime and non-reformation in Penal colonies, iv. 230-235.  
 — — Use of, excluded in the Panopticon system, iv. 153.  
 — — Effects of, on society, i. 539-540.  
 — — in prisons—Limitation or negation of supply of, iv. 21.  
 — — Taxes on—Nature and objects of, i. 535.  
 — — Moral influences of a tax on, iii. 78 n.  
 Listlessness—Intellectual instruction the surest resource against, viii. 8-9.

- Literary Composition—Methodization as applied to, and the defects it is used to overcome, viii. 271-272.
- Literature—Good effects of the cultivation of, i. 541.
- Rewards for—Effects of, ii. 212-213.
- Lithographic Printing—its utility as a means of cheaply multiplying documents, and its special adaptation to partially civilized countries, viii. 575-576.
- Litigants—Eleemosynary assistance to, ii. 9.
- Penalties on—Aggregation of, as a fund for poor litigants, ix. 491-492.
- Poor and helpless—Plan for the assistance of, in the Constitutional Code, ix. 489-493.
- Securing responsibility of, on making judicial application, ii. 42-43.
- Elicitation of name and address of, ii. 43.
- Means of intercourse with, how to be established, ii. 43-44.
- Reconciliation of, as a function of the judge, ii. 46-47.
- Circumstances in which they may appear by proxies, ii. 49-52.
- Means of securing communication with, for purposes of procedure, ii. 52-57.
- distant from each other—Procedure between, ii. 99-103.
- not being the only persons benefited by litigation, should not bear the whole cost, ii. 576.
- Dishonest—encouraged by law taxes, ii. 577.
- must always feel that to be important, which can induce them to commence a suit, ii. 577-578.
- producing documents, should declare credence in them, vi. 117-119.
- Frauds and falsehoods of, would be checked by personal presence in court, vii. 230-232.
- All statements by, should be subject to punishment in case of mendacity, vi. 297-303.
- Interests of, overlooked in framing rules of evidence, vi. 392.
- Preliminary meeting of, before the judge, vi. 136-137; vii. 373-374. *See* Preliminary Meeting.
- *See* Sutors: Plaintiff: Defendant.
- Litigation—How far costs of, should be defrayed by the public, ii. 112.
- Vexatious—might be checked by a proper system in the awarding of costs, ii. 579.
- Appropriation of distant successions to the public would check, ii. 591.
- Danger of collusion the only reason why the cost of, should not be paid by the public, iv. 391 n II.
- Saved by preappointed evidence, vi. 61.
- Want of merits falsely presumed from discontinuance of, vi. 49-50. *See* Suit.
- Litigational Proxies—Principles of the employment of, ii. 50-51.
- Litigational-disbursement-authorization mandate, ii. 112.
- Liticontestational applications and mandates, ii. 63-64.
- Little Hunchback—Tale of, from the Arabian Nights, cited, vii. 11 n.
- Littleton (Edward Lord) Chancellor, noticed, v. 378.
- Livelihood—The possession of knowledge a means of securing, viii. 8.
- Liverpool—Lord—noticed, ii. 119; v. 315, 344-345, 377, 410; x. 362.
- Livingston—Edward—Proposal for printing his Penal Code for Louisiana by the House of Commons, xi. 37.
- — Letters from, on the preparation of his Code for Louisiana, xi. 23, 51-53.
- — Letter to, xi. 35-36.
- — noticed, x. 556; xi. 42.
- Lloyd—Charles—spoken of as the author of Junus, x. 564.
- Loans. Impolicy of legal restrictions of interest on, iii. 1-29.
- The least objectionable encouragement which government can give to trade, iii. 58-59.
- Pitt's admission of free competition for, ii. 228 n †.
- National. Disadvantageous terms on which they must be negotiated, iii. 136.
- to foreign powers, one of the elements of monarchical profusion—never repaid, and given in circumstances in which it is known that they cannot be so, ix. 33.
- Government; The security on which they are actually advanced, is not merely the individual fund appropriated to them, but the whole revenue, x. 325.
- Effect on the national wealth of contracting and of paying, iii. 76, 80.
- War—Advantage of the project of Annuity notes, in regard to, iii. 131-132.
- Private—Inconveniences attending, as compared with the project of Annuity-notes, iii. 120.
- Local courts or judicatories—Advantages of, iii. 329; vii. 371, 398.
- — Evils of the want of, ii. 76.
- — Considerations as to salaries of judges of, iii. 335-336.
- — Considered injustice to the superior merit of Metropolitan lawyers, v. 45.
- — History of the extinction of, in England, vii. 234-236.
- — Deficiency of, in England—abundance under the Roman system, vi. 430 n.
- Local Headmen—Provisions for, in the Constitutional Code, ix. 612-625. *See* Headman.
- Local Legislatures—Advantages and uses of, iv. 429-430 n.
- — Waste of the attendance of Parliament on the duties appropriate to, ix. 118.



- Local Legislatures—Provision for, in the Constitutional Code, ix. 640-643. *See* Sub-legislatures.
- Local Registrars—Provision for, in the Constitutional Code, ix. 625-636. *See* Registrars.
- Locative function—to whom applied in the Constitutional Code, ix. 155-156.
- How exercised in the Constitutional Code, ix. 156-157.
- Locke—characterized as an observer and discoverer, viii. 76.
- His influence in bringing about the Revolution, iv. 447.
- Axiom of—that where there is no property there is no injustice, criticised, vii. 80-81.
- Impression on Bentham from the perusal of his work on the Understanding, in boyhood, x. 22.
- Opinion that he has prepared the way for a digest of the law, x. 70-71.
- noticed or quoted, i. 293 n, 341, 538; ii. 312, 379, 381; iv. 142 n; v. 280; vii. 70, 95, 514; viii. 107 n, 110, 150, 282; x. 143, 531, 561, 588.
- Locomotion—Sieyes' doctrine of the liberty of, considered, ii. 532.
- Locutions employed by Bentham in the field of thought and action—List and analysis of, x. 560-561.
- Logic. Essay on, viii. 213-279.
- Note on the Essay on, by Editor, explanatory of the author's method of treating the subject, and the state of the MSS., viii. 214.
- Introduction to, viii. 217-219. Obligations to Aristotle as interpreted by Sanderson, 217-218. Appreciation of the Aristotelians, *ib.* Tactical sacrificed for the Dialectic department by them, *ib.* Necessary to call logic both an art and a science, 218-219.
- Definition of—its amplitude justified, viii. 219-220. Art having for its object giving direction to the mind in its pursuit of any object, 219. Covers the whole field of art and science, *ib.* Wherein a treatise on, differs from an encyclopedia, *ib.* Covers the whole field of thought and action, 219-220.
- Narrower and more common acceptations of, considered, viii. 220. Art of Disputation. Art of Arrangement, *ib.*
- Relation of, to metaphysics, viii. 220-221. Metaphysics an off-shoot, *ib.*
- General view of the characteristics of, viii. 221. Compared with the Præcognita of the Aristotelians, *ib.*
- End in view or ultimate object of—well-being, viii. 221-222. Separation from the province of Ethics, which has the same object, *ib.* Logic only worthy of regard in as far as it is of use, *ib.*
- Logic—Field of exercise appertaining to, viii. 222-223. Use of the term "field" as preferable to others applied to the purpose, *ib.*
- Relation of the operations of, to the field of exercise, and the end in view, viii. 223-224.
- Class 1. of Mental operations of, viii. 224. Where the subject regarded entirely and singly without reference to past time or to other subjects, *ib.* Perception, *ib.* Attention, *ib.*
- Class 2. of Mental operations of, viii. 224-225. Remembrance, Retention, Revocation, Reminiscence, *ib.*
- Class 3. of Mental operations of, viii. 225. Operations which suppose subjects more than one in the mind—Judgment, Decision, Determination, Comparison, Examination, *ib.*
- Class 4. of Mental operations of, viii. 225-226. Operations implying choice or separation, 225. Abstraction, Imagination, Invention, 225-226.
- Class 5. of Mental operations of, viii. 226-227. Operations presenting a number of entire objects, 226. Designation, Denomination, Methodization, 226-227.
- Class 6. of Mental operations of, viii. 227-229. Operations involving communication of ideas, 227. Discourse and Expression, *ib.* The nature of language as a means of communication, and considerations as to the methods of communication, 227-229.
- Faculties to which it gives direction and assistance, viii. 229-230. Passive and active, 229. Physically and Psychically passive, *ib.* Pathematically and Apathematically passive, 229-230. Originally and Derivatively active, 230.
- The main instrument of—language, viii. 230-231.
- Functions of, viii. 231. Learning, using, teaching, improving, *ib.*
- Uses of—viz., all things that promote wellbeing, viii. 231-232.
- Præcognita of, according to the Aristotelians, viii. 232-234.
- The Aristotelian definition of, as embodied in Sanderson, criticised, viii. 232.
- The utilities, or uses of, according to the Aristotelians, criticised, viii. 232-233.
- Ends, or end of, according to the Aristotelians, viii. 233-234. Improperly separated from uses, *ib.*
- Officia, or Functions of, according to the Aristotelians, viii. 234.
- Object, matter, and subjects of, according to the Aristotelians, viii. 234.
- (The Aristotelian)—The predicaments of, examined, viii. 234-236.
- (The Aristotelian)—Modes of discussion in connexion with, viii. 236-239.

- Logic—(The Aristotelian)—Reasons why it has failed in discovering and in teaching useful truths, viii. 238-239. Words but arbitrary signs of things, ib.
- Relation of, to the business of human life, and to Arts and Sciences, viii. 239-242. Confusion in distinguishing Arts and Sciences from the other business of life, 239-241. Relation to wellbeing the great bond of union, 241. Logic applied to the advancement of the other Arts and Sciences, 241-242.
  - The production of clearness of discourse, or Exposition, as a department of, viii. 242-253. *See* Exposition.
  - Division as a department of, viii. 253-259. *See* Division.
  - Arrangement or methodization as a department of, viii. 259-275. *See* Methodization.
  - Invention as a department of, viii. 275-279. *See* Invention.
  - New ideas derived by the Author from, iii. 286-292. Division of Entities into Real and Fictitious, 286. Division into Physical and Psychical, ib. Relation between *happiness* and *pleasure and pain*, ib. Dimension of value of pleasures and pains, 286-287. Extension of the word *matter* to Psychology, 287-288. Good and evil of the first and second orders, 287-290. Springs of action, 290. The sanctions, 290-293. Appropriate will and appropriate power, as conditions requisite for the accomplishment of objects, 293. Obligation and right as counterpart of each other, ib. Proper ends of the Distributive branch of the law, 293-294. Collative and Ablative events, 294. Divisions of offences, 294-295. Ends of Political economy, 295. Limitation of production by amount of capital and labour, 295.
  - Application of, to the means of giving expression to the dictates of the will, v. 270 n.
  - Relation of, to Nomography, or the art of inditing laws, iii. 234.
  - Analytical and Synthetic method in, falsely called the converse of each other, viii. 75 n.
  - The Schoolmistress of all the other Arts and Sciences, viii. 76.
  - Plasioscopic Nology substituted for the term, in the Encyclopedical Sketch of Art and Science, viii. 91.
  - Necessity for a new system of, comprehending a theory of language, viii. 120.
  - Its connexion with grammar, viii. 185.
  - Source of information on the traditive or informative branch of, in a system of Pauper management, viii. 427.
  - The essential importance of to legislation, neglected, viii. 508-509.
  - Identified with Metaphysics, and defined, in the Common-place Book, x. 510.
- Logic—Defence of, against the prejudices against, x. 586.
- Parliamentary—Hamilton's, criticised, ii. 383-387.
  - Logical Analysis—History of, with illustrations, viii. 121-126. Physical analysis first step, 121-122. Thence individual logical analysis, 123-124. Aggregation by Synthesis, 124-125. Division of the logical wholes thus formed, 125-126.
  - Logical Aggregation and Division—Fictitious entities resulting from, viii. 206.
  - Logical Arrangements, or Instruments of Invention and Discovery, iii. 285-295.
  - — List and analysis of those employed by Bentham in the various fields of his labours, x. 560-561.
  - Division. *See* Division.
  - Logical scheme of division of laws, and its connexion with the Political, iv. 491-492 n.
  - Logographical Principle—The, defined, ii. 320.
  - Logy and Logical—Use of, as terminations in Encyclopedical nomenclature, viii. 83 n.
  - Lolme—De, noticed, i. 282; viii. 467.
  - London—Common Council of, an illustration of annual election, iii. 512-513.
  - Long—Charles (Secretary to the Treasury)—Estimate of, x. 308.
  - — Letters to, with Programme of Financial schemes, x. 303-304.
  - — Notices of, iv. 202; x. 28, 307, 385, 391-394; xi. 112, 114, 119, 131, 134, 137, 139.
  - Long—Sir James—a visiter at Bowood, x. 92, 93, 97, 123.
  - Longitude—Effect of the reward for the discovery of the, ii. 227, 229.
  - Longman & Co—their conduct in relation to the establishment of *The Westminster Review*, x. 540-541.
  - Longwindedness as a defect in the drawing of laws, iii. 240, 248-249. Illustrations in English statutes, ib.
  - Lonsdale—Lord (Sir James Lowther)—His requisition of implicit observance from his nominees in Parliament, x. 230.
  - — noticed, iii. 483, 562.
  - Lords—House of—Argument for the establishment of a, resolves itself into the question whether an irremovable and irresponsible body is to be added to a removable and responsible, viii. 468.
  - — — Opposition of the interest of, to that of the subject many, viii. 468.
  - — — Reasonings against, in the exposition of the legislative system of the Constitutional Code, ix. 114-117. *See* Legislation.
  - — — The qualifications of the memoers of the, i. 279.
  - — — Blackstone's theory, attributing peculiar wisdom to the, controverted, i. 279-280.
  - — — Extent to which the members of,

- have the advantage of experience, i 280-281.
- Lords—House of—Lord Auckland's Law Reforms thrown out in, i. 241-242.
- — — Application of the Jury-unanimity system to, n. 136.
- — — Arrangement of members in, n. 321.
- — — Proceedings improperly recorded in, ii. 335.
- — — Method of voting in, as a Court of justice, n. 346.
- — — Motions not requiring to be seconded in, n. 358.
- — — Judicial quorum of, an illustration of the feeble operation of duty in procuring attendance, iii. 504-505.
- — — Time of, occupied by private affairs of Peers, iv. 321.
- — — Evil of Judges having seats in, iv. 380-381.
- — — Arguments against the existence of a, addressed to the citizens of France, iv. 419-450.
- — — Questions never asked in, except for party purposes, vi. 181.
- — — Inadequacy of Parliamentary Reform, while it remains, ix. 144-145.
- — — Committees of Inquiry appointed by, capriciously, and not for useful purposes, ix. 188.
- — — Reasons for considering it a very unfit judicatory for rectifying errors, ix. 473.
- — — The proposed, for Spain—Tract on, viii. 468-470.
- Lords Spiritual and Temporal contrasted and characterized, iv. 438.
- Lords Spiritual *See* Bishops.
- Lords of the Articles in Scotland—Practice of, n. 351 n.
- Lords' Delegates—The proposal of a Judiciary of, as a remedy for the evils exposed in the Art of Packing Juries, v. 184-186.
- — — Plan of a Judiciary under the name of the Court of, to act as Judges of Appeal, v. 55-60. Number and choice—one for each kingdom, and a general president, 55. Annual secret election, 55-56. Each to act in turn, 56. Members of the House to act as Lords visitant without vote, 56-57. Peers, not members of the House, also to have the privilege, *ib.* Decision the same as that of the House, 57. Place of sitting—habillments—title, *ib.* Continuance and arrangements for unfinished causes, 57-58. Oath of office, 58. Time not to be taken up by acting as a member of the House, or otherwise, *ib.* Reasons for admitting Peers of Scotland and Ireland not members of the House, 58. The delegation though to commoners no innovation of privileges, 59. The tribunal being entirely judicial, the defect of want of time would be obvied, 59. Present system not designedly but fortuitously created, 59-60.
- Loss—Pain and fear of—nature of, i. 310.
- from non-fulfilment of obligations, &c.—Incidence and distribution of, i. 341, 342-343.
- Losses—Considerations as to the unhappiness produced by, and the means of reducing the pressure, i. 306.
- What kind of, should be refunded by the state, i. 387.
- Loss-books, as part of a system of Registration for official operations in the Constitutional Code, described, ix. 234.
- — Uses of, and list of effective causes of loss, ix. 235-236, 246-251. *See* Books.
- Lost deed—Production of copy of, gives opportunity for fraud, vii. 147.
- Lot—Resort to decision by, iii. 390.
- as a means of settling the subjects of examination of qualifications, ix. 279-282. Enables the examiners, with economy of time and trouble, to test the average acquirements over a large range of subjects, *ib.* Method of putting it in force, *ib.*
- Application of, to decide the title to benefits too small for division among all claimants, ix. 282.
- Application of, to the location of burdens, ix. 282-283.
- Instances of jury coming to verdict by, vi. 226 n\*.
- Lotteries—Dr Price on, vi. 243.
- Loughborough—Lord. *See* Wedderburn.
- Louis XIV. His extravagant building operations, ix. 132.
- — noticed, iv. 416; ix. 399 n; xi. 58.
- Louis XVI. The victim of the fallacy of the term "crimes of kings," n. 450.
- — Anarchical fallacies that led to the death of, ii. 525.
- — Characteristics, and notice of, x. 93, 259.
- Louis XVIII. noticed, v. 369, 484, 485.
- Louis Philippe—Disinterestedness of, praised, iv. 431.
- — His views on the throne of France before the Revolution of 1830, xi. 19, 41-42.
- — noticed, xi. 57.
- Love—Motives included in, i. 50 n.
- of reputation. *See* Reputation.
- Low—Mr—His exposure of abuses as to fees in the Court of Chancery, v. 357-359.
- Lower orders—Spread of anarchical principles among the, noticed, iii. 146.
- Lowndes—Mr, of the Treasury—Estimate of, x. 51.
- Lownes—Caleb, projector of the Philadelphia Penitentiary, quoted as to the nature of the institution, iv. 212, 213, 224, 235, 242-243.

**Lowther**—Sir James. *See* Lonsdale—Lord.  
**Loyalty**—Bentham's early impression of, x. 42.  
**Lucas**—M.—Experience against death-punishment quoted from, i. 531.  
**Lucian** referred to, vii. 95; x. 80.  
**Lucretia**—Story of, cited, vii. 55.  
**Luddites**—An illustration of oaths giving facilities for combining for criminal purposes, v. 218.  
**Ludlow**—His narrative of Cromwell's attempt to reform the law, and of Justice Coke's improved practice, iv. 501-502.  
**Lunacy**—Nature of, vi. 251. *See* Insanity.  
**Lunardi**—Account of the ascent of his balloon, in a letter to James Trail, x. 136-138.  
**Lunatics**—Pauper. Advantage of statistical information as to the cost of custody of, viii. 362.  
 — *See* Insane.  
**Lunatic Asylums**—Application of the Panopticon system to, iv. 60-61.  
**Lust**, as a motive, i. 50, 55.  
**Lust, Lechery, Lewdness, Libidinousness, &c.**, as motives, i. 197.  
**Luther**—Mention of, i. 485.  
**Luxury**—Humanizing effects of, i. 541.  
 — The public advantages of, ii. 211.  
 — The wealth used in, as that which may be available in defence, iii. 37-38 and n.  
**Lycurgus** noticed, i. 318, 467.  
**Lying**—the basis of judicial procedure in England, vii. 417.  
 — Extent to which it is productive of falsity in evidence, vii. 74.  
 — How far addiction to, renders testimony untrustworthy, vii. 390.  
**Lying in Hospitals** commended, i. 578.  
**Lyson**—Thomas—a companion of Bentham in his boyhood, x. 14.  
**Lyssen's Italy**—Opinion on, x. 572.

## M

**Macadam's roads** referred to, ii. 218 n.  
**Macarthur**—Mr, a settler in New South Wales—Notice of, x. 465.  
**Macclesfield** (Thomas Parker—Earl of, Lord Chancellor)—his sale of Masterships in Chancery, iv. 375; v. 113.  
**MacCulloch**—Dr, noticed, x. 567; xi. 82.  
**McCulloch**—John, (the Political Economist,) noticed, ix. 293.  
**Macdaniel and Egan**—Trial of, for conspiracy, vii. 387-388 n, 589-590 n.  
**Macdonald**—Sir Archibald, Chief Baron—Letter from Sir Richard Philips to, on the Packing of Juries in the Exchequer Court, with the Chief Baron's answer, and a commentary, v. 121-136.  
 — Contempt shown by, for the authority of Parliament, v. 176-177.  
 — Notice of, x. 133.

**Macdowal**, (Andrew, Lord Bancton,) the institutionalist, quoted, vii. 396.  
**Machiavelli** and Machiavelism noticed, ii. 383; v. 297, 299; vii. 598.  
**Machinery**—Effects of, on the employment of capital in labour, iii. 39, 67-68.  
**Machines**—New—Suggestions for the preservation of, from popular violence, iv. 109-110 n.  
**Mackintosh**—Sir James—Letter from, to Granville Sharp, x. 428 n.  
 — Letter from Bentham to, x. 428-429.  
 — Letter from, on the Pamphlet called "Swear not at all," x. 476.  
 — Noticed, ii. 458; iv. 530; x. 261, 403, 406, 533.  
**Mackreth**—The family of—Bentham's acquaintanceship with, and history of, x. 48-50.  
**McLane**—Mr, noticed, xi. 36.  
**Macmillan's Forms of Process** quoted, vi. 334 n.  
**Macpherson's papers** noticed, vii. 528.  
**Mad-houses**—The Panopticon plan adapted to the superintendance of, iv. 60-61.  
 — Application of the Panopticon system to, iv. 37-248.  
 — *See* Insane: Hospitals.  
**Madison**—James—President of the United States—Letter to, on Codification, and answer, iv. 453-457.  
 — Second letter to, on Codification, obviating objections to the author preparing a code for the use of the United States, iv. 507-514.  
 — made citizen of France, x. 261.  
 — noticed, ix. 133; x. 498, xi. 40.  
**Madmen**—why interdicted from contracting, i. 332 *See* Insane.  
**Madrid**—Threatened prosecution of a newspaper editor in, ii. 277.  
**Magdalen asylums**—Social effects of, i. 546.  
**Magdalen College**—Illustration of University oaths at, v. 212 n.  
**Magistracy**—The Westminster—Plan for remodelling, x. 336-338. Difficulty of uniting the two qualities of activity and honesty in a judge—fees producing the one, salary the other, 336-337. Proposal to have collegiate magistrates—one salaried, the other fee'd, 337-338. Advertisements—rendering the magistrates and constables accessible and discoverable, 338.  
**Magistrates**—Preventive duties of, i. 368.  
 — Advantage of popularity to, and of their being thought good whether they are so or not, iv. 359.  
 — Police, of the Metropolis—Observations on Peel's Bill for raising the salaries of, v. 328-348. The vague term "expedient" employed, 328-329. Inconsistency in referring to their existing aptitude, and

- pleading the necessity of increase to secure aptitude, 329-331. Absurdity of limitation to barristers, 331-334. Competence of ordinary men of business—Patrick Colquhoun instanced, 334-336. Attendance, 336. The plan of rising from gratuitous deputeships to permanent stipendiary judgeships, as conducive both to zeal and ability, 337-339. Incorruptibility not the creature of salary, and not secured in higher seats, though there be no direct bribery, 339-344. Cheap and pure judges in France, 344. United States, 345. Substitute in the way of patronage in the appointment of county courts, *ib.* Extracts from the speech on the Bill, 346-348.
- Magistrates—Police, of London—Illustrations of cheap judicial service, v. 606.
- Police, of the Thames—Heads of a Bill for regulating the, x. 331-333.
- *See* Justices of Peace.
- Magna Charta—The protection of judicial formalities enforced by, i. 576.
- — Law Taxes a breach of, ii. 580.
- — Coke's opinion that an act contrary to, void, ii. 580.
- — Fees in Courts of Justice opposed to, iii. 328.
- — adduced against early efforts of the Crown to make grants of legislative privileges, iv. 259-260.
- — Violation of, in the Government of New South Wales, by unlawful detention of expees, iv. 278-279.
- — Violation of, in the costliness of justice, v. 233, 287 n.
- — Insufficiency of the means adopted for giving effect to, shown by the numerous renewals, viii. 577 n.
- — though violated, useful, as the violation a palpable wrong, viii. 593.
- Magnet—Reasonings upon the, vii. 85 n.
- Magnetic source of motion—The limited extent of, viii. 137.
- Magnetism as an illustration of the theory of credibility, vii. 97.
- defined and located in the Chrestomathic system of Instruction, viii. 32.
- How far connected both with Chemistry and Mechanics, viii. 30, 32.
- an illustration of the incidental origin of scientific nomenclature, viii. 70-71.
- Mahomedan—Application of an oath in the case of a, considered, v. 202.
- Oath administered to a, vii. 423.
- Mahomedans in British India—Application of Jury Trial to, ii. 137-138.
- — — Extent of the sensibility of, with regard to religion, i. 174.
- Mahomedan State—Securities against misrule adapted to a, viii. 555-600.
- Mahomet—The achievements of, noticed, i. 177, 191.
- Mahomet—His prohibition of wine noticed, i. 535.
- His barbarous reward for victory, ii. 197 n.
- Mahon—O'Gorman. Observations on his motion on the coercion of Ireland, xi. 64-66.
- Mails—Mr Palmer's improvement on the system of conveying, and his reward, noticed, i. 556.
- Maintenance and Champerty. Oppressive nature of the laws against, iii. 19-20. Illustration, *ib.* Arose in a barbarous age, when pleas purchased to be pursued by force and influence, 19. In the present age leave a man to the oppression of wealth, 19-20.
- Mainwaring—Mr—Mention of, xi. 137.
- Maire—The, in France, as a species of Local Headman, ix. 613.
- Majority—Fixation of time for commencement of, i. 125.
- Maker of an article—Plan for preventing forgery of his mark, vi. 584-585.
- Makeshift evidence analyzed, vi. 57-60. Unoriginal including hearsay, 57. Extrajudicially written, 57-59. Modifications of unoriginal evidence, 59. Points of infirmity common to makeshift evidence, *ib.* Facienda by legislature in case of makeshift evidence, 59-60. English practice in regard to it, 60.
- — in general, vii. 118-121. Nature of deficiency in the securities, 118. Divided into extrajudicially written, and unoriginal, 118-119. Properties common to all kinds, 120-121. Topics to be touched on in relation to each, *ib.*
- — Precautions regarding, vii. 159-165;—
- — Impropriety of excluding any kind of, vii. 159-161. Though bad, held so likely to be believed by Judges and Jury that it must not be seen, in English practice, 159. Other inconsistencies in English practice, 159-161.
- — Arrangements for indicating the amount of danger in receiving, vii. 161-162.
- — Arrangements for diminishing the amount of danger from the admission of, vii. 162-164. Oath of credence or sincerity, 162. Eventual reinstatement in case of misdecision, 163. Liberty of appeal, and liberty of reference, 163-164.
- — Importance of admitting, in the character of indicative evidence, vii. 164-165.
- — Aberrations of English law in regard to, vii. 165-173. Introductory observations, 165-166. 1st, Using memorandum by defendant against him without interrogation, 166; 2d, Exclusion of such document after writer's decease, 167-168; 3d, Receiving memorandum on ground of unforthcomingness, without inquiry as to

- cause, 168-169. Transcripts, 169-170. Adscitious evidence, 170-173.
- Make-shift evidence considered with reference to safeguards from deception, vi. 164-166.
- — — unnoticed by Gilbert in his *Law of Evidence*, vi. 183.
- — — *See* Extrajudicially written; Hear-say; Media; Memoriter; Minuted; Real-reported; Transcriptitious.
- Mala fides*—a term from Roman Law, vi. 248.
- Malaria—Authority for protection from the effects of, in the Health Minister, by the Constitutional Code, ix. 444-445.
- Male—Trial of, quoted, vii. 75 n.
- Malefactors—How oaths give facility to the enterprises of, v. 205-206.
- A class of, encouraged by Judge-made law, vi. 109.
- Official—Screening, to prevent attacks on the Government. Fallacy of, ii. 421-429. *See* Official Malefactors.
- *See* Criminal.
- Malevolence—The pleasures of, i. 18.
- The pains of, i. 20.
- Motive corresponding to the pleasures of, i. 53-54.
- Inference of disposition from an act in pursuance of, i. 64.
- Malgalhaés—Senhor—a Portuguese Deputy, noticed, x. 525
- Malice—Inference of, from homicide, and of murder from malice, vi. 54-57.
- Meaning of, in English law, vi. 304.
- Maliciousness, Malignity, &c., as designative of motives, i. 203.
- Malone—Edmund—His controversy with George Chalmers, as to Ireland's forgeries, criticised, vii. 193.
- Malta—Historical notice of duelling in, i. 543.
- Malthus—Coincidence of his Principle of Population with that of Bentham, noticed by Dumont, iii. 73 n.
- Malversation—Official; use of official evidence for checking, vi. 556
- Man—French Declarations of the Rights of, examined, ii. 491-529. *See* Declaration.
- Management—Board unfavourably compared with single, especially contract, in regard to efficacy, responsibility, and economy, iv. 125-134; v. 17-18. *See* Board.
- Trust and contract, compared, ii. 249-251.
- Manchester Massacre—The, noticed, and characterized, ii. 276; ix. 140; x. 532.
- — — George IVth's approval of, ii. 470 n.
- — — The Cadiz massacre of 1820 a counterpart of, viii. 474-482.
- Mandamus—Procedure on, vii. 498 n.
- in King's Bench, vii. 293.
- Return to a, vi. 462.
- Mandatory—Conducting litigation by a, ii. 35-36.
- Mandate—Procurator, in the Constitutional Code, ix. 253-254.
- issued in continuance of a suit, ii. 89-90.
- Mandates—Judicial, for bringing parties into court, ii. 63-64.
- Mandative decree—when granted, ii. 91.
- Mandeville—Barnard, noticed, i. 49 n +; vii. 89; x. 73; xi. 97.
- Manifold system of writing described, v. 406 n.
- — — Specimen of, sent to the King of Bavaria, x. 578-581.
- — — proposed to the Real Property Commissioners, and illustrations of its utility in the facility of other plans of multiplying accurate copies, v. 432-435.
- — — Use of, by the Prime Minister, laid down in the Constitutional Code, ix. 209.
- — — Remarks on the utility of, vi. 85 n \*.
- — — Machines for, described, vi. 576 n; vii. 140.
- Manners—Good. How far a code of, capable of being enforced in official departments, ix. 307-309
- Mansfield—Lord—The Fragment on Government attributed to, i. 240; x. 82
- — — Bentham's early admiration of, x. 45-46.
- — — A Defence of—Bentham's first published work, x. 67.
- — — Estimate of, and comparison with Camden, x. 119-121.
- — — His enlargement of the law of conspiracy unadverted on, v. 248-249
- — — Attempt of, to take Libel cases out of the hands of juries, xi. 62-63.
- — — His definition of the Liberty of the Press, v. 97.
- — — His law in the Grenada case adduced to show that the crown cannot legislate for colonies, iv. 266-269.
- — — Indications from his expression as to moulding statutes, v. 542.
- — — Notices of, in connexion with John Lind, x. 57-58.
- — — His conflict with Lord Camden on the rigorous or equitable interpretation of the law, vi. 145-148, 534.
- — — on the legislative power of judges, vii. 311.
- — — Charge against, of altering the record in Wilkes' case, vii. 260 and n.
- — — on rules of evidence, vii. 341.
- — — Notices of, i. 246-248; ii. 209-210 n; iv. 259 n; v. 20, 89 n, 90 n, 113, 141-142 n, 352, 558, 586 n; vi. 184, 492; vii. 331, 353 n, 439 n; ix. 391, 473, 607; x. 56, 62, 65, 95, 133.
- Mansfield—Sir John, Chief Justice of the Common Pleas, noticed, v. 357, 359 n.
- Man-splitting—The system of, among political writers, x. 143.

- Manual of Political Economy, iii. 31-84.
- Manufactory—Plan for a, in connexion with the Panopticon Penitentiary, for the employment of liberated convicts, iv. 165-171.
- Manufactories—Application of the Panopticon system to, iv. 37-248.
- Special means of making Panopticon system suitable to superintendence of, iv. 60.
  - solve the problem of procuring the longest possible period of attendance at work, v. 336.
  - Sanatory authority as to, in the Health Minister, by the Constitutional Code, ix. 445.
- Manufactures—Tendency of, to create equality, i. 313.
- Amount of, limited by that of capital, ii. 549.
  - Relation of, to agriculture, ii. 549.
  - Laws against usury prejudicial to projects in, iii. 20-29.
  - Prohibitions and restrictions on rival branches of, iii. 63-64. *See* Prohibitions.
  - Taxes on rival branches of, iii. 65.
  - The carrying on of for the home trade, more advantageous than for exportation, iii. 69.
  - Decree of Spanish Cortes of 1820, prohibiting importation of, criticised, iii. 88-100.
  - Free choice among, for occupation of convicts, iv. 49-51.
  - Forgery of maker's mark on—Plan for prevention of, vi. 584-585.
  - Source of experimental information as to, in a system of Pauper management, viii. 426.
  - and arts—Technology of, as a branch of the Chrestomathic system of Instruction, viii. 38-39.
- Manuscripts—Authority of. *See* Writing; Written Evidence.
- Many—The, are not the enemies of the few, but the few are of the many, ix. 143-144.
- Map—Encyclopedical, by D'Alembert—its imperfections, viii. 73-82.
- Maps exhibiting division of the country into Election districts—Provision for, iii. 579-582.
- Arrangements for constructing, for the use of a Registry of Real property, so as to obviate the incongruities arising from inequalities in the Earth's surface, v. 428-429.
- Margarot—Maurice, notice of, x. 466.
- Maria Theresa. Results of her publication of the methods of inflicting punishment, i. 414.
- Marine Defensive Force—Provision for, in the Constitutional Code, ix. 402-415. *See* Defensive Force.
- Marines as a military department—The use and efficiency of, ix. 399.
- Suggestions for increasing the proportional number of, ix. 406-407.
- Mariners—Plan for protecting, from oppression, by a system of Registration and Summary adjudication, ix. 409-415. *See* Defensive Force—Shipboard oppression obviated.
- Marital condition—Offences that may be committed against the, i. 129-131.
- — *See* Husband and Wife.
- Maritime Code—Plan of the, iii. 201.
- Marks to attest quantity or quality—Uses of, i. 556.
- Identification—on the body—Utility of, for various purposes, x. 414-415.
  - Corporeal punishment by, i. 418-419.
- Market—The. Effect of free competition on, ii. 228.
- Trade not dependent on extent of, but on amount of capital, iii. 54; iv. 411.
- Markham—Dr, Master of Westminster School, and afterwards Archbishop of York—Notices of, x. 26, 27.
- — Latin ode addressed to, by Bentham when a schoolboy, x. 30.
  - — Mention of, xi. 112.
- Marlborough—Duke of, noticed, vii. 528.
- Marmontel's Novels—Part of, translated by Bentham, x. 85.
- Marriage—Nature of, i. 129-130.
- Principles of the Civil Code regarding, i. 349-358. Seven questions, 349. Between what persons to be permitted, 349-352. Necessity of barriers, 350. Relations, ib. Table of Prohibitions, ib. Considerations as to Wife's Sister and Brother's Widow, 350-351. Historical Instances, 351-352. Duration—Divorce, 352-355. Marriage for life the most suitable, 352. Evil of indissolubility, 353. Principles that should regulate, 354-355. Conditions of the contract of marriage, 355-356. Proper age, 356. How far Parents, &c., may interfere in choice, 356-357. How many parties—Polygamy, 357. Formalities, 357-358.
  - Offences which may be committed against the conditions created by, i. 129-131.
  - Considerations regarding suitable regulations for, i. 544.
  - No inducements for, necessary in Legislation, iii. 73-74. Labourers not averse, and celibacy of consumers an advantage, ib.
  - Law of, should be embodied in a distinct code for those who may have occasion to use it, viii. 533-534.
  - Fund for—Service of Frugality Banks in making Provision for, viii. 409-410.
  - Condition of a pursuer as to, to be entered in Demand Paper, ii. 66-70.
  - Gretna Green, not allowed to be proved in evidence of bigamy in England, viii. 431.
  - Incapacities to the contract of, vi. 527 n.

- Marriage—Contract of—Use of the promulgation paper to, vi. 65 n †.
- Formalities of Contract of, vi. 528.
- Draught for a Deed of Settlement for, v. 400-402.
- Marriages and their dissolutions, as subjects of registration, iii. 83; vi. 63 n, 567, 570-574. *See* Genealogical facts.
- Advantages of a state of society in which they may be early without being imprudent, and plan for creating such a state among the working population, viii. 437-438.
- Table of, to be exhibited by Local Headman in Constitutional Code, ix. 624.
- Plan for a Register of, in the Constitutional Code, ix. 629-630.
- Marryat—Mr, cited on the method of striking Special Jurors, v. 158 n.
- Marsden—Mr, Under-secretary—Action against Cobbett for libelling, adduced, v. 106-114.
- Marshal—The. Office of, in the Polish diet, and in Sweden and Russia, ii. 327-328 n.
- Martial—Courts, necessary tribunals of exception, iv. 334.
- — Natural procedure in, vii. 321-323.
- — Structure of, and procedure before, ix. 419-422.
- — Provision for, in Constitutional Code, ix. 392-395. *See* Defensive Force.
- Martial Law—a plant reared in the Penal colonies, iv. 211.
- — Illegal proclamation of, in Penal colonies, iv. 279.
- — Proclamation of succedaneum for, in Constitutional Code, ix. 390-392.
- — with reference to the dispersal of mobs, &c., i. 370-371.
- Martin—"Target"—Reason of the sobriquet of, xi. 14.
- Martin—Richard, of Galway, noticed, v. 339, 343.
- Martin—the engraver, and his Portrait of Lord Mansfield—Notices of, x. 46, 65, 66.
- Martinico—Declaration by, of separation from France, iv. 409.
- Martyrs—Dangerous effect of making, through the use of disproportioned punishments, viii. 549.
- Martyrdom—Religious—Nature of the spirit of, i. 52.
- Marvellous—The—Tendency of remoteness in time and place to make it believed, vii. 89-90.
- Mary I. of England—Reign of, characterized, ii. 444.
- — Reign of—Principles of Roman Law appearing in, v. 532.
- Massachusetts—Adoption of the Penitentiary system in, iv. 213.
- Massares—Baron—commended, x. 59, 183.
- Master—Offences which may be committed against, with relation to his servant, i. 122-123.
- Master—Responsibility of, for servant, in relation to satisfaction for offences, i. 383-385.
- Master and Servant—Rights and obligations attached to the conditions of, i. 343.
- — — Effect of the relationship of, in influencing evidence, vi. 160; vii. 575-576.
- Master's time-saving principle—in the management of the Chrestomathic school, viii. 47.
- Masters and Workmen—System for facilitating the communication between, and anticipated effects in favour of both parties and the public, viii. 398-400.
- Masters in Chancery—Secrecy of procedure before, iii. 398 n; vi. 376, 468.
- — — Auxiliary Judges to perform the functions of, in proposed Dispatch Court, iii. 397.
- — — The term "swindling" applied to their fees for fictitious attendances, v. 364-367.
- — — Origin and functions of, vi. 423.
- — — Abuses in the office of, regarding fees, ii. 209; v. 349-350; vii. 217-220. *See* Chancery.
- — — Neglect and non-attendance of, iii. 401-402.
- — — Brief outline of a reform in the practice of, v. 365.
- — — Sale of the offices of, public pilage, iv. 375.
- Masters in King's Bench—Their influence in creating the Special Jury system, v. 76-77 n, 137-138.
- — — Examination before, vi. 493.
- Master of the Rolls—Origin and jurisdiction of, vi. 423.
- Master of the Rolls' Court—On the proposed absorption of, in the Chancery, v. 553-563.
- Matchless Constitution—Use of the term, as a vague generality, ii. 442-445. Its fallacy examined, ib. Constitution not designed, but the produce of accidents in barbarous times, ib.
- Materia Medica—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Material things—How the language applicable to, is used to express immaterial ideas, viii. 327-329.
- Materialists—Account of the opinions of the, viii. 84.
- Mathematics—Etymology of, and place in the Chrestomathic system of Education, viii. 36.
- — — Position of, under the term Posology, in an Encyclopedical Sketch of Art and Science, viii. 85.
- — — Questions in, are questions of evidence, vi. 208.



- Mathematics**—being useful to only a limited number of persons, should be a deferred branch of education, viii. 14.
- an illustration of unapt nomenclature, viii. 69-70. Intended to designate quantity, with or without relation to form or figure, 69. Means really, what is learnt or is capable of being learnt, ib. From the obscurity of its source, not so mischievous as other mapitudes, 69-70.
  - Manner in which the new system of instruction might be applied to, in rendering the principles and purposes of it more fully comprehensible, viii. 155-185.
  - The principle maintained, that it is not true where not useful, or where it has not some physical representative, viii. 162-164.
  - Need of a revision of the whole field of, for the purposes of Chrestomathic Instruction, viii. 177-184. Impediments in the reverence for great names, 177. In Algebra the apparent mysticism as to negative quantities, 178. Explanation in an edition of Euler, ib. Fluxions, 178-179. Incomprehensibility to beginners of square root and cube root—proposal, by explanation and diagram, for rendering more distinct, 179-180. *Power* still more likely to be misunderstood, from the manner in which it is employed in other departments of knowledge, 180-181. The impediments in the way of adopting new and more analogous nomenclature into science would not impede its use for explanation, 181. Inadequacy of the existing terms for extended operations, ib. Arises from the interconversion of the Algebraic and Geometrical forms, 181-182. The unapt phraseology kept up by the experienced because it is familiar to them, while it is an impediment to learners, 182. The Pride of science, and the desire of the reputation of knowing the arcana of science impede elucidation, 183-184.
  - The mental use of, x. 518.
  - Memoranda on, xi. 73.
- Mathematical improbability** distinguished from ordinary, vi. 243-244.
- reasoning on evidence, adduced as an illustration of the inapplicability of fixed rules, vii. 158.
- Mathematicians**—Language of, with reference to the expression of degrees of persuasion, vi. 224.
- Matheson, Mr**—Educational system of—its nature, x. 506.
- Mathetic Exercises**, or those tending to instruction,—etymology of the term, and application in the Chrestomathic system of Instruction, viii. 44.
- Matlock**—Visit to, by Bentham in his youth, x. 46.
- Matrimonial condition**—Variations in the notion of, in different nations, i. 177.
- — Forfeiture of, as a punishment, i. 470-471.
- Matter** considered as an absolute fictitious entity of the first order, and distinguished from substance, viii. 201.
- Use made of the extension of the word to Psychology, iii. 287-288.
  - Laws affecting, vii. 84-85.
- Matthew**—Gospel of, cited on the subject of oaths, v. 219.
- Maturity**—Plan for a Record of arrivals at, in the Constitutional Code, ix. 630.
- Maupertuis** noticed, x. 122, 531.
- Maurepas** noticed, x. 93.
- Mavracordato**—Prince Alexander, of Greece
- Correspondence with, as to the form of Government for liberated Greece, iv. 580-582.
- Maxims**. The multitude of, adopted and followed without foundation in reason, iii. 3.
- Meadley, Mr**—Sketch by, of various proposals for a constitutional Reform, iii. 553-557.
- Means**—Indirect, of preventing crimes, i. 533-580.
- justifying the end. Fallacy of the principle of, ii. 469-470.
  - of commission, as evidence of delinquency, vii. 55-56.
  - (of livelihood,) how those of an individual to be estimated, ii. 110.
- Meanness, Sycophantism, &c.**, as designative of motives, i. 200.
- Measure**. Utility of establishing standards of, i. 555.
- of punishment, i. 399-402. See Punishment.
- Measures**—False. Guarding the people against, i. 553.
- Endeavour to draw attention from, to men—a fallacy in debate, ii. 414.
  - Fear of what is at the bottom of, a fallacy, ii. 421.
  - only “one at a time,” a fallacy by which reforms are delayed, ii. 433-434.
  - How to postpone, from session to session, ii. 435.
  - Artful diversion from, by reference to others—A device for delay, ii. 435.
  - Defective—Rejection instead of amendment of, a fallacy, ii. 471-474.
- Measures (of quantity, &c.)**—Provisions as to, a branch of the Civil Code, iii. 177.
- Measures, not men**. The expression a fallacy, ii. 470-471.
- Measurement of Pleasure and Pain**, i. 15-17.
- Mechanical employments**—Advantage of introducing a system of Technology in regard to, with a Rationale of explanations, viii. 148-150.
- Mechanical judicature**, or decision on tech

- nical grounds and without thought, considered, vii. 246-249.
- Mechanical Judicature** substituted for mental—a grievance charged in the Petition for justice, v. 472-473, 524-525.
- Mechanical Powers**—Question considered whether any common denomination can be found applicable to the qualities of all the various sorts of, viii. 146-147. Suggestion that it is not to be found in the nature of the powers, but in the uses, ib.
- Mechanical Philosophy**—Branches of, to be taught in the Chrestomathic School, viii. 30-31.
- Substitution of the term *Coenoscopic Physiurgics* for, in the Encyclopedical Sketch of Art and Science, viii. 87.
- Professorships of, in central towns, considered, ii. 257.
- Mechanical Pneumatics**—defined and located in the Chrestomathic system of Education, viii. 31.
- Mechanical source of motion**—The simply, referred to the gravitating influence of the moon, viii. 132.
- Mechanics** (in the limited sense of the word)
- Definition and divisions of, and place in the Chrestomathic plan of Instruction, viii. 30.
- Bearing of the science of, on the ordinary concerns of life, viii. 24.
- Application to, of economy in the employment of sources of motion, viii. 143-144.
- Media**—Trustworthiness of evidence reduced by its passing through, vii. 131.
- Evidence transmitted through an indefinite number of, vii. 154-159. Calculation of number of media, 154. Decrease of probative force with each medium, 155. Such evidence should only be admitted under conditions, 156. Does not increase danger of fraud, ib. Ancient facts, an illustration in practice, 157.
- Medical Profession**— Authority of the Health Minister in regard to, by the Constitutional Code, ix. 445.
- Medical science**—Necessity of keeping the end in view in inquiries as to, illustrated in the old preparations, containing many useless elements, viii. 277.
- Position it should hold as a branch of education, viii. 14-15.
- Medicine**—Study of. How far an acquaintance with the dead languages essential to, viii. 17.
- The liability to false conclusions in, attributed to the impediments to the discovery of all the operative causes, viii. 209.
- The word does not convey a meaning adequate to refer to all branches of knowledge relative to the preservation of health, viii. 35.
- Medicine**—Appointment of a professor of, in central towns, considered, ii. 257.
- National field for the experimental study of, in a system of Pauper management, viii. 425.
- A tax on, characterized, ii. 575-576 n.
- Tax on, compared with tax on justice, vii. 377-378.
- Sidmouth's Taxation of, characterized, ii. 582.
- Medutio fuga* warrants in Scotland, vi. 334 n.
- Meeting**—Preliminary, of parties to a litigation, to discuss authenticity of documents, &c., vii. 184-185, 187, 189, 193, 274, 279, 533.
- — — Recommended as a succedaneum to exclusion of evidence, vii. 373-374.
- — — to decide on a method of intercourse, notices, &c., vii. 250.
- Meetings**—Multitudinousness of—False inferences of sedition from, v. 242.
- Public. Tactics of, regulated by those of the legislature when it is open, ii. 311.
- Public. Tactic as to motions in, ii. 354 n.
- Public. Reasons for liberty to, ii. 289.
- Seditious. Act against, criticised, ii. 295.
- Melamorphic Posology**—proposed to be substituted to Geometry as a nomenclature, viii. 287.
- Meliorability**—a property desirable in a language, viii. 191.
- Melioration**—suggestive function of the Public-opinion Tribunal, ix. 158.
- — — of Ministers, by the Constitutional Code, ix. 264-265.
- Melodiousness or harmoniousness** as a property desirable in language, viii. 191, 305-306, 311.
- Melody**—in what respects distinct from harmony, viii. 305-306 n.
- Melville**—Lord. See Dundas—Henry.
- Members of Legislative Assemblies**—Utility of a distinctive dress for, ii. 320-321.
- — — Mischiefs from their non-attendance, ii. 323-324. Prevarication, negligence, admission of incapables, inaction, surprises, diminution of moral influence, ib.
- — — Means of ensuring attendance of, ii. 324-325.
- — — Debates of, should be finished before voting, ii. 342-346.
- — — There should be no fixed order of preaudience among, in debating, ii. 346-349.
- — — Votes of, should be taken simultaneously, ii. 349-350.
- — — Promulgation and registration of motions, bills, amendments, &c., of, ii. 352-354.
- — — should not be entitled to withdraw motions, bills, &c., ii. 354.

- Members of Legislative Assemblies—Proceedings of, in the preparation of laws, n. 354-358.
- — — Rules as to debating for, ii. 358-364.
  - — — should not name each other, or impute motives in debate, n. 363.
  - — — How amendments to be proposed by, ii. 365-366.
  - — — Dilatory or adjournment motions by, ii. 366-367.
  - — — Voting of, ii. 367-372
  - — — Publicly serviceable to, ii. 313.
- Members of Parliament—Inutility of having two for one electoral division, iii. 519 n.
- — — Constancy of attendance of, urged, ii. 325; iii. 495-511. General effects—deterioration of moral and intellectual aptitude—attendance on the corrupt side, iii. 495-496. State of attendance in practice—Plan for giving a complete view of the state of the House, 496-497. Mischief to moral aptitude by non-attendance, 497. Mischief to intellectual aptitude—ignorance of forms and business, 497-500. Mischief by giving superior efficacy to corruption—strong interest of Ministerialists to attend, 500-502. Examination of the interests that affect attendance, 503-505. The non-attendance contrasted with the diligence required of other public officers, 505-506. Individuals not blameable, 506-507. Incurability of the disorder—fallacy of expecting duty to be followed against interest, 507-508. House more truly abdicated than James II did, 508-509. Precedents and censures from Hattell, 509-511.
  - — — Constancy of attendance of—a reform opposed by Whigs as well as Tories, iii. 531-532.
  - — — Endowments or elements of aptitude on the part of, as elements of reform, and the means of attaining them, iii. 539-541.
  - — — Means conducive to aptitude in, iii. 541-546. Placemen not to be eligible, 541-542. King's Ministers, &c., to have seat and motion included, without vote, 542. Annual elections, 542-543. Authentic publication of speeches, 543-544. Punctual attendance, 544-546.
  - — — Who eligible as, by author's Radical Reform Bill, iii. 566-567, 567-568 n.
  - — — Method of recommending, by Radical Reform Bill, iii. 574-575.
  - — — Their continuance in their seats—Provision for, in Radical Reform Bill, iii. 588-589.
  - — — Vacancies in the case of—How created and supplied, iii. 589-591.
  - — — Practice as to vacation of seats by, criticised, iii. 589-590 n.
  - — — How to secure the House against disturbance by, iii. 591-592, 596-597.
- Members of Parliament—Nominee: the position of, x. 235-237.
- — — See Legislature; Parliament; Representatives.
- Memento—Future-communication-securing, in procedure, n. 57.
- Memorandum—as makeshift evidence, vi. 58.
- Question whether a witness should be allowed to consult, vi. 386-392. See Notes.
  - excluded as evidence after the writer's decease, vii. 167-168.
  - by defendant—used against him without examination, vii. 166
  - See Casually-written Evidence
- Memorandum-making as a branch of the Chrestomathic system of Instruction, viii. 40.
- Memoriter evidence, or supposed written evidence transmitted through oral, vii. 137-138.
- Memoriter-metre principle in the management of the Chrestomathic School, viii. 53.
- Memory—a faculty of the mind necessary to the teacher and the learner, viii. 76.
- The pleasures of, i. 18.
  - The pains of, i. 20
  - Unproductive use that may be made of in education, when the intellect not exercised, viii. 44-45.
  - False allocation of subjects under the head of, in the Encyclopedical Table of D'Alembert, viii. 77.
  - Application of methodization to the assistance of the, viii. 272.
  - Helps to, how far compatible with prevention of invention on the part of witnesses, vi. 446-451.
  - Services of, to evidence, vi. 18.
  - Suggestive questions for assisting, vi. 394.
  - Failure of, an intellectual cause of incorrectness, vi. 251.
  - Failure of, assuming the aspect of error, vi. 252.
  - how refreshed, vi. 253.
  - Written evidence transmitted through, vii. 137-138.
- Men—That all, are free. Absurdity of the proposition, ii. 498.
- That they are born and remain equal in rights—Absurdity of the proposition, ii. 498-499.
  - Endeavour to draw attention from measures to—a fallacy in debate, ii. 414.
  - and Measures. Alternative elevation of one above the other—a fallacy in political discussion, ii. 470-471.
- Menacement, as circumstantial evidence of delinquency, vii. 21.
- Infirmative circumstances applicable to, as circumstantial evidence, vii. 23-24.
- Mendacious invention on the part of witnesses—How far helps to recollection

- consistent with prevention of, vi. 446-451.
- Mendacity**—Definition of, vi. 222, 249.
- How its criminality arises from the purpose for which it is employed, v. 220-221.
  - Fraudulent. Should be punished in all cases, whether accompanied by oath or not, v. 460.
  - in Courts of Justice—Licensed, rewarded, compelled, and practised by Judge—a grievance charged in the abridged Petition for justice, v. 510-513. Bill in Equity, 510-511. Fictions, 511-513.
  - Oaths necessitated for the establishment of, an item of complaint in the Petition for justice, v. 454-467.
  - Nature of the interest that will occasion, vi. 159.
  - Any motive may serve as a cause of, vi. 259-260.
  - Effect of punishment for, in producing truth, vi. 268.
  - Knowledge of circumjacent facts necessary to the support of, vi. 288.
  - The various crimes which consist in, vi. 292 n.
  - Murder accomplished by, vi. 304, 382 n<sup>s</sup>.
  - encouraged by Judge recommending plea of not guilty to criminals, vi. 306.
  - checked by publicity, vi. 355.
  - Disposition towards, on the part of a witness, a subject of investigation, vi. 403.
  - Exercise of, allowed by law to criminals, on principle of self-defence, vi. 472.
  - Confessorial. Question if it is a circumstance to be anticipated, vii. 34-35.
  - involved in the precision required in English pleading, vii. 276-277.
  - as displayed in Equity practice, vii. 299-300.
  - Existence of, depends on the proportion between the mendacity-promoting, and the mendacity-restraining motives, vii. 395.
  - The evil of perjury consists in, vii. 406-407 n.
  - Conviction of, not a good ground for rejecting a witness, vii. 406-409.
  - Exclusion of evidence on the ground of, would exclude lawyers and judges, vii. 415-420.
  - Character for—Weight that should be given to, as affecting testimony, vii. 587-589.
  - When evidence as to character for, on the part of a witness, should be received, ii. 61-62.
  - License for, in the practice of giving judgment by default, vi. 23.
- Mendacity-License**—The, described and defined, ii. 48-49.
- Persons by whom it is employed, ii. 53.
  - considered as a device of technical procedure, v. 11.
- Mendacity-License**—created by oaths, v. 197-200. Punishing falsehood only when on oath gave license to it in other shapes, ib.
- Extent to which it is carried in France, v. 200 n.
  - Complained of in Petition for justice as a device of the Technical system, v. 451-452.
  - considered in the Rationale of Evidence, vi. 298-302; vii. 265-270, 415-429;—
  - Nature of, examined, vii. 262-264.
  - Exemption from punishment, 262-263.
  - Statement not called evidence but allegation, 263. Gives efficacy to allegations even when they are known to be false, 263-264.
  - In what cases granted, vii. 264-268.
  - Sometimes the rule, sometimes the exception, 264-265. Origin of punishment for false testimony, with oath in ecclesiastical courts, 265. Bill in Equity, 266. Pleading, 267. Statements of parties so allowed, shown to act as evidence, 267-268.
  - Uses of, to Judge & Co., without the help of writing, vii. 268-270.
  - Origin and history of, vii. 458.
  - How provided against in the Constitutional Code, ix. 590-591.
- Mendacity-serving information**—Prevention of, a reason for restricting publicity in courts of justice, vi. 361-362.
- Mendham**—Thomas, an instructor of Bentham in his childhood, x. 8.
- Mendicity**—Abolition of, one of the collateral ends of a system of Poor-laws, viii. 401-403. See Pauper Management.
- Mental Faculties**—Enumeration of the, viii. 281-282. Perception, 281. Judgment, ib. Memory, ib. Deduction, ib. Abstraction, ib. Imagination, ib. Invention, ib. Methodisation, ib. Attention, ib. Observation, ib. Communication, ib. Comparison, or alternately applied attention, 281-282. Synthesis, 282. Generalization, ib. Induction, ib. Analysis, ib. Distribution, ib.
- Mental facts.** See Psychological.
- Mental imbecility**—Impropriety of holding, as a ground for exclusion of testimony, vi. 105; vii. 427-432. See Imbecility.
- Mental injuries** as distinguished from other personal offences, i. 114-115.
- Effect of the time or place of infliction on, i. 174.
  - Their place in the subdivisions of the Penal Code, iii. 164.
- Mental operations**—Classification of, viii. 223-229. See Logic.
- Desires, as caused by pleasures and pains, the source of, viii. 279-281.
- Mental Pathology**—Axioms of, as a ground for legislative arrangements, iii. 224-225.

- Mercantile extortion—Publicity as a remedy for, i. 554.
- Merchandise—Definition of, iii. 36-37 n.
- Merchant of Venice—The main incident of, an illustration of the anomalous laws which judges should be allowed to suspend the operation of, ix. 509.
- Merchant seamen—Plan for protecting from oppression by a system of Registration, and of summary adjudication on complaints, ix. 409-415. See Defensive Force—Shipboard oppression obviated.
- Merchants—Settlement of accounts between —Judicatories for, ii. 181-182.
- Mercier. L'an 2440, by, noticed, ii. 204 n.
- Mercury—Denial of the freezing of, by a physician, vii. 95.
- Mercy—Exercise of, by a sovereign, in pardoning criminals, presupposes tyranny, i. 520; iii. 619-620; ix. 605-607.
- Power of, in a sovereign, supports notions of Divine right, i. 529.
- False applications of the power of, vii. 258-259.
- a word in the vocabulary of tyrants; predicates injustice, and is used for the gratification of its exercisers, ix. 36-37, 605.
- Merger—Doctrine of, vii. 440.
- Merit—Prodigality in reward operates against, ii. 200-201.
- Merits—Decision of suits on grounds foreign to the, a device of Technical procedure, v. 11.
- Decision of suits on grounds foreign to, a grievance charged in Petition for justice, v. 476-480. Flagrant abuse in the very language employed, 476. Decision according to merits being the only right one, the other must be wrong, 477. Nullification the great instrument, ib. Judge-made law has some analogy with justice when it is on the merits, but when foreign to the merits is the strongest case of *ex post facto*, 477-478. Disappointment-prevention principle infringed, 478. Perfection of arbitrariness, ib. Mis-seated punishment, 478-479. Peremptory and dilatory effects of nullification, 479. Former the most complete injustice, ib. But the other creates delay which is to an extent denial of justice, 478-480.
- Decisions according to, and not according to—the alternative animadverted on, iv. 353; vii. 257.
- The system of deciding according to, or not, at discretion, compared with the precautions for obviating the practice, in the Constitutional Code, ix. 514.
- Merlin—Mr—His contrivance for enabling masters to give directions to their workmen, iv. 84.
- Merrivale—Mr—His letter on the Chancery commission, noticed, x. 563.
- Mesmer—The detection of, noticed, i. 568.
- Mesne process—Arrest in, vi. 136.
- — No arrest in, in Scotland, vi. 181 n.
- — Arrest in; how created by the struggles of the courts to monopolize business, v. 491-494. A process not to be blindly followed as matter of form, but requiring nice distinction, 491-493. Invests any man who will take a false oath with the power of a judge, 493. How the courts outbid each other in doing service of this sort, 493-494.
- — Law as to arrest in, altered in England, vi. 178 n.
- Messenger as a judiciary officer in the Constitutional Code, ix. 466.
- Messengers and Prehensors in Proposed Equity Despatch Court—Functions of, iii. 376-381.
- Judiciary—Substitution of Letter-post to, iii. 378, 379.
- Judiciary—Provisions for, in Constitutional Code, ix. 636-637. Purpose—to cause knowledge to be had of a written mandate from a judge, ib. Arrangements by Justice Minister and Interior Communication Minister—Letter-post, ib.
- Messing—Military. How to accommodate general economy with the privileges of individual wealth in, ix. 378-379.
- Metals—Precious. Effect of increase of, with relation to that of commodities, iii. 46, 69-70.
- — Prejudices as to limiting exportation of, iii. 70. Fortunate inefficacy of the attempts, ib.
- Metaphor—Nature of, and difficulty of keeping entire, viii. 247.
- Metaphysical division of jurisdictions—viz. different courts for different sorts of causes, iv. 331.
- Metaphysics—Nature of, and connexion with logic, viii. 220-221.
- identified with logic, and defined, in the Common Place-book, x. 510.
- Reason of unpopularity of—wish to avoid exposure of favourite errors, viii. 221.
- Metcalf—Philip—Letters from Bentham to, x. 295-296.
- — noticed, x. 285, 312, 412.
- Metelin—visited by Bentham on his way to Russia, x. 151-152.
- Meteorology—Defined and located in the Chrestomathic system of Instruction, viii. 32.
- Source of experimental knowledge of, in a system of Pauper management, viii. 426.
- Method—what it consists in, vii. 29.
- in the laws—Advantages of, i. 324.
- Considerations regarding, in a Code of Laws, iii. 161-163, 236.
- Fallacious objections to, ii. 463-464.
- an object of invention and discovery, and when achieved an instrument in their service, viii. 76.

- Methodisation as one of the human faculties, viii. 75 n.
- a faculty not necessary to the teacher or learner, viii. 76.
  - or collective denomination—The mental operation of, considered in connexion with logic, viii. 226-227.
- Methodisation—Logical—Subjects to which it applies, viii. 259-260. Distinction to be kept between the mental operation and physical arrangement, ib.
- — as applied to objects, viii. 260-261.
- Physical and Psychical—real matter and ideas, 260. Mode by succession, or priority and posteriority, through place and time, 260-261. Psychical mode by connected arrangement, 261.
- — Purposes to which it is applicable, viii. 261-262. The other operations of Logic instruments in its hands, 261. Distinguished from, and an assistant of imagination, ib. Applies to teaching, learning, improving, and practising, 261-262.
  - — The subjects of—Real and fictitious entities, viii. 262-264. Names only can be the subjects of Psychical arrangement, 262. Fictitious entities distinguished from fabulous, ib. Instances of fictitious entities—Motion—Quantity—Quality—Form—Relation, 263-264.
  - — Relation between genus and species in, viii. 265-266.
  - — The Porphyrian tree of the Aristotelians described as an instrument of, viii. 266-267.
  - — according to scales in subalternation, viii. 267-268.
  - — as applied to the three physical kingdoms, viii. 268-269.
  - — The Linnæan system of, examined, viii. 269-270.
  - — Rules for, in the case of objects presented by successive exhibition, viii. 270-271.
  - — Application of, to literary composition, and the defects it has to obviate, viii. 271-272.
  - — Its application to the assistance of the faculties of the mind, viii. 272-273. Perceptive and conceptive faculties, 272. Memory, or retentive and recollective, ib. Inventive, ib. Imaginative, 272-273. Judicial, 273.
  - — The Aristotelian laws of—criticised, viii. 273-275.
- Methuen—Mr, a visiter at Bowood, x. 98.
- Methuen—Sir Paul—Mention of, x. 112.
- Metre—restoring, or restoring the disarranged words of verse, as a school exercise, viii. 45-46.
- Metropolis—The best public for watching the proceedings of Courts in, iv. 349.
- Metropolitan Courts as provided for in Draft of Judicial Establishment for France, iv. 300.
- Metropolitan Police Magistracy—Creation of the, vii. 327-328.
- Mexico—Project by Bentham to emigrate to, explained in a Letter to Lord Holland requesting his intervention to facilitate the project, x. 439-444.
- Letter to Mr Mulford on proposed emigration to, x. 444-446.
  - Letters from Lord Holland and Jovelanos on proposed emigration to, x. 447-448.
  - Decrease of Religious Persecution in, ii. 451 n.
  - Human sacrifices in, noticed, vii. 233-234.
  - The extent civilisation may reach without the art of writing, illustrated from, vi. 329.
  - Interests of, in relation to a proposal for the junction of the Atlantic and the Pacific, ii. 563-568.
- Meyer—J. D., Author of the History of the Progress of Judiciary Establishments—Notice of, x. 604.
- Middle-agency-sparing principle, in Procedure, ii. 30-31.
- Middlesex Sessions—Chairmanship of, an instance of popular election of a judge, iv. 366 n †.
- System of Registration in, noticed, i. 552.
  - System of Registration in, an example of transcriptitious preappointed evidence, vi. 508-575 n.
- Midwifery—Professorships of, in central towns, considered, ii. 257.
- Midwives—Employment of women and men as, considered, i. 543.
- Registers to be kept by, vi. 572.
- Migration of Judicatories—Provision for, in the Constitutional Code, ix. 496-500.
- Miguel—Don—noticed, iv. 431; v. 534.
- Mildrone—Case of, cited, vii. 423 n ¶.
- Military—Use of the, in enforcing the mandates of a civil judge, iii. 380.
- Employment of, to guard the exterior of a Penitentiary, iv. 164-165.
- Military Authorities—Proper demarcation of the power of, with relation to the civil inhabitants of the state, ix. 383-392. *See* Defensive Force—Power of non-military, &c.
- Military Code—Plan of the, iii. 201-202. Limits of power as narrow as possible, but clearly defined, ib. Evils of leaving power vague, 202.
- Military Department—How far it is necessary that pay should rise with power in—False views on the subject conveyed from this department into others by analogy, ix. 299-300.
- Military Discipline—states of civilisation in which it may be conducive to orderly and industrious habits, ix. 417-418.
- Military Economy—Observations on, by the

- Editor of the Chapter on Defensive Force in Constitutional Code, ix. 427-428.
- Military Exercises—why necessarily excluded from the Chrestomathic system of Education, viii. 43.
- Military Force—Profuse expenditure on, an incident of the expense of a monarchy, ix. 32.
- — Provision for, in Constitutional Code, ix. 333-428. *See* Defensive Force.
  - — How far it can be employed internally with safety to a free state, ix. 335.
  - — Method in which the Judiciary to apply for the assistance of, by the Constitutional Code, ix. 487-489.
  - — Treatise on the different descriptions of, by the Editor of the Chapter on Defensive Force in the Constitutional Code, ix. 422-427.
- Military Honours—Adaptation of, to the other portions of society, ii. 194.
- Military Law—Bearing of, on the Constitutional Code, ix. 40-41. Use of arms to be free to all, 40. Principle of a stipendiary force, 40-41.
- Military Tribunals—illustration in the Spanish code of the danger of not having their province strictly defined, viii. 526-529.
- — Held as exceptions to the rules applicable to the ordinary Tribunals by the Constitutional Code, ix. 456-459.
  - — Provision for, in Constitutional Code, ix. 392-395. *See* Defensive Force.
- Militia—Inconveniences of the establishment, viii. 420-421.
- according to the British Plan—Inadequacy of, to meet the proper ends of a voluntary armed force, ix. 345-346. An inefficient nursery for the army, 345. Oppressive and unequal, 345-346. No protection against danger from a standing army, 346.
  - of the United States—maintained to be a useless expense, ix. 346-347.
- Mill—James—His intimacy with Bentham, x. 449-450.
- — Bentham's opinion of, x. 450.
  - — Letters from, on Libel Law, x. 450, 451.
  - — Letters from, on his Review of Bexon's application of the Theory of Legislation, &c., x. 452, 453-454.
  - — Letter from, with the strictures of a friend on Bentham's opinions, x. 454.
  - — Letter from, about his son, x. 472-473.
  - — Letter from, to Bentham, taking a view of incidental irritations arising between them, and proposing a temporary separation for the better preservation of their friendship, x. 481-482.
  - — Account of, and of Bentham's connexion with him, x. 482-483.
  - — His connexion with the Westminster Review, x. 540.
- Mill—James—Letter to Rammohun Roy on the services of, x. 589-592.
- — Casual notices of, x. 459, 468, 485, 533, 552, 576-577, 603.
  - — John S.—Notice of, x. 472-473.
- Millbank—Transactions relating to the purchase of, for the National Penitentiary, xi. 101-102.
- Miller—John—Inquiry by, into the state of the Civil Law in England, cited, v. 378.
- Miller—General—Letter from, with an Account of the state of the South-American States, xi. 16-17.
- Milton—His house in Bentham's garden, xi. 81.
- Authentication of a portrait of, x. 51-53.
  - Lines on the erection of a barrack in his garden, attributed to Bentham, x. 71.
  - Casual mention of, x. 583.
- Mimographical or Receptacular Mode of Registration, for showing the amount of the National stock in the Public arsenals, &c., ix. 238-241. Description, 238. Application to army, navy, and health departments, *ib.* Practical example in draughts of areas, &c., 239. Use to the official persons in presenting a vivid and immediate representation, *ib.* Application to articles stored in open yards, 239-240. Method where the articles are kept in receptacles, 240. Articles in warehouses, 240-241.
- Mina—His Projects in Spain, x. 594.
- Mind—Human. Analytical view of the Phenomena of the, viii. 279. General division into perceptive and appetitive, *ib.*
- Faculties of the, which give substance to discourse, viii. 300.
  - Faculties of the—A general list of, with definitions and descriptions, viii. 74-76.
  - Faculties of—Application of methodization to the assistance of, viii. 272-273.
  - The, weakened in infancy by intercourse with the uneducated, viii. 12.
  - Strength of, would be one of the fruits of the Chrestomathic system of Education, viii. 11.
  - Confusion of, as evidence of guilt, vii. 44-45.
- Mines—Principles of appropriation of, i. 329.
- Punishment of bondage in the, considered, i. 438-439, 441.
- Mines of Mexico and Potosi—Effect of, on the state of money, iii. 53.
- Mineral Chemistry—defined and located in the Chrestomathic system of Instruction, viii. 31-32.
- Mineralogy—defined and located as a branch of instruction in the Chrestomathic school, viii. 28.
- The term Abioscopic Epigeoscopies substituted for, in the Encyclopedical Sketch of Art and Science, viii. 86-87.

**Mineralogy**—Connexion of the Science of, with the concerns of the working classes, viii. 24.

**Mingay**—Counsellor—Mention of, v. 162 n.  
**Mining**—Description of the art of, and its place in the Chrestomathic System of Education, viii. 34.

**Minister**—Prime. Provision for, in Constitutional Code, ix. 204-213. *See* Prime Minister.

— Prime, in Britain—how far necessarily the tool of the Monarch, ix. 141.

— War the greatest crime of a, ii. 556.

**Ministers**—Proposal for placing, in the House of Commons, without being elected, and without vote, iii. 541-542.

— The non-attendance of members of Parliament favourable to the corrupt proceedings of, iii. 500-502.

— Cases where they have been less anxious for war than the people, ii. 559.

— of the Crown—The extent to which they should have a preference in the initiative of measures in a legislative assembly, ii. 351-352.

**Ministers Collectively**—Provision for, in the Constitutional Code, ix. 213-333;—

— — Ends in view regarding, ix. 213. Maximization of appropriate good—Minimization of correspondent evil, ib.

— — and their subdepartments enumerated, ix. 213-214.

— — Number in an office, ix. 214-219.

Only one in an office, 214-215. Tends to the furtherance of appropriate moral aptitude—responsibility, which no one to share with him or misdirect, 215. Appropriate intellectual and active aptitude better secured, ib. Exclusion of delay, vexation, and expense—prompt action, no debating, &c., ib. Corruption and irresponsibility nourished by numbers—witness Boards, ib. Self-suppletive function removes the objection about temporary incapacity, 215-216. Control in superordinates and subordinates, 216. United States an illustration, ib. Comparison with the English Board system, 216-217. General rule—When the business of an office is too much for one, have subordinates, 217. Boards, though exempt from control of Public-opinion Tribunal, not so from the sinister control of the monarch and his assistants, ib. Reasons which may require more than one office to be vested in one man—smallness of district, &c., 218. Adjustment to population, and the progress of knowledge, 218-219. Instances of mal-adjustment in England—Redundance and deficiency, 219. Warning against junction of incompatible offices, ib.

— — Functions in all of, ix. 219-226. Correspondent to operations, 219-220. Names

of the subject-matter of functions divided into real and fictitious entities—things incorporeal an instance of the latter, 220. Moveables—divided into money, and other moveables, ib. Occurrences, ib. States of persons or things, or motions of them, 220-221. Interior and exterior occurrences, 221. Important and unimportant—relevant and irrelevant occurrences, ib. Written instruments—considered in relation to the persons *by* whom, and those *to* whom they are sent, ib. Mandates: transitory and naturally permanent—spontaneous and elicited, 221-222. Ordinances, ib. Rules, Regulations, Orders, 222-223. Utility of a comprehensive formulary for the transaction of business, 223. Meaning of the term arrangements, as comprehending institutions and establishments, ib. Analysis of functions regarding persons—The Locative, Self-suppletive, Directive, Dislocative, Procurative, Custodative, Applicative, Reparative, Transformative, Eliminative, and Inspective, with their sub-modes, 221-225. Functions regarding persons, things, money, and occurrences—Statistic, Registrative, Publicative, and Officially informative, 225. Functions as to the supply, custody, &c., of the instruments through which, in the several offices, these functions are performed, 225-226.

**Ministers Collectively**—Subordination grades of, ix. 226-231. Meaning of subordination, 226. Powers necessary to, 227. Grades—Subordinate, Bis-subordinate, Tris-subordinate, ib. Distinction explained between superordinateness and subordinateness, and superiority and inferiority, 227-228. Illustration in diplomatic relations, 228. Accountableness concomitant with subordinateness, ib. No difference in salary on account of superordination, ib. Cases where there may be accounting, as between functionary and functionary, without actual subordination—Public works, &c., where skill required, 229. Distance between subordinate and superordinate may produce the same, ib. The Finance Minister's functionaries merely accountable, ib. Settlement of number of grades, ib. Departments in which they will be few—Electron, Legislation, ib. Department in which there will be most—the Army, 229-230. Illustrations of extravagance from multitude of grades, 230. Legislation Minister the fewest grades, 230-231. A Registrar in every considerable directive office, ib. Clerk the lowest in each, 231. As few intermediate grades as possible between the minister and acting functionary, ib.

— — Self-suppletive function of, ix. 231-232. To prevent interruption of busi-



ness—a person named on immediate entry to office, 231. Causes justifying occasional deputies, 231-232. Certain subdepartments where the system unsuitable—army, navy, &c., 232. Reasons for expecting a supply of candidates, ib.

Ministers Collectively—Statistic function of, ix. 232-253. See Books.

— — Requisite function of, ix. 253-257. Used where Procuration mandates, or written instruments to supply articles for the use of the public as restricted by legislative authority, do not suffice, 253-254. Consists of application for the article to the legislature, or a functionary authorized to give it, 255. Heads of the instrument, ib. Method of dealing with, ib. Checks, ib. Responsibility for making application when necessary, ib. An outset supply at commencement, ib. Regulation of future supplies, 255-256. Departments where power of self supply necessary—military and naval, 256. Considerations of economy between fabricating and purchasing, ib. Form of the Instrument of Requisition—clearness, conciseness, absence of superfluous complimentary expressions, uniformity, legibility, cheapness, stamp, &c., 256-257.

— — Inspective function of, ix. 257-260. Involves visitation, 257. Once at least each minister to visit the several offices of his department, ib. Uses—seeing to the regularity of the registration, &c., the supply of all official deficiencies, making observation of the qualifications, hearing complaints, &c., 257-258. Places, offices, and functionaries to be visited, with relation to the several subdepartments, 258. Special Inspection visits, Progresses, and circuits for particular purposes, 258-259. Arrangements where various ministers inspect the same establishment—not to do so jointly, 259. Cases in which the visits of more than one minister may be so required, ib. Considerations as to expense, and time occupied, 259-260.

— — Officially-informative function, ix. 260-263. Comparison with evidence, 260. Information analyzed—spontaneous and unspontaneous—communicated and received, 260-261. With special exceptions, all occurrences to be communicated to the Legislature and the Prime Minister, 261. Considerations as to presumptive evidence of receipt of information, and responsibility to act on it, 261-262. Absence of any such system in this country, and consequently no means of checking official delinquency, unless in the cases where a party triumph is gained in favour of inquiry, 262-263.

— — Information-elicitative function, ix. 263-264. The simply receptive mode and the extractive, 263. When both parties are

officials little difference, but in the instance of non-officials, extractive gives power and jurisdiction, ib. Precautions against abuse of power, 263-264. Right to extract information for the defence of the country, considered, 264. Precautions against inquisitorial exercise, and especially of inquiries as to religion, ib. Obligation of making communication in cases of threatened calamity, &c., ib.

Ministers Collectively—Melioration-suggestive function of, ix. 264-265. Used where practice of an office seems to need correction, 264. Involves the Judicative, Ratiocinative, and Eventually-emandative, 264-265.

— — Term of service of, ix. 265. For life, and the reasons,—increase of appropriate knowledge, judgment, and active talent, ib.

— — Attendance of, ix. 265-266. In-door service and out-door service to be considered in the arrangement, ib.

— — Remuneration of, ix. 266-271. The expense-minimizing more urgent than even the aptitude-maximizing principle, 266. Bad effects of extravagant salaries, ib. Competition, 266-267. Liberality at the public expense characterized as waste, 267. Services ordinary and extraordinary, ib. Rewards—pecuniary and honorary, ib. Proper mode of conferring honour, only by increase of what is natural, ib. To be done judicially—Recordation and publication of opinative and imperative decree, 267-268. Given as the result of a suit before a judicatory—the suit described, 268. Examples of titles of honour and ensigns of dignity in use, ib. In comparison with these which are factitious and independent of merit, the present plan adjusts itself to the merit, and is liable to injustice only from defective evidence, 269. Power of conversion into an arbitrary government, if the authority were in the hands of one, ib. No ultra-concomitant remuneration, by superannuation allowances, pensions of retreat, &c., ib. Condemnation of mislocated remuneration—given to another than the person who has done the service, 270. Extravasated—where in addition to the earner some other person (as his son) rewarded, ib. Examples, ib. Illustrations of the former—rewarding superordinates for service of subordinates, ib. Of the latter—pensions, &c., ib. Extreme case—hereditary legislators, 269. Official service by an unofficial person is as if he were *pro tempore* official, 269-270. Illustrations—national defence, seizure of depredators, &c., 271. Cautions against fraud in such claims, ib. Salaries of the various ministers paid quarterly in advance, ib.

— — Who locable as, ix. 271-283. Choice

to be in Prime Minister, whose election subject to the responsibilities provided, is absolute, 271. For minimization of expense, he has, among those shown to be capable, the means of ascertaining who will do the duty cheapest, 272. Power of dislocation a check, *ib.* Two periods in the qualification of candidates—the preparation and the consummation, *ib.* Publication of office calendar, with list of situations, *ib.* Situations of talent, 272-273. Situations of simple trust, *ib.* Situations of talent and trust, *ib.* Analysis of various official situations, with specification of the talents and acquirements specially requisite for them, *ib.* Locable list for names of qualified candidates, 274. A judicatory for deciding who are to go on the list—called qualification or examination-judicatory, *ib.* A Quasi-jury of the instructors, *ib.* The mode of procedure, as compared with that of the legal judicatories, *ib.* Voting both secret and open, *ib.* A plan for the secret voting, 274-275. Mode of scrutiny, 275. Method of taking the open vote, 275-276. From the Quasi-jurors being liable to influence, secret votes only taken, 276. Probability of the Legislature adjusting the mode of voting to the results of experience, *ib.* How topics of examination to be provided, *ib.* Moral character, *ib.* Preparation of Locable list, 276-277. Method of advertisement for instructors, 277. Arrangement of emolument of instructors, with a view to graduating it to value of service, 277-278. How the locable list to be provided for in the interim before the termination of the consummation period, 279. Lot as a means of fixing the subjects of examination, and method of putting it in practice, 279-283.

Ministers Collectively—How located, *ix.* 283-294. Advertisement inviting competition, those on the Locable list bidding who will do the duties cheapest, 283. Security where trust involved, *ib.* Instrument of location and its heads, 283-284. Disposal of exemplars of the instrument, 284. Other securities, if deemed necessary, to be provided by the Legislature, 285. Like proceeding as to subordinates, *ib.* None but those on qualification list locable, except in situation of simple trust, where good security given, *ib.* Locatee must be of age—exceptions for consideration, the army and navy, *ib.* Considerations as to rising by gradation, 284-285. Where a minister locates subordinates, Prime Minister to confirm, 285. Army, navy, and foreign diplomacy—cases in which, from distance, it may be necessary to have the initiative in other hands than the minister, *ib.* Mode of exercise of the locative function, 285-286. Deputes to be

taken from the Locable list, 286. Responsibility for mis-location, but acts done by the persons not to be null, *ib.* The pecuniary-competition principle defended, 286-293. (*See Pecuniary Competition.*) Concluding instructions to the Public-opinion Tribunal—on it depends the support of the system against the sinister interest and arguments brought against it, 293-294.

Ministers Collectively—Dislocable how, *ix.* 294. By the Prime Minister and the Legislature, *ib.* By the Constitutive, as in the case of legislators, *ib.* Not by judges. — Subordinates of, *ix.* 294-302. The Directive, Statistic, Self-suppletive, Requisite, and Melioration-suggestive functions, 294-295. Term of service to be, with stated exceptions, for life—reasons, 295. Attendance to be fixed according to circumstances, *ib.* Remuneration—no increase for length of service, 295-296. Reasons against increase of remuneration on account of longevity—in all these cases departure from the rule of value, and that of arbitrary preference introduced, 296-297. Location—nomination by Minister of Department—confirmation by Prime Minister, 297. Provisions for expeditiously filling up vacancies, *ib.* Question considered, whether on a vacancy the situation shall devolve as of course on the Depute-permanent, and reasons against, 297-298. Reasons for permitting the use of the qualification-examination in the case of location to higher office, 298. The pecuniary competition may be employed where a depute succeeds his principal, 298-299. With these principles the system cannot properly be termed one of promotion, *ib.* The view that the scale of power and the scale of wealth must correspond taken by a false analogy from military gradations, *ib.* False notions of the extent of the necessity even in that department, 299-300. Case of functionaries employed in more particular work—considerations as to a preference between contract and employment in such cases, 300. Where sinister interest active, succession by simple seniority may have its advantages, 300-301. Where the system is to give merit its due weight, remunerating mere seniority is unjust to merit, 301. Subject to restrictions, and exceptions in case of the army and navy, the subordinates are displaceable by the respective ministers, *ib.* Cases for incidental power of suspension by others, 301-302.

— Insubordination obviated, *ix.* 302-304. Act done by a subordinate against a super-ordinate or co-ordinate, such as to injure the public service, 302. Quasi-In-

- subordination commissible by members of the public in character of Suitors, Inspectees, or Evidence-holders, *ib.* How disturbance producible in the exercise of a function, 302-303. Advantages of having the conduct of officials in all departments under public cognizance, 303. Evil effect in a free state of privately founded institutions for public purposes yet not under public control, *ib.* Instances—hospitals, schools, &c., *ib.* Rules for good behaviour applicable to the Public in general in their transactions at the offices, and means of enforcing, 303-304.
- Ministers Collectively**—Oppression obviated in relation to, *ix.* 304-313. Persons to whom applicable—oppressors, administrative functionaries; oppressees—individuals at large, 304-305. Shapes of oppression of individuals at large, 305. Examples as against an individual in the capacity of suitor, *ib.* In the capacity of Inspectee, *ib.* In the capacity of Evidence-holder, 305-306. Shapes of oppression of functionaries, 306. Remedies—analysis of their kinds, *ib.* Directly applying remedies—where the oppressor of a grade inferior to that of minister, 306-307; where the oppressor a minister, 307; where he is Prime Minister, *ib.* Indirectly applying remedies—Rules of Department, Publicity, Evidence, Registration, Complaint-book, &c., *ib.* Rules of Department—self-regarding prudence, extra-regarding prudence, negative effective benevolence, and positive effective benevolence, 307. Considerations as to how far the Penal Code may be brought in aid of their enforcement—Illustration from the Articles of War, 307-309. Case where the oppressee is a subordinate Functionary, 309. For protection against unjust displacement, a means of trying the merits of the case before a judicatory, 309-310. Provisions as to suspension, 310. Set of formalities for removal from office applicable to all the functions except the army and navy, 310-311. Formalities for suspension, 311. Different kinds of transference—Permanent to a grade not inferior, Temporary to do.,—Permanent to an inferior, Temporary to do., 311-312. Degradation, 312. Stoppage of Promotion definitive and temporary, *ib.* Publicity of all proceedings except in excepted cases, *ib.* Disposal of Exemplars of the Instrument, 312-313.
- — Extortion obviated, *ix.* 313. Different species of it, *ib.* Reference to Penal Code and Provisions against oppression, for the remedy, *ib.* Illustration in proceedings before Masters in Chancery, where three attendances charged for when one made, *ib.*
- Ministers Collectively**—Peculation obviated, *ix.* 314-316. When amounts to an ordinary offence—Remedy in the Penal law, 314. Case where friends or relations favoured as in public contracts, *ib.* No objection to, when the public eye on all the proceeding, *ib.* No other remedy but publicity, 314-315. Rules applicable to offices of mere trust, 315. Illustrations of forms of peculation, 315-316.
- — Legislation-regarding functions, *ix.* 316. Have as to measures the Argumentative, Initiative, and Responsive functions—no vote, *ib.* Bound to attend, *ib.* Other functions in common with Judges—contested-interpretation-reporting; Eventually-ementative, &c., *ib.*
- — Securities for appropriate aptitude in the case of, *ix.* 316-324. Subject-matters for consideration—Elements of aptitude, Motives to, Sanctions for, Persons to whose conduct applicable, Persons by whom applied, Purposes—or Evils to be prevented, Relative time of application, 316-317. Enumeration of the securities common to the system, Registration, Publication, Dislocability, Responsibility, &c., 317-318. Character-Index and Official merit Register, 318. Demerit Register or Delinquent List, and its heads, *ib.* Tables of Functionary's and visitors' Department Rules hung up, *ib.* No premiums allowable for extra despatch, 318-319. Formalities through which, on special occasion, exertion may be remunerated, 319. Responsibility for subordinates where any evil has occurred which vigilance could have obviated, 320. Subjection to the power of the Public-opinion Tribunal, *ib.* Complete subjection to the legal Tribunals, 320-321. Legislature to be careful in assigning to all the necessary authority, so as to prevent assumption of arbitrary powers, 321. The legislature always sitting, and the ministers requiring to attend, arbitrary authority only necessary for distant officials, *ib.* Precautions, *ib.* Instances and illustrations of abuse—manner in which it creeps in: the arbitrary power first employed for good purposes, and gets a good character, 321-322. Defended on ground of precedent, 322-323. Illustration of the application of judicial arrangements to official responsibility in courts martial, 323-324.
- — Architectural arrangements for, *ix.* 325-333. Secrecy or publicity should be obtainable as either may be desired, 325. Chief need of secrecy in the elections, *ib.* Chief need of publicity, the judicatures, 325-326. Next the administrative, 326. Preliminary explanations to the arrangements, *ib.* Means of

- ranging the offices of all the ministers except the Election and Legislation, so as to make them accessible to the Prime Minister, 326-327. Conversation-tubes from the Prime Minister to each of the others, and from each minister to every other, 327. Panopticon or Inspection principle, *ib.* Other arrangements for transmitting documents, &c., *ib.* Waiting-boxes for suitors having application to make at the several offices, and routine of audience, &c., 328-329. Public and Private waiting-boxes, and their respective uses, *ib.* Means of securing secrecy where it is desirable, 329-330. Cases where this likely to occur—illustrations, 330. Cases—Information of contraband; Information for reward, *ib.* Rewarding informers vindicated, *ib.* Those who impede the detection of the offence accessory, *ib.* Considerations whether the ministers are to have habitations under the official roof—conveniences from accessibility, security, &c., opposed by occupation of room, 330-331. Comparison of the facility and cheapness of such a means of accommodating the heads of a government, with the monarchical system and its expense, 331. Preservation of the buildings and property from destruction, *ib.* Psychological causes of destruction—foreign and internal adversaries, *ib.* Causes of furtive abstraction, 332. Correspondent safeguards—against destruction a military guard, *ib.* Evils arising in a monarchy, from the officials being too great to be subjected to the trammels necessary for accessibility, &c., 332-333. An argument against the monarchical system, 333.
- Ministers severally—Provision as to, in Constitutional Code, ix. 428-453. *See* Election Minister; Legislation; Army; Navy; Preventive Service; Interior Communication; Indigence relief; Education; Domain; Health; Foreign Relation; Trade; Finance.
- — Provision in Constitutional Code for terminating conflicts of authority among, ix. 452.
- Ministers—Sublegislation—Provision for, in the Constitutional Code, ix. 643.
- Ministers—Parochial—Proposal to give the duty of making the census returns to, x. 354-355.
- Ministerial service—Claim for establishing family fortunes as the remuneration of, controverted, v. 292-294.
- Ministry—Confidence of a Sovereign in, decreases his independent power, i. 574.
- Cases in which it may be interested particularly unmeet for judicial privacy, vi. 369-372.
- Minors—Why interdicted from contracting, i. 332.
- Minors—Reasons for excluding, from the franchise, iii. 462-463.
- Provisions in Dispatch Court Bill for guardianship of, iii. 386.
- How to be kept from witnessing indecent exposures in Courts of Justice, vi. 367.
- Minorca—Notice of the operations against, by the Spanish, x. 112.
- Minority—Proper principles of fixing the age at which it should terminate, i. 125, 348.
- Minutes of previously collected evidence— Whether they should be admitted as evidence in a new litigation? vii. 128.
- Minuted evidence, or supposed oral through written, examined, vii. 138-139.
- Minuting testimony, vi. 408-419. *See* Notation.
- Mirabeau noticed or quoted, i. 153; x. 87, 185, 199, 207, 212, 216, 217, 219, 223, 262.
- Miracles—Fraudulent, considered in connexion with evidence, vii. 572 n.
- Those at the tomb of the Abbé Paris cited as an illustration, vi. 271.
- Miranda—Don Francis de—An account of, x. 457-458; xi. 19.
- — Letter from, x. 468.
- — Death of, x. 487-488.
- — contemplated a plan of communication across the Isthmus of Darien, ii. 561.
- Mirth at expense of a party wronged—Obviation of, ii. 114.
- Mischief of an act—Elements that constitute the, i. 215-216.
- of an act—Consequences of, i. 69-76; —
- of an act—Shapes in which it may show itself, i. 69-73. Tendency mischievous, when consequences so, 69. Mischiefs primary and secondary, *ib.* Former, original and derivative, *ib.* Secondary mischiefs—pain, and danger, *ib.* Illustration, 69-71. Division of mischief, according to its *own nature*, according to its *cause*, and according to its *object*, 71. Simple and complex, positive and negative, *ib.* Self-regarding and Extra-regarding, *ib.* Illustrations—Intoxication, non-payment of tax, 72-73. Extra-regarding only, that produces alarm, 73.
- of an act—How intentionality may influence, i. 73-76. *See* Intentionality.
- of the first and second order distinguished, vi. 535.
- of the first and second order—Difference between with reference to the objects of procedure, ii. 20-21.
- of the first and second order, considered with reference to danger of Misdecision by Juries, ii. 123-124.
- caused by an offence, justificative of expense in punishment, i. 400.

- Mischief caused by offences—Compensation for, i. 371-388. See Satisfaction.**  
 — outweighed by benefit renders punishment unmeet, i. 84.  
 — The dread of, from change—Causes of, ii. 418-419.
- Mischievous disposition distinguished from beneficent, i. 61.**
- Mischievousness the criterion of the extent of an offence, i. 237.**
- Miscollocation in legislative composition—Remedies for, iii. 268-269.**
- Misconduct—Causes of, analyzed, i. 217-218.**  
 — of Judge—Publicity a security against, vi. 355.
- Misdecision—Definition of, vi. 10; ix. 25.**  
 — an expression not mentioned in law-books, vii. 388.  
 — Comparative mischiefs of, according as it is on the side of the plaintiff or defendant, considered, vii. 591-593.  
 — Publicity a security against, vi. 355.  
 — Exclusion of evidence no security against, vii. 386-390.  
 — Arrangements for indicating the amount of danger of, from the admission of makeshift evidence, vii. 161-162.  
 — Arrangements for diminishing the amount of danger of, from makeshift evidence, vii. 162-164.
- Misdemeanour—unintelligibility of the term, vii. 412.**  
 — Procedure by indictment in, considered with reference to modes of Extraction of Evidence, vi. 474-476.  
 — tried in absence of the accused, vii. 226 n\*.  
 — Difference between, and felony, as to collection of evidence in English practice, vi. 471.
- Miserliness, Stinginess, &c. as designative of motives, i. 198.**
- Misfortunes—Kinds of, that should be compensated by the public, i. 387.**
- Misgovernment—Examination of the elements of, in connexion with the Constitutional Code, ix. 46-64. See Good Rule and Bad Rule.**
- Misinterpretation of confessorial evidence—Effect of, vii. 33-34.**
- Misjudgment—Causes of, analyzed, i. 217-218.**
- Misrepresentation—two means of; making what is clear obscure, and what is obscure clear, v. 53.**  
 — Recommended in Hamilton's Parliamentary Logic, ii. 386.  
 — The securing facts against, by recordation, considered, vi. 79-80.
- Misrule—Securities against—adapted to a Mahomedan state, viii. 555-600.**  
 — — a distinct expression, and preferable to Declarations of Rights and the like, used for Constitutional purposes, viii. 557-559.  
 — Defined and explained, viii. 558-559.
- Bad Government, 558. On a small scale, vexation—on a large, oppression, ib. How far concessions by the Government a protection against, 559.**
- Misrule—Shapes of, viii. 559-560. Sufferers all determinate—private offences, 559. Sufferers indeterminate—profuse expenditure, &c., ib. Immediate sufferers determinate—prospective indeterminate: political persecution, 559-560. Analysis of modes of, 560.**  
 — Monarchical. Sinister interest, not upright prejudice, the cause of, ix. 138-139. Misseated punishment analyzed, i. 475-490.
- Missionaries—Usefulness of a knowledge of the principles of Universal Grammar to, viii. 185-186.**
- Mississippi Scheme—The, characterized, iii. 71.**
- Missive Mandate in judicial procedure, ii. 54.**
- Mitford—the name of a companion of Bentham in his boyhood, x. 28.**
- Mitford—William, the Historian—Notices of, ii. 442; x. 33, 40.**
- Mitford on Equity quoted, vii. 296, 303.**
- Mixture—Criticism on the application of, as a quality, to the Constitution, iii. 450-451.**
- Mobs—Proper methods of dispersing, i. 370.**  
 — Tendency of to be orderly, in a free state, ii. 311.  
 — Plans for the sure dispersal of, prevent the existence of, iv. 108.  
 — How to protect prisons from, by locality and construction, iv. 105-109.
- Models—Method of registering national stock in arsenals by, &c., ix. 238-241.**
- Moderate—Use of the word in procuring delay of reforms, ii. 433-434.**
- Moderate Reform in Parliament—Inadequacy of the proposed systems of, iii. 516-521.**
- Modesty—How far regard for, justifies judicial privacy, ii. 44.**  
 — Official arrogance under a veil of, ii. 411.  
 — Appearance of, in men of genius, often the produce of skill and knowledge of the world, iii. 49.
- Modification as an absolute fictitious entity of the second order, viii. 202-203.**
- Modifications—Rules for the clear expression of, in discourse, viii. 317.**  
 — The language which has the greatest number of words most capable of expressing, viii. 187.
- Mohammed—Mirza, Khan—Account of, x. 534.**
- Moirra—Lord. The attempt of, to form an administration referred to, x. 468.**
- Molière—Bentham's impressions from the perusal of, in his boyhood, x. 21.**  
 — quoted, vii. 71.
- Monarch—Effect of giving to him greater legal securities than to individuals at large, ii. 121.**

**Monarch**—Corruptive influence of the, ii. 440, 445.

- Independence of representatives on the, provided for, iii. 454-457.
- Practice of, in granting charters to colonies—and considerations as to the limitations on the legality of such charters, iv. 258-263.
- The—Use of a Peerage to, as a means of corruption, iv. 432-437.
- Sinister interest of—how it formerly perverted judicature, vi. 10-11
- Opulence of, dependent on that of his subjects, viii. 597.
- Attributes claimed by, and conceded to, x. 70.
- Instances in which abdication has taken place by a, iii. 527.
- Various kinds of, in Britain, iii. 563 n.
- will only part with power from terror or impotence, viii. 542.
- How far a written concession from, in the form of a Charter, Declaration of Rights, &c., may be a security against misrule, viii. 575.
- Considerations as to what inducements there may be to, in a partially civilized state, to grant security to person and property, viii. 592-600.
- Laudation he will receive when he parts with any of the wealth oppressively raised by him, ix. 72-73.
- The prerogative of mercy capriciously used by, in furtherance of tyranny, ix. 36-37.
- An absolute—Interest he has in the security and wealth of his people, v. 274; viii. 597.
- An absolute, not opposed to securities which do not interfere with himself, ix. 194-195.

**Monarchy**—The nature of, as the supreme operative authority in a state, ix. 128-135. *See* Operative.

- The inequality of, as a system of Government, ii. 271.
- Government by. Blackstone's views of the qualifications of, criticised, i. 275-277.
- Supporting the dignity of—Evils committed under the plea of, iii. 438-445.
- The—a trust, iii. 506, 507.
- Laudation of the principle of, purchased by corruption, iv. 435.
- Ascendency of the interest of, in the Constitution, iii. 438-445.
- Disclamation by the author of a wish to extinguish, iii. 441, 451.
- The factitious additions that are made by, to the natural aristocracy of civilized nations, iv. 558.
- the simplest form of government, and that adopted by barbarians, viii. 471
- The system of, creates severe laws for the protection of the monarch, to the prejudice of the security of individuals, viii. 520-521.

**Monarchy**—The causes of division which necessarily weaken a, and give power to public opinion, viii. 570-571.

- Impossibility of separating the Ruler in a, from sinister interest, and making his interest common with that of the people, ix. 7.
- The various species of, incapable of containing proper securities against misrule, ix. 10.
- The incidents of profuse expenditure of a, ix. 30-34.
- The offence of conspiracy, and the law of libel, incidents of a, ix. 37-38.
- Reasons against, as a form inferior in utility to a Republic, ix. 101-103
- Its instruments, corporeal and incorporeal, described, ix. 134-136. Enumeration, 134-135. The soldier, 135. Lawyer, ib. Priest, ib. Connexion between them, 135-136. Incorporeal Instruments—Force, Fear, Corruption, and Delusion, ib.
- How far the interest of the monarch in, conformable to the universal interest, ix. 136-138. Interest in the people merely as subservient to his own, 136-137. Expense and corresponding aptitude compared, 137. Smallness of his interest in respect to the objects of distributive law—subsistence, abundance, security, and equality, ib. Peculiar antipathy to the last, ib. His interest in the penal law, to turn it entirely to his own objects, 137-138.
- Causes of misrule in a, ix. 138-139. Attributed to the necessary sinister interest engendered by the office—not upright prejudice, ib.
- Inaptitude of a limited, with a representative body as a check, ix. 140. Necessity for corruption, which more expensive and demoralizing than simple self-gratification, ib.
- A mixed, having an aristocracy—these the dependants and instruments of the monarch, and not co-equal, ix. 140-141.
- Fallacy of bringing personal character of monarchs as an argument in favour of, ix. 141-142. George III. a good family man—mischiefs he did to the nation, ib.
- Influence of, on the state of judicature, ix. 142-143. Alleged incurrption of English judges—the having to look to the sovereign for promotion a means of corruption, ib.
- Memorandum on the state of those who live under a, x. 588.
- A mixed—Can never continue stationary, ii. 445.
- A mixed—Interest which the various departments of, have in opposing securities against misrule, ix. 195-196.
- Unlimited compared with limited—latter more economic than the former, ix. 28-29.

**Monasteries**—Dissolution of, accomplished, so as to attack security of property, i. 320.

- Monasteries—Dissolution of. Effect on liberties of Parliament of the money obtained by, iii. 514.
- Monastic system—Effects of, on society, i. 549.
- Money—Love of. Dangerous nature of offences occasioned by, i. 75.
- Attempt to force up the value of, an attack on the security of property, i. 319.
  - considered the measure of all things in English law, i. 542.
  - Aristotle's dictum as to the barrenness of, iii. 16.
  - Method in which it fructifies sketched, iii. 16.
  - Actions for payment of, ranked as graduable, ii. 84.
  - as a source of rewards, ii. 217-218.
  - Collation and ablation of—their comparative effects, ii. 272.
  - The value of, in exchange, iii. 45 n\*.
  - Increase of, iii. 45-46, 69-70. If increased in an undue ratio to commodities becomes an Income-tax, 45, 70. Illustration, ib. n. Productive employment of the money tends to reduce the tax, ib. When used in consumption, presses again, 46. Illusory nature of the addition as exhibited in rise of prices, ib. Best state of money—a fixed proportion to commodities, ib. Decrease, a tax on those who have contracted to pay, ib. Additions by paper have the farther evil of uncertainty, ib.
  - Relation of increase of, to that of capital, iii. 69-70.
  - Increase of, in a nation, not increase of wealth, iii. 69.
  - Investment and employment of, through the project for the conversion of stock into Annuity notes, iii. 118-119.
  - Vulgar error that it is the only object of acquisition, iv. 375.
  - Opinion combated, that it is the only acquisition official persons value, v. 313-314.
  - False views of the extent to which it acts as a stimulus, v. 314-316.
  - Public. Burke's plan for the employment of, controverted, v. 284-286.
  - Influence of, as a source of interest, vii. 397-400. *See Pecuniary Interest.*
  - Influence of, on testimony, vii. 573-575. *See Pecuniary Interest.*
  - The sole means of procuring justice under judge-made law, vi. 101.
  - Sources of loss with regard to, analyzed for the purposes of National book-keeping, ix. 249.
  - Traffic in, as a subject of taxation, x. 304.
  - Loans of. Impolicy of legal restrictions of interest of, iii. 1-29.
  - Public. Principles on which the Finance Minister is to act as to, according to the Constitutional Code, ix. 448-452.
- Money—Paper. *See Paper Money.*
- Money Bill—Instance of a, commenced in the Lords, v. 567.
- Money-lenders. Causes of unpopularity of, iii. 17.
- Money-requisitive Function of the Government Advocate, in the Constitutional Code—Nature of, ix. 572-575.
- Money Stock-book, in the system of official registration suggested in the Constitutional Code—Heads of entry of, ix. 241-242.
- — in the system of official book-keeping in the Constitutional Code, ix. 245-246.
- Monitors—Employment of scholars as—part of the management of the Chrestomathic School, viii. 47.
- Monitorial system—Employment of, in High School of Edinburgh, viii. 59-61.
- Monopoly—Professional. Nature of, iii. 167.
- Professional, with relation to lawyers, ii. 51.
  - Tax with, a proposal to tax and license stock-brokers and bankers, ii. 599-600.
  - Incidence of reward in the form of, ii. 200.
  - of knowledge—jargon gives to the lawyer, vii. 281.
- Monopolies—considered as infringements on property, i. 319.
- The abolition of, and the substitution of taxed licenses, a means of raising revenue, x. 304.
  - Sieyès' denunciation of, criticised, ii. 533.
  - in connexion with colonies—Fallacies in the supposed profit of, iv. 411-414. As to keeping up prices they are baffled by internal competition, ib. May force down price of produce in existence—cannot prospectively keep down prices, 413. As to revenue—taxes on imports paid at home, and the only way to gain is to make the colonists take taxed exports, 414.
  - Effect of, as regards the colony trade, considered, iii. 52-57.
  - in trade—Deleterious effects of, both to the public and the holders, viii. 453. Increase of cost of commodities, ib. Injustice to those excluded, ib. Artificial increase of income to persons not trained to the proper use of money, ib.
- Monroe—President, noticed, ix. 133.
- Monstadt—Dr, of Heidelberg—Mention of, x. 604.
- Montague—Basil—Design of, to translate Dumont's Bentham into English, x. 428.
- Montague—Edward Wortley. The authorship of the work on ancient republics attributed to, claimed by Mr John Forster, x. 67.
- Montague—Mr. His connexion with a negotiation between Lord North and the Rockinghams, x. 102.

Montaigne noticed or quoted, i. 321, 443 ; ii. 208, 363 n.

Montbazou—Madame—Case of, i. 437.

Montesquieu—his principle of adjusting laws to the exigencies of the particular people, i. 173 n †.

— his praise of the feudal system, i. 342.

— his view of the incompatibility of justice with liberty, controverted, v. 25.

— A Panegyrist of judicial delays, viii. 481.

— his system of dividing men into parts, of which one may be evil, the other good, x. 143.

— Estimate of, x. 143.

— noticed or quoted, i. 88, 92, 150 n †, 162, 179, 180, 183, 270 n, 341, 399, 576 ; ii. 197, 348 n ; iii. 73, 158 ; iv. 327 ; vi. 208 ; vii. 521-522 ; ix. 123 ; x. 54, 67, 145, 270, 433.

Montfort—Simon De—Germ of representation planted by, ii. 444.

— — — the founder of the House of Commons, iii. 451, 515 ; iv. 448.

Montmorency—M. De, introduced to Bentham, x. 286.

Montrol—sends a copy of his Memoirs of Brissot to Bentham, xi. 53-54.

Montucla—History of mathematics by, quoted, viii. 169-170.

Moods of verbs—Analysis of, viii. 355. *See* Verbs.

— — — Explanation of the Psychological operations of which they are the signs, viii. 330.

Moon. The only regular and perpetual gravitating source, of motion on the earth, viii. 132.

Moore—Mr, of Fleet Street. His effort to invent a carriage to be propelled by explosion, viii. 136-137.

Moore—Thomas, noticed, x. 587.

Mora. His designed translation of " Liberty of the Press," ii. 276.

— His lectures on Bentham's opinions, in Spain, viii. 466.

Moral aptitude—Rules for securing appropriate, on the part of rulers, ii. 273.

Moral code—Promulgation of by the Legislature, by way of instruction, i. 568.

Moral causes of correctness and completeness in testimony examined, vi. 18-21, 256-276. *See* Motives ; Sanction.

Moral character of a person accused—how far it is evidence, vii. 56-61. *See* Character.

Moral faculties concerned in testimony—The, vi. 248-249.

Moral lesson—Punishment made to serve the purpose of a, i. 89.

Moral right—confusion produced by the expression, iii. 218.

Moral (or popular) sanction—Motive corresponding to the pleasures of the, i. 51-52.

Moral (or popular) sanction—Pleasures and pains of the, with the corresponding interest and motives, i. 201.

— — Punishments belonging to the, i. 453-467. Characteristic evils, 453. Casual evils—marked by intensity and extent, 453-454. May create punishments of the political sanction, 454-455. When compared to these, indeterminateness is their characteristic, 455. Diversified nomenclature for expressing the punishments of this sanction, 455-456. These punishments do not admit of accurate classification, 456. Divisibility—great, but depending on chance, *ib.* Equability affected by sex, age, wealth, and rank, 457. Deficiency in exemplarity, *ib.* Subserviency to reformation, 457-458. Certainty and expedition of the trial and punishment, 458. Forfeiture of reputation, 458-467. *See* Forfeiture.

— — Influence of the political magistrate over, evinced in the punishment of forfeiture of credibility, &c., i. 461-462, 465-467.

— — Source and direction of the, iii. 290.

— — Increase of the power, with the increase of publicity and intercommunication, x. 145.

— — Effects of, on testimony, vi. 260-261, 264-268. *See* Sanction.

— — Adaptation of the ceremony of an oath to the pointing of, vi. 320-321.

Moral sense—A partisan of, and partisan of common sense represented in dispute, vi. 239.

— — Uses made of the term, i. 8 n.

Moral sensibility and bias—Influence of, i. 24.

Morals—(private.) Their field of action distinguished from that of legislation, i. 142-148.

— Application of the Table of Springs of action as a foundation for the Science of, i. 205-219.

— The finding of the foundation of, in doing as you would be done by, considered, ii. 526-527.

— Reformation of, through instrumentality of Panopticon, iv. 39.

— How they may be taught by a rational system of laws, iv. 493.

— Why not forming a distinct branch of the Chrestomathic system of Education, viii. 43.

Morals and Legislation—Introduction to the Principles of, i. 1, *et seq.*

— — — Introduction to Explanations regarding the circumstances in which the work was composed, i. i-iv.

— — — Introduction to Reception of, by the author's friends and others, i. 252. Notice as to the editing of, *ib.*

— — — Introduction to—Notices of preparation of, under the title Critical Elements of Jurisprudence, x. 77.



- Morals and Legislation—*See* Deontology.
- Morality and happiness—The connexion between, as a proof of design, ii. 230 n †.
- Two codes of; that of Westminster-Hall, and that of the public, vii. 188.
- What involved in the exaltation of religion over, x. 146.
- The Common-place—Memorandum on, x. 147.
- Domestic. How far it may be favourably influenced by Pauper management, viii. 419-420.
- International—Deficiency of, ii. 552, 555-556.
- Morande—De, noticed, x. 93.
- Morangès—Comte de—Case of, cited, vii. 62.
- Moravians—The exemption of, from oaths, vi. 381, note 6.
- Mordvinoff—Admiral—Letter to, with an account of General Santander, xi. 33.
- — Letter to, on the Constitutional Code, &c., x. 542-543.
- — Casual notices of, x. 223, 419, 440, 445.
- More—Sir Thomas. Handle which his Utopia has given as a term of reproach against reformers, ii. 459.
- — — when Lord Chancellor, paying obeisance to his father as a Puisne judge, viii. 23.
- — — noticed, x. 276.
- Morell—Mrs.—Bentham boarded with, when a child, x. 20, 27.
- Morellet—The Abbé—Letter from Bentham to, with proposal for the publication of the Political Tactics in France, with answer, x. 198-199.
- — — Correspondence with, in 1778, x. 87.
- — — Casual notices of, x. 201, 379, 388, 395-399.
- Moreri noticed, viii. 112.
- Morgan—Mr. Principles of his Mortality Tables criticised, viii. 410-411 n.
- Morier—the orientalist, noticed, x. 150.
- Morning Chronicle—Letter to, against cruelty to animals, x. 549-550.
- Morocco—Comparison between Emperor of, and Members of Parliament, ii. 394.
- Morphoscopic Posology, or Geometry—Position of, in an Encyclopedical Sketch of Art and Science, viii. 85.
- Morris—Valentine. Visit to, by Bentham, x. 54.
- Morris—Mr. M.P., one of Lord Lansdowne's nominees—Notice of, x. 238-239.
- Mortality—Uses of Registers of, as expounded in the Constitutional Code, ix. 627-628. *See* Registrars.
- Plan for keeping a Register of, in the Constitutional Code, ix. 628-629. *See* Registrars.
- Mortality—Convict. Causes and amount of, and effect in raising a limited punishment to capital, iv. 193-199.
- Infant. Diminution of, a collateral advantage of a good poor law, viii. 421-424.
- Mortgage—Draft for a, v. 398-399.
- Proposed substitution of the word Land-pledge for, v. 399.
- Mortgages—whether they should be latent? vi. 581.
- Considerations as to whether they should be negotiable, v. 400.
- Use of registration with regard to, i. 552; vi. 575.
- Mortgagee—Inaptitude of the expression, iii. 382 n.
- Mosaic Law—Justice administered at the city gates under the, v. 544.
- Moser and Jackson—their inventions of stoves, iv. 111, 114 n, 117.
- Moses—gave an example of promulgation of laws, i. 157.
- Mother—Responsibility of, for her children, in regard to reparation for offences, i. 385.
- Mother and child—Effect of the relation between, on testimony, vi. 161; vii. 576-577.
- Motion—Explanation of the nature of, as a fictitious entity, viii. 204. Includes the idea of place and time, ib.
- as involved in the idea of cause and effect, viii. 207-208. Endless and terminating, 207. Thelematic and Athelematic, or volitional and unvolitional, ib. Ergastic and unergastic, or fruitful and unfruitful, ib. Where it is both thelematic and ergastic, the terms end, operation, means, design, may be used, 208.
- a fictitious entity of the first remove from real entities, viii. 197.
- considered as a Physical fictitious entity, viii. 200-201, 263.
- Sciences involving the predicament of, viii. 286-287.
- as one of the Aristotelian Post Predicaments, viii. 236.
- Motion—Sources of—Analytical sketch of the several, viii. 128-148.
- — Generation and extinction of motion, viii. 128-132. Resistance implied—which divided into counter-motion and *vis inertiae*, 128-129. Necessity of the use of fictitious entities, whereby imaginary receptacles are created in which the operations take place, 129-131. The Greek story of denying the existence of motion an illustration of the want of a division of entities into real and fictitious, ib. Rest the absence of the imaginary receptacle which a body is *in*, when in motion, 130-131. Divided into absolute and relative, 131. Expression "sources of motion" preferred to *Primum mobiles*, 131-132.

- Motion**—Sources of—Selenic or simply mechanical source, viii. 132. So called from the moon being the only universally and steadily acting source, ib.
- — Hydropptic or chemico-mechanical source, viii. 132-133. Falling water considered as converted into its state chemically, ib.
  - — Stereopptic source—or the falling of solid bodies, viii. 133.
  - — Anemistic or aeropnctic source—The air in motion, viii. 133.
  - — Barometrical source—from the weight of the atmosphere, viii. 133.
  - — Thelematic or myobrachiatic—The will acting on the muscles, viii. 134.
  - — Parallactico-suncrotic, or alternate gassification and degassification, viii. 134-136. The steam-engine, ib.
  - — Aplosyncrotic, or simple-explosion source—Gunpowder, &c., viii. 136-137.
  - — Magnetic source—Limited extent of its operation, viii. 137.
  - — Electric source—also limited, viii. 137-138.
  - — The galvanic source, viii. 138.
  - — Antactive or reactive source—or elastic springs as reservoirs of motion, viii. 138-141. Application to time-pieces, instruments of destruction, and musical instruments, ib.
  - — Eclectico-spastic source—or elective attraction, viii. 141-142.
  - — Texigenous contraction by fusion as a cause, viii. 142.
  - — Stereosigenous source from the expansion created by liquids becoming solid, viii. 142-143.
  - — Economic source, or the utmost possible adaptation and employment of the sources at command, viii. 143-144.
  - — Method of exhibiting them in systematic order, analyzed according to the Bifurcate or exhaustive system of division, viii. 144-148.
  - — The mechanical powers in connexion with, and considerations whether a common denomination can be found for their qualities, viii. 146-147.
  - — Perpetual motion in connexion with, and the mechanical obstacles to it, viii. 147-148.
  - — Considerations as to the probability of any new cause of, being discovered in nature, viii. 85-86.
  - — Enumerated, vii. 84-85.
- Motion for an information**—considered as a suit to find whether a suit shall be carried on, vii. 470.
- Motion Causes**—Procedure on, vi. 480-482; vii. 236 n\*.
- — Founded on affidavit evidence, vi. 463, 469.
- Motion Business**—Considerations as to the evils of, vii. 245-246. Divided into motions of course, and motions not of course, ib.
- Motion for rule to show cause**—Affidavit evidence considered in connexion with, vi. 476-477.
- Motions (in Courts of Law)** characterized as suits within suits created by the fixed fixation of judicial operations, v. 471.
- Sham, in Chancery—Delay by, vii. 216-217.
- Motions in legislative assemblies**—Promulgation and Registration of, ii. 353-354.
- — — should not be withdrawable by the proposer, ii. 354.
  - — — Rules as to, ii. 334, 335-341. Necessity for their being put in terminis—defeats falsification, 335-336. In writing, 336. Put in writing by the mover, ib. In the exact words in which it is to pass, ib. British Practice, 336-337. French Practice, 337-341.
  - — — Publicity as to, ii. 314.
  - — — Table of, n. 317-320. Application of, 317-319. Description, 319. Contents, 319-320.
  - — — Rule as to seconding of, ii. 358.
  - — — Reading of, before debate on, ii. 358-359.
  - — — Dilatory, or of adjournment, ii. 366-367.
  - — — introducing legislative propositions—Form of, n. 334 n‡.
  - — — voting upon, ii. 367-372.
  - — — Provision for, in Constitutional Code, ix. 190-191. See Legislature.
- Motions in Parliament**—Operation of the system of giving notices of, iii. 502.
- — — Suggestion for having the Substance of, displayed in visible types, x. 344.
  - — — Practice as to amendments to, n. 365-366.
- Motions at public meetings**—Tactic as to, ii. 354 n.
- Motive**—criticism on the etymology of the word, i. 46 n¶.
- — — Synonyms to the word, i. 208.
- Motives** considered at large, i. 46-60 ;—
- — — Different senses of the word, i. 46-48. Speculative and practical—latter the subject of discussion, 46. The former divided into internal perceptions and external events, 47. Motives in prospect and in esse, ib.
  - — — None either constantly good or constantly bad, i. 48-49.
  - — — Catalogue of, corresponding to pleasures and pains, i. 49-56. Physical desire correspondent to pleasures of sense, 49. Pleasures and motives of the Palate, 49-50. Sexual, 50. Curiosity, ib. Wealth, and pecuniary interest, ib. Amity, ib. Moral sanction, 51-52. Love of power, 52. Sympathy, 52-53. Malevolence, 53. Self-preservation, 54-55. Love of ease, 55. No motive in itself good or bad, ib. Near-

- est approximation that can be made to such a division, *ib.* Can only be judged with reference to effects, 56. Division into social, dissocial, and self-regarding, *ib.*
- Motives—Order of preëminence among, i. 56-59. Goodwill and benevolence, 56-57. Love of reputation, 57. Desire of amity, *ib.* Difficulty of assigning a place for the influence of religion, 58. The self-regarding and dissocial, 58-59.
- Popular confusion with regard to, in the expressions good and bad intentions, i. 42-43, 44-45.
  - Conflict among, i. 59-60. Impelling and restraining, 59. Illustration, 59-60.
  - Disposition as founded on, in connexion with consequences of acts, i. 60-68. *See* Dispositions.
  - Division of, into Tutelary and Seductive, i. 65.
  - Corresponding to pleasures and pains, as enumerated in the Table of the Springs of Action, i. 197-205.
  - to the *will*, and to the *understanding*—Difference between, i. 208.
  - Operation of Pleasures and Pains in creating, i. 209, 211.
  - All human actions founded on, i. 211-212.
  - necessary to all human actions, vi. 242.
  - Impropriety of applying the attributes good and bad to species of, i. 214-216.
  - Simultaneously operating, i. 218.
  - Reasons why people attribute good to their own acts, and *vice versâ*, i. 218-219.
  - Substitution of, or erroneous attribution, i. 218-219.
  - Effect of, on exertions, ii. 235.
  - Should not be attributed by Members of a Legislature in debates, ii. 363.
  - Bad—Imputation of, a fallacy used for political purposes, ii. 415-416.
  - How a more accurate knowledge may be had of another's than of one's own, ii. 477-478.
  - Attributing, gives opportunities for bias in evidence, vi. 246.
  - Influence of, considered in instructions regarding the effect of interest on testimony, vii. 567-573.
  - The kinds of, that tend to produce belief in facts disconformable to the course of nature, vii. 106-111.
  - as evidence for or against delinquency, vii. 53-55. Connexion with means, disposition, character, &c., 53-54. Motives exterior and interior, 54. Former call latter into action, *ib.* Rather neutralizes disprobabilizing, than creates probabilizing, 55.
  - as the moral causes of completeness and correctness in testimony, vi. 256-260. The cause of action and of negation to act, 256-257. Meaning and imperfectness of the term motive, 257. Defined an interest in a state of action, *ib.* Sinister as applied to interest, 258. All motives referable to the self-regarding, the social, and the dissocial, *ib.* Any motive may produce either veracity or mendacity, according to what will be the result of the testimony, 259; (vii. 394, 569-570.) No motive but what is capable of acting with any degree of force, vi. 259-260.
- Motives—Seductive—Influence of, on testimony of witness, vi. 154-155.
- tutelary and seductive, distinguished, vi. 260 n.
  - Purity of—A form of boasting had recourse to when misgovernment attacked, ix. 60-61.
  - Purity of—Sources of the pretensions on the ground of, x. 510.
  - False estimate of, by the uneducated, x. 69.
  - There should be no punishment for imputing, x. 548.
- Mottoes—Admonitory, in houses of correction, iv. 32.
- Family—Remark on, x. 5.
- Moura—Senhor, a Portuguese deputy, noticed, x. 525.
- Moveable-stock Book, in the system of official Registration in the Constitutional Code—Method of keeping, ix. 237-238, 242, 244-245.
- Moveable and real property—Factitious distinction between, vi. 543.
- Moveables—Right to, shown by possession, vi. 60.
- Moysey—the name of a school-fellow of Bentham, x. 30.
- Mulcts—Adjustment of, to pecuniary means of party, iii. 360.
- Pecuniary. Calculation of income for the purposes of, ii. 111.
- Mulford—Mr, Bentham's cousin—Notices of, x. 22-23.
- — Letters to, x. 359, 415, 425-427, 444-446, 449, 454-455, 471-472, 473-474.
  - — His death, x. 478.
- Mulford—Widow. A relation of the Bentham family, x. 4.
- Mulgrave—Lord, (the second)—Anecdote of, x. 94.
- — (the third) noticed, v. 315.
- Multiplepointing in Scotland ranked among complex actions, ii. 81.
- Multiplicate scription, for the purpose of preappointed evidence, considered, vi. 512.
- Multiplication of writings—Machines for, vi. 576-577.
- Multiplicity of witnesses—Exclusion of evidence for want of, vii. 520-531. Predicates falsehood of all men whose testimony is not supported by a certain number of others, 520. Testimony should be weighed, not counted, 521. Demand for

- two witnesses examined, 522-523. Seeming exceptions to the mischief;—cases where several witnesses necessarily present, 524; Cases where the extent of the offence depends on the numbers present, *ib.* Aberrations of Roman and English law in this respect, 525-531. One witness split into two, 525. Generally inflicted by statute, not by jurisprudential law, 526. High treason, 526-528. Invented in this instance to protect the traitors of William Third's reign, 528. Remedies suggested on the plan of fictions, 529. Application of the principle to equity, 529-531.
- Multitude—Favour shown to the despotism of the, *i.* 318.
- Municipalities—Sublegislation of—how far compatible with supreme legislative power, *iv.* 315-316.
- Murder—Application of the theory as to laws of nature to the criminality of, *i.* 287 *n c.*
- Popularity of punishment of death for, *i.* 449.
- Duelling confounded with, in English practice, *i.* 543.
- accomplished through perjury—nature and character of the offence, *vi.* 304, 382 *n 8.*
- Law as to, when committed by persons who have met on a different design, *vii.* 22, and *n ‡.*
- The inference of, from malice, according to English practice, considered, *vi.* 55.
- Uses of registration to supply evidence of, *vi.* 571.
- Rule that body must be found, to convict of, considered, *vii.* 68-69.
- Instances of circumstantial evidence as to, *vii.* 75-76 *n.*
- Securities against, applicable to a Mahomedan state, *viii.* 588-589.
- meets approbation when on a large scale, *x.* 509.
- Murray—Governor, of Minorca, noticed, *x.* 112, 114.
- Museums—Kinds that are, distinguished from those that are not, beneficial to the public at large, *ix.* 451-452.
- Music—Value of the art of, *ii.* 253-254.
- Use of, in prison discipline, *iv.* 18.
- Bentham's early partiality for, *x.* 32.
- Musical instruments—Application of the spring as a source of motion to, *viii.* 141.
- Musician—How far imagination necessary to the, *viii.* 76.
- Mutilation as a punishment, *i.* 418, 461.
- How far susceptible of reparation, *ii.* 156.
- Mutiny in an army—The application of the contentment-maximizing principle as a means of obviating, *ix.* 340.
- Mutiny act—Benefit of the annuality of, *viii.* 537.
- Mutual Improvement Society—Answers to their applications to Bentham to become their President, and chairman of their anniversary dinner, *x.* 488-489, 505-506.
- Myiobrachiatic source of motion—the term applied to the will as a source of muscular motion, *viii.* 134.
- Myline—Robert, the architect, noticed, *viii.* 148 *n.*

## N

- Nakos—Stamos, one of the Greek youths whom Bentham undertook to educate, *iv.* 588.
- Name—Good—The pleasures of, *i.* 18.
- Good—Motives corresponding to the pleasures of, *i.* 51.
- Ill—The pains of, *i.* 20.
- Compulsory change of, as a punishment, *i.* 473.
- Names—The efficacy of, in engendering odium, *iv.* 76.
- Means of adaptation of, to purposes of police regulation, *i.* 557.
- Honorary, for public services, *ii.* 218.
- Individual and common—former must come before the latter in the history of language, *viii.* 189, 265.
- New, in Art and Science—Limits and utility of adoption of, *viii.* 126-128.
- Proper, of opponents, should not be mentioned in debates in Legislative Assemblies, *ii.* 363.
- Name-plates on doors—Plan of, for election purposes, *iii.* 585-586.
- Naples—Letter from Lord Wycombe to Bentham, as to the politics of, in 1795, *x.* 309-312.
- Napoleon—His services in codification, *iv.* 500.
- Despotism of, noticed, *ii.* 441, 457; *iii.* 430, 562.
- Bentham votes for the Consulate for life to, *x.* 389.
- and Cromwell compared, *iv.* 501-502.
- Opinion of, *x.* 571.
- characterized as the greatest despot the world ever saw, *vi.* 501.
- Secret system of interrogation abolished by, *vi.* 501.
- casually noticed, *iv.* 527, 544; *viii.* 521, 527 *n*; *ix.* 87, 360; *x.* 343, 440, 565, 581.
- Narbonne—M. de—Escape of, *x.* 286.
- Nash—Beau—an illustration of moral influence, *i.* 467 *n.*
- Nations—Absence of morality in the dealings between, *ii.* 552, 555-556.

- Nations—Proposal of a Court of Judicature for deciding disputes between, ii. 552-554.
- Inapplicability of the principles of the penal law to questions between, ii. 539.
- Law of. Blackstone's theory, that no human laws should be allowed to contradict, criticised, i. 286-287.
- Law of. Reference to, by the Romans, iii. 184. *See* International Law.
- National accounts. Publication of, recommended, i. 554-555.
- National animosities—Advantages from the suppression of, i. 562.
- National Assembly of France. Effect of admission of a numerous auditory to, ii. 326.
- — — Criticism on mode of procedure in, ii. 330-331 n.
- — — Commentary on the Draft for organization of Judicial Establishment by committee of, with Draft proposed as a succedaneum, iv. 285-406. *See* Judicial Establishment.
- — — Examination of the Declaration of Rights of, ii. 491-524.
- National Assembly Court—as provided for in Draft of Judicial Establishment for France, iv. 300.
- National bankruptcy—The evils of a, laid down, iii. 610-611.
- National character—Revolutions that have taken place in, i. 177.
- National debilitation—as a result of misrule, viii. 561.
- National debt—The, a preventive of war, iii. 611.
- — — Forced frugality created by paying up, iii. 44.
- — — Effect that would be created by a sponge on, ii. 81.
- — — Charge against the Radicals of designing a sponge on, considered, iii. 608-611.
- — — Taxes to pay, neither increase nor decrease national wealth—are merely the result of a former decrease, iii. 40.
- National defence—making the Poor-laws subservient to, by training to army and navy, viii. 420-421.
- — — Provision for, in Constitutional Code, ix. 333-428. *See* Defensive Force.
- National interest—Offences against the, i. 101-103, 134 n.
- National morals—Corruption of, through the instrumentality of university oaths, v. 209-219.
- National society schools—The introduction of religion as a branch of education in, considered, viii. 41.
- — — The visitation system as adopted in, viii. 47.
- National virtue. Opulence of the clergy an obstacle to, ii. 468-469.
- National wealth—wherein it consists, iii. 40-41.
- — — Offences against, as a subdivision of public offences, iii. 170.
- Nationality, national partiality, &c., as designative of motives, i. 202.
- Natural history—Physiurgic Somatology substituted for the term, in the Encyclopedical Sketch of Art and Science, viii. 86.
- — — affords the chief exercise for observation and method, viii. 76.
- — — Stage it should occupy in education, viii. 15.
- — — a specimen of inapt nomenclature, viii. 68-69, 128, 284-285. Would seem to designate history told naturally, ib.
- — — Terminology of, taken from the Greek, iii. 272.
- — — Subalternation and division as applicable to, viii. 268-269.
- — — The Linnæan nomenclature of, examined, viii. 269-270.
- — — Professorship of, in central towns, recommended, ii. 257.
- Natural justice and natural equity—Uses to which the terms applied, i. 9 n.
- Natural laws—The classification criticised, iii. 157.
- Natural Philosophy—a specimen of inapt nomenclature, viii. 69, 128, 284-285. Expresses a natural love of wisdom, ib.
- — — Anthropurgic Somatology substituted for, in the Encyclopedical Sketch of Art and Science, viii. 86.
- — — Stage it should occupy in education, viii. 15.
- Natural (or domestic) procedure. Fundamental principles of, ii. 178.
- — — Arrangements of, exhibited in contradistinction to the correspondent devices of technical procedure, v. 8-14. Parties heard face to face, 8. No writings but minutes of *viva voce* evidence, ib. No evidence but *viva voce*, ib. Tribunals within reach, 9. Times for operations settled according to convenience, ib. Uninterrupted sittings, ib. No division of jurisdictions but the simply geographical, 10. Decision only on appropriate grounds of both law and fact, ib. ; and only on the merits, 11. No statements received unaccompanied with sanction for veracity, ib. Demand and defence on printed schedules, 11-12. Uniform system of forthcomingness, 12. Plan of intercommunication—judges and parties, ib. No exemption from the law, ib. No incidental applications to be acceded to, unless on examination of party, 12-13. Truth unremittingly followed, 13-14.
- — — The system characterized, vi. 475, 505.
- — — compared and contrasted with Tech-

- nical procedure, ii. 169-178; vii. 197-199, 300.
- Natural (or domestic) Procedure—Proposal to have recourse to, vii. 320-321.
- — Account of the existing tribunals where it is practised, vii. 321.
- — Course prescribed by, in relation to recovery of debts, vi. 135.
- — Burden of proof according to, vi. 136-137.
- — Substitution of, to technical, urged in Petition for justice, v. 445.
- Natural religion—Repugnance of oaths to, v. 457-458.
- Natural right—Confusion produced by the expression, ii. 218-219.
- Natural and imprescriptible rights—Fallacy and mischief of the expression, ii. 500-504.
- Nature—Personification of the term, and its misapplied use, viii. 125 n.
- Blackstone's use of the term, criticised, ii. 598.
- Improbability and impossibility defined as disconformity to the established course of, vii. 83-84.
- Three modes of disconformity to the course of, viz., in toto, in degree, and in specie, vii. 84-91.
- Statements of facts disconformable to the course of—Untrustworthiness of the evidence on which they have been supported, vii. 105-106.
- Motives tending to produce affirmation of and belief in, statements of facts disconformable to the course of, vii. 106-111.
- Knowledge of the course of—Influence it has on belief, vii. 91-98.
- Nature—Law of—Meaning of the term, vii. 83 n, 96.
- — — A phenomenon at variance with a wider may be in conformity with a narrower, vii. 97.
- — — Reference to, by the Romanists, iii. 184.
- — — Uses made of appeals to, i. 269, 341, 412.
- — — Use made of the term for founding a rule of action, i. 9 n.
- Nature—The state of. Blackstone's remarks on, criticised, i. 261-272. *See* Government.
- Naval force—Reduction of, as preparatory to a plan of perpetual peace, ii. 550.
- Naval timber—Suggestions for securing a supply of, viii. 421.
- Naval warfare—Characteristics of, as compared with land, iv. 415.
- Navigation laws—Warlike principle of the, ii. 550.
- — An evil suffered for the purpose of national defence, iii. 42.
- Navy—Expense of a, necessitated by colonies, iv. 415.
- Navy—A good system of Pauper management adapted to training for the, viii. 421.
- as compared with the army—posterior in order of existence and necessity, but requires more skill and science, ix. 334.
- Courts-martial of—how far different from those of the army, ix. 420-422.
- Provisions in Constitutional Code specially applicable to, ix. 402-415. *See* Defensive Force—Sea.
- Provisions applicable to, by the Constitutional Code, in common with the army, *See* Defensive Force.
- Method of registering the stores of, by plans and models, ix. 238-241.
- British—Number of high officials in, and costliness of, ix. 230.
- British—The quantity of supernumerary officers in, ix. 360-361.
- British—Abusive system of reward for services in, ii. 215.
- Navy Board—Books of, an example of official evidence, vi. 555.
- Navy—The Merchant—Plan for protecting seamen in, from oppression, by a system of Registration, and summary adjudication on complaints, ix. 409-415. *See* Defensive Force—Ship-board oppression obviated.
- Navy-Minister—Provisions regarding, in the Constitutional Code, ix. 438-439. To give execution and effect to the Navy Code, and the orders of the Prime Minister, 438. Functions, and the subjects on which he exercises them, 438-439.
- Navy-Office—Obscurity and complexity of the transactions in the, iii. 550.
- Ne exeat*, &c.—Writ of, an example of a suit for the forthcomingness of the person, ii. 47.
- Neal—John—Account of, x. 555-556.
- — Letter from, x. 573-574.
- — Information from, as to the sittings of the American Congress, ix. 648.
- — Information from, as to the method of admitting Lawyers to practise in America, ix. 656-658.
- — His suggestions on Bentham's remarks on Simple and Federative Governments, ix. 661-662.
- Nebuchadnezzar's Dream — Illustration from, vi. 519.
- Necessaries of life—Taxes on, are infringements of security, i. 319.
- — Character of a Tax on, ii. 573.
- Necessity—Nature of the term as the name of a fictitious entity, viii. 211.
- Public. Employment of the term in the French Declaration of Rights, ii. 521.
- Wills of, as distinguished from regular testaments, vi. 541-542.
- Use of, as an argument for the admissibility of evidence, vii. 167.
- The expression does not imply a quality of matter, but a degree of persuasion, viii. 80 n.

- Necker—The disinterestedness and honesty of, iv. 374; ix. 291; x. 87.
- An instance against Burke's opinion that gratuitous public service is profligate, v. 300.
- Charges against, by Lord Bristol, x. 93.
- Incidental notices of, i. 163; iii. 82-83 n; iv. 203 n; x. 199.
- Necker—Madame—Letter from Bentham to, x. 197.
- Necromancy—Instance of a term which has been dropped out of the Nomenclature of Art and Science, viii. 27.
- Needless-repetition-prohibiting principle in the management of the Chrestomathic school, viii. 53.
- Negative acts as distinguished from positive, i. 36.
- facts distinguished from positive, vi. 217-218.
- quantities—Obscurities in the subject of the multiplication of, cleared up, viii. 178.
- exclusions of evidence, vii. 562-563. *See* Exclusion.
- Negotiability—Want of, in the case of Government securities as compared with Bank Paper, iii. 149-153.
- Negotiations with foreign nations—Publicity as to, urged, ii. 554-560.
- Negris—Theodore, of Greece—Correspondence with, as to a Civil Code for Greece, iv. 585-587.
- Negro Slaves—Barbarous punishment of, i. 443-444.
- Neighbourhood—Offences against, how resolvable into offences against individuals, iii. 164 n.
- Offences against, considered as semi-public offence, i. 97, 100.
- Nemo tenetur seipsum accusare*—Criticism on the maxim, vii. 445.
- — — Origin of the maxim, vii. 458.
- Nepean—Sir Evan. Bentham's negotiations with, as to the Panopticon, iv. 217; x. 250, 294, 301, 307, 385; xi. 99, 112, 118, 120, 139, 141, 142.
- — — Casual notices of, x. 359, 360.
- Nepean—Mrs Evan—Letter to, x. 343.
- Nephelognosy. Illustrative of the rise of new branches in the arts and sciences, viii. 27.
- Nero—Allusion to, ix. 605.
- Netherlands—Report to the King of the, on Houses of Peers, examined, iv. 427-429.
- Neutrality—The armed, an illustration of an International Judicature, ii. 552.
- Neuville—M. Hyde de. Statement of, on the comparative numbers of naval and military officers in France and England, ix. 408.
- New Grenada—The document by which the study of Bentham's works was reintroduced in, x. 553.
- New Instruction System—Who the originators of, viii. 5.
- New Jersey—The Penitentiary system as adopted in, iv. 213.
- New Lanark—The Establishment at, x. 476-477.
- New opinions—The vanity of a wish to promulgate, will not create, x. 145-146.
- New Shoreham—Case of, for corruption, i. 484.
- New South Wales. Breach of the constitution, and illegalities, in the Government of, as exposed in "A Plea for the Constitution," iv. 251-284. Preface—an Act passed, but not retrospective, 251-252. Scantiness of legislative provision, 252-253. Consequences—arbitrary acts, some good in themselves, others evil, 253-254. The power of legislation so necessary to be lodged somewhere on the foundation of a new colony here omitted—judicial power only given, 254-255. Division of the population into classes, for an examination of the incidence of the governor's power on each, 255-257. Over persons not of the convict class or in the service of the crown, could have no legal authority without farther power by Act of Parliament, 257-258. Power of the crown to legislate by Charter, if it existed in the case of America, given up, 258-259. This power, when exercised, shown to have been illegal, 259-261. Charter cannot be applicable to a colony in existence, as it presumes gift and receipt, 261-263. If the laws of England be transported to the colony, the courts for putting them in force cannot also put in force the ordinances of the governor, which would therefore fall from non-execution, 263-265. Law officers of the crown not infallible—their mistakes in this department, 265-266. The decision in the Grenada case shows the governor's ordinances to be null—criticism on that case, 266-269. Governor's illegal ordinances for prevention of famine, 269-271. Attempts at the suppression of drunkenness, 271-272. Convicts whose sentences had expired, detained—avowedly from accidental circumstances, but design suspected, 272-275. These expirees kept in a state of bondage during the illegal detention, 275-276. Breaches of the Habeas Corpus Act, by illegal confinement beyond seas, 277-278. Coke's authority to show that it is an invasion of Magna Charta, 278-279. Transgression of Petition of Rights in proclamation of martial law, &c., 279-280. Breaches of Bill of Rights—dispensing power—arbitrary punishment—instituting courts without Parliamentary authority—levying taxes—legislation without election—illegal and cruel punishments, 280-282. Transgression of recent statutes, 282-284. How far it is

- safe in legislating for the future to let such transgressions pass unnoticed, *ib.*
- New South Wales—Illegal transportation to, and detention in—Letters to Dumont and to Charles Abbot on, *xi.* 127-134.
- — — Correspondence with Major Cartwright as to the unheard complaints of certain free settlers against the abuses in, *x.* 463-466.
- — — Estimate of its physical properties as a colony, *x.* 586.
- — — Character of the natives of, and its influence on the imported population, *iv.* 182.
- — — The Panopticon system shown to be preferable to transportation to, *iv.* 173-248. *See* Transportation.
- — — General remarks on transportation to, *i.* 491-497. *See* Transportation.
- — — Collins on, quoted. *See* Collins.
- New trial—Consideration as to the extension of the remedy of, on the ground of insufficient evidence, *vii.* 164.
- — — Motions for, animadverted on, *vi.* 104, 413, 415; *vii.* 166.
- — — Involves a preliminary motion-suit, *v.* 521.
- New York. The Penitentiary system, as adopted in, *i.* 503; *iv.* 213, 217, 236.
- — — The ballot, as practised in, *iii.* 559.
- — — Nature of the suffrage in, adduced in illustration, *iii.* 612.
- — — Plan for the instruction and moral improvement of the Irish labourers in, *x.* 500-503.
- Newark Herald—Pamphlet, called a Vindication of, quoted on the Packing of Special Juries, *v.* 102-104 n.
- Newcastle—Duke of, (the first) forced into war, *ii.* 559.
- — — (the first) noticed, *x.* 31.
- — — (the fourth)—Tyranny of, at elections, *iv.* 435 n.
- Newgate—Illustration of prison discipline from, *i.* 426.
- — — Defects in its position and construction, rendering it liable to attacks from mobs, *iv.* 106.
- Newspaper—Hints respecting the conducting of a, in a partially civilized state, *viii.* 581-583. Advertisements of sales, exhibitions, &c., 581. Accidents, *ib.* Offences—service due to public security, *ib.* Proceedings of courts, *ib.* Deaths—with periodical enumerations, if obtainable, *ib.* Births, 581-582. Comparative statistics, with a view to other States, 582. Reference of all public proceedings to the greatest-happiness principle, *ib.* Stock of foreign newspapers, *ib.* Education of youth as editors, *ib.* Stock of matter pre-arranged for trying which is the most interesting, 582-583.
- Newspapers—comparative estimate of those of Britain, France, and America, *viii.* 582.
- Newspapers—Advertisements in—Project for facilitating reference to, *x.* 322-323.
- — — The leading instruments of the Public-opinion Tribunal, *viii.* 565.
- — — The operations of, in respect to public opinion, compared with those of the ordinary judicatories, *viii.* 566-568.
- — — The power of, compared with that of the official judicatories, *viii.* 568-572.
- — — Proper qualifications of, *viii.* 580-581. Constancy, 580. Frequency, *ib.* Variety—admixture of politics with other matters, *ib.* Impartiality—consideration as to whether it would be practicable for a newspaper to have two editors, one on each side of the leading questions in politics, 580-581.
- — — Enlightening effects of, *i.* 568.
- — — Effect of suppression of—Removal of the protection which the Public-opinion Tribunal holds out to the poor—currency for private defamation, *ix.* 53-58.
- — — History of their acquiring the privilege of publishing Parliamentary debates, *ii.* 316.
- — — Accounts of important trials in, as affecting publicity and control, *vi.* 377.
- — — The influence of, proportioned to the frequency of their recurrence, *xi.* 18.
- Newton—Tribute to his merit as a philosopher, *viii.* 129.
- — — noticed, *ii.* 312; *vi.* 205; *viii.* 37, 105 n, 174, 177, 178; *x.* 588.
- Newton—Rev. R.—Opinion of, on University oaths, *v.* 195-196 n, 228.
- Nicaragua—Lake of. Plan for uniting the Atlantic and Pacific through, *ii.* 561-562.
- Nice—Visited by Bentham on his way to Russia, *x.* 150.
- Nicholas—The Emperor, noticed, *ix.* 133.
- Nickolls—Rev. R. B.—Letter from, to Bentham, *x.* 460.
- Nicolai of Berlin—The case of, *vii.* 105.
- Night attendance by judges—Provisions for in the Constitutional Code, *ix.* 541-542.
- Nisi prius—Number of witnesses cited to, compared with number examined, *vii.* 535 n.
- Nismes—visited by Bentham on his way to Russia, *x.* 150.
- Nitrous oxide gas—Letter from Dr Roget on the preparation of, *x.* 342-343.
- Nobility—Evil effects of a, *iv.* 432-441. A means of corruption in the hands of the monarch, 432-437. Honour and dignity, which form an excuse for obtaining public money, 437-441.
- — — Exemptions of, from punishment, *ii.* 196.
- — — Hereditary. Effect of, on the fund for rewarding services, *ii.* 201.
- — — Decayed. Principle that they should



- be supported by the state, combated, v. 305-307.
- Nobility**—*See* Aristocracy : Lords : Peers.
- Nocturnal irruption as an aggravation of corporal injury, i. 165, 168.
- Notulus leges Angliæ mutari*—Uses to which the expression is applied, vi. 148; vii. 298.
- NOMENCLATURE**—New, necessary for new ideas, i. 49.
- Legal. Deficiencies of, i. 116 n \*
  - Legal. The importance of improving, and the prejudices arrayed against improvement, iii. 270-274.
  - Legal. The inaptness of, shown in Blackstone's commentary, i. 237-238.
  - Difficulty of assigning a, for instruments of procedure, ii. 25-27.
  - of political fallacies, ii. 382-383.
  - Creation and adaptation of, for the purposes of reference, ii. 382-383.
  - An apt, will be chosen by those having the general interest—a vague by those having their own sinister interest at heart, ii. 455-456.
  - Fallacious objections to, ii. 463-464.
  - Considerations as to, in relation to titles, iii. 189-190.
  - Official—Diversities of, iii. 196.
  - The received. Difficulties which the author had to overcome with regard to, in the View of a Complete Code, iii. 209.
  - characterized as classification, iii. 252.
  - Fixation of, in legislative acts, iii. 592-593.
  - The want of a fixed, causes dispute and litigation, v. 600.
  - The general advantages of, iii. 171 ; vi. 442.
  - as to wills—Inaptitude of the existing, in England, vi. 549-550.
  - Use of single words for, viii. 65 n \*
  - Difficulty of giving a definition of, when it happens to be in popular use, and the subject of debate, viii. 107.
  - Unapt. Preserved by adepts, who unwilling to give the uninitiated a simpler approach to their knowledge, viii. 183-184.
  - The Linnæan, examined, viii. 269-270.
  - Necessity of preserving uniformity in, in all discourse, viii. 315.
- Nomenclature and classification**—Connexion between, ii. 382.
- — — Essay on, viii. 63-128;—
  - — — Plan of Essay on, viii. 63-64. Defects in English and other languages, ib.
  - Reason—not holding in view useful purposes, ib. Objections to inquiry on ground of abstruseness, answered, ib.
  - — — Properties desirable in a denomination given to a branch of art and science, with reference to ordinary and systematic purposes, viii. 64-66. Ordinary for single denomination of the subject—
- systematic for a denomination to connect it with a system, 64-65. Qualifications applicable to both Purposes—clearness, &c., 65. Qualifications for systematic purposes to show relation with the others of the system, whether of identity or diversity, 65-66.
- Nomenclature and classification**—Imperfections incident to the denominations adopted in, viii. 66-68. Unexpressiveness, or failure to convey so much as might be conveyed of the nature of the thing expressed, 66. Misexpression when it conveys a notion of something different, ib. Considerations as to how far usage may obviate such essential defects, ib. Always involve self-contradiction in discourse, and leave doubts as to the extent of the field covered, 66-67. Natural History and Natural Philosophy instances, in the difficulty which the young have in clearly comprehending their extent, 67. The obscurity created in the whole field of art and science by the defects, 67-68.
- — — Inaptitude of the appellatives Natural History, Natural Philosophy, and Mathematics, adduced in illustration of, viii. 68-70. (*See* these heads.)
  - — — Causes of the inaptitude of the expressions "Natural History," &c., viii. 70-71. Narrowness of the field when discoveries first made, and its later expansion, 70. Electricity and Magnetism instances, 70-71.
  - — — Course to be taken for framing the most perfect encyclopedical system of, practicable, viii. 71-73. As to the subjects an accurate but not minute knowledge requisite, 71. Method adopted, the exhaustive or bifurcate, 71-72. Though the extent to which this can be carried be small, it is so far a clear gain, 71. Language, the Greek, 72. The whole matter of the arts and sciences must be the field—D'Alembert sets out with science only, 72-73.
  - — — D'Alembert's Encyclopedical map an instance of imperfection in, viii. 73-82. *See* Encyclopedical.
  - — — Specimen of a new encyclopedical Sketch accompanying a table of, viii. 82-95. *See* Encyclopedical.
  - — — Explanations relative to the Encyclopedical Sketch and Table of, viii. 95-98.
  - — — Use of the synoptic encyclopedical Table of, viii. 98-100.
  - — — Application of Exhaustive or Bifurcate division to, viii. 101-126. *See* Bifurcate.
  - — — In what cases new names desirable and likely to be employed in, viii. 126-128.
- Nominees in the House of Commons**—Position of, x. 235-237.

- Nomography, or the art of inditing laws, iii. 231-233;—
- Nature of the subject stated—form, not substance of the laws, iii. 233.
  - Relation of, to the government of a private family, iii. 233-234.
  - Relation of, to Logic, iii. 234.
  - Relation of, to the Pannomion or universal code, iii. 234-235.
  - Relation of, to proposal and Petition in legislation, iii. 235.
  - Relation of, to private Deontology, iii. 235.
  - General observations on the end in view in, iii. 235-236.
  - The general end of—Relative notoriety of the substance of the laws, iii. 236-237.
  - The particular ends of—Methods of avoiding obstructions to notoriety, iii. 237-238.
  - Imperfections of which it is susceptible, classified, iii. 238-239.
  - Imperfections with reference to, iii. 239-241. Of the first order—ambiguity, 239-240. Obscurity and overbulkiness—absolute and relative, ib.
  - Of the second order—Unsteadiness in expression, unsteadiness in import, Redundancy, Longwindedness, Entanglement, want of helps to intellection, Disorderliness, 240. Connexion between the two sets, 240-241.
  - Depravity of the style of English statutes, as illustrating defects in, iii. 241-242.
  - Uncognoscibility as a defect in, iii. 243-244.
  - Ambiguity and obscurity as defects in, iii. 244-245.
  - overbulkiness as a defect in, iii. 246-247.
  - Unsteadiness in respect of expression and of import as defects in, iii. 247.
  - Redundancy as a defect in, iii. 247-248.
  - Longwindedness as a defect in, iii. 248-249.
  - Complexity productive of entanglement in, iii. 249-250.
  - Nakedness in respect of helps to intellection as a defect in, iii. 250-251. Illustration in the want of abbreviated references in English statutes, ib.
  - Unapt arrangement and disorderly collocation as defects in, iii. 252-253.
  - Remedies for ambiguity in, iii. 253-255. Cases unsusceptible, 253. Rules for avoiding miscollocation, 253-255.
  - Remedies for overbulkiness in, iii. 255-259. Distribution into parts, 255. *Nil alienum*, ib. *Unicuique totum*, ib. *Nil præmaturum*, 255-256. Way in which different persons may be affected by the same portion of law, with a view to letting each know his share, 256-258. Cases where a number jointly affected, 258-259. Modes of notification, 259.

- Nomography—Necessity of attendance in, to the party served and the party burdened with observance, iii. 259. Former warrant for existence of the law—knowledge by latter the sanction of its obedience, ib.
- Rules for avoiding redundancy in, and obtaining steadiness and certainty, iii. 260-264. See Laws.
  - Remedies for longwindedness in, by confining sentences to single propositions, &c., iii. 264-265.
  - Helps to intellection in, iii. 265-268. Division and subdivision, with marks for reference, 265-266. Numbers as a means of designating the extent of subdivision, 266-267. Employment of substantives with auxiliaries, in preference to verbs, 267-268.
  - Remedies for miscollocation in, iii. 268-269.
  - The nature and derivation of, v. 270 n.
- Nomothetic Government, or Government by Legislation—Position of, as a branch of Ethics in the Encyclopedical Sketch of Art and Science, viii. 94.
- Non-demand of judicial interference from difficulty of obtaining it—a cause of injustice, vi. 30.
- Non-disappointment principle—Definition of, and application to projected reforms, v. 266-267, 413-414, 419.
- — — in reference to expectation of change, iv. 527.
  - — — See Disappointment-preventing principle.
- Non-existence—The idea of, is that of absence extended, viii. 210.
- Non-lawyers—Why the introduction to Rationale of Evidence appealed to, vi. 5-6.
- Non liquet*—No verdict expressive of, in England, ii. 157.
- Non-notoriety of contracts, &c., an evil remedied by Preappointed evidence, vi. 511.
- Non-penal procedure—View of the principal facts to which evidence applies in, vi. 215-216.
- Non-redundance—a property desirable in a language, viii. 191.
- Non-reeligibility clause—Opinion of, expressed in tract on the proposed Portuguese Constitution, viii. 483-485.
- — — principle—Discussion with Dr Bowring on, x. 528-530.
- Non-responson, and false or evasive responson, as evidence of delinquency, vii. 24-29.
- Nonsense—more readily believed than facts simply improbable, viii. 111.
- Nonsense psychology, nonsense ethics, nonsense pisteutics, &c., compared to nonsense verses, vi. 239.
- Nooscopic Pneumatology, or the Philosophy of the intellectual faculties—Position of,

- in an Encyclopedical Sketch of Art and Science, viii. 88.
- — Division of, into Plasioscopic and Coenonesioscopic, viii. 90-91.
- Norman French—Use of, in law, a device of the Technical system, v. 448-449.
- — Abolition of the use of, opposed by lawyers, v. 15.
- Norman Kings—Alteration of the judicatories by the, ii. 151-152.
- Normans—Felony introduced by the, i. 505.
- North—Lord—Account of an overture made by, to the Rockingham party, x. 102-103.
- — Allusion to the position of the Ministry of, i. 251.
- — Casual notices of, v. 228, 299; x. 56, 62, 564.
- North—Chief-Justice and Keeper, noticed, vii. 285 n.
- North—Rev. John—Letter from, to Bentham, x. 416.
- North—Hon. Roger—His account of the conflicts between King's Bench and Common Pleas, v. 493; vii. 382 n.
- Northampton Tables of Mortality—The, noticed, viii. 410-411 n.
- Norton—Sir Fletcher—His conduct to Wilkes, x. 45.
- Norway—Allusion to the absence of an aristocracy in, viii. 467.
- Nosology—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Notables—Assembly of, in France. Method of taking votes in, ii. 348.
- Notarial authentication, vi. 523 n.
- Notaries—Not so much Lawyers as Registrars, iv. 319.
- — Advantage of having, as witnesses to deeds, vi. 525-526.
- — Use of, for securing the propriety of a contract, vi. 526-529. To see that the executor be not legally incapacitated, that it be not injurious to his interest, that he knows what he is doing, that it be not illegal, 526-527. Operations—attestation, interrogation of the party, and notification of the law, 527-528. Contracts peculiarly calling for notification, 528-529.
- — Honorary—Proposed, vi. 529-530. Justices, clergymen, schoolmasters, &c., 530.
- in France—The integrity of, as a class, with illustrations, v. 408.
- Notation, as a security for trustworthiness of evidence, vi. 284.
- Notation and recordation of testimony, vi. 408-419;—
- — Uses as applied to orally delivered testimony, vi. 408-410. Uses to judge, 409. To suitors as a security, 409-410. For purposes of appeal, ib.
- — in what cases to be employed, vi. 410-412. Division of causes into recordation-worthy and non-recordation-worthy, 410. Criterion of importance, 411. Permission to latter being recorded on party paying expense, ib. Cases having a peculiar claim, 412.
- Notation and Recordation—How to be performed, vi. 412-414. Extent of minuteness, 412. Interrogations as well as answers, ib. Judge should record for his own use—instance, Judges' notes, 413. There should be an official short-hand writer, 414.
- — Practice of, in English law, vi. 414-415. Summary procedure before Justices, &c., 414. Regular procedure, 415.
- — Authentication in the case of, vi. 415-419. None required to Judge's notes for his own use, 415-416. Dangers to be obviated, 416. Methods for obviating, 416-419.
- Note Annuities. Project for the conversion of Stock into, iii. 105-153.
- — Correspondence with Sir George Rose on, x. 359-361.
- — Correspondence and controversy with Vansittart and Dr Beeke as to the practicability and usefulness of, x. 364-373.
- Notes—Whether they ought to be consultable in delivering testimony, vi. 31, 386-392. Cases in which chiefly required—complexity, figures, length of narrative, &c., 386-387. Directions for regulating the privilege, 387. Matters that should be inquired into as to the origin and history of the document, 388. Notes without interrogation would be on a par with affidavit evidence, 389. Illustrations cited from English practice; Extracts from a book refused as evidence, 389-390. Criticism on the case, 391-392.
- Judges—Authority of, in evidence, vi. 413, 415.
- All persons should be free to take, of evidence, vi. 356.
- Reasons for giving the substance of Chrestomathia in the form of, viii. 7.
- to legislative enactments—Reasons for, iii. 323.
- Notes—Bank. Reasons why they circulate on less advantageous terms than Exchequer Bills, iii. 149-153.
- — See Paper Money.
- Note-taking as a test of intellection in education, viii. 45.
- — as a branch of the Chrestomathic system of Instruction, viii. 40, 51.
- — a means of publicity in Courts of Justice, vi. 354.
- Notice in Litigations—Chicaneries about, presented as a grievance in Petition for justice, v. 524.
- Chicaneries about, examined in the Rationale of Evidence, vii. 249-255. Analysis of the different kinds adopted in practice, 249-250. Method proposed for ob-

- viating, by preliminary meeting, &c., 250.  
Held received when it has not been, and not received when it has, in practice, 250-252.
- Notice—Employment of letter-post for the purpose of, iii. 378, 379.
- Security for the means of communicating, in proposed Dispatch Court, iii. 418-419.
- made in English practice in such a manner as not to be received by the party, iii. 419 n.
- in English practice, worded so as to be incapable of being obeyed, vii. 417-418.
- Sham, in English procedure, vi. 53 n.
- The kind called *Destringas*—Delays occasioned by, vii. 221.
- Notification—The subjects of, with reference to creating securities against misrule through the Public-opinion Tribunal, viii. 572-573. Ordinances, transgressions, and suffrages, *ib.*
- Means of, with respect to ordinances, viii. 573-575.
- as to transgressions—Utility of, and obstacles to, viii. 577-579.
- as to suffrages: newspapers, letter-post, &c., 579-583.
- of laws to those interested—Modes of, iii. 259.
- for the purposes of preappointed evidence, vi. 512.
- Notoriety—The general end of the art of inditing laws, iii. 237-238.
- of a fact, is evidence admitted to be complete in English practice, vi. 277-278.
- Nôtre Dame—Illustration of French law, in a charge of stealing the bell of, vii. 52 n.
- Nottingham—Lord, noticed, vi. 534 n.
- Nouailles—Peter—a French refugee, and acquaintance of Bentham, x. 53.
- Nouns—whether prior or posterior to verbs in the order of abstraction, viii. 326.
- conjugate, a preferable word to decline, for expressing the modifications of, viii. 323-324.
- Irregular—Fragments of language anterior to the use of systematic inflection, viii. 327.
- Substantive—an exhaustive division of, to be found in the names of real and fictitious entities, viii. 119.
- Substantive, with auxiliaries—Employment of, in legislation, in preference to verbs, iii. 267-268.
- Substantive, as a department of grammar, viii. 345-347. Name of an entity real or fictitious, 345. Cases—for expression of relation between it and other entities, 345-346. (*See Case.*) Gender—an encumbrance in common names, 346-347. Number—necessary to have signs for it, but simplicity a desideratum, 347.
- Nouns—Verbal. Preferred to verbs as more distinct, viii. 315-316.
- Novelty as an argument against a measure—Fallacy of, ii. 410-411.
- A fallacy urged against improvement, v. 417.
- Nuisance—Character of the offence of, i. 369.
- Nullification the main instrument of decisions not on the merits, v. 477.
- Principle of, in judicial procedure, vii. 255-260. Either on plaintiff's or defendant's side—generally latter, 255-256. Evils enumerated, 256. Uncertainty of the law, *ex post facto* law, punishment misplaced, pardon misplaced, *ib.* Decisions upon and not upon the merits, 257. Quibbles, 257-258. Arbitrary power to judges to be strict or lax as they think fit, 258-259. Weak enforcement of penal law, *ib.* Amelioration of it urged as a substitute, 260.
- Statute law contemned in the practice of, vii. 313.
- What involved in, vi. 65 n\*.
- of contracts because they are not committed to writing, vi. 128-134. *See Exclusion of Evidence.*
- of informal contracts, vi. 65, 84, 517-521. *See Formalities.*
- of evidence gives impunity to mendacity, vi. 26.
- Bad evidence made conclusive by, vi. 24.
- in the case of informal documents super-added to formal, vi. 134-135.
- of deeds for want of formalities—Punishes innocent employer and gives culpable lawyer new litigation, v. 409-410; vii. 261-262.
- Nullity of contracts—Proper causes of, i. 331-333.
- Number in grammar—Nature of the proposition involved in the form in which it is expressed, viii. 190.
- in substantives—an expression necessary for, but simplicity a desideratum, viii. 347.
- in the grammar of verbs—Meaning of the term, viii. 349.
- Sciences involving the predicament of, viii. 287-288.
- of witnesses—Effect of, on probative force, vi. 221.
- Numbers—Arithmetical. Utility of, as a means of reference, iii. 250.
- Use of, in facilitating reference to parts of documents, v. 442-443.
- Propriety of putting in words instead of figures, on important occasions, vi. 536.
- Numeration of paragraphs—Advantages of, in written evidence, vi. 441-443, 485.
- Nuncupative will—Statute of frauds as to, vi. 545-547.

- Nundecmar—Illustration from the fate of, i. 187.  
 Nuñez—Don Toribio. Letter of, to the author, on codification, iv. 572-573.  
 — — — His analytical view of Bentham's opinions, viii. 466, 544.  
 — — — publishes in Spain, *The Spirit of Bentham*, xi. 19.  
 Nuremberg Chronicle, quoted, vii. 89, 98, 100.

## O

- Oates—Titus, the nature of the crimes of, characterized, iv. 281.  
 — — — The perjurers of, an illustration of an epidemic destroying the faculty of discovering truth in the public mind, vii. 117 n.  
 OATH—A security equivalent to the intention of, should be exacted from all litigants making statements, v. 11.  
 — before arrest in meane process—Futility of, ii. 110.  
 Oaths—The needlessness and mischievousness, as well as anti-christianity, of, exposed in "Swear not at all," v. 187-229.  
 — Enactments as to, subsequent to the publication of "Swear not at all," v. 189.  
 — Incongruity of the assumption on which benefits of, founded, v. 191-193. Ceremony described, 191. The assertory oath falsely distinguished from the promissory, 191-192. Predicates authority over the Almighty to put the adjuration in force through the instrumentality of the mere ceremony, 192. Punishment would be the same for mendacity, or else the Almighty increases it at the bidding of man, 193. Absurdity illustrated in different persons taking oaths of opposite tendency, ib.  
 — Mischievousness of the instrument in a general point of view, v. 193-195. Theory, that bad oaths are null, is only the feeling of the person who expresses it—held binding by those who take them, ib.  
 — Insufficiency of, as a security against incorrectness and incompleteness in evidence, v. 195-197. Custom-house and university oaths, 195. Oxford, ib. No inference that the same persons who break these oaths would give false testimony—only shows that the oath *per se* nothing, 196-197.  
 — Recognition of the inutility of, in Parliamentary practice, v. 197.  
 — Mischief of, in contributing to the mendacity-license granted by judges, v. 197-200. As only in this shape that mendacity punished, held licensed in all other shapes, ib.

- Oaths—Their tendency to weaken the efficiency of the laws, v. 201-204. Putting exclusion on some of the best classes of evidence—Quakers, &c., 201-202. Either encumber acts as to new offences, or omitted render them null, 202. Inconveniences where left to arbitrament of judge, ib. Not sanctioned by the Arbitration Act, 203-204.  
 — Consciences of jurymen bewildered and enslaved by, v. 204-205. Obligated to adopt the interpretation of the judge, who thus exercises a sort of priestcraft, ib.  
 — Force given by, to the enterprises of malefactors by affording them a bond of union, v. 205-206.  
 — Excuses for abuse of prerogative by the Monarch found in, v. 206-207.  
 — Use of, as an instrument for preventing improvement, exhibited in Coronation oath, v. 207-209.  
 — Oxford University—their tendency to corrupt national morals and understanding, v. 209-212. Assumption of infallibility, 209-210. Comparison with Church of Rome, 210. Laud's explanation that the oath only infers submission to the law, is the principle that a crime is not wrong when it is punished, 211-212.  
 — Cambridge University—their evil tendency, v. 213-219. Different from Oxford in having an explanation, which proves doubts of the system to have existed, 213-214. Historical reasons of the difference, 214-215. Freedom from perjury not part of the religious freedom of the institutions, 216. Though not nominally insisted on, not the less virtually, 216-217. At Cambridge where there are misgivings, custom and the peace of the Church the apologies, 216-218. Considerations as to the admitted distinction between the binding force of judicial and university oaths, 218-219.  
 — Judicial, shown from scriptural authority to be forbidden by the religion of Jesus, v. 219-220.  
 — The argument against, as pursued in the Petition for justice, v. 454-467, 533-534. Instrument by which mendacity is accomplished in judicature, 454-455. Needlessness as evinced in examinations by House of Commons, 455. Quakers and persons personating Quakers, 456. Inefficiency of the ceremony, Irish Bishops, Oxford, Custom-house, ib. Mischievousness—escape of criminals against whom persons will not take oath, 456-457. Repugnance to natural religion, 457-458. Utility to judges, 458. Invests them with power of converting wrong into right, and right into wrong, 458-459. Atheists invested with pardon-power, 459. Mendacity should be punished in all cases,

whether accompanied by oath or not, 460. Petitioners pray to be put on the same footing as Quakers, and not to be bound to infringe the directions of Scripture or commit perjury on juries, 461. The putting an oath to men to declare their conscientious conviction, and then torturing them till they all declare it one way, 461-463. How men of resolution and desperate fortune may turn the verdict as they please, 463-464. Weakens the religious sanction, 464. Those who hold out, though avoiding perjury themselves, drive others to it, 464-465. In the way of frustration useful in the case of severe political laws, 465-467.

Oaths—Succedanea to, in punishments for the degrees of mischievous falsehood, v. 220-221.

- Cause and origin of the practice in regard to, v. 221-224. Perhaps of use in a barbarous age, 221. Restraining influence of priestcraft on barbarism, 222. Jephthah's vow, and the influence of it in the hands of Jewish priestcraft, 222-223. The power of dispensation assumed by the Church, with its services to priestcraft, 223-224.
- The arguments against, generally stated, i. 567.
- Abridgment of the argument as to the needlessness, mischievousness, and unchristianity of, with relation to witnesses and jurors, and in the case of official promissory oaths—in abridged Petition for justice, v. 513-516.
- constitute an excuse for not acting according to conscience, ii. 117-118 n.
- Inefficacy of, exhibited in conduct of juries and coroner's inquests, ii. 40-42.
- Illustration of escape of criminals from the law as to, v. 543.
- Origin of the administration of, vii. 265.
- Historical inquiry as to commencement of the practice of tendering, vii. 460-462.
- Breach of—The mischief of perjury does not consist in, vii. 406-407.
- Use of, as a security for the trustworthiness of evidence, examined in the Rationale of Evidence, vi. 28-29, 284, 308-325;—
- Nature of, vi. 308-309.
- Inefficiency of, as a security for trustworthiness, vi. 309-315. Profess to put the Almighty at the command of man, 309-310. Uselessness to justice exemplified by the ease with which feelings of humanity neutralize them, 311. Not required in House of Commons, 312-313. Punishment instead of oath to obviate false claims for money at Government offices, vi. 313. Perjury an essential of English Jury-trial, 314-315.
- Mischievousness of the system of, vi. 315-318. Efficacious for bad but not for

good foundation of mendacity-license, 316. Crimes may be committed in presence of Quakers and others who refuse to swear, *ib.* Stand in the way of self-criminative, and compel recourse to inferior evidence, 317. Origin in a barbarous state of society, 318.

Oaths—How to adapt the ceremony of, in the best manner to its intended purposes, vi. 318-321. Carries operation of three sanctions—religious, political, and moral, 318-319. Arrangements for pointing the force of the religious sanction, 319. Of the political, 320. Of the moral, 321.

- as a security under past and present systems of judicature, vi. 321-325. Afford certificate of veracity to liars, 322. Roman law—*juramentum expurgatorium*, *juramentum suppletorium*, oath of calumny, 322-323. English form before a jury—Defects of it, 323. Danish law, 323-324. Hindoo, 324. Swedish, *ib.*
- If employed in other cases, should they in examination of defendant *in penali*? vi. 325. Should be tendered at all events, *ib.*
- Alterations in the laws regarding, vi. 325 n.
- Mendacity never punished without, in English practice, vi. 294. The criminality thus transferred from the deception to the ceremony, *ib.*
- Administration of, in Ecclesiastical Courts checked, vii. 458-459.
- Administration of, to infants, vii. 428-429.
- exclude the testimony of those who will not go through the ceremony, vi. 115, 295; vii. 424 n. ¶.
- Practice of administering, to parties, once in use, vii. 460.
- Witnesses should pronounce—not merely hear, vi. 321.
- abolished in voluntary affidavits, vi. 304 n. In other cases, 381 n. ¶.
- Bill relaxing the laws as to, thrown out, vi. 381 n. ¶.
- of credence or sincerity, by litigants founding on makeshift evidence, vii. 162-164.
- The application of the term to profane interjections of anger, iv. 140.
- Expurgatory of the Romans—their nature, vii. 70-71.
- in supplement—their nature, vii. 71.
- Casual remarks on, iii. 566 n, 577 n, 590 n.

Oath—The Coronation—intended to bind the monarch in his Executive, not his Legislative capacity, ii. 408-409.

Oath of Office for Judges, and Pursuers and Defenders General, in Plan of Judicial Establishment for France, iv. 356-357.

- — — Opinion as to, expressed in Plan

- of Judicial Establishment for France, iv. 381-384. Should not be used where the law suffices, 381. Nor for light matters, 382. Nor for ordinances unavoidably to be infringed, ib. Should not be so general as to be nugatory, ib. Purpose—employing the joint aid of the moral and religious sanctions to assist the political, ib. Use as a protection to a public man from the sinister influence of individuals, 383. Should be such as all religious persuasions can take, and therefore should not express religious opinion, 383-384. Should never be employed but in subservience to conscience, 384.
- Oaths—Promissory. The assistance they give to abuse, and arbitrary power, n. 408-410.
- — A form by which inducements offered to mendacity, iii. 278-279.
- Oaths—University—Perjury taught by, ii. 210.
- — an illustration of the feebleness of the religious sanction in favour of truth, vi. 274.
- — Bentham not required to take, x. 36.
- Oaths and Witnesses—Lord Ordinary on, in Scotland—Duties of the, v. 23, 38.
- Obduracy, Implacability, &c., as designative of motives, i. 203.
- Obedience—Habit of, the foundation of Government, i. 263-264; iii. 219. Extent of, shows that to which Government operates, ib.
- Nature of a habit of, i. 263-264 n.
- Habit of, not dependent on the character of the administrators of the law, ii. 423-424, 427.
- Habit of, the sole extent to which acts of sovereignty can be said to issue from the people, ii. 504-505.
- to Government—a matter for individual calculation, iii. 219.
- to the law—Source of the disposition towards, vii. 330.
- Subtraction of, and thence of power—the consequence of condemnation of rulers by the Public-opinion Tribunal, viii. 562.
- clause directing, in the French Declaration of Rights, criticised, ii. 511.
- Object—a fictitious entity, viii. 205.
- involves an idea of motion on the part of some other body, viii. 205.
- and subject—Relation of, to each other, viii. 205.
- Objects—Sensible. Definition of, viii. 44.
- Obligation—Exposition of the term, with reference to the Pannomion or Universal Code, iii. 217.
- Erroneous supposition of, as invalidating contracts, i. 331-332.
- Use of viewing, as the counterpart of right, iii. 293.
- Obligation—a term requiring special exposition, v. 413.
- as the root of Political and Quasi-Political fictitious entities, viii. 206.
- The use made of the term, an illustration of paraphrasis, or the fixation of fictitious entities through real, viii. 247-248.
- Legal—Risk of subjection to, nota ground for excluding testimony, vii. 463.
- Obligations as the converse of powers, i. 106 n, 338.
- as the counterparts of rights, i. 301-302.
- as the counterpart of rights—Analysis of, in the Introduction to the Constitutional Code, ix. 18-19.
- as the counterpart of rights, in relation to judicial procedure, ii. 16-17.
- regarding services, examined, i. 338-341.
- attached to different private conditions, i. 343-358.
- Performance of—how far it should be absolute, ii. 224.
- Offences, rights, and services—Relation of the laws concerning, iii. 158-160.
- as a general title of the Civil Code, iii. 180-181.
- Necessity of making the law patent to parties hable to, ii. 195.
- Oblivion—Circumstances in which statement of, suspicious, vi. 449.
- Application of preappointed evidence to prevention of, vi. 513.
- Securing facts from, by registration, vi. 79-80.
- Obscene Exhibitions—as an offence. Position of, in the Penal Code, iii. 168.
- Obscenity—Variableness in national notions of, i. 176.
- Obscurity—as a defect in the drawing of laws, iii. 239, 244-245.
- in language as distinct from ambiguity, viii. 304-305, 308-309.
- in language—Rules for avoidance of, in so far as respects words taken separately, viii. 313-316.
- Obsequiousness to people in power—a secondary effect of corruption, ix. 65-66.
- Observation—Nature of, as one of the human faculties, viii. 75 n.
- Observations on Mr Secretary Peel's House of Commons speech, introducing his Police Magistrates' Salary-raising Bill*, v. 328-348.
- Observations on the Poor Bill introduced by the Right Honourable William Pitt*, viii. 440-461.
- Obstacles—The confounding of, with causes, a fallacy employed in the support of abuses, ii. 466-469.
- Obstructions to suits. Method of dealing with, ii. 82.
- O'Byrne—an acquaintance of Bentham, noticed, x. 564.

**Occupant**—First—Nature of the title of, i. 327.

**Occupation (or employment)**—Meaning of, defined, i. 438.

— Habitual, as a circumstance influencing sensibility, i. 25.

— Evil of making a thoughtless choice of, for children, viii. 12.

**Occupation (or occupancy)**—Nature of the right of, iii. 182-183. Limitations—as to substance, 182-183; use, 183; time, ib.; place, ib.; right of interdiction by another, ib.; necessity of concurrence of others, ib.; co-rights, ib.

— Wrongful, as an offence, i. 117-118.

**Occupations**—Sedentary and Active—Their opposite effects on the mind and body in respect to the will and capacity for acts of violence, iv. 142.

— Rules for the alternation of, in Pauper management, viii. 396.

**Ocean**—Arrogation by Britain of dominion over the, iii. 584 n.

**O'Connell**—Daniel. His approval of the Petition for justice, v. 439.

— — Professes himself a follower of Bentham, x. 594.

— — Letters to, on Law Reform, and requesting a personal visit to discuss it, x. 594-597, 599-600.

— — Letters from, x. 597, 602-603; xi. 15-16, 20, 29.

— — Letters to, on the difference between Whig and Radical Reform, x. 598-601.

— — Letter reprimanding his vituperation of Hunt, x. 602.

— — Miscellaneous Letters to, x. 603-605; xi. 12, 20-21, 27-29, 30, 32-33, 37-38, 62-63.

— — Anonymous letter recommending Hunt to give up his acrimonious attacks on, xi. 5-7.

— — His duel with Mr D'Esterre, xi. 13, 14.

— — Letter from. Account of his amusements—Wyse's History of the Catholic Association—Preachers of Law Reform—Bolivar and the state of South America, &c., xi. 21-23.

— — Anonymous letter to, on the subject of his practice of personal attack, xi. 25-26.

— — Letter of, to C. S. Cullen, on Law Reform, xi. 34-35.

— — Conversion of, to the opinion against second Legislative Chambers, xi. 60-61.

— — Gives notice of a motion for codification, xi. 50.

**O'Connor**—Arthur—Account of, xi. 3.

**Offence**—Creation of an, by the law, i. 151.

— Principles tending to the avoidance of, in conversation, x. 518-519.

**Offences**—Classification of, i. 96-142. Nothing should be an offence which is not

detrimental to the community, 96-97.

1st Class—Private, 97. 2d, Semi-public, 97-98. 3d, Self-regarding, 98. 4th, Public. 5th, Multiform or heterogeneous; by falsehood, and against trust, ib. Amendment of this classification, ib. n. Subdivision, 99-113. Genera of Class 1, (and in Notes of class 2 and 3,) 113-137. (See Private Offences.) Advantages of the method, 137-139. Characters of Private Offences, 139-140; of Semi-public, 140; of Self-regarding, 140-141; of Public, 141; of Multiform, 141-142.

**Offences**—Division of, iii. 163-164. Private, Self-regarding, Semi-public, and Public, ib.

— Private—Subdivision of, iii. 164-165.

Against the person, 164. Against reputation or honour, 164-165. Against the person and reputation, 165. Against property, 165-166. Against person and property, 166. Against condition, 166-167.

— Private—Characters of, iii. 172-173.

— Self-regarding—Subdivision of, iii. 167-168. Against the person, 167. Against reputation, 168. Against reputation and person, ib. Against property, ib. Against person and property, ib. Against condition, ib.

— Self-regarding—Characters of, iii. 173.

— Semi-public—Subdivision of, iii. 168-169.

Against the person, 168. Against reputation, ib. Against person and reputation, ib. Against property, ib. Against person and property, 168-169. Against condition, 169.

— Semi-public—Characters of, iii. 173.

— Public—Subdivision of, iii. 169-171.

Against external security, 169. Against justice, ib. Against the Police, ib. Against the Public force, 169-170. Against the National wealth, 170. Against the Public treasure, ib. Against population, ib. Against the sovereignty, ib. Against Religion—Atheism—Blasphemy—Profanation, 170-171.

— Public—Characters of, iii. 173-174.

— Advantages of the Author's classification of, and general principles of classification, iii. 171-174.

— Divisions and Subdivisions of, i. 99-113. Division of 1st class—Private offences, 99-100. (See Private.) Of second class, 100. (See Semi-public.) 3d Class, 100-101. 4th Class, 101-104. (See Public.) 5th Class, 104-113. (See Falsehood; Trust.)

— Positive and negative. Difference in the objects of punishment as applied to, i. 392-395.

— Uses of the Author's divisions of, iii. 294-295.

— divided by English law into burnable and unburnable, vii. 434.

— distinguished by the extent of their mischievousness, i. 237.



- Offences—Division of the Remedies against, i. 367.
- and Punishments—Proportion between, i. 86-91.
- and Punishments—Analogy between, i. 407-409.
- The evils of, as compared with those of Punishment, i. 395.
- Direct methods of preventing, i. 367-368.
- Indirect methods of preventing, i. 533-580.
- Prevention of, by giving many persons an interest to prevent them, i. 556.
- Influence of Time and Place on the mischievousness of various kinds of, i. 172-177.
- Satisfaction to sufferers by, i. 371-388. *See* Satisfaction.
- Incapacitation for, not accomplished by the Transportation system, iv. 183-199.
- Relation of the laws affecting, to those concerning rights, obligations, and duties, iii. 158-160.
- Atrocity of, how far ground for incredulity, vii. 115-117.
- Advantage of having them notified and published, and the impediments to their being so, in fear, indolence, and poverty, viii. 577-579.
- against honour, Remedies for, i. 381-382.
- Chronic, or those that admit of suppressive remedies, i. 368-369.
- Suppressive remedies for, i. 369-370.
- National—defined, ii. 539.
- Classes of, to be pursued by Government Advocate, according to Constitutional Code, ix. 570.
- Offender—The situation of, as a circumstance influencing the degree of alarm caused by crime, i. 76.
- Offenders—Means of checking the operations of, i. 396.
- Habitual. Method of suppressing, through the instrumentality of the Poor-law, viii. 403-406.
- Punishment of. *See* Punishment.
- Office—Patronage of, and Power of Removal from, should be in distinct hands, v. 426.
- Vacation of seat on acceptance of—Arrangements for, and existing practice regarding, iii. 589-591.
- Patronage of. How far equivalent to possession, iii. 339-340.
- Patronage of, in practice, equivalent to so much Salary, v. 352.
- Patronage of, when spoken of as of value to the owner, its abuse predicated, v. 570.
- Community of interest between those holding and those expecting, ii. 483.
- Sarcastic notice of the indifference pretended by the expectants of, v. 286.
- Office copies—The clumsy and expensive system of demanding, in English Practice, vii. 169-170.
- Office-holders—Plan for making the salaries of, public, v. 385.
- Opinion that money the only incitement to, combated, v. 313-316.
- — The claim of, to establish fortunes as their remuneration, controverted, v. 292-294, 308-310.
- — A modification of the law of libel proposed in regard to, as compared with private citizens, viii. 510.
- Office—Oaths of. Opinions as to, expressed in the Plan of a Judicial Establishment for France, iv. 381-384.
- — — Argument for the inefficiency of, abridged, v. 514-515.
- — — *See* Oath.
- Offices—Rewards with respect to, considered at length, ii. 235-252.
- Salary of. How far reward, ii. 235-237.
- Rules as to the emoluments of, ii. 237-240. Union of interest and duty—payment according to attendance, &c., 237-239. Emoluments measured by the success which attends the service, 239-240.
- No fees or perquisites in, ii. 241.
- Minimize salaries of, ii. 241-242.
- Nominal salaries of, should not be greater than real, ii. 242-243.
- Burthen of, should be borne in the quarter where the benefit reaped, ii. 243-244.
- Emoluments of, should be on a scale likely to exclude corruption, ii. 244-245.
- Pensions of Retreat to holders of, ii. 245-246.
- Sale of, ii. 246-248.
- Qualifications with reference to holders of, ii. 248-249.
- Principles to be followed in reforms of, ii. 251-252.
- Letter on the advantages from disposing of, by pecuniary competition, with reference to the election of a secondary by the Common Council of London, xi. 31-32.
- The equality of eligibility for, as stated in the French Declaration of Rights, considered, ii. 509.
- Onerous. Distribution of, ii. 207.
- Objections to useful, on the ground of economy, influence of the crown, jobbing, &c., ii. 472-473.
- Compensation on the abolition of, i. 320-321.
- Public. The bidding for men of talent to fill, by offering large remuneration, considered, v. 310-313.
- Public. How far they can be conferred as rewards, ii. 195.
- Public. Architectural arrangements for, tending to facilitate despatch, secure the requisite secrecy or publicity, and otherwise tend to the right performance of the

- duties, ix. 325-333. *See* Ministers Collectively—Architectural Arrangements.
- Offices for conservation of transcripts of contracts, vi. 575-582. *See* Registration; Transcriptitious.
- Appointments to, and removals from, a subject for registration, vi. 567.
  - Judicial—Needless and useless, created in England, vii. 306-307.
  - Sale of—Chief-justices of King's Bench and Common Pleas, exempt from penalties against, v. 94 n.
  - Unsalariated. Burke's opinions against, controverted, v. 294-297.
  - Denial of good, and performance of ill, as punishments of the Moral Sanction, i. 454-455.
- Officers of the Crown, &c.—Attendance of, in House of Commons without votes, iii. 490-495.
- Executive of Courts of Justice—Functions of, as exhibited in those of the Prehensions of the proposed Dispatch Court, iii. 376-381.
  - Judicial. None should be paid by fees, iii. 339-340. *See* Fee.
  - Law, of the Crown. The system of treating their opinion as if they were infallible, iv. 265-266.
  - of the law—Effect of inconvenience to, in delaying justice, vi. 92.
- Officers—Public. Cases in which they are interested unmeet for judicial privacy, vi. 369-372.
- Unpaid, and too respectable for suspicion—Danger of speculation in the case of, illustrated, iv. 130.
  - Burke's reform in the payment of, ii. 198.
  - Arrogating peculiar probity, ii. 412.
  - Clause in the French Declaration of Rights for procuring an account of their administration from, ii. 519-520.
  - Utility of having their remuneration so arranged as to give them an interest in their duty, iv. 129-130.
  - Extravagant salaries tend to make idle, iv. 372-374.
  - Fallacy of acting on presumptions of the probity of, ii. 412-413.
  - affected by reforms—Compensation to, iii. 325-326.
- Officers—Military—Divided into ordinary and erudite, ix. 350.
- The various grades of, in Britain, and in America, ix. 350.
  - Method of appointing, and considerations as to the expediency of requiring a certain period of service in the ranks in the case of, ix. 351-352.
  - in the British army—Number of grades, and high pay of, ix. 230.
- Official aptitude—Appropriate, as a means of obtaining the ends of the Constitutional Code, ii. 272-274.
- Official aptitude maximized—Expense minimized*, v. 263-386.
- — — Preface to, v. 265-271.
  - — — Introductory view of, v. 271-278.
- Official arrogance—how covered by a veil of modesty, ii. 411.
- Official deprecation—Securities against, applicable to a Mahomedan state, viii. 591-592.
- Nature of, as a species of oppression, viii. 560.
- Official dignity—Fallacy that large salaries necessary for the support of, v. 316-318.
- Official evidence—received without interrogation and other securities, vi. 335, 460.
- Public offices as repositories of, vi. 553-561. Nature of the deposit, 553-554. Uses—direct, and collateral or indirect, 554-555. Collateral called judicial use, 555. Exemplification, ib. Sources of trustworthiness—responsibility and impartiality, 556. Responsibility only effectual if it has the sanction of punishment, 557. Absence of responsibility in public boards, 557-559. Rules for estimating and securing trustworthiness, 559-561.
  - as furnished by judicial offices, vi. 561-566. Registration of instruments and operations in causes, 561. Use to parties in respect to suit in hand, 562. Use to future contingent parties, ib. Use to the legislature in the supply of statistics, 562-564. Neglect of this kind of evidence by English judges and legislators, 564-566.
  - Publicity with relation to, vi. 27.
  - Preappointed, vi. 72-79. *See* Preappointed.
  - Written—Modes of authentication in the case of, vii. 180-181, 195.
- Official incomes—Views as to the insufficiency of, controverted, v. 307-308.
- Official inspection—Authentication by, vii. 178.
- Official malefactors—Safety of the government used as an argument for screening, ii. 421-429. Punishes virtue and rewards vice, 421-422. Would impede all reform, 422-423. Illustrations from private transactions, 423. Habit of obedience not dependent on the character of those who administer the law, 423-424. The poor have an interest in the continuance of government, 424. No good government can exist without the exposure, ib. Influence of public opinion, ib. Procurement of respect, not in virtue of power, but of the excellence of the exercise of it, 424-425. Impossible to avoid unjust attacks, but generally defeated, 425-426. Ability of officials to defend themselves, 426-427. Good effects of habit of scrutiny, 427. Operation of the British constitution has little dependence on the conduct of officials, ib. Petitions for Parliamentary re-

- form, as tending to lower the institution in the eyes of the people, 427-428. The objection answered, 428-429.
- Official men—Proposal for rules applicable to the conduct and department of, to enable the Public-opinion Tribunal to judge of them, ix. 42-43.
- — Security against, a leading end of the Constitutional Code, ii. 270-271.
- — Evil of giving them any legal protection which is not extended to the citizens at large, viii. 522-523.
- — The censure of the public one of the incidents of office, which they are paid for enduring, ix. 159.
- — Provisions with respect to, in the Constitutional Code, ix. 213-333. *See* Ministers Collectively.
- — Discovery of their unfitness interpreted to be libel, v. 108-109.
- — Their means of preserving themselves from attacks by private individuals, ii. 279-280.
- Official nomenclature—Diversities of, in different nations, iii. 196.
- Official rank—Right to, with relation to forfeiture as a punishment, i. 452.
- Official rights—Publication of account of, recommended, i. 554.
- Officially-informative function of Ministers, by the Constitutional Code, ix. 260-263. *See* Ministers.
- Old age. *See* Superannuation.
- Onerous public duties—Distribution of, ii. 207.
- Onus—Spanish Envoy to the United States—An action for libel raised by, x. 512.
- Onomastic signature distinguished from symbolic, vi. 515.
- Onslow—Captain—a visiter at Bowood, x. 106-107.
- Onslow—Speaker—Authentication of a portrait of Milton possessed by, x. 51-52.
- Ontology, or the science of Being—Nature of, and place at the root of a division of the Arts and Sciences, viii. 83.
- Fragment on, viii. 193-211. *See* Entities.
- Definition of the term, viii. 195.
- Introductory notice to Fragment on, viii. 192.
- divided in the Encyclopedical Sketch into Coenoscopic and Idioscopic, viii. 83-84.
- False use of the word in Philosophical language, viii. 83.
- Onus probandi.* *See* Burden of proof.
- Open and secret voting in Legislative Assemblies, considered, ii. 367-370.
- Operation—two appellations necessary to give an idea of—The operator, and the thing operated upon, ii. 382 n.
- Judicial—List of, ii. 24-25.
- Judicial—Effect of fixing times for, ii. 31-32.
- Operative—Supreme. Exposition of the principles applicable to, in the Constitutional Code, ix. 127-141;—
- Operative—Supreme. Appointment of, in the People, ix. 127-128. Distinguished from constitutive power, as that which calls for obedience, 127. Should be in the people's friends, not their enemies—monarchs and aristocracies necessarily enemies, ib. No trust to be placed in the intellectual or moral aptitude of those whose interest is not kept the same as the universal interest, 128.
- — The monarchical form of, described, ix. 128-134. The monarch taught to consider the people mere instruments of his gratification, instead of devoting himself to their happiness, 128-129. People behold in such a person their enemy, 129; and feel other monarchs their enemies; for though there be war between monarchs, it is rivalry not enmity, and the people are the victims, 129-130. Instead of the top, placed at the lowest scale of moral worth, being independent of inducements to do good, 130. So as to intellectual aptitude—vicious education, 130-131. Never taught the greatest-happiness principle, 131. Illustration of the absurdity of the superhuman qualities attributed to monarchs, in the number that have been insane, 131-132. Slave-holders on a large scale, 132. Expense to a nation in palaces and baubles, ib. Perpetual dread of enmity and treachery, 132-133. Demoralisation by the virtues attributed to monarchs in defiance of fact, 133. Extent to which a benevolent monarch may do good, ib. An aristocracy adds to the evil, 133-134. Legislation of the state filled with severe laws for protection of the monarch and the system, 134. Historical origin of monarchy, ib.
- — Corporeal and incorporeal instruments of monarchy as the, ix. 134-136. *See* Monarchy.
- — Interests at work in the monarchical form of, ix. 136-138. *See* Monarchy.
- — Causes of misrule in the monarchical form of, ix. 138-139. *See* Monarchy.
- — Inaptitude of mixed monarchy as a form of, ix. 139-141. *See* Monarchy.
- Opinative Decree—when granted, ii. 91.
- Opinion—Meaning of the term, vi. 229.
- Declarations of, may be bought to any absurdity, because cannot be disproved, vi. 557.
- None so absurd as not to be swallowed, if it is believed that others have done so, ii. 481.
- Impossibility of proving, by extraneous evidence, vii. 421.
- Lawyers', of their own system—Absurdity of confiding in, vii. 213-214.

- Opinion**—Trade in, by Counsel—Causes of the, vii. 280.
- Trade in, by counsel, considered at length in the Rationale of Evidence, vii. 315-318.
  - How influenced by motives, ii. 388.
  - Freedom of—Remarks on, in letter to Richard Carlyle, x. 527-528.
  - Erroneous. Fallacies defined as employed to create, ii. 379, 380.
  - Declarations of, by political assemblies. Matters to be attended to in the framing of, ii. 334.
  - Effect of coercion on, i. 564-565.
  - Extent to which compulsion may affect the progress of, vii. 108.
  - Liability of, to be operated upon by interest, i. 217-218.
  - Rewards and punishments attached to Declarations of; their demoralising effects, ii. 397.
  - Subscription to matters of—its effects, ii. 260-262, 265-266.
  - Evils of rewarding the support of, ii. 211.
  - Demanding declarations of, from office-holders—Effect of, iii. 278-279. Propagates false opinions among those who are sincere, ib.
  - Declarations of, are statements of mental facts, ix. 4-5.
- Opinion**—Public. Speed and certainty of its operations, i. 456.
- — Tribunal of—Analysis of, and comparison with the Official Tribunals, viii. 561-572.
  - — See Public Opinion.
- Opinions**—Ingredients which enter into the trustworthiness of, ii. 388.
- Influence of fallacies of authority on, as illustrated from lawyers and churchmen, ii. 395-398.
  - Religious—Criticism on the clause in the French Declaration of Rights regarding, ii. 513-515.
  - New. The vanity of a wish to promulgate will not create, x. 145-146.
  - in Legislative Assemblies—Why the delivery of, should precede the vote, ii. 342-346.
- Opposer**—General's justification—Not measures but men, and *vice versa*, discussed as a fallacy, ii. 470-471.
- Opposition**—as one of the Aristotelian Post-Predicaments, viii. 236.
- (party)—Interests that direct the proceedings of an, ii. 483-484.
  - in Parliament—Tactics and operations of an, iii. 501-502.
- Oppression** distinguished from vexation, viii. 558.
- Declaration of imprescriptible right of resistance to, in the French Declaration of Rights, ii. 504.
  - Necessary employment of professional lawyers affords means of, ii. 171.
- Oppression** at elections—Operation of, defined, iii. 558.
- Official—Arrangements for obviating, in the Constitutional Code, ix. 304-313. See Ministers Collectively.
  - Shipboard—Arrangements for obviating, in the Constitutional Code, ix. 409-415.
  - Judicial, on part of a pursuer—Counter-security against, ii. 105-110.
  - Judicial, by means of costs, ii. 111-112.
- Option**—Meaning of reference to, in Penal Code, iii. 175.
- Opulence** as distinguished from wealth, iii. 36 n\*.
- Authority derived from, ii. 389.
  - Luxury a concomitant of, iii. 38.
  - Aptitude for the purposes of good government sinks instead of rising, with the quantity of, ix. 110-113, 292-293.
  - not, as vulgarly believed, a check to depredation, but an incitement and facility, ix. 113.
  - Effect of, in weakening pecuniary temptation, vii. 397.
  - as evidence disproving charges of petty predatory offences, vii. 62.
- Opulent classes**—Advantage of the existence of, to the public in general, i. 360.
- — Treasure of an insurance office to the indigent, ix. 34.
  - — are more the enemies of the people, than the people are of them, ix. 143-144.
- Or**—The conjunction—a source of ambiguity in the English language, viii. 84-85 n.
- Oral contracts**—Exclusion of evidence as to, vi. 129-132. See Exclusion.
- Oral evidence**—Inapplicability of authentication to, vi. 120.
- — compared with written, vi. 170-171.
  - — Supposed real transmitted through, vii. 152-154.
  - — compared with epistolary, vi. 424-426. Particularity, 424. Interrogatedness, ib. Obstruction of mendacious invention, ib. Recollectedness, 425. Distinctness, 425-426. Saving of time, 425 n.
  - — supposed, through oral, viz., Hearsay evidence, considered, vii. 132-134.
  - — excluded in the proof of certain contracts, vi. 128-134. See Exclusion.
  - — supposed, transmitted through written, viz., Minuted evidence, considered, vii. 138-139.
  - — more liable to incorrectness of expression than written, vi. 254.
  - — Personal—Nature of authentication with reference to, vii. 174-175
  - — supposed—Written evidence transmitted through, considered, vii. 137-138
- Oral examination**—Epistolary should not shut the door against, vi. 434-436

- Oral interrogation**, vi. 383-386. Rules—  
 Promptitude of answer for obviating invention, &c., 383; questions one by one, and not in strings, 384; questions arising out of the answers, 384-385; responson should be in judge's presence, 385-386.
- — Uses of notation and recordation to, vi. 408-410. *See* Notation.
- — is the chief beneficial peculiarity in jury-trial, vi. 506-507.
- — England has the credit of originating vi. 506-507.
- Oral wills**—Regulation of statute of frauds as to, vi. 545, 546-547.
- Orangemen**—Opinion on the, x. 544.
- Allusion to the persecuting disposition of, ii. 74-75.
- Orator**—Application of the term, to the president of a legislative body, ii. 327 n.
- Orators**—Legislative—Propriety of a tribune for, ii. 322.
- Public. Uses of fallacies to, ii. 480-481.
- Oratory**. Character of treatises on the art of, ii. 379.
- Superiority of, to writing as a useful political instrument, iii. 466.
- Ordeals**—belong to the same state of society as oaths, vi. 318.
- Order**—what it consists in, vii. 29.
- Truth dependent on, i. 139 n\*.
- infused among the people by the contemplation of open legislative assemblies, ii. 311.
- Advantages of, in legislation, ii. 332 n\*.
- Uses made of the term, as a vague generality, ii. 441-442; iv. 542-543. Adapted to any kind of tyranny, ii. 441. The worst is as truly order as the best, ib. Application of the modifications *good* and *social*, ib. Substitution of greatest happiness, 442.
- How far it ought to be protected, from violation through religious observances, ii. 514-515.
- Rules for accomplishing, in successive exhibition, viii. 270-271. General objects —not giving unexplained things, and not varying order when fixed, ib.
- Habits of, would be one of the fruits of the Chrestomathic education system, viii. 12, 18.
- Intellectual—When habits of, once acquired, easily transferable from one subject to another, viii. 12.
- Good and bad, distinguished, iii. 252-253. Defect may be in respect of aggregation or disaggregation, or in respect of precedence, 253.
- Meaning of a, in connexion with the word Rule, ix. 222-223.
- Special, in equity, for admission of evidence, vi. 490.
- Aggrandizement of their own, by the clergy, i. 505-506.
- Order of the Day in Parliament**—its nature, ii. 353.
- Orders**—Plan for Judges making, subject to disallowance of Crown or either House, iii. 367-371.
- of Political Assemblies—Matters to be attended to in framing, ii. 334.
- Orders of Knighthood, &c.**, as rewards, ii. 194-195.
- Ordinals**—Rules for the unambiguous use of, in language, viii. 315.
- Ordinance**—Definition of the term, ix. 222.
- Ordinances**—Notification of, for purposes of security against misrule in a semi-barbarous state, viii. 573-575. Scription, sanctionment, and registration necessary, in the first place, to the existence of the ordinance, 573. Improbability of their being such—The Koran as a body of law, 573-574. Necessity for something in the shape of a code, 574-575. Whether it should receive the form of a Charter or Declaration of Rights, or of a Contract, 575.
- Means of multiplication of, in a semi-barbarous state, viii. 575-576.
- Recitation as a means of promulgation of, in a semi-barbarous state, viii. 576-577.
- Ordinary**—Lord, in Court of Session—Duties of, v. 19, 23, 38.
- — Factitious delay in procedure before, vii. 221-225. *See* Session—Court of.
- — on oaths and witnesses in Scotland, vi. 421-422.
- Ordinance Survey**—Progress of the, iii. 580 n.
- Organic exercises**—in the Chrestomathic system of Education, viii. 44.
- Organic intellection-test principle**, in the management of the Chrestomathic School, viii. 51.
- Original**—Regulations for substituting transcript to, where necessary, vii. 143-149. *See* Transcript.
- No transcript ever exactly on a par with, vii. 143-144.
- and transcript—How to distinguish between, vii. 150-152.
- Original contract**—Supposal of, attacked, i. 242, 261-272. *See* Contract.
- Original and excretitious**—Suits divided into, ii. 82.
- Original evidence compared with transcriptitious**, vi. 171-174.
- preappointed evidence, as distinguished from transcriptitious, vi. 508.
- Original outset Books**, for the official departments, according to the Constitutional Code—Description of, ix. 234.
- — Several sorts of, and method of keeping, ix. 236-242. *See* Books.
- Original pleasures distinguished from derivative**, i. 207.
- Original sin**—Confused association of political corruption with, ii. 454.

Originality as an argument against a measure. Fallacy of, ii. 410-411.  
 — The jealousy it is exposed to, viii. 242.  
 — in thought—The measure of, x. 73.  
 Orlando, a Greek Deputy—Notice of, x. 566.  
 Orleans—Practice of the Provincial Assembly of, censured, ii. 344.  
 Orphanly as a property desirable in language, viii. 306-307.  
 Orphan paupers—Considerations as to the rearing of, in cheap localities, viii. 364.  
 Orthodox—Call upon the, to employ reason and not denunciation, in answering the Utilitarian arguments, x. 142.  
 Orthoëpy, or the art of speaking right—Origin of, viii. 92 n.  
 Orthography, or the art of writing rightly—Origin of, viii. 92 n.  
 Osborne—Mr Justice—Prosecution of Cobbett for libel against, adduced, vi. 106-114.  
 Osborne—Mr, of Turville Court—Visit to, by Bentham, x. 53.  
 Oswald—James, of Dunnikier—Mention of, x. 95.  
 Ought and ought not—meaning of the terms, i. 2.  
 Oughton quoted, vi. 491, 492 n, 493-496.  
 — his arguments against publicity of evidence combated, vi. 357-358.  
 Out-door relief to paupers—The difficulties in the way of proposed systems of, viii. 440-452. *See* Pauper Management: Poor-Law.  
 Outlawry—Character of, as a punishment, ii. 574.  
 — The nature and effects of, i. 512-514.  
 The several punishments it includes, 512-513. Case where it is applicable in its simple form, 513. Advantages and disadvantages of forfeiture of protection of the law, 513-514. Effect depends on the individual's position regarding property, and the honesty of those he deals with, ib.  
 — Incidence of, as a punishment, i. 474-475.  
 — is the punishment of poverty or absence abroad, vii. 254, 333.  
 — Indiscriminate operation of, condemned, ii. 94.  
*Outline of a Plan of a General Register of Real Property* communicated to the Real Property Commissioners, v. 417-435.  
 Outset Books—original and periodical, for the official departments, in the Constitutional Code—Nature of, ix. 234.  
 — Subspecific books of, and method of keeping, ix. 236-242. *See* Books.  
 Overbulkiness—Relative, in the composition of laws. Remedies against, iii. 255-256.  
 — as a defect in the composition of laws, iii. 239, 246-247. Absolute and relative, ib. Remedies in the latter case, ib.  
 Ovid referred to, ix. 112; xi. 187.

Ovidiopol—Visit of Bentham to, on his way to Crichoff, x. 159.  
 Owen—Robert—Opinion of, x. 570-571.  
 — — His Establishment at New Lanark, x. 476-477.  
 Owen r. Warburton—Case of, vi. 226 n\*.  
 Oxford (University)—Bentham's experience of, x. 35-45, 50.  
 — State of opinion and morals in, while Bentham was a student, x. 39.  
 — Perjury inculcated at, ii. 210.  
 — The want of high principle in the instructions of, x. 75.  
 — Subscription of 39 Articles at, iv. 382; x. 37.  
 — Oaths at—General corruption of national manners and understanding from, v. 209-219; vi. 274.  
 — Alterations made on the oaths of, and their tendency, v. 227-228.  
 — Extract from the statutes of, in respect to the obligatoriness of oaths, v. 224-226.  
 — Statutes of—their moral effect, ii. 260-262.  
 — Specimen of the laws of, to show the nature of the oath taken to obey them, v. 212-215 n.  
 — Antiquated and barbarous mode of keeping accounts of articles of diet in, ix. 252 n.  
 — and Cambridge—Difference in the respective constitutions of, with the historical causes, v. 215.

## P

Pacific and Atlantic—Proposal of a junction of, by means of a Joint Stock Company, ii. 561-571.  
 Pacificus against the conquest of Ireland, xi. 64-66.  
 Packing Special Juries—Elements of the art of, v. 61-186.  
 — — Author's astonishment at finding it reduced to a system, v. 66-67.  
 — — *See* Jury.  
 Pain—Synonyms to the word, i. 205-206.  
 — The various kinds of, i. 19-20. Privation, 19. Unsatisfied desire, ib. Disappointment, ib. Regret, ib. Of the senses, ib. Awkwardness, 19-20. Enmity, 20. Ill-name, ib. Piety, ib. Benevolence, ib. Malevolence, ib. Memory, ib. Imagination, ib. Expectation, ib. Association, ib.  
 — A motive correspondent to every species of, vi. 257-258.  
 Pains—Bodily, with the corresponding interest and motives, i. 204.  
 Pains. *See* Pleasures and Pains.  
 Painter—How far imagination necessary to the, viii. 76.

- Palæology**—Botanical and Zoological—illustrative of the rise of new branches in the Arts and Sciences, viii. 27.
- Palate**—Pleasures of the, i. 49-50.
- Pleasures and interest of the, with the corresponding motives, i. 197.
- Paley**—Remarks by George Wilson on the similarity of some passages in his Moral and Political Philosophy, to passages in Bentham, x. 163-164, 165, 195.
- noticed, or quoted, ii. 312; v. 370; vi. 271 n.
- Palmer**—John—his Postage plan noticed, i. 556; ii. 204.
- Allusion to ministerial usage of, xi. 136.
- Palmer on costs** cited, vii. 311.
- Palmistry**—Sources of credulity illustrated from, vii. 107.
- Pannomial Fragments**, or notes on an all-comprehensive body of laws, iii. 211-230.
- PANNOMION**, or complete body of Laws—Proposal to draw up for the use of the United States, iv. 453-467. *See Code.*
- Defined as an all-comprehensive Code, iii. 211.
  - divided into the effective and the constitutive, and into the directive and sanctionative, iii. 216.
  - Relation of Nomography, or the art of inditing laws to The, iii. 234-235.
  - State of preparation of the various parts of the author's proposed, iv. 465.
  - The Constitutional Code considered as a department of a, ix. 146-147.
  - *See Code*: Laws—Body of.
- PANOPTICON Penitentiary**—Principles of the, i. 498-503. Shape, 498. Management, ib. Conductiveness to example, 498-499. To reformation by labour, temperance, separation, and instruction, 499-500. Suppression of power to injure, 500-501. Auxiliary Establishment for those discharged, 501. Compensation to party injured, ib. Economy, 501-503.
- Preface to the work on, iv. 39-40. General results, 39. Circumstances under which written, 39-40.
  - Plan—circularity, cells, partitions, inspector's lodge, annular area, passage, windows, gratings, protracted partition, means of communication, schoolmaster, warming cells, &c., iv. 40-41.
  - Extent for a single building, with proportionate measurement of compartments, iv. 42-43.
  - Extension of the principle of—union of buildings by areas, iv. 43-44.
  - Essential points of the Plan—circularity and consequent facilities for universal inspection, iv. 44-45.
  - Advantages of the Plan—frugality, control over inferior officers—removal of trouble from extraneous visitors—obviation of danger of infection—facilitating casual inspection by strangers, &c., iv. 45-46.
- Panopticon Penitentiary**—Preservation of safe-custody by, without cruelty, iv. 46-47.
- Conductiveness of, to reformation, through instrumentality of solitude, &c., iv. 47.
  - Economy in, by the contract system—powers, responsibilities, and profits, of contractor, iv. 47-49.
  - Free choice of labour part of the system—promotive of reformation, and advantageous to the community, iv. 49-51.
  - Multiplication of trades in, unnecessary—division of labour—incidental notice of trades adopted in other plans, iv. 51-52.
  - Checks on contractor of—Limitation on powers as to discipline, and plan for his having a pecuniary interest in preservation of lives, iv. 52-54.
  - Means of extracting labour, iv. 54-55.
  - Adjustment of labour in, so as to teach a trade that may be pursued on liberation, iv. 55.
  - Prospect of saving from, in comparison with other proposed plans—powers of contractor over the labour of inmates, and economy of the establishment, iv. 55-58.
  - The principle of making prisoners, before trial, pay for their support in, by work or otherwise, iv. 59-60.
  - Application of, to manufactories, iv. 60.
  - Application of, to mad-houses, iv. 60-61.
  - Application of, to hospitals, iv. 61-62.
  - Application of, to schools: considerations as to the rigour of the discipline it might occasion, and as to the means it would afford for experiments in Mental Philosophy, iv. 62-66.
  - Postscript to Part I., containing further particulars and alterations, iv. 67-121.
  - General view of the whole edifice for, iv. 68-69.
  - Improvement on original design of, in removing the stories of intermediate area between inspectors and prisoners, and leaving an annular well, iv. 69-71.
  - Omission of the protracted partition, iv. 71.
  - Adaptation of the cells in, to mitigate absolute solitude—double cells, 71-76. Solitude no farther desirable but as a means of subduing the refractory, and obviating contamination or combination, ib.
  - Position in life that should be held by the governor of, iv. 76-77, and n.
  - Uses to be made of the "dead part"

- of building of—Considerations as to accommodation for officers, infirmary, &c., iv. 76-78.
- Panopticon Penitentiary**—Chapel of—its adaptation both for worship, and at other times, as a means of visiters inspecting, iv. 78-79.
- — Annular-inspection galleries found to be necessary in, as central inspection lodge not capable of being screened from prisoners, iv. 80-86.
  - — General means of communication in, iv. 86-94.
  - — Means of communication reserved for the prisoners—stairs, &c., of open iron-work, and other means of keeping observation on their motions, iv. 87-88.
  - — Inspector's stair-cases—how arranged, iv. 88-89.
  - — Stair-cases, &c., for visiters, and to the officers' apartments, iv. 89.
  - — Arrangement of cell galleries in, iv. 90.
  - — Doors and locks, and warning bells adapted to, iv. 90-91.
  - — Diametrical passage of, for entrance of officers and visiters, and admittance of machines and bulky packages, iv. 91-92.
  - — Arrangements for exit into the yards, iv. 92-94.
  - — Exterior annular well or area of, iv. 94-95.
  - — Lighting and airing of. Low glazed windows advocated in opposition to the high unglazed proposed by Howard, iv. 95-97.
  - — Materials used in—hollow iron-work, from its strength and the little room taken up—plaster for floors, iv. 97-98.
  - — Airing yards of, with exit and entry to, employment in, and method of parading prisoners, iv. 98-105.
  - — Approach and fences—means of protection in locality and construction, from violence without, iv. 105-109. Building thrown back from the road, with single approach narrow at entrance, overlooked and guarded, &c., ib.
  - — Means of supplying water to, iv. 110.
  - — Means of warming—united with ventilation, by heating the air, iv. 110-118.
  - — Economy observed in the construction of—application of the same place to variety of purposes, iv. 118-121.
  - — Postscript, Part II. Principles and plan of management, iv. 121-171;—
  - — Leading Positions of the management of, iv. 121-125. Leading objects, 121-122. Rules to meet—viz., Rule of security, of severity, and of economy, 122-123. Articles of supply—power in the extent to which they are given of aggravating or decreasing the assigned punishment, 123-124. Amount of food peculiarly power-  
ful in its incidence on the prisoner's fate—remedy an unlimited supply of food, but too coarse to tempt to excess, 123-125.
- Panopticon Penitentiary**—Contract management of, farther urged, iv. 125-134. Evils of trust, and especially board management, with illustrations—inefficacy. want of economy, and want of responsibility, ib.
- — Provision, architectural and directional, for the separation of the sexes in, iv. 134-137.
  - — Separation of prisoners in. Arrangement in companies preferred to classification, which admits of numbers being associated, iv. 137-141.
  - — Employment for convicts under the arrangements of, iv. 141-153. The most lucrative, 141. Variety, as productive of relaxation without idleness, 141-142. Effect of sedentary employments in economizing food, and stifling dispositions and powers unfavourable to security, ib. Quantity of labour, and number of work-hours, as great as can be extracted, 142-143. Instances of waste of labour from the Penitentiary Act, &c., 143. Setting convicts to work to no profit, and for working's sake, unadverted on and illustrated, ib. Fallacy in the expression "hard labour," used without any consideration to its proper purposes, 144. Gives a bad name to industry, ib. Real hard labour only purchased by reward, ib. Trades peremptorily fixed by law may turn out uneconomical, 144-145. Commentary on the species of labour laid down in the Penitentiary Act—capstern, tread-mill, &c., 145-147. Hours censured—less in winter than in summer, 147-149. System of reducing the hours of labour in the ratio of the duration of punishment, censured, 148-149. Prolongation of period of confinement as a punishment for prison offences, censured, 151-152. Recapitulation of fallacies, 153.
  - — Dietary of, iv. 153-156. No variety, and the least palatable in use, but unlimited in quantity, 153. Liberty to purchase any addition but liquor, from surplus earnings, ib. Reasonings against artificial plans for limiting the amount and improving the nature, 154-156.
  - — Clothing of prisoners in the—System of, iv. 156-157. Adaptation to economy and prevention of escape—one arm bare and wooden shoes, ib.
  - — Bedding for prisoners in the system of, iv. 157.
  - — Arrangements for health and cleanliness in the system of, iv. 157-158.
  - — Provisions for airing and exercise in the system of, iv. 157-160. Sufficiency for health, inspection, seclusion, regularity,



- and economical application to use, are the desiderata, 158. Argument that the treadmill possesses these, and arrangements for its application, 159-160.
- Panopticon Penitentiary**—Schooling and Sunday employment adapted to, in conjunction with religious observances, iv. 161-162.
- — Ventilation, shading, and cooling of, iv. 162.
  - — Distribution of time in—length to be consumed in meals, sleep, relaxation, and work, iv. 162-163.
  - — Punishments for offences committed in, iv. 164. Mutual responsibility system, ib.
  - — Mode of guarding on the outside. Prejudices against employment of the military for such purposes controverted, iv. 164-165.
  - — Provision for the prisoners liberated from, iv. 165-171. Not to be discharged, but on entering land or sea service, or finding a security for good-behaviour, 165-166. Arrangements for facilitating the last alternative, 166-168. Chances of a subsidiary establishment being conducted by the contractor for the Panopticon, ib. Security to the public that no criminals let loose, 168. Conduciveness to reformation, ib. Objections of hardship controverted, 169. Contamination obviated by preservation of the Panopticon system, ib. Plan acknowledged to be imperfect, but favourably contrasted with Penal colony and National Penitentiary, 169-171.
  - — Adaptation of, to training for the army and for colonies, iv. 169-170 n.
  - — Note by the author explaining the manner in which the scheme was defeated, iv. 171-172.
  - — Necessity of the principle of, as a prevention to escapes, illustrated in the state of the American Penitentiaries, iv. 238-242.
  - — Method of inciting the convicts in, to industry, by giving them a share in the profits, iv. 217.
  - — Superiority of to transportation, as a means of reformation, while, as a means of incapacitating offenders, it is less arbitrary, iv. 194-195.
  - — Superiority of, to transportation, in respect of preservation of life, iv. 196-199.
  - — Remark by Colonel Barré on the author's plan of, i. 251.
  - — Application of the principle of, to the public offices, ix. 327-333.
  - — Application of the principle of, to poor's houses. *See* Pauper Management.
  - — Account of the circumstances under which the work on, was written, in Russia, x. 165.
- Panopticon Penitentiary**—A copy of the work on, sent to Brissot, x. 226.
- — Approval of the plan of, by Prison Committee of Spanish Cortes, iv. 571-572.
  - — Hopes and disappointments about, x. 250-251.
  - — Communications with Mr Reveley, the Architect, regarding, x. 251-252.
  - — Letter from Sir R. P. Carew as to, x. 252-253.
  - — Letter from Dr Anderson as to proposals for, in Scotland, x. 254-255.
  - — Points of economy in, as explained in a letter to Dr Anderson, x. 256-258. Potatoe diet, 256. Clothing—stockings, shoes, shirts—skirts short; hats and caps unnecessary, ib. Bedding, ib. Arrangement of working hours, ib. Mode of dressing potatoes, 256-257. Inquiry into productiveness and cost, 257. Suggestions as to contract, 257-258.
  - — Letter to George III. about, x. 260-261.
  - — Considerations as to attempting the adoption of, in France, x. 264.
  - — Correspondence with J. P. Garran on introduction of, in France, x. 269-270.
  - — Letter to a lady about, x. 273-274.
  - — Letter to Sir Samuel Bentham as to Pitt and Dundas' proposal to inspect the model of, x. 291.
  - — Hopes concerning the progress of, in 1793, x. 294.
  - — Letter from Romilly about, with description and sketch of Edinburgh Bridewell as an instance of its partial adaptation, x. 294-295.
  - — Letter to Philip Metcalf on the delay and suspension of the works, x. 301-302.
  - — Narrative of official impediments to obtaining audiences about, x. 306-307.
  - — Letter to Duke de Liancourt, expressing anxiety as to the progress of the contract for, x. 312-313.
  - — Bill for appropriation of Tothill Fields for, x. 323.
  - — Correspondence with Sir William Pulteney, urging him to adopt the charges of ministerial malversation in regard to, x. 384-386.
  - — Letter from Wilberforce on Bentham's disappointments regarding, and on the prudence and justice of his proposed exposure of the ministerial transactions regarding, x. 391-395.
  - — Correspondence with Romilly as to the proposed attack on the Duke of Portland on the subject of, x. 399-400.
  - — Personal identification marks as part of the arrangements of, x. 414-415.

- Panopticon Penitentiary**—Statement in the *Quarterly Review*, that Bentham was made a disappointed man by, commented on, x. 541-542.
- Letter to Colonel Young as to Lord William Bentinck's favourable opinion of, x. 576-577.
  - Letter to Rammohun Roy about, x. 589-592.
  - Selections from a narrative prepared by Bentham on the subject of, xi. 96-107. Outline of the plan, 96 n. Commencement of the war with George III., 96-97. The form suggested by Sir Samuel Bentham, 97. The importance of the architectural construction, 97-98. Eden and Blackstone's Hard Labour Bill, and the View of it, 98. Outline of the proposal submitted to Messrs Pitt and Dundas, 99-100. The Act of 1794, appropriating Battersea Rise, 100. The approval of the Finance Committee, *ib.* Mr Colquhoun's evidence, and Mr Abbot's approval, 100-101. Personal difficulties about the locality, 101. Purchase of Millbank—final opposition, 101-102. The Pauper management Plan, 103. The Committee, and the Millbank Act of 1811, 103-104. Proposal to adopt the system in Ireland, 104. Lord Westmoreland, *ib.* The Duke of Portland's inspection, 104-105. Conduct of Wilberforce, Pitt, and others, 105-106. Final abandonment of the measure—compensation awarded, 106-107. General remarks, 107.
- Panopticon Correspondence**—viz., Selections from the miscellaneous correspondence and documents relating to the Panopticon Penitentiary Plan, xi. 107-170 ;—
- Letter to Earl Spencer, showing that the building cannot be injurious to the value of his lands, xi. 107-112.
  - Letter to Henry Dundas—Lord Spencer's opposition, xi. 112-113.
  - Letter to Wilberforce, complaining of official conduct, xi. 113-114.
  - Reasons in favour of the spot near Woolwich, and answers to objections, xi. 114-115.
  - Conduct of the Bishop of Rochester, and a Letter from Wilberforce on the subject, xi. 115-116.
  - Letters from Romilly, xi. 116.
  - Letter to Rose—ruinous expenditure—suggestion of a method of terminating the hulks system without injury to any official persons, xi. 116-117.
  - Answer from Rose to the above, xi. 117-118.
  - Letter to Wilberforce—the rise in prices since the proposal of terms, xi. 118.
  - Letter to Lord St Helens—general state of the question—case against the Pitt ministry, xi. 118-120.
- Panopticon Correspondence**—Letter to Sir Charles Bunbury—state of morality in the hulks—necessity for a change of system, xi. 120-121.
- Letter to Sir William Pulteney—notice of his (Bentham's) published works—conduct of the Treasury—objections to the rise of terms an excuse, xi. 121-123.
  - Letter from Lord Pelham to Sir C. Bunbury, xi. 123.
  - Letter to Sir C. Bunbury, commenting on Lord Pelham's letter, xi. 123-127.
  - Letter to Romilly on Lord Pelham's letter, xi. 127.
  - Letter from Sir C. Bunbury on Lord Pelham's letter, xi. 127.
  - Letter to Dumont—The illegal transportations to, and detentions in New South Wales—the official conduct as to Panopticon, xi. 127-132.
  - Letter to Charles Abbot—the abuses at New South Wales—the conduct of the Pitt and of the Addington ministry as to the Panopticon, xi. 132-139.
  - Letter to Charles Abbot—complaints of Wilberforce's lukewarmness—Lord Pelham's letter—Long and Hiley Addington's contempt for Acts of Parliament, xi. 139-141.
  - Letter to Dumont—negotiations, Sir C. Bunbury, Sir Evan Nepean, Lord Pelham, Wilberforce, xi. 141-143.
  - Letter from the Rev. Brownlow Ford on public executions, xi. 143-144.
  - Letters from Romilly on the pamphlet called "Plea for the Constitution," xi. 144.
  - Letter from Sir Joseph Jekyll on Lord Pelham's letter, and the prospects in Parliament—Bentham's answer, xi. 144-145.
  - Letter to Sir C. Bunbury—on the Plea for the Constitution, &c., xi. 145.
  - Letter to Wilberforce, charging him with not acting in unison with his professed feelings, and Wilberforce's answer, xi. 145-147.
  - Letter from Wilberforce in reference to his bringing the matter before Parliament, after an interval, xi. 147.
  - Letter from Romilly, on the Report of the Select Committee in 1811, xi. 148.
  - The Report by the Select Committee of 1811, recommending the contract with Bentham to be cancelled, and compensation to be given to him, xi. 148-151.
  - Second Report of the committee, containing answers from Bentham to the objections in the first Report, with suggestions for dealing with the convicts not included in the new contracts, xi. 151-159.
  - The objections of the committee far-

- ther obviated in a communication to a party unknown, xi. 159-162.
- Panopticon Correspondence**—Letter to Romilly on the choosing of arbiters to fix the compensation, xi. 162-164.
- — Extract from the 28th report of the Finance Committee in favour of Bentham's plan, xi. 165-167.
- — Bentham's examination before the Finance Committee, xi. 167-170.
- Panopticon** versus *New South Wales*, in letters to Lord Pelham—a comparison of the Panopticon system with the Transportation, iv. 173-248. *See* Transportation.
- Paper**—Adoption of different kinds of, for different species of contract, vi. 522.
- — Indications of spuriousness from the nature of, vii. 181-182.
- Paper**—Demand, in suits—Nature and contents of, ii. 66-70.
- Papers**—Criminative, inferences against accused from possession of, vii. 13-14.
- Paper-currency**—Adjustment of, to commercial wants and security, through the project of conversion of stock into Annuity notes, iii. 133-136.
- — Project for a, by the conversion of stock into Annuity notes, iii. 105-153.
- Paper-money**—The effects of, iii. 46. Divided into Government paper, which generally is not, and private, which generally is issued in a commercial manner, ib.
- — Efficacy of the project of circulating annuities as against deficiency or superabundance of, iii. 107 n\*.
- — Influence of, on prices, iii. 108.
- — Influx of. How to obviate rise of prices in case of, iii. 139-141.
- — Reference of increase of, to that of commodities, iii. 141.
- — Described as imposing a tax on the community, iii. 141 n.
- — Reasons why the Crown should have the monopoly of fabricating, iii. 148-149; x. 339.
- — Reasons why that of the Government does not circulate on such advantageous terms as that of individuals, iii. 149-153.
- — Principles as to, for the guidance of the Finance Minister in the Constitutional Code, ix. 449.
- Paracelsus**, noticed, ii. 401; viii. 217.
- Parade**. Privilege of a soldier to make complaint on—its inadequacy as a protection, ix. 370.
- Paradoxical assertion**—The fallacies of, ii. 463-466.
- — How it may be turned to account, ii. 465-466. Can only be used by leader of a party, 465. Safer in speech than in writing, ib. The greater the absurdity the more readily believed, 466.
- Paragraphs**—Proper arrangement of, in laws, iii. 208.
- — in written evidence should be short and numbered, vi. 441-443, 485.
- Parallactico-suncrotic source of motion**—by gassification and degassification, viii. 134-135. Illustrated in steam-engine, ib.
- Parallelism** as a mode of exposition, viii. 248.
- Paraphrasis**, defined, i. 293 n.
- — Operation of, for explaining the nature of a fictitious entity, viii. 126-127 n.
- — Modes of exposition by, and subsidiary to, viii. 246-248. *See* Exposition.
- Pardon**—Frustration of justice in the use of the power of, iii. 283.
- — as a reward for services, ii. 196, 200.
- — Provisions for the exercise of the power of, by the Constitutional Code, ix. 600-607. *See* Justice Minister—Dispunitive Function.
- — Method of granting, in Britain, considered, vii. 257 n\*, 425.
- — Effect of, in restoring competency of witness, vii. 435-436.
- — Use of a scale of probative force for the application of the power of, vi. 228.
- — Power of, exercised in the principle of nullification, vii. 256-257.
- — Power of, possessed by witness absenting himself, vii. 361.
- — Abuses that the practice of, may give occasion to, vii. 258-259.
- Pardon-power** considered, i. 520-521. Gratuitous, an evil, 520. Cases where necessary, ib. Power possessed by prosecutors in choosing form of action, 521. Made popular by death-punishment, ib.
- — in monarchs, has effect of encouraging notions of divine right, i. 529.
- — Restrictions proposed for, i. 529-530. Multitude of offenders, discovery of innocence, service to be obtained, danger of punishment, ib.
- — is involved in the system of purely voluntary prosecution, iv. 390.
- — as distinguished from dispensing, iv. 392.
- — Predicates injustice, and is employed for the gratification of tyranny, ix. 36-37, 605-607.
- Pardons**—Tax on, ii. 169, 579. Repealed, 579 n.
- Parent and Child**—Principles of the Civil Code regarding, i. 348-349.
- — — Effect of the relation between, on testimony, vi. 161; vii. 576.
- — — Offences that may be committed against the respective conditions of, i. 127-129.
- Parents**—relieved from the labour of superintending their children, by the Chrestomathic system of Instruction, viii. 13-14.

- Parents—Aggravated nature of corporal injury to, i. 165, 167.
- Their desire to see their children raised above themselves, viii. 23.
  - Their regard for the reputation of their children, i. 337.
  - Limitation of power over their children in respect of marriage, i. 356.
  - Responsibility of, for children, in regard to reparation for offences, i. 385.
- Parentage—How far it should influence denization, ii. 543.
- Parental authority—Origin of, i. 121 n †.
- Paris—Bentham's first visit to, x. 47.
- Visit of Bentham to, in 1770, x. 66-67.
  - Visit by Bentham to, on his way to Russia in 1785, x. 149-150.
  - Visit by Bentham to, in 1802, x. 399.
  - Visit by Bentham to, in 1825, x. 551.
  - Parliament of—Method of stating opinions in, ii. 346.
  - Influence obtained by the Parliament of, from the power of registration, ii. 348 n †.
  - Useful arrangements for plans and surveys illustrated from a map of, v. 429-430.
- Paris—The Abbé, miracles at the tomb of, vi. 271.
- Parish courts—Provision for, in Draft of Judicial Establishments for France, iv. 296-298.
- Parishes and manors. The relations between, v. 430.
- Park—Mungo. Interest felt in the negro race from perusal of travels of, i. 562.
- Park—Mr Justice, noticed, v. 331, 354, 356.
- Parker—Sir Hyde, noticed, x. 94, 104-105.
- Parker—Sir Thomas—Chief-Justice, noticed, vii. 492 n.
- Parker—Sir Thomas—Chief Baron, noticed, v. 162.
- Parker—"View of Society, &c.," by, referred to, i. 554.
- Parkes—Joseph—Letter to, x. 548.
- Parliament. Indirect power of, to displace ministers, i. 572.
- Effect of, in controlling judicial despotism, ii. 12.
  - The law as to qualifications for members of, considered, ii. 249.
  - Publicity as to the proceedings of, ii. 315-317.
  - Method of arranging members of, ii. 321-322.
  - Absence of a tribune in, ii. 322.
  - Sittings of—How the times of, determined, ii. 323.
  - Attendance of members of, considered, ii. 325.
  - Admission of strangers to, ii. 326-327.
  - Practice of, as to receiving motions in the exact terms in which they are to be passed, ii. 335, 336-338. Illustrations of a different practice formerly, 337-338 n.
- Parliament—Practice of, as to unity of subject of debate, ii. 342.
- Practice of, as to finishing debates before voting, ii. 343.
  - Practice of, as to the absence of pre-audience to particular speakers, ii. 347.
  - Practice of, as to taking the votes simultaneously, ii. 349-350.
  - Practice of, as to the initiative of measures, ii. 351-352.
  - Practice of, as to orders of the day, ii. 353.
  - Practice of, as to the bringing in and readings of Bills, ii. 353.
  - Practice of, as to the difference between debates in House and in Committee, ii. 359-360.
  - Practice of, as to the privilege of reply, ii. 360.
  - Classification of fallacies from the parties in, ii. 381.
  - made a Gaming House by jobbing politicians, ii. 385.
  - Operation of fallacies of authority in, ii. 394.
  - Position of members of, with regard to influence, responsibility, &c., ii. 394.
  - How to postpone measures in, from session to session, ii. 435.
  - Origin and progress of, in England, ii. 444.
  - Influence of the Crown in, ii. 440, 467.
  - Declarations on abstract points justly unpopular in, ii. 497.
  - Effect of the vicious mode of drawing the statutes, in leading members of to error and confusion, in. 242-243.
  - Advantage that may be taken of the want of fixed periods for dissolution of, in. 456.
  - Exclusion of placemen from votes in, in. 456-457.
  - Laxness of attendance of members of, and the effects, in. 457-458.
  - Proposal that placemen should have seats, but not votes in, in. 490-495.
  - Constant attendance of members of, as an element of reform, in. 495-511. *See* Members.
  - Bill for more adequate representation of the people in, in. 558-597.
  - Gradual rise of the supreme power of, iv. 259.
  - Many would not sit in, if they could not indulge themselves in idleness, iv. 374.
  - Contempt for the authority of, on the part of judges, exhibited in "The Art of Packing Juries," v. 176-186. Dangerous nature of this insubordination, 176. Contempt of the part of the Bill of Rights which requires juries not to be partial and corrupt, and to be properly empanelled, 176-177. Nullification of Howard's Act, for the relief of prisoners against whom no bill found, 178-180. Proposal

- for a Committee of Inquiry into the circumstances, and correspondent resolutions by the Commons, 180-181. Protest against the doctrine that the practice is uncensurable and unpunishable, 181-182. Protest against declaratory acts, which disguise wilful disobedience of clear, as misinterpretations of doubtful enactments, 182-183. Slight prospect of redress—uselessness of annual committee of justice, 183-184. Proposal for a Court of Lords' Delegates as a remedy, 184-186.
- Parliament—The practice of, in collecting evidence, an admission of the inutility of oaths, v. 197.
- Opposition of the Church of England to the authority of, v. 228-229.
  - Gratuitous service in, cited in opposition to Burke's opinion, v. 295.
  - The early attempts of, at Law Reform, vii. 269-270 n.
  - Disclosure of information refused in, by ministers, &c., vi. 96.
  - Contempt shown by judges to the authority of, vii. 311-315.
  - Committee of. Mode of collecting evidence before, vi. 35.
  - Prorogations, &c., of, a device by the monarch to get rid of opposition and annoyance, ix. 164-165.
  - Bentham's correspondence with Lord Lansdowne on an understood promise to obtain him a seat in, x. 229-245.
  - Proposals for having tables in, with the subject of debate, and the rules of the House in visible types, x. 344.
  - of France. Disposal of appointments in, ii. 247.
- Parliaments—Early historical events influencing the constitution of, iii. 513-515.
- Historical notice of legislation as to the duration of, iii. 524-525.
  - Annual and triennial, compared, iii. 521-525.
  - See Legislature: Member of Parliament.
  - Annual. An early debate on, noticed, iii. 455-456 n.
  - Annual—Notices of supporters of, iii. 458.
  - Short, as a means of preventing corruption, iii. 455-456.
  - Short—Reasons for, iii. 512-515. Reasons on the ground of utility, 512-513. On the ground of usage—investigation of early practice, 513-515.
- Parliamentary Candidate Society—Formation of, xi. 66.
- Parliamentary debates—Publication of, vi. 78-79.
- Parliamentary Logic—Hamilton's, criticised, ii. 383-387.
- Parliamentary management. Expense occasioned by, ii. 202.
- Parliamentary papers—Publication and sale of, proposed, ii. 353.
- Parliamentary practice—Ignorance of, from non-attendance of members, iii. 497-500.
- Parliamentary procedure. The seeds of British liberty to be found in, ii. 332.
- Parliamentary Reform—Objection, that the mode in which it was applied for tended to lower the Legislature in the eyes of the people, answered, ii. 427-428.
- — Popular corruption employed as an argument against, ii. 453-455.
  - — Plan of, in the form of a catechism, iii. 434-557.
  - — Introduction to Plan of, iii. 435-538.
  - — History of the circumstances under which Plan of, was written, iii. 435.
  - — Resolutions on—drawn up by Bentham, and moved by Sir F. Burdett, x. 495-497.
- Parnell—Sir Henry, senior, Chancellor of the Exchequer in Ireland, quoted in "Defence of Usury" against reduction of interest in Ireland, iii. 47 n †.
- Parnell—Sir John. His anxiety to get the Panopticon system adopted in Ireland, iv. 171; xi. 104.
- Parr—Dr Samuel—Bentham's introduction to, x. 62.
- — Letters about—Bentham to Dumont, and Romilly to Bentham, x. 403-404.
  - — Letters from, x. 404, 404-405, 416-418, 537-538.
  - — Letters to, x. 411-412.
  - — Correspondence with, on the project of a code for Greece, x. 534-536.
  - — Death of, x. 554.
  - — casually noticed, x. 60, 428; xi. 144.
- Parrot—Professor. Anecdotes of, by Dumont, x. 409.
- Parry—Captain, Contradiction of his slanderous account of Bentham, xi. 66-67.
- Parsony, penuriousness, &c., as designative of motives, i. 198.
- Parsing—Utility of the exercise of, in schools, viii. 45.
- Parts of speech—Systematical sketch of, viii. 187-190.
- — — See Speech—Parts of.
- Partial counsel—Purging a witness of, vii. 440.
- Partiality—Nature of, i. 53.
- — favouritism, &c., as designative of motives, i. 202.
  - — Subtle and undetectable nature of the action of, ii. 130.
  - — Methods of obviating, in the tribunals projected in the Constitutional Code, ix. 494-496.
  - — or enmity of witness—Effect of. See Cautionary Instructions.
  - — necessary to the making incorrect evidence produce deception, vi. 211-212.
  - — between interrogators and interrogatees—how far it may be calculated on, vi. 346-347.

- Partiality**—how it may affect the cognizance taken by the mind of a fact, vii. 571.  
 — probably an originating cause of exclusion of evidence, vii. 391.
- Partiality-preacher's argument**—From the abuse argue not against the use, ii. 469.
- Particeps criminis**—Evidence of, not excluded in English practice, though uniting interest and improbity, vii. 414-415.
- Participles in the grammar of verbs**, viii. 355.
- Particularity**—an internal security for evidence, vi. 283, 286-287.  
 — of testimony—Interrogation tends to produce, vi. 332.
- Partition**—General, of property—Impracticable and consequently no serious design to attempt, iii. 605-608.
- Partners**—Liability of those who employ their money in trade as, iii. 47-48.
- Partnership**—Commercial—Reason why there may safely be community of goods in a, i. 342.  
 — Litigation conducted by a member of a, ii. 36-37.  
 — Entrance on and dissolution of, as subjects for registration, vi. 567.  
 — between judges and lawyers, vii. 201-209. *See* Interest—Smister.
- Partnerships en commendite in France**, worthy of imitation, iii. 48.
- Party (to a suit)**—Exclusion of evidence of, in the shape of evidence, by English practice, ii. 25.  
 — Evil effects of excluding evidence of, ii. 58-59.  
 — only by his examination that his pecuniary circumstances can be known, vi. 363-364.  
 — and witness—False distinction between, in some cases, vi. 281 n.  
 — Evidence of, against himself, the best, vi. 137; vii. 26.  
 — manner in which his interest would affect testimony by him in relation to the suit, vii. 581-584.  
 — Evidence of, so plainly subject to interest, that it does not deceive, vii. 124, 147.  
 — Evidence of, more trustworthy than that of an interested witness, vii. 401.  
 — Self-inculcative evidence of—Prejudices as to oaths preclude, vi. 317.  
 — Impropriety of excluding the testimony of, for or against himself, vii. 487-489.  
 — one calling for production of the casual script of another—Proper method of proceeding in the case of, vii. 123-124.  
 — offering a writing of his own in evidence—how to proceed in such case, vii. 124-125.
- Party (Political)**—The author's non-attachment to any, i. 248.  
 — The duties of public men to their—
- Burke's opinions on, controverted, v. 291-292.
- Party feeling**—Influence of, on judge, vii. 259.
- Party spirit**—Effect of, on the administration of justice, vii. 450.
- Party leaders**—dislike a complete Constitutional Code, as leaving no room for their machinations, iv. 537.
- Parties**—Personal attendance of, in courts—Purposes served by, and reasons for, ii. 34-35; iv. 319-321.  
 — Expense and inconvenience occasioned by want of personal presence of, ii. 113-114.  
 — Cases in which they may appear by proxy, ii. 49-52.  
 — Suits complex or simple, according to the number and nature of, ii. 80-81.  
 — Suits pluralateral or unilateral, according to the number of, ii. 82-84.  
 — Provision for Forthcomingness of, ii. 47-48.  
 — Initiatory examination of, for purposes of proposed Dispatch Court, iii. 413-418.  
 — should be examined, under the sanction of punishment for the truth of what they state, vi. 297-302.  
 — Exclusion of, from the presence of the judge, as one of the devices of Technical procedure, v. 8.  
 — Exclusion of, from presence of judge, a device petitioned against in Petition for justice, v. 446-448, 508-509. Mendacity, &c., licensed, 446-447. Interest lawyers have in the mendacity does not extend to criminal cases, where escape is dangerous to all, 447-448.  
 — Exclusion of, from the presence of the judge, examined in relation to the best sources of evidence, vii. 226-233. Managed by rendering their presence nugatory, 226. Character of their testimony—immediate and non-immediate, 227. Functions, for performance of which the plaintiff's presence requisite, 228;—for which the defendant's requisite, 229-230;—for which that of both requisite, 230. Anticipative survey, ib. The effect of publicity in controlling the desire of falsehood if parties were examined, 230-231. Good effect in saving expense, &c., by each knowing what the other is to prove, 231-232. How far a succedaneum to the appearing may suffice in some cases, 232. Uses of the exclusion to judges, 232-233.  
 — The exclusion of their testimony for or against other parties on the same side, considered, vii. 506-517. *See* Co-parties.  
 — The exclusion of their testimony regarding the authenticity of deeds, considered, vii. 189-190.  
 — Propriety of their examining, and being examined by, each other, witnesses, &c., in suits, vi. 334-345. *See* Interrogation.

- Parties should be subject to interrogation by their own advocates, vi. 336-338.
- Preliminary examination of, would have destroyed profit from *malâ fide* causes, vi. 479.
  - Initial or preliminary meeting of. *See* Meeting—Preliminary.
  - Protection of, from violence, &c., a reason for restricting publicity in courts of justice, vi. 360-361.
  - Reasons for examination of, in proposed Dispatch Court, iii. 306.
  - Excuses for non-appearance of—Considerations regarding, iii. 420-421 n.
- Parties (Political) in Britain—Interests which direct the proceedings of, ii. 482-484.
- in Parliament—Incidence of Reform on the interests of, iii. 527-529
  - Rivalry between—how far favourable to the public at large, vii. 576-571.
- Passion—a physical fictitious entity, viii. 200-201.
- considered as one of the predicaments, viii. 235.
  - Relation of, to pleasure and pain, x. 509.
  - and Reaction—as simple fictitious entities connected with relation, viii. 204-205.
- Passions—The malevolent, as a cause of crime, i. 539.
- Methodization as applied to the purpose of operating on the, viii. 273.
- Passive obedience—Influence of, and cause of the invention of the principle, n. 476.
- Patents for Inventions—Effect of, as monopolies, beneficial to the community, ii. 533.
- Operation of, as rewards, ii. 212.
  - Principle of granting, iii. 71-72. A general inducement held out to all men to make discoveries: the expense as an impediment, 72. Register of marks proposed, ib.
  - Expenses and impediments attending obtainment of, ii. 214.
  - Pressure of fees upon, v. 373.
  - Rights in, as subjects of evidence, vi. 5 n.
- Paternity—False presumption of, from husband's non-expatriation, vi. 53-54.
- Pater est quæm nuptiæ*, &c. The effect of the doctrine, i. 473.
- Paternal condition—Forfeiture of, as a punishment, i. 471.
- — How far forfeiture of, can be accomplished, i. 472-473.
- Pathematology—The science of Psychology so far as pleasure and pain are involved in it, viii. 288.
- Patheticalness—a property desirable in a language, viii. 191.
- Pathometric Coenonesiology, or Rhetoric—Position of, in the Encyclopedical Sketch of Art and Science, viii. 91.
- Pathological. Employment of the term in legislative matters, iii. 182 n.
- Pathological evidence, vii. 45 n †.
- Pathology—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Application of, to moral science, i. 304.
  - Propositions of, on which the principle of Equality is founded, i. 304-307.
  - Moral and Political. Definition and use of the term, iii. 212.
  - Psychological. Application of the term, i. 205.
- Pathology—Mental—Axioms of, iii. 224-230;—
- — a necessary ground for legislative arrangements, iii. 224-225. Express consequences of acts in respect of pleasure and pain, 224. Arithmetic and medicine adduced, ib. Security, subsistence, abundance, and equality, to be kept in view in their formation, 224-225.
  - — Applying to security for the person, iii. 225-227. Antipathy and revenge—Pleasures caused by, not equal to the pains, ib.
  - — — applying to subsistence—a provision for the poor, iii. 227-228.
  - — — applying to abundance, iii. 228.
  - — — applying to equality in respect of wealth, iii. 228-230. Extent to which amount of wealth brings correspondent happiness, 228-229. The relative pain and pleasure, of the parting with and receiving of matter of wealth, adjusted to the position of the parties in point of riches, 229-230.
  - — — relating to power, rank, and reputation, iii. 230.
- Pathoscopic Pneumatology, or the Philosophy of Sensation—Position of, in the Encyclopedical Sketch of Art and Science, viii. 88.
- — Division of, into Aplopathoscopic and Thelematoscopic, viii. 89.
- Patriot King—Bolingbroke's, criticised, x. 72.
- Patriotic Auction—The, by which tenders are received from qualified persons for judicial offices, for the public behoof—explained and defended, iv. 372-378.
- Patriotism—Nature of, i. 53.
- Unjust and exclusive, noticed, i. 563.
  - Public Spirit, &c., as designative of motives, i. 202.
  - The professed homage paid to, in the exclusion of foreigners from drawing codes of law for the use of any state, censured, viii. 497-499.
- Patronage—Elements of the power of, ix. 49.
- of an office—how far equivalent to possession, iii. 339-340.
  - Secretary of State, the best depositary of, in Britain, as he is responsible in Parliament, v. 345.

- Patronage—Colonies a fruitful field of corruption through, iv. 418
- Bestowal of, a more powerful instrument of corruption, than bestowal of office or wealth, as there is no necessary limit to the amount that may be given, iv. 434.
  - Propensity of, to come into existence wherever there are rewards to be disposed of, iv. 552.
  - Profit of, to the holder, vi. 422.
  - The possession of, equivalent to so much salary, v. 352.
  - When spoken of as of value to the owner, it must be understood to be abused by him, v. 570.
  - Ecclesiastical. How to be adjusted when patron's creed adverse, ii. 509
- Paul—The Emperor—Anecdotes of, by Dumont, x. 408-410.
- — Bentham's exertions to get him to pay the pension granted by Stanislaus of Poland to Mrs Lind, x. 358-359.
- Paulet—The Chevalier—Benevolent establishment of, i. 570.
- PAUPER Population Table, for a return of the paupers in each parish, with statistical facts relating to them—Transmission of to Editor of Annals of Agriculture, vii. 361.
- — Observations on, viii. 362-365. Necessity of facts for proper discrimination in management, 362. Differences in the incidence of infirmities, ib. Differences in age, 362-363. Inadequacy of nominal classifications which do not bear distinctly on profit and loss, 363. Illustration in the deceptive information that would be given by an arbitrary classification into "boys" and "men," 363-364. Utility of information illustrated by the case of orphans, who might be sent to the cheapest parishes, 364. No well-grounded plan of management frameable without obtaining such information, 364-365.
- Pauper Relief—Table of cases calling for, explained, viii. 365.
- Pauper non-adult value Table explained, viii. 365-368. Design—to exhibit the pecuniary value, negative and positive, (expenses and earnings,) of the service of a pauper, at and up to different ages from birth to twenty-one years, 365. Contents, 365-366. Inquiry where data may be found, 366-367. Utility of testing questions as to burthensomeness and productive labour arithmetically, according to value, 367. Vagueness of projects as to reduction or amplification of rates, &c, when formed without an estimate of the end to which they are the proposed means, 367-368.
- Pauper Management Improved—Outline of a work to be called, viii. 369-439.
- — Political arrangements of, viii. 369-372. One central authority—joint stock, 369. Industry-houses, with each a portion of land, ib. Ways and means—average poor-rates, profits of industry, contingencies, donations, subscribed capital, produce of lands, 369-370. Constitution of Board of Directors, 370. Coercive powers—apprehension of vagrants, of parents of bastards, &c., ib. Powers for compulsory equitable purchase of lands, ib. *Obligations*—receiving all poor, infirm, &c., on condition of their agreeing to working out the cost, ib. To exercise coercive powers, 370-371. Obligations to rate-payers in respect to equitable adjustment of rates, 371. Application of industry-houses to collateral purposes, ib. *Restraints*—against electioneering uses, ib. Pernicious speculation, ib. Applying capital to monopoly, ib. Against bubbles, ib. *Order of Dividends*—prevention of undue profit at injury of the public, 371-372. Provision for existing interests, 372. Director's oath—its substance, ib.
- Pauper Management—System of separation and aggregation, according to, viii. 372-373. Purposes for which separation useful, 372. Purposes for which appropriate aggregation useful, ib. Means of separation, as applicable to the various ends—infirmary, prevention of contamination indecency annoyance or violence, distinct education, &c., 372-373.
- — Size, number, and distribution of industry-houses for, viii. 373-374. Distribution, ib. Advantages to the country to have few houses on a large scale, 374. Advantage to Paupers to have many, ib. Just medium, ib.
  - — Plan of an industry-house for, viii. 374-377. Objects—health, comfort, industry, morality, discipline, safety from fire, devotion, economy, 374-375. Shape, 375. Ventilation, 375-376. Arrangement of rooms—beds, &c., 376. Infirmary, 376-377.
  - — Approach to industry-house, and outlying cottages, for purposes of, viii. 377-378.
  - — Means of separation in, viii. 378-379. Panopticon or inspection system, ib.
  - — Rough estimate of the expense of industry-houses on a large scale for, compared with a small scale, viii. 378-379 n.
  - — Means of extension of accommodation for, viii. 379-380.
  - — Managing-hands of, and their principles of management, viii. 380-381. Separation and aggregation, 380. Inspection, ib. Economy, &c, in the amplitude of the scale, ib. Adoption of best examples of management, ib. Book-keeping, ib. Uniformity, ib. Union of duty with interest, 380-381. Interest in preservation of lives, 381. Publicity, ib.



- Pauper Management—Working-hands, or able-bodied inmates—Principles applied to, viii. 381-385. All-employment principle, or occupation of every one, capable of any sort of work, 381-382. Appropriate arrangement of employments, 382. Division of labour, *ib.* Interchangement of employments, *ib.* Self-supply of articles employed on the premises, 382-383. Extraction of utmost amount of labour consistent with health, 383. No liberation till expense of keeping worked off, *ib.* Laziness put down by withholding the food till the work done, *ib.* Encouragement to industry by raising the remuneration with the character of the work, 383-384. Prizes—Competition—Inducements to exertion, 384. Separation as far as possible, that the individual merit of each worker may be noticed, *ib.* Fare to be of the least luxurious kind, so as to hold out no inducements, *ib.* Consideration for the habits of the old, *ib.* No fermented liquors, 384-385.
- — Dead stock employed in—Principles of economy applicable to, viii. 385. Wholesale Purchase, *ib.* Save all, *ib.*
  - — as applicable to non-adult hands, viii. 385-386 Apprenticeship whenever they are old enough, 385. Cultivation of distinguishing natural faculties, *ib.* The children to be employed in instructing each other on the Lancasterian principle, *ib.* Indigenous promotion—officers chosen out of the paupers in the establishment, 385-386.
  - — Official Establishment for the purposes of, viii. 386-387. Officers enumerated, 386. Generally and at the commencement, salary—to merge into contract system, *ib.* Powers and Restraints—Governor absolute, and the others responsible for those acts of his from which they do not dissent, veto of chaplain or surgeon in extreme cases, *ib.* Encouragements in the shape of honours and public emoluments on the officers who distinguish themselves, 386-387. Visitors—magistrates and clergy *ex officio*, 387.
  - — Diet as a branch of, viii. 387-388. Preservation of life to be kept in view in new comers—habits acquired (to a certain extent) in the old, 387. Collection of statistics as to the effect of the number of meals per day on health, *ib.* Quality coarse—quantity unlimited, *ib.* How to manage with new-come adults, 388. With the old stagers, who have acquired pauperish habits, *ib.*
  - — Clothing and bedding of the Paupers as a branch of, viii. 388-389. Clothing—Economy, uniformity, and hence uniforms, *ib.* Bedding materials, 389.
  - — Employment as a branch of, viii.
- 389-391. The great difficulty in suiting it, is to find it for the unwilling and partially disabled, 389. Getting work which any one can do to a certain extent, 389-390. Taking advantage of local circumstances, *ib.* Pouring hands into over-paid employments, 390. Establishment supplying its own consumption, 391.
- Pauper Management—Child-nursing as a branch of, viii. 391. Advantages to infants, from skill, attention, uniformity, salubrity, &c., *ib.*
- — Book-keeping as a branch of, viii. 391-394. Essential to right management and discharge of official obligations, 391. Keeps a hold of improvements invented, 391-392. Heads, the same as the principles of management—hence it becomes a history of the management, *ib.* Means of comparing the managements of the various establishments, *ib.* Importance of economy in minutæ when carried into the whole system, *ib.* Comparative or tabular book-keeping—not only as between time and time, but house and house, *ib.* From the inspection system, knowledge of the matters of fact easily acquired, 392-393. Distinctions—chronological and methodical—elementary and aggregate, 393. Division according to subjects—Population, Stock, Health, Behaviour, Correspondence, *ib.* Analysis of a Complaint-book as one of the Behaviour-books, 393-394. Merit-book, 394.
  - — Appropriate establishments for the insane, the deaf and dumb, and the blind, as a branch of, viii. 394-395.
  - — Pauper education as a branch of, viii. 395-397. Great influence that education of a portion of the poor would have over the whole mass, 395. Importance much overlooked, *ib.* The ends of such education with reference both to the pupils' interests and to those of the community, 395-396. Rules for a system of occupations, and for hitting the just proportions in labour, rest, exercise, and instruction, 396-397.
  - — General view of the collateral benefits of, viii. 397. Employment, pecuniary assistance, protection from depredation, &c., *ib.*
  - — Security of employment to the working-classes one of the collateral advantages of, viii. 397-401. Terms should be inferior to those of the average of free labour, and not such as to drain from it, 397-398. Preserving a supply of workmen, and a means of communication between employers and employed, 398. Employment Gazette and employment Register, *ib.* Mode of advertising detailed, 398-399. How the benefit to be given to the inhabitants of the industry-houses, 399. In-

- fluence on wages—steady, equalizing, preventing combinations, &c., *ib.* Use of *Employment Gazette* for other intelligence, 400. Promulgation of the information—use of the pulpit, *ib.* Composition with the revenue, 400-401.
- Pauper Management**—Extirpation of mendicity as a collateral benefit of, viii. 401-403. Industry-house not acceptable to beggars—therefore compulsion necessary, 401. Mischiefs of begging which justify compulsion—creation of painful feelings—impediments to industry—demoralization, *ib.* Power to apprehend without intervention of magistrate, 401-402. Discharge only on finding security to adopt employment, 402. Occupations which must be deemed a pretence for begging, *ib.* Inconvenience of punishing the givers of alms, *ib.* Ineffectual remedy by punishment under the vagrant act, 402-403. Insufficiency of cited acts sanctioning private bondage, *ib.*
- Extirpation of habitual depredation as a collateral benefit of, viii. 403-406. Measures the same in kind as in the case of beggars, but more stringent, 403. Distinction between habitual practice, and proof of isolated act, 403-404. Proof from the person being unable to prove his employment, &c., 404. Heads of interrogation, *ib.* Disposal of the families of such classes, for the purpose of redeeming them, 404-405. Efficiency of the plan, 405. Ulterior securities against such classes by the registration of their names, &c., *ib.* Inaptitude of the vagrant act, 405-406.
  - Frugality assisted, as a collateral advantage of, viii. 407-417. List of exigencies operating as sources of demand for frugality, and of correspondent forms of supply, 407. Sources for laying up funds in store, with reference to habits during celibacy, and demands after marriage, 407-408. Difficulty of hoarding, 408. Plan of frugality banks, 408-417. See *Frugality Banks*.
  - Means of facilitating pecuniary remittances as a collateral advantage of, viii. 417.
  - Facilitation to the poor of conveyance from place to place as a collateral advantage, viii. 417-418. Frugality inns and conveyance stages, 417. Use in the case of the house poor, 417-418. Use to self-maintaining poor, 418. Use in the case of conveyance of criminals, *ib.*
  - Imprisonment rendered inexpensive and reformatory by—as a collateral advantage, viii. 418-419. Absence of the corruptive influences in prisons, *ib.*
  - Enforcement of domestic morality by, viii. 419-420. Classes to whom it acts as a reformation house, 419. Refuge from domestic tyranny, *ib.* Residence there a certificate of good behaviour, 419-420. Through the *Employment Gazette*—premiums for good behaviour, *ib.*
- Pauper Management**—National force strengthened without expense—a collateral advantage of, viii. 420-421. Land force—training and officering a succedaneous corps, *ib.* Naval force—early exercise in the manœuvres peculiar to, 421. The company's property suitable for the growth of naval timber, *ib.*
- Rate of infant mortality diminished, as a collateral advantage of, viii. 421-424. Favourableness of the management to the economic preservation of life, 421-422. Superior position of the children to others of their class, 422. Inducement thus held out to the poor to board children in the industry-houses, or to bind them over as apprentices, 422-424.
  - Augmentation and dissemination of useful knowledge as a collateral advantage of, viii. 424-428. National field of observation and experiment, 424-425. Medicine and surgery, 425. Mechanics and chemistry, *ib.* Domestic economy, 425-426. Technical economy—management of manufactures, 426. Husbandry, including agriculture and gardening, *ib.* Meteorology, *ib.* Book-keeping, 427. Logic, *ib.* How the knowledge acquired would be disseminated when the inmates mix with the world, *ib.* Knowledge which might be specially disseminated among visitors—veterinary science especially, 427-428.
  - Assistance and direction of voluntary charity as a collateral advantage of, viii. 428-430. Trusteeship, 428. Would prevent beneficiary gifts to the poor from profiting only the rich, 428-429. Adaptation to extra comforts, when they are deserved, &c., 429-430.
  - Principle regulating the application of comforts in, viii. 430.
  - Comforts extended as a matter of course to all classes by, with their efficient causes, viii. 430-432. Health—diet, 430. Probability of long life—premiums for medical skill and efficiency, *ib.* Security from want, 430-431. Cleanliness and tidiness—the inspection principle, 431. Healthy employments, *ib.* Comfort in the sleeping arrangements, *ib.* Security from annoyance and oppression, *ib.* Sources of entertainment in the system of administration, *ib.* Good conscience in the absence of opportunity for crime, *ib.* Occasional faculty of visiting, and being visited by, friends, &c., 431-432. Prospect of melioration of fare

- from profitable exertion, 432. Tranquility of mind from the regularity of arrangement—evils from perpetual change in the existing system, *ib.* and *n.* Preservation of any remnant of property, *ib.*
- Pauper Management—Appropriate comforts extended by, to the feeble and infirm, deaf, dumb, blind, &c., with their efficient causes, *viii.* 432-433
- — List of extra comforts to be extended by, to more or fewer, according to claims, means, and opportunities, *viii.* 433-434. General end, bringing them nearer the position of independent persons, and holding out inducements to merit, *ib.*
- — Funds and grounds of title in regard to extra comforts, as sanctioned by, *viii.* 434-435. Chiefly remains of property, gifts, &c. *ib.*
- — Condition of apprentices in point of comfort, on the system of, *viii.* 435-439. The same advantages which are held out to adults in respect to salubrity, sanatory regulations, training in good habits, &c., which the youth will profit by, though unconscious of, 435-436. Diet, 436. Absence of privations, and of the dread of them, *ib.* Recreation—bathing without danger, *ib.* Exemption from painful intellectual exertion, 437. Impediments to early matrimony removed, 437-438. Chance of advancement, 438. To females—security from seduction, and preparation for marriage, *ib.* Their lot compared with that of others of the same age, 439.
- — Account of the circumstances in which the plan of, was prepared, *xi.* 102-103.
- — The author's plan of, agreed to by Pitt, but negatived by George III., *v.* 422.
- Pauper manufacturers—Proposal of public works for employment of, *x.* 85.
- Pauper systems compared, and Pauper management—Projected works on, *viii.* 361-362.
- Pauw—Cornelius, made citizen of France, *x.* 281.
- Pawnbroking—Virtual usury sanctioned by the law in, *iii.* 13-14.
- Pawning—The nature of, *n.* 108.
- Pay. *See* Emolument: Remuneration. Salary.
- of the army and navy—Provision for, in the Constitutional Code, *ix.* 371-381.
- Soldiers'—Reasons why it cannot be made in money, *ix.* 354.
- Extravagant, to public functionaries, has a tendency to make them idle, *iv.* 372-374.
- Paymaster of Forces—Reform in the method of remunerating, *n.* 209.
- Payment may be a criterion of admission as a spectator to courts of justice, *vi.* 361.
- Wherewith the act of, consists, *i.* 116 *n.* 11
- Payne—Thomas. His denial of the existence of the British Constitution, *ii.* 521.
- — casually noticed, *iv.* 457; *x.* 259, 281, 316, 512.
- Payne's Geometry—Abbreviation employed in, *viii.* 171.
- Peace—Plan for a universal and perpetual, *ii.* 546-560. Alleged impracticability combated, 546. Britain and France particularly interested, *ib.* Three objects—simplicity of Government, national frugality, and peace, *ib.* Propositions regarding Britain and France enumerated, with outline of the reasons, 546-547. Not their interest of either country to support colonies, with the reasons, 547-548. Not their interest of either to have any treaty of alliance offensive or defensive, 549. Not their interest to have any commercial treaty, 549-550. Not their interest to keep up a naval force beyond what is necessary against pirates, 550. Not their interest to keep up systems of distant preparation for a naval force, *ib.* Agreement between Britain and France would pave the way for universal peace, *ib.* Treaties limiting numbers of troops, to be formed for maintenance of the pacification, 550-552. Establishment of a common court of judicature for the decision of international differences, 552-554. Abolition of secrecy in negotiations in Britain, 554-560.
- a term taken from international to internal law for sinister purposes, *v.* 258.
- Breach and disturbance of—vague use of the terms in indictments for sedition, &c., *v.* 258-259.
- Security to keep the, *i.* 519-520.
- Articles of, in religion, misnamed, *ii.* 265
- Peace—Justice of. *See* Justice of Peace.
- Peake on Exclusion of Evidence, *vii.* 341.
- on Subpenas, *vi.* 102 *n.*
- noticed or quoted, *vi.* 6 *n.*, 102 *n.*, 137, 139, 140, 187; *vii.* 186-187 *n.*, 340-341, 439 *n.*, 475, 481.
- Pechell—Mr, author of an Account of the Settlement of Bombay, *x.* 95.
- Peculation—Nature of the offence of, *i.* 118.
- Illustrations of, in the case of unpaid gentlemen officials, *iv.* 130 *n.*
- How far extent of salary a preservative from, *ii.* 234.
- by architects and other superintendents—Remedy for, *i.* 547.
- Pecuniary bargains—Exposure of the impolicy of restraints on, in Defence of Usury, *iii.* 1-29.
- Pecuniary competition as a means of filling public offices—Considerations as to, in relation to the provisions in the Constitutional Code, *v.* 272-275.
- — as a means of appointing to office—The principle of, as an accompaniment to public examination, defended,

- ix. 286-293. In cases of simple trust, with security offered, must be unexceptionable to all parties, 286-287. Where talent necessary, the candidate must have the mental qualifications, 287. Consistency with expressed opinions of statesmen in favour of competition, *ib.* Opposed by sinister interest, *ib.* Gratuitous services exemplified—members of Parliament and Justices of Peace, 288. Objection answered, that timid merit would be excluded by the examination, 288-289. Objection, that it excludes the unopulent, answered—does not reduce the produce of the country, or shut up other methods of subsistence, 289-290. Objection, that it would establish venality—proceeds from confusion of ideas, which cleared by speaking of reduced salary instead of purchase, 290. Safeguards against purchase for corrupt purposes, *ib.* Objection answered, that it would exclude mummification and liberality—both evils, 290-291. Objection answered, that indigence will sharpen the disposition to commit deprecation—the opulent more prone to do so than the indigent, and the protection in the securities, 291-292. Objection answered, that aptitude would be diminished—falls, instead of rising, with the amount of opulence, 292-293.
- Pecuniary circumstances—Influence of, on sensibility, i. 25-26.
- Pecuniary division of jurisdiction—*viz.*, the allotment of cases of limited value to certain courts—its evils, *iv.* 333-334.
- Pecuniary forfeiture—Punishment by, i. 467-470. *See* Forfeiture.
- Pecuniary interest as a motive, i. 50.
- — Pleasures and pains corresponding to, i. 198.
- — Power and continuity of, as a motive, *iv.* 128.
- — the only one of which lawyers will admit the influence, *vi.* 258, 475.
- — Exclusion of evidence on the ground of, considered, *vi.* 105, 154; *vii.* 397-400. *See* Interest.
- — How far its force is capable of measurement, *vii.* 568-569.
- — considered as a ground of untrustworthiness in testimony, *vi.* 156-160; *vii.* 573-575. Amount of the sum, to be considered along with the pecuniary circumstances of the individual, 573. Value of contingent sums according to nature of contingency, 574. Loss of a given sum greater effect than correspondent gain, 575.
- Pecuniary penalty—hable to be an inequable punishment, i. 91.
- Pecuniary punishments—Frugality of, i. 404.
- — Relation of, to taxation, i. 394.
- Pecuniary punishments—Inequality of, with illustrations from the Anglo-Saxon Laws, i. 399-400.
- Pecuniary remittances—Importance of facilitating, among the labouring classes, *viii.* 417.
- Pecuniary reputation—How far the preservation of, justifies restrictions on judicial publicity, *vi.* 363.
- Pecuniary rewards considered, *ii.* 217-218.
- — to informers—Unpopularity of, *ii.* 222-223.
- Pecuniary satisfaction—the only kind considered in English law, i. 542.
- — to the sufferers from offences—Principles of, i. 373.
- — Cases in which it must be inadequate, i. 375.
- Peel—Sir Robert—Character of, *x.* 570.
- — — Observations on his Bill for raising the salaries of the police magistrates, *v.* 328-348. *See* Magistrates.
- — — His law reforms, *vi.* 202-203; *vii.* 214 n\*.
- — — His Jury Act criticised, in reference to the method of selection, *ix.* 281-282 n.
- — — Casual notices of, *ii.* 14 ; *iii.* 375 ; *v.* 362, 365, 367, 372 n, 410 n, 545, 590 ; *x.* 551, 569-570, 587, 589, 594, 595, 596, 598 ; *xi.* 10, 37, 38.
- Peers—Prerogative of creating, as a means of corruption, *iii.* 546, 567-568 n, 591 n\*.
- — Limitation of the prerogative of creating, proposed, *iii.* 531.
- — Chambers of, and senates—Address to fellow-citizens of France against, *iv.* 420-450. General positions—That existing house of Peers should be discarded, and no senate substituted, 420. Enumeration of the subjects claiming attention, 420-421. *Case of the best species of second chamber, viz.*, with Legislative power only, and chosen directly or indirectly by the people, 421-427. Onus of proving necessity thrown on defenders—necessity of a first chamber a postulate, 421-422. Needlessness—not required for affording suitable consideration to measures, nor for appropriate aptitude in members, 422. Delay, involuntary and voluntary, *ib.* Measures that would have been carried, lost, because delay makes them useless, *ib.* Besides individual delay, general procrastination of all proceedings of the legislature, 423-425. This a useful instrument in the hands of sinister-interest for baffling reform, *ib.* Objection that minorities may beat majorities, 425-426. Contentions for power between the two chambers, 426. Complication in legislation, *ib.* No positive good done by a second, which may not be accomplished by a single chamber, 426-427. *Reasons in*

*a Report to the King of the Netherlands*, examined, 427-429. Spirit of monarchy, 427. Population, *ib.* Rank as a nation, *ib.* Diversity of the state and complicated interests, 427-428. Experience, 428. Avoidance of precipitation, *ib.* Obstacle to turbulence, *ib.* Protection to the throne, *ib.* Protection from exercise of usurped power, 428-429. Example of powerful monarchies and republics, 429. *Case where the second chamber is located solely by the king*, 429-432. The monarch's interest against his people, 430. The subserviency of the peers he will create to it, *ib.* Authority far greater than over dislocable representatives, *ib.* Disinterestedness and philanthropy not denied, but insufficient, *ib.* Illustration of the mischief kings will commit, illustrated in George III. 431. *Corruption unavoidable in the members of a second chamber*, 432-437. Corruption distinguished from delusion, 433. Sources of corruption, the administering good, or abstaining from inflicting evil—latter stronger than former, 433-434. Patronage, 434. More powerful than possession, as no necessary limit to amount, *ib.* General effect—Production of unmerited laudation of monarchy, 435. Holders of office for life not independent of the Crown influence, 436. Effect of wars and distant dependencies, *ib.* Sole remedy having members of legislature removeable by the people, 437. *Delusion contributory to maleficence*, 437-441. Dignity and lustre, 437. Honour and glory—still more mischievous, as connected with war and violence, 438. The excuse, moreover, for claiming public money to support them—Pensions, &c., 439. Aptitude inversely as the amount of all these advantages, 439-440. Influence—a term used to disguise corruption, 440. Genealogical dignity, 441. *Consequences of supreme judicial authority being united with the Legislature*, *ib.* *Duration of its authority an objection to a second chamber*, 442. Displays on popular side for securing a seat, and desertion when it is gained, *ib.* Though there be experience, no inducements to act on or cultivate it, *ib.* Such experience more needed by a first than a second chamber, *ib.* *Proper mode for location of a supreme judicial authority in France*, 442-445. A judge elected by chamber of deputies, 442-443. Appeal to chamber in case of criminal misdecision, *ib.* Compensation to a party so injured, *ib.* Reasons—The necessity of keeping the judicial authority from swerving from the rules of the Legislature, &c., 443-444. Reasons why the power cannot expediently be in other hands, 444-445. *Consequences of Executive authority being in the same hands with*

*supreme legislative*, 445. *Causes of attachment to a second chamber*, 445-448. English constitution, 445-446. Our prosperity, and comparatively good government, not from, but in spite of, a second chamber, 446. Revolution made three sets of Oppressors instead of the monarch solely, *ib.* Chief seat in the peers, *ib.* Example of America, which too nearly followed the practice of England, 446-447. *Bugbears about democracy and anarchy*, 448-459. Mere words, to which America an answer, 449. Testimony to sincerity of William IV., 449-450.

Peers—House of—History of, adduced in illustration of the author's views of factitious honour, ix. 79.

- Mischievous effect of judges having seats in the House of, iv. 380-381.
- Proposal for judicial powers of, being committed to a court of Lords' Delegates, v. 55-60.
- House of, for Spain—Tract on the proposed, viii. 468-470.
- See Lords; Aristocracy.
- Peerage—Nature of suit, claiming a, ii. 83.
- The expensiveness of, as a reward, ii. 201, 220.
- Dormant. Practice connected with claim for a, ii. 220.
- Disclamation of a wish to extinguish the, iii. 441.
- as an instrument of corruption, iii. 442-443.
- Mischievous nature of the privileges of the, iv. 321.

Pelham—Lord—Letters to, titled "Panopticon *versus* New South Wales," iv. 173-248.

- Letter from, to Sir C. Bunbury on the Panopticon Penitentiary project; and letter from Bentham to Sir C. Bunbury, criticising Lord Pelham's, xi. 123-127.
- Remarks on his conduct regarding the Panopticon, in letters to Dumont, Sir S. Romilly, Sir C. Bunbury, Charles Abbot, &c., xi. 127-144.
- casually noticed, x. 391-394, 397; xi. 120, 122, 128, 132, 133.

Pelham—Mr. His conversion of the 4 into 3 per cents. noticed, and compared with the operation of the project of Note Annuities, in. 114, 138 n, 141-144.

- noticed, x. 362.

Pells—Clerk of the—an illustration of barbarous nomenclature, viii. 71 n.

Pell's office—Antiquated and barbarous mode of keeping accounts in, ix. 252 n.

Peltier. noticed, x. 390.

Pembroke—Henry Herbert (tenth) Earl of—Notice of, x. 122.

Pembroke—Lady—Notice of, as a visiter at Bowood, x. 122.

Pen—Analogical punishment by, i. 408.

Penal causes—distinguished from non-penal, vii. 6 n.

Penal causes have a peculiar claim for recordation, vi. 412.

— — Extraction of Evidence in, vi. 471-479. *See* Extraction.

Penal Code. Plan of, iii. 163.

— — Division and subdivisions of offences in, iii. 163-174. *See* Offences.

— — Titles of the, iii. 174-176.

— — Specimen of a, i. 164-168.

— — Source of the reasons that should accompany, i. 162.

— — The counterpart of the civil, as containing sanctions for the rights defined by it, ix. 12.

Penal colonies—Transportation to, i. 490-497. *See* Transportation.

— — System of, discussed in Panopticon *et* New South Wales, iv. 173-248. *See* Transportation.

Penal judicatory—Legislation, in the Constitutional Code, for trial of high offenders, ix. 188-190. *See* Legislature.

Penal law—Limits of the Branch, termed, i. 142-154.

— — Principles of, i. 367 *et seq.* *See* Offences: Panopticon: Punishment. Satisfaction.

— — Amelioration of, urged in place of its weak enforcement, vii. 260.

— — View of the principal facts to which evidence applies in, vi. 215.

— — Counteraction as to, between legislator and judge, the former creating, latter neutralising, vi. 378 n.

— — Use of registration of genealogical facts (*viz.* births, deaths, and marriages) to, vi. 571-573.

— — Defects of, illustrated in the exclusion of criminative evidence, vii. 346-349.

— — Position of, in a general division of the law, ix. 8.

— — Prescription, or bearing of, to the Constitutional Code, ix. 36-40. The prerogative of mercy an instrument in the hands of tyranny—predicates injustice, 36-37. Conspiracy a creature of monarchy, which has no existence in a democracy, 37-38. The same as to the severities of Treason law, 38. These severities the consciousness of a sinister interest adverse to that of the body of the people, 38-39.

— — Expository matter peculiarly essential to, iv. 454.

— — whether it can be brought advantageously to bear on official department, ix. 307-309.

— — Proper principles of, in relation to the Constitutional Code, ix. 22-25. Punishment to be viewed simply as the means of enforcing the Civil code, 22-23. Compared to surgical operation—good should always be the object, 23. Hence the

barbarism of expressions about punishment being deserved, &c., *ib.* Avoidance of principle of vengeance, *ib.* Adoption of principle of compensation, *ib.* How far satisfaction as distinct from compensation, capable of application, 23-24. Barbarism of calling punishment "visitation," 24. Cases where punishment not to be applied—where it would be groundless, where needless, where inefficacious, where unprofitable, 24-25. Rules tending to augmentation and diminution of punishment, 25.

Penal legislation, divided into direct and indirect, i. 533.

Penal remedies against offences—Nature of, i. 367.

Penal and non-penal—Suits divided into, ii. 80.

Penal and civil law—how far capable of demarcation, i. 152-153.

— — — suits—Analogy between the instruments of procedure in relation to, ii. 16-17.

— — — Code. Relation between The, iii. 160-161.

Penalties to the revenue—should be postponed to compensation to injured party, i. 388.

— How they may operate as taxed licenses, i. 394, 399-400.

— Adjustment of, to pecuniary means of party, iii. 360, 426.

Penance, as conditional in excommunication, i. 514.

— in relation to procedure of ecclesiastical courts—a contrivance for exercising judicial power, i. 515, v. 485, vi. 494 n.

Pendoch and Mackendar—Case of, cited, i. 488.

Penitential inculpativ evidence—Nature of, as compared with other species of confessorial evidence, vii. 33.

Penitentiary House—Application of the Panopticon Inspection Principle to a, i. 498-503; *iv.* 37-248. *See* Panopticon.

— — The defective nature of the existing, i. 246.

— — The Government—Incompatibility of the board management established in, with economy and good management, iv. 125-134.

— — Competition for plan of a, ii. 229.

Penitentiary system—Prejudices against, as a punishment, on the ground of liberty, i. 411.

— — First patrons of, Blackstone and Eden, i. 255.

— — The illustrations of the, of America, contrasted with the Penal colony system, iv. 212-248.

— — Its superiority to other methods of punishment, not only in reformation but example, *iv.* 242-245.

Pensions—The various kinds of, and their nature as extravasated reward, ix. 270.

- Compensation on the abolition of, i. 320-321.
- Support of decayed aristocracy by, attacked, v. 305-307.
- as an instrument of corruption, iii. 567-568 n.
- Political. The objects of granting characterized, ii. 384-385.
- The argument against their abolition, from the smallness of their proportion to the national expenditure, combated, v. 303-305.
- in England compared with those in France before the Revolution, ii. 221.

Pensions of retreat—Reasons in favour of, in the military department, not applicable to the civil, ix. 373-374.

- — — Difference of opinion with Dumont upon, ii. 191.
- — — Evil effects of, in the case of judges, iv. 361, n †.
- — — Opinion against, in Constitutional Code, ix. 31-32.
- — — Opinion of, in the provisions for official remuneration in the Constitutional Code, ix. 269.
- — — attacked, x. 584.

Pension list—Uncandid to say the public have a control over the, v. 307.

- — — an aristocratic pauper list, v. 269.

Pennsylvania—Adoption of the Penitentiary system in, and its operation, i. 502; iv. 212.

- Hard labour first adopted as a punishment in, iv. 212-213.
- Qualifications for the suffrage in, iii. 612.
- Proposal to prepare a code for, iv. 468-475.

People—The. Sense in which the term is used, ix. 97.

- — Confidence of, secured by legislative publicity, ii. 310-311.
- — Personal intercourse of a sovereign with, increases his power, i. 574.
- — Cases in which they have shown themselves more desirous for war than their rulers, ii. 559.
- — The irrational passions of, chargeable with the jobbing of their rulers, ii. 202.
- — Fault of, more in insensibility to grievances than groundless clamour, ii. 432.
- — Fallacies as to acts of sovereignty springing from the, ii. 504-505. Can be said to do so only in so far as there is a habit of obedience on the part of the people, ib.
- — Lukewarm patience, rather than discontent, the characteristic fault of, iii. 445.
- — Their partiality to the aristocracy illustrated in elections, iii. 468-470.
- — Education of, opposed by those who complain of their ignorance, iii. 471-472, 474-475.

People—The, have no interest in a general division of property, iii. 475.

- — have their backbiters and enemies like individuals, iv. 359.
- — Independence of, on the part of judges or other magistrates, is despotism, iv. 362.
- — Injustice and capriciousness of, exaggerated, iv. 363.
- — their knowledge of the evils of the legal system checked by the use of technical language, vii. 280-281.
- — Intellectual faculties of, corrupted through legal fictions, vii. 287, 436.
- — their faculties depraved by the subtleties of lawyers, vii. 204-205.
- — Their capacity to act for themselves in choosing legislators, ix. 97.
- — Reasons for the supreme constitutive of a free state being in, ix. 98-101.
- — Sovereignty in, by the Constitutional Code, ix. 153.
- — The kind of virtue that is to be expected in the body of, x. 72.
- — Adopting the wishes of, should mean the wishes of the largest proportion, but is often applied to a small number, x. 496.
- — The enemies of—Two classes of, x. 581.

Perceptible entities, viii. 195. *See* Entities.

Perception as a mental operation of logic, viii. 224.

- a faculty of mind necessary to the teacher and the learner, viii. 76.
- a source of testimony, vi. 18.
- Nearness to, or remoteness from the seat of, as affecting evidence, vi. 15.
- never errs, though judgment in acting upon it may, viii. 321.

Perceptions—Consideration as to whether they are real entities, viii. 196.

- divided into pathematic and apathematic, viii. 279.

Perceptive faculties—Application of methodisation to the assistance of the, viii. 272.

- — Relation of, to actions, i. 43-46. *See* Consciousness.

Perceval—Spencer. His prosecution of Cobbett, adduced as illustrating the state of Libel Law, v. 106-114.

Perceptible and deposing witnesses distinguished, vi. 222; vii. 130.

- — noticed, ii. 463 n\*; v. 159, 181, 184, 289 n, 316; x. 457, 463.

Perfect-performance-exaction principle in the management of the Chrestomathic school, viii. 50.

Perfectibility of human nature—Opinions entertained regarding, i. 193-194.

Perfection—The charge of aiming at, brought against those who urge improvement, ii. 462.

Periodical outset Books, for the registration of official operations, by Constitutional Code, described, ix. 234.

Periodicals—Power of, in the proportion of the frequency of their recurrence, xi. 18.

Perjury—Definition of, v. 191 ; vi. 222.

— an offence of falsehood, i. 104-105.

— in the course of a suit—Method of dealing with, ii. 82.

— inculcated at Oxford, ii. 210.

— Illustrations of, from oaths in the universities, particularly with reference to the Oxford statutes, v. 209-219.

— Extracts from the statutes of the University of Oxford, concerning, v. 224-226.

— Abstinence from, not within the religious freedom sanctioned at the universities, v. 216-217.

— Succedaneum for the punishment of—punishment of mendacity according to its mischievousness, v. 220-221.

— Inefficiency of the punishment of, to check the accuracy of sworn surveys, v. 326.

— exculpatory common, criminative uncommon, vi. 155 ; vii. 521-522.

— Use of a collection of cases of, with nature of each falsehood told, vi. 246.

— Instances in which it has been supported by the religious sanction, vi. 271.

— Singular rules of Hindoo law as to, vi. 271-272, 324.

— Absurdity of punishment for, instead of for the evil committed through it, vi. 297 ; vii. 406-407 n \*.

— Roman and French law of, in regard to securities for truth, vi. 302-303.

— a necessary ingredient of jury-trial in England, vi. 314.

— Fear of, alleged reason for no counter-evidence in equity causes, vi. 374.

— The necessary ingredients in, according to English law, vi. 381, note 5.

— Murder accomplished through—Barbarous method of dealing with, by English practice, vi. 304, 382 note 8.

— Prosecution of witness for, at public expense, vi. 382 note 11.

— Indictment for, precludes amendment in equity, vi. 455.

— Punishment for, the only check in England on falsehood in affidavit, vi. 460.

— Judges treating as a joke, vi. 465.

— nourished by the system of affidavit evidence, vi. 497.

— Conviction of, no good ground for excluding a witness, though a proper ground of suspicion, i. 486-489 ; vii. 406-409.

— Danger of, the argument for exclusion—would apply most strongly to the best evidence, vii. 482.

— in the case of an extraneous witness, must almost always be attended by subornation, vii. 408.

— Person convicted of, should be examined

as to the conviction, instead of being rejected as a witness, vii. 409-410.

Perjury—The ancient law as to, vii. 461-462.

— Feebleness of the remedies against, to the injured party, vii. 488-489.

— Effect that the commission of, by a witness, should have on the weight of his testimony, vii. 587-589.

— Substitutes for punishment of, in proposed Dispatch Court, iii. 416, 417.

— See OATH.

Perkins—Case of, cited, vi. 389.

Permanence as an internal security for evidence for ulterior use, vi. 283, 289-290.

— a check on the judge in the case of evidence adjudicated upon in appeals, vi. 291.

— of evidence—writing necessary to, vi. 328.

Permanent evidence compared with unpermanent, vi. 170-171.

Perpetual motion—Search after, an illustration of the delusions of ignorance, viii. 13.

— — Observations on the various efforts to achieve, and the mechanical impediments to it, viii. 147-148.

Perplexity—Fallacies employed for the purpose of creating, in discussion, ii. 436-474.

Perquisites—Official. Evils of, ii. 241.

Perry and Lambert—King against, cited, v. 243, 481.

Persecution—Religious—Disposition exhibited in, i. 64.

— — an instance of interference of law where it ought not to act, i. 147.

— — Effect of, against religion, v. 374

— — A testimony in favour of the religion of the persecuted, iv. 398 n.

Persians—Emblematic punishment among the, i. 461 n \*.

Person—A man's inalienable property in his, according to Sieyes, considered, ii. 531-532.

— The, as an object of security by the law, iii. 213.

— Seizure or arrestation of the. When, and on what conditions, it may take place, ii. 116-117.

— Security for the. Axioms of mental pathology applicable to, iii. 225-227.

— Laws for the protection of the—Place they should occupy in the Universal Code, iii. 162.

— Offences against the, a division of private offences, i. 99-100.

— Offences against the, a subdivision of private offences, iii. 164.

— Offences against the—Genera of, i. 113-115. Nine kinds enumerated, ib.

— and Property—Offences against, i. 100-119.

— and Property—Offences against, iii. 166, 168. As a subdivision of private offences, 166. As a subdivision of self-regarding offences, 168. As a subdivision of semi-public offences, ib



- Person and reputation—Offences against, i. 100, 118-119.
- and reputation—Considerations as to time and place with regard to offences against, i. 176.
- and reputation—Subdivisions of offences against, iii. 165, 168; subdivision of private, 165; subdivision of self-regarding, 168; subdivision of semi-public, ib.
- Persons—Functions regarding, vested in the Ministers collectively, by the Constitutional Code, ix. 224-225.
- and things—Confused division of rights of, in Roman law, iii. 184.
- in the grammar of verbs—meaning of the term, viii. 349.
- Personal attendance of parties in courts of justice—Purposes served by, ii. 34-35.
- of defendant—Its uses, ii. 78.
- Personal evidence compared with real, vi. 173-174, 218.
- Personal and real property—a factitious distinction, vi. 543. *See* Real and Personal.
- Personal oral evidence—Authentication with reference to, vii. 174-175.
- Personal injuries—Pecuniary satisfaction for, i. 373. *See* Person.
- Personal interest—Reason why dyslogistic appellatives given to the motives founded on, i. 212.
- Personal Stock Book, in the system of official registration, in the Constitutional Code, ix. 236-237, 242, 246-247.
- Personalities—a form of inconvenience in political assemblies, ii. 303.
- Laudatory—Fallacies of, ii. 412-413.
- Vituperative—Fallacies of, ii. 413-418. *See* Vituperative.
- Ease with which they can be employed, ii. 417.
- Personation—an offence of falsehood, and a species of mendacity, i. 104-105; vi. 292 n, 381 n 4.
- Perspicuity in the language of the laws—Considerations as to, x. 74.
- Persuasion—Meaning of the term, vi. 229.
- Degrees of—how expressible for the purpose of judicial decision, vi. 16-17.
- Degrees of—Expression of, conveyed in the words improbability and impossibility, vii. 76-79.
- Difference between, in the case of individual facts, and species of facts, vii. 83-84.
- affirmative and disaffirmative—Foundation of, vi. 18.
- and probative force—Degrees of, how measured, vi. 223-235.
- Peru—an instance of the extent civilisation may reach without writing, vi. 329.
- Account of the constitution of, by General Miller, xi. 16.
- Pestalozzi—Henry, made citizen of France, x. 281.
- Peter the Great—Observations on his forcible alteration of costume, i. 183.
- — — The achievements of, noticed, i. 178.
- — — Civilizing efforts of, i. 541, 564.
- Petersburg—St. Notes by Dumont at, x. 405-406.
- Petit jury. *See* Jury.
- Petitio principii*—The power of, in debate, vii. 451-552.
- Petition of Right—Violation of, charged against the method of governing New South Wales, iv. 249-284.
- Petition in bankruptcy makes the evidence of a party be taken, vi. 488-489.
- Petitions to Parliament—Method of introducing, at public meetings, ii. 354 n.
- What reference Nomography, or the art of inditing laws has to, iii. 235.
- Effect of intimidation in deterring people from signing, iii. 485.
- to Parliament—Arrangements for obtaining signatures to, v. 439-440.
- Plan for suppressing publicity to, in the arrangements for printing the papers of the Commons, iii. 536-538.
- Petitions—Justice and Codification, v. 437-548;—
- — — Advertisement and description of, v. 438-440. Analysis, 438. Reasons for having them at length and abridged, ib.
- Connexion of codification, 439. Arrangements for obtaining signatures, 439-440.
- — — Preliminary explanations as to, v. 440-444. Operation and results of abridgment, 440-441. Alternatives to the friends of the cause, 441-442. Reasons for not using abridged Petition solely, 442. Advantages of numeration of paragraphs, 442-444.
- Petty—Lord Henry—Remarks of, on fees to auditors of public accounts, vii. 200 n †.
- — — Notices of, x. 378, 382, 383, 414, 422, 423-425, 433; xi. 131.
- Petty bag—Secretary of the—an illustration of barbarous nomenclature, viii. 71 n.
- Phanerodynamic Anthropurgics, or Mechanical Philosophy—Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.
- Phenomena—Influence which a knowledge of the course of nature has on belief in, vii. 91-98.
- of the human mind—Analytical view of the, viii. 279.
- Philadelphia—The Penitentiary system, as adopted in, i. 502; iv. 216-217, 235-237, 238-240, 242-244.
- Philanthropy—Nature of, i. 53.
- Existence of, not denied, but not to be trusted to as a sufficient motive for good government, iv. 431.
- Philips—Constantia—Account of proceed-

- ings in Chancery quoted from, vii. 219-220 n.
- Philips—Constantia—Memoirs of. Circumstances under which they fell under Bentham's notice, and their influence, x. 35, 77-78.
- Philips *v.* Fowler—Case of, cited, vi. 226 n\*.
- Phillip II. of Spain influenced by the religious sanction, i. 566.
- Phillips—Sir John—Support of Annual Parliaments by, iii. 455-456 n.
- Phillips—Sir Richard, quoted on the Packing of juries, v. 66, 67, 79, 80, 82.
- — — Character of, and anomalous position as a Reforming Sheriff of London, v. 119-120, 140, 158, 178.
- — — Letter to Chief Baron Macdonald on the Packing of juries in the Court of Exchequer, with the Chief Baron's answer, and a commentary, v. 121-130.
- — — Letter to, by a Templar, on the Packing of Special juries, with comment, v. 143-146.
- — — Letter to, by a member of Lincoln's Inn, on do. do., with comments, v. 147-153.
- — — His attempt at the Remembrancer's office to get juries struck according to the act, v. 155-156.
- — — His efforts for the enforcement of the act for the release of prisoners against whom no bill is found, v. 179-180.
- Phillips on evidence referred to, vi. 397; vii. 143, 159, 170-174, 355, 400-409, 498, 551-558.
- Philosopher's stone—an illustration of the delusions of ignorance, viii. 13.
- — — Good things discovered in the search for, viii. 234.
- Philosophy—How far asceticism has been cultivated by, i. 4-5.
- Ancient—spoken of as the philosophy of words, x. 77.
- Natural—an illustration of unapt nomenclature, viii. 69.
- Natural—stage it should occupy in education, viii. 15.
- Phrenology alluded to, vii. 433-434; viii. 537.
- Phryne—Case of, cited, vii. 432.
- Phthisozoids, or the art of destroying noxious animals—Place of, in the Chrestomathic system of Instruction, viii. 36.
- Physic. *See* Medicine.
- Physical analysis—precedes logical in the history of the progress of the mind, viii. 121-122.
- Physical circumstances—Influence of, on national character, i. 177.
- Physical economics—Place of, in the Chrestomathic system of Instruction, viii. 35.
- Physical entities, logical use of distinguishing from Psychological, ii. 286.
- Physical force—an element necessary to the existence of government, ix. 47.
- Physical and psychological facts distinguished, vi. 216-217.
- Physical impossibility—Questions as to verbal import confounded with, vii. 76-82.
- Physical impracticability defined, vi. 328 n+.
- Physical kingdoms—The three. Subalternation and physical division as applicable to, viii. 268-269.
- Physical power of injuring—Methods of taking away the, i. 534-536.
- Physical sanction—its effect on evidence, vi. 19, 260-261, 262-264. *See* Sanction.
- — — Definition of the, i. 14.
- — — Source and direction of the, iii. 290.
- Physicians—might be employed as temporary recorders, vi. 81.
- Physico-Theology. Advantage of instruction in, viii. 427.
- Physiology—Etymology of, and place in the Chrestomathic system of Education, viii. 36.
- Physioplactic Somatics—proposed as a nomenclature instead of Natural history, viii. 284-285.
- Physiurgic Somatology, or Natural history—Place of, in the Encyclopedical Sketch of Art and Science, viii. 86.
- — — Division of, into Uranoscopic, (or heaven-regarding,) and Epigeoscopic, (or things-on-earth-regarding,) viii. 86.
- Picardy—Practice of the Provincial Assembly of, noticed, ii. 344.
- Pictet—Professor, of Geneva, noticed, xi. 122.
- Piety—The pleasures of, i. 18.
- The pains of, i. 20.
- devotion, &c., as designative of motives, i. 201.
- Pigot—Lord—The inquiry into his conduct as Governor of Madras, noticed, x. 60.
- Pillans—James, Rector of High School, Edinburgh—Letter from, on the success of the monitorial system in that school, viii. 59-61.
- Pillory—Punishment of the—its incidence and effect, i. 417-418, 461; vi. 134, 297. Abolished, vi. 297 n.
- Pinchbeck—Mr, an artist, noticed, xi. 97.
- Pious frauds—Interests producing, vii. 572 n.
- Pious uses—Moveable succession diverted to, ii. 596.
- Pipe—Clerk of the, an illustration of barbarous nomenclature, viii. 71 n.
- Pitt—Moreton—Letter to, x. 345-346.
- — — noticed, x. 51; xi. 118, 163-164.
- Pitt—William, senior, (Lord Chatham)—Account of his negotiations with Lord Shelburne, x. 101.
- — — His connexion with Frederick the Great, x. 94.
- — — His destruction of a French fleet on the Portuguese coast, x. 205-206.

- Pitt—William, senior, (Lord Chatham)—casually noticed, iii. 439 n, 517 n, 531.
- Pitt—William, junior—His opening contracts and loans to free competition, ii. 228 n †.
- His reform of the Custom-house fees system, ii. 244.
  - Establishment of the Sinking Fund by, ii. 312.
  - contemplated a plan of communication across the isthmus of Darien, ii. 561.
  - His anxiety to get the Panopticon plan adopted, iv. 171.
  - The merit of his alteration of the method of leasing the Crown lands considered, v. 325-328.
  - His conduct in relation to the Panopticon Penitentiary, xi. 105-143.
  - His adoption of the author's views on the Poor Law, v. 422.
  - Poor Law Bill introduced by, criticised, viii. 440-461.
  - The morality of his running in debt considered, v. 318-322. Incurred to tradesmen under the profession that he would pay them, which he could not do, ib.
  - His delivering testimony at Tooke's trial, noticed, vii. 251.
  - Character of, as a minister, x. 308.
  - Account of, as a visiter at Bowood, x. 100, 102, 104, 105, 111, 112, 118-119.
  - Casually noticed, ii. 582, 585; iii. 83 n \*, 435, 443 n, 484, 501, 517 n; iv. 197 n, 263, 268 n; v. 325; viii. 419, 469; ix. 607; x. 51, 59, 167, 252, 258, 263, 291, 295, 301, 302, 333, 334, 335, 358, 362, 363, 366, 373, 385, 391-394, 415, 428, 434, 458, 565; xi. 75, 100, 103, 105, 112, 113, 114, 118, 122, 127, 129, 130, 137, 138, 139, 163.
- Pity—Nature of, i. 53.
- Regulation and exercise of the sentiment of, i. 5C2-563.
  - compassion, &c., as designative of motives, i. 202.
- Place—a physical fictitious entity, viii. 199-200.
- The most extensive fictitious entity connected with relation, viii. 203.
  - How a conception formed of the species of relation formed by, viii. 203-204.
  - considered as one of the predicaments, viii. 235.
  - Sciences involving the predicament of, viii. 286.
  - Influence of, in matters of Legislation, i. 170-188. *See* Transplanting.
  - Particularity as to, in instruments of accusation, vii. 38.
- Place. *See* Office.
- Places and pensions—Compensation on the abolition of, i. 320-321.
- Places—as a general title of the Civil Code, iii. 178.
- Place-capturing principle—in the management of the Chrestomathic School, viii. 48, 51.
- Placemen—Exclusion of, from votes in Parliament, iii. 456-457, 567-568 n.
- Proposal that they should have seats in Parliament, but not votes, iii. 490-495, 541-542.
  - Exclusion of the votes of—a reform opposed by Whigs as well as Tories, iii. 531-532.
  - Exclusion of votes of—Provision for, in Reform Catechism, iii. 540-542.
  - Number of, on divisions—Utility of ascertaining, iii. 497.
- Plague—Peculiar classes of offences liable to be committed in the countries subject to the, i. 174.
- Mitigation of the evils of quarantine in case of, iv. 119 n.
- Plaintiff—Definition of a, iii. 410.
- The legal service required by, from the judge, vi. 8, 210.
  - Effect of depriving him of evidence by the system of exclusion, vi. 86-87.
  - Deficiency of evidence on his side producing nonsuit, and its effects, vi. 104.
  - False testimony by, in his own favour, more dangerous than by defendant, vi. 156-157.
  - Propriety of his being entitled to examine witnesses and parties, and of his liability to such examination in his own person, discussed, vi. 334-345. *See* Interrogation.
  - How far the position of, gives greater facilities to unjust demands, than that of defendant, vi. 433.
  - Functions, for the performance of which his presence requisite in court, vii. 228-229.
  - Suit proposed to be commenced by, with instrument of demand, vii. 270-271.
  - should not have judgment by default, unless he produce evidence, vii. 547.
  - Mischief of misdecision against, as compared with misdecision against defendant, vii. 591-593.
  - Testimony of—The course pursued in regard to, by English law, vii. 489-496;—
  - In what cases his testimony is receivable in his own behalf, vii. 489-494. Criminal cases, 489-490. Motion for attachment, 490. Exclusion in cases where prosecutor rewarded, 490-492. Case of a traveller sung the hundred, 492. Admittance of plaintiff's testimony to the effect of giving commencement to a suit in equity, 492-493.
  - In what cases his testimony compellable

- at instance of defendant, vii. 494-496.  
 Inconsistencies of English law, in criminal, common-law, and equity procedure, *ib.*
- Plaintiff**—Effect of law taxes on, ii. 577.  
 — When more than one on the same side  
 — Exclusion of the evidence of, for and against each other, vii. 507-509.
- Plasioscopic Noology, or Logic**—Position of, in the Encyclopedical Sketch of Art and Science, viii. 91.
- Plaster**—Use of, for the flooring of prisons, urged, iv. 98.
- Plato**—The philosophy of, characterized, viii. 120.  
 — noticed, viii. 83 n, 267.
- Platt**—Mr, noticed, v. 359.
- Playfair**—Mr, recommends a person for Bentham to take to Russia, x. 149.
- Plea for the Constitution**—an Exposure of the illegalities committed in the government of New South Wales, &c, iv. 249-284. *See* New South Wales.
- — — Correspondence with Sir Samuel Romilly, Sir Joseph Jekyll, and Sir Charles Bunbury, as to publishing, xi. 144-145.
- Plea of guilty**—Recommendations by judges to withdraw, criticised, vi. 473.  
 — in civil action, vi. 480. *See* Pleading.
- Pleas**—Common. *See* Common Pleas.
- Pleaders**—Special—considered as redundant judiciary assistants, ix. 462.
- Pleading**—English system of—its evils, ii. 48-49.  
 — and evidence—False distinction between; pleading the evidence of an interested witness, v. 451, 509; vi. 22; vii. 266-267, 364.  
 — rendered conclusive evidence through means of judgment by default, vi. 22-23; vii. 545-547.  
 — Modifications of, in use in English practice, vii. 273-274. Declaration and plea at common law, *ib.* Bill in equity, 274.  
 — Idea of a system of, adapted to the ends of justice, vii. 270-272. Instrument of demand, with its heads, 270-271. Preliminary meeting would prevent the falsehoods of written pleadings, 272.  
 — *Viva voce*, compared with written, vi. 26.  
 — Interests that have regulated the system of, vi. 479.
- Pleading**—Special—Abolition of, recommended, vii. 325-326.  
 — — A device of Technical procedure, v. 11.
- Pleadings**—Written—The pretended use of, (*viz.*, certainty,) considered, vii. 275-279. The certainty mendacious, 275-277. The titles under which a claim may be made, 278. Variety of counts, 279.  
 — — Uses of, with the other devices, to judges and lawyers, vii. 274-275.
- Pleadings**—Written—Superabundance of, charged in Petitions for justice, as a device of the Technical system, v. 449-451, 509-510.  
 — — Superabundance of, in England, ii. 174.  
 — — Special superabundance of, in Scotland, when the work on Scotch Reform was written, v. 27-29.  
 — — Use of a foreign language in—a device of the Technical system, v. 448-449, 509.
- PLEASURE**—Ingredients in the value of, i. 206.  
 — Synonyms of the word, i. 205  
 — a motive correspondent to every species of, vi. 257-258.
- Pleasures**—Compound, exemplified, i. 210.  
 — Influence of the desire of, on criminals, i. 446, 450.  
 — Unmanageability of, in the hands of Government, ii. 197.
- Pleasures and pains**—Mankind governed by, i. 1.  
 — — — The four sanctions as the source of, i. 14-15. *See* Sanctions.  
 — — — Value of a lot of—how to be measured, i. 15-17. Intensity, duration, certainty, propinquity, fecundity, purity, *ib.*  
 — — — Simple and compound, i. 207.  
 — — — The kinds of, i. 17-21. The pleasures of sense, 17-18; of wealth, 18; of skill, *ib.*; of amity, or self-recommendation, *ib.*; of a good name, *ib.*; of power, *ib.*; of piety, *ib.*; of benevolence, *ib.*; of malevolence, *ib.*; of memory, *ib.*; of the imagination, *ib.*; of expectation, 19; of association, *ib.*; of relief, *ib.* The various kinds of pain, 18-20 (*See* PAIN.) Extra-regarding and self-regarding pleasures and pains, 20-21.  
 — — — Amount of either from any given cause dependent on amount of sensibility, i. 21.  
 — — — Specimen of analyzation of the complex into the simple, i. 21 n †.  
 — — — the only elements of good and evil, i. 48.  
 — — — as the source of motives, vii. 393.  
 — — — The operation of, in creating motives, i. 209.  
 — — — Catalogue of motives corresponding to, i. 49-56.  
 — — — Balance of, to be considered, in estimating certain actions as crimes, i. 81-83.  
 — — — with their correspondent interests and motives, in the table of the Springs of Action, i. 197-205.  
 — — — Extent of their influence on human actions, i. 206.  
 — — — the source of all Psychological entities, i. 211.

- Pleasures and pains—Goodness and badness of actions founded on, i. 214-216.
- — — the only consequences men are interested in, in laws, i. 238.
- — — Operations of the legislator in regard to, compared with those of the physician, iii. 224.
- — — Relation between the word happiness and, iii. 286.
- — — Elements of value in regard to—Uses of the discovery of, iii. 286-287.
- — — The operation of the several sanctions in relation to, iii. 290-292.
- — — Taking an estimate of, for framing the Rationale of a Code of Laws on Utilitarian principles, iv. 540-543.
- — — List of the principal, which act as sources of interest in testimony, vii. 567.
- — — Pecuniary interest and aversion to labour, the only elements of, that admit of measurement for judicial purposes, vii. 568.
- — — Sketch of a subdivision of the sources of, with the view of filling up an Encyclopedical analysis, viii. 89-90.
- — — as the source of Political effects and causes, viii. 206.
- — — as the source of the appetitive faculty the originator of all mental operations, viii. 279-280.
- — — Instruments of, employed in the Constitutional Code, ix. 150-151.
- — — Laws a matter of, x. 85.
- — — Relation of emotion, affection, passion, and humour to, x. 509-510.
- Pledge—Judicial security effected by means of, ii. 108-110.
- Pledges of prosecution—Sham, in English practice, vii. 284-285.
- Plenipotentiary—Rank of, as a foreign minister, ix. 228.
- Plunk's *Elementa Medicinæ et Chirurgicæ Forensis*—Table of facts as to the human body, translated from, vii. 9.
- Pliny noticed, vii. 89; xi. 97.
- Plomer—Mr, Member for Hertfordshire—Allusion to, x. 577.
- Plowden, the institutionalist, noticed, vi. 205; vii. 393, 597.
- Plowden—Richard and James—Account of, x. 426-427.
- Plowden's History of Ireland—referred to on the Volunteer Association, iii. 618.
- Plowdens of Yewhurst—Notice of the, x. 48.
- Plumer—William, Governor of New Hampshire, United States—Letter from, on Codification Proposal, iv. 577.
- — Letters from, to Bentham, x. 504, 556-557.
- Plunder an object of civil procedure in England, vi. 479.
- Plurality in administration—Advantages and disadvantages of, i. 571. *See* Board: Individual Responsibility.
- Plurilateral and Unilateral—Suits divided into, ii. 82-84.
- Pneumatic or immaterial objects—Reasons why it is necessary to use the language of material objects for the expression of, viii. 327-329.
- Pneumatics—Mechanical: defined and located in the Chrestomathic system of Education, viii. 31.
- Pneumatology—Position of, in a general division of Arts and Sciences, viii. 84.
- Division of, into Nooscopic and Pathoscopic, viii. 88.
- Poets—Remuneration of, considered, ii. 212-213.
- Poetry—Value of the art of, ii. 253-254.
- How far imagination necessary to, viii. 76.
- Application of melodiousness as a property of language to, viii. 306.
- Bentham's appreciation of, x. 583.
- Poison—How far the sale of, might be regulated, i. 560.
- Poisons—Promulgation of knowledge as to, a safeguard to the public, i. 553.
- Poisoning—Analogy in the punishment for, i. 408.
- Poland—Letter to Bentham, with remarks on the Politics of, in 1794, x. 297-300.
- State of the poor gentry in, ii. 196 n\*.
- Custom of the kings of, from the murder of a bishop in, i. 550.
- Bentham's passage through, on his way to Russia, x. 158-159.
- Leave asked of the Emperor of Russia to prepare a code for, iv. 527.
- Illustration of secret voting in the permanent Council of, ii. 369.
- The liberum veto in, and its effects, ii. 306.
- Advantages of the registration of land illustrated in, x. 350.
- Polemics—a pretence to know things unknowable, x. 584.
- Police—Definition of, i. 102 n†
- Preventive—Offences against, and their genera, i. 101-103, 133 n.
- Restraints of, distinct from punishments, i. 436.
- The extent to which information as to individuals should be accessible to, i. 557.
- Espionage of—unpopularity of the expression, ii. 222.
- Services of the Poor-law to, in suppression of mendicants and depredators, viii. 401-406. *See* Pauper Management.
- Offences against, as a subdivision of public offences, iii. 169.
- Nomenclature as to, indicative of forwardness in civilisation, i. 102 n\*.
- regulations of, for prohibiting acts preparatory to offences, i. 559-561.
- Efficacy of the metropolitan, vi. 471 n.

- Police—The Thames—Heads of a bill for regulating, x. 331-333.
- Police magistrates—Metropolitan—Observations on Peel's bill for raising the salaries of, v. 328-348. *See* Magistrates.
- — — Salaries and duties of, iii. 402.
- — — Creation of the, vii. 327-328.
- — — Secrecy of some inquiries before, vi. 28, n. †.
- Policy—use of the term by lawyers, vii. 310, 484 n.
- Polioscopic ethics or politics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- — — Divided into Esoscopic and Exoscopic, viii. 94.
- Politeness—Principles of, in reference to topics of conversation, x. 518-519, 531-532.
- Political Assembly—Mode of proceeding in a, in the formation of its decisions, ii. 330-350. *See* Legislative Assemblies.
- Political bias—how judge can act on, vii. 308.
- Political Code—Plan of the, iii. 199-200.
- Political Denominations—Imputations on the ground of identity of, ii. 416-417.
- Political Economy—Manual of, iii. 31-84. *See* Economy.
- — — Bentham's account of his studies in, x. 413.
- Political fictitious entities—Analysis of, viii. 206.
- Political jobbing characterized, ii. 384-385.
- Political liberty—Forfeiture of, as a punishment, i. 474.
- Political nomenclature—Diversities of, in different nations, iii. 196
- Political offences, the creations of the monarchical system, ix. 37-40.
- Political offenders—interests that shield them from justice, vii. 459.
- — — Publicity and privacy in trial of, considered, vi. 369-372. (*See* Publicity and Privacy—cases particularly unmeet.)
- Political powers—Elementary, with reference to a general code, iii. 195-199. Definition of power, 195-196. Diversity of nomenclature in different countries, 196. New nomenclature necessary, ib. Immediate power over persons, ib. Immediate power over the things of another, ib. Immediate power over public things, ib. Command over individuals, 196-197. Command over classes, 197. Power of specification—as to persons and things, ib. Attractive power—of rewarding or not rewarding, ib. Recapitulation, 197-198. Defence of the nomenclature—comparison with the usual division into legislative, judicial, and executive, 198-199.
- Political (or legal) sanction—Definition of the, i. 14.
- — — Punishments of, compared with those of the moral, i. 454-455.
- Political (or legal) sanction—Source and direction of the, iii. 290-291.
- — — Method of pointing the force of, in the case of oaths, vi. 320.
- — — Effect of, on evidence, vi. 20, 260-261, 268-270. *See* Sanction.
- — — Obligations arising out of the, considered as Fictitious entities, in Ontology, viii. 206.
- Political Tactics. Essay on, ii. 301-373. *See* Assemblies—Legislative: Members: Motions.
- Political Unions—Letter to Mr Tait on, xi. 67-68.
- Politics divided into internal and international, in the Encyclopedical Sketch of Art and Science, viii. 94.
- — — Expressed by Polioscopic ethics, in the Encyclopedical Sketch of Art and Science, viii. 94.
- — — Impediments to coming to right conclusions in, shown in connexion with causation, viii. 209-210.
- Polling—Plan for, in Radical Reform Bill, iii. 577-579.
- — — Apparatus for the accomplishment of, in Radical Reform Bill, iii. 571-574.
- Polling districts—number of—Considerations affecting, iii. 583 n.
- — — Provisions in Radical Reform Bill for dividing the country into, iii. 579-582.
- Polling-places—Distance of, an abuse, iii. 561.
- — — and attendants—Provision for appointment of, in Radical Reform Bill, iii. 567-570.
- Polygamy—Effects of, discussed, i. 357.
- — — classified as an offence, i. 130.
- Ponsonby—Brabazon—his motion for Parliamentary Reform in Ireland, iii. 619.
- — — noticed, v. 371.
- Poor—The. Duty of Government to educate i. 570.
- — — have an interest in the continuance of Government, ii. 424.
- — — the class chiefly subject to the incidence of law taxes, ii. 574-575.
- — — debarred from political power, and the reasons, ii. 575.
- — — considered more as objects of charity than of justice, ii. 579.
- — — Project for encouraging frugality among, iii. 145.
- — — Axioms on which a legal provision for, founded, iii. 227-228.
- — — A compulsory provision for, distinguished from pensioning, v. 305.
- — — the crimes which they are liable to be suspected of, tried with imperfect evidence, vii. 505.
- — — No justice for, but criminal, in England, vii. 305.
- — — Letter on the situation and relief of, vii. 361-362.

- Poor—The. List of exigencies operating on, and corresponding forms of supply, viii. 407.
- — enjoy, in common with the rich, the chief elements of felicity, ix. 15-17.
  - — have more interest in good government, and faculty to appreciate it, than the rich, ix. 110-112.
  - — justice for—Arrangements for obtaining, in the Constitutional Code, ix. 489-493.
  - — the reasons why they are more moral than the rich, x. 519.
- Poor Bill introduced by Pitt—Observations on the, viii. 440-461.
- — — Editorial notice of, viii. 440.
- Poor-houses—Application of the Panopticon system to, iv. 37-248.
- Poor Laws—Principles on which they ought to be founded, i. 314-316.
- — as a preventive of crime, i. 543-544.
  - — Sieyes' doctrine as to, criticised, ii. 533-534.
  - — as a means of preserving population, iii. 72-73.
  - — Difficulties of, solved by the Panopticon system, iv. 39.
  - — and pauper management—Tracts on, viii. 358-461.
  - — Note by Editor on the tracts on, viii. 358.
  - — Plan of, in connexion with a central company and district industry-houses, viii. 369-439. *See* Pauper Management.
  - — Parochial system of—Detriment from the perpetual revolutions of, viii. 432 n.
  - — The plan of, by giving supplementary allowances to make up wages to a certain pitch, criticised, viii. 441-444. *See* Wages.
  - — Plan of relief according to the number of children—difficulties of, illustrated, viii. 444-446.
  - — Proposed plan for bestowing a cow on poor and meritorious people criticised, viii. 446-449. Plan detailed, 446-447. No security against improper application and recurrence on the parish, 447. Cases of private benevolence where the giver looks after the use of the gift, not an analogy for a national system, 447-448. Might be made to serve political interests, 448. Objections to the form of the investment, supposing it right to give the value, 448-449.
  - — Difficulties in the way of efforts in, to give assistance to the unfortunate but not absolutely destitute, otherwise than by bringing them within the class of paupers, viii. 449-451.
  - — Out-door apprenticeship system, with apprentice fees, criticised, viii. 452-455.
  - — Subsistence, the foundation of a, one of the objects of the civil law, ix. 13.
  - — Under the direction of the Indi-
- gence Relief Minister, in the Constitutional Code, ix. 441.
- Poor Laws. *See* Pauper Management.
- Poore—Mr, a fellow-student of Bentham, x. 40.
- Pope—Alexander. His allusions to Defoe noticed, i. 417.
- — noticed, x. 532.
- Popham, the name of a college companion of Bentham, x. 41.
- Popham—Alexander—an acquaintance of Bentham, x. 90.
- Popish recusants—Treatment of, as to testimony, vii. 424.
- Popular corruption—Uses made of, by the opponents of reform, ii. 453-455.
- Popular despotism—Favour shown to, i. 318.
- Popular education—Jealousies and groundless fears against, viii. 20.
- Popular election of officers—Considerations as to, showing how the power of popular amotion necessary to bring out the right effect, iv. 359-360.
- Popular feeling—its inability to effectuate law reform, vii. 208-209.
- Popular government—the solution it affords to difficulties, iv. 359.
- Popular (or moral) sanction—Definition of the, i. 14.
- — as a preventive of crime, i. 563-564.
  - — its effect on evidence, vi. 19-20, 260-261, 264-268.
  - — *See* Sanction.
- Popularity as applicable to punishments, i. 411-413. Capricious objections on the ground of liberty, decency, religion, humanity, ib.
- How far the desire of, may mislead legislators, ii. 313.
  - Necessity of consulting, in legislative measures, ii. 588, 591-592.
  - Advantage of a magistrate possessing, independently of the question of his deserving it, iv. 359.
  - as a property of punishment, i. 405.
  - Device for securing, by making cruel laws and restricting their efficacy, vii. 258-259.
- Population—Offences against, i. 101-103.
- Genera of offences against, i. 134 n.
  - Offences against—their place in the Penal Code, iii. 170.
  - Most advantageous position of the, for wealth, iii. 52.
  - Utility of tables of, i. 557.
  - Returns of—Expedition shown in collecting and digesting, v. 411.
  - In what respect government can affect, iii. 72-75. Positive assistance limited to prevention of depuration, by sanatory regulations, &c., 72-73. Good laws, and producing abundance and security, the best means of increase, 73. Uselessness of encouragements to marriage, ib. Labouring population willing, ib. Propaga-

- tion of idle consumers no advantage, 74.  
 Prejudices against large towns, and efforts to suppress them, *ib.* Emigration, 74-75.
- Population of the empire, with relation to number of representatives, considered, in. 584 n.
- Pressure of. Considerations as to educating children for colonization in the case of, ix. 443.
- Proper method of taking a census of, in remarks on the Population Bill, x. 351-356. Names should be returned as well as numbers—security against error, record more valuable, greater ease to the respondent, 351-352. Ages—use to vital statistics, 352. Number of Baptisms, Burials, and Marriages, *ib.* Individualization of houses, 352-353. Circulation of queries to the Justices through the Post-office, 353. The fees, *ib.* As an inducement to accuracy—Plan suggested of paying so much a-head to the enumerators, for the numbers returned, with penalty for exaggerated return, 353-354. Employing the clergyman of the parish, 354. Curates—addition to their small salaries, 354-355. Considerations as to the advantage of making the return periodical, 355. Whether oath necessary, *ib.* Extra-parochial places, *ib.* Return of occupation—difficulty of getting the uneducated to assist, 355-356.
- Pornographe—Allusion to a work termed, i. 546.
- Porphyrian Tree—Description of, as an important acquisition in the history of logical science, vii. 266-267.
- — contains the only sort of division necessarily exhaustive, though others may incidentally be so, viii. 290-293.
- — shows the number of classical aggregates in the *genus generalissimum* existence, viii. 257.
- — attributed to Ramus, viii. 103.
- — Application of, to securities for evidence, vi. 286.
- Porphyry—Inquiry whether he was the real inventor of the Porphyrian Tree, viii. 110-112. The Greek formula compared with the Latin, and the latter ascribed to Ramus, *ib.* But see 112, note.
- Portalis—noticed, x. 395.
- Porteous Mob—Punishment of corporation of Edinburgh for, considered, i. 483.
- Porter—Mr, "the commercial friend"—Notice of, x. 258.
- Portland—Duke of—His remark on the Panopticon Model, xi. 105.
- — Correspondence with Romilly as to the proposed exposure of the conduct of, in reference to the Panopticon, x. 399-400.
- — His conduct regarding the Panopticon Penitentiary project, xi. 127, 128, 130, 131, 134, 137, 143
- Portland—Duke of—Casual notices of, v. 143 n, 315; x. 302, 333, 335, 362, 391-392, 434.
- Portsmouth—Dock-yards of—Sir Samuel Bentham employed to enlarge, x. 313.
- Portugal—Incestuous alliances in, i. 351.
- Emblematic punishment in, i. 461 n \*.
- Testimonials from, to the author's qualifications, iv. 573-576.
- Minute of the Cortes of, ordering a translation of Bentham's Works, iv. 573.
- Offer of a general Code of Laws for the use of, iv. 575-576.
- The progress of Bentham's philosophy in, viii. 465-466.
- Benefit to, of dissolving connexion with the American colonies, viii. 485.
- Affairs of, and of Spain—Three Tracts on, viii. 465-486.
- Government of, a mixture of monarchy and democracy, ix. 49.
- Reception of Bentham's Works by the Cortes of, x. 525, 539.
- Letter to the people of, on antiquated constitutions, viii. 482-485. *See* Spanish Constitutions.
- Positive and negative acts distinguished, i. 36 and n \*.
- Positive facts distinguished from negative, vi. 217-218.
- Positive-pain-preventing principle—Influence of the, iii. 212.
- Posology—proposed to be substituted as a nomenclature for Mathematics, viii. 287.
- or mathematics—Position of, in an Encyclopedical Sketch, viii. 85.
- Possession—Considerations as to the principles of, in casual discoveries, i. 325.
- Actual—Nature of title from, i. 327.
- ancient *bonâ fide*—Title from, i. 327.
- Definition and analysis of the various kinds of, with relation to forfeiture as a punishment, i. 451-453.
- considered as an event conferring a right, iii. 188-189. Divided into physical and legal, 188. Difference of ideas of, according to nature of subject, 188-189.
- Exposition of, with reference to a universal code, iii. 221-222. The Roman principle, *melior est conditio possidentis*, referred to utility, *ib.*
- a word requiring special exposition when used in law, v. 413.
- Circumstantial evidence of delinquency from, vii. 11-13. Actual and antecedent, 11. Infirmative facts—unconsciousness, clandestine introduction, forcible introduction, non-identity, view of furtherance of justice, 12. Criminative written evidence, 12-13. Difference between writing of accused party, and of other person addressing him, 13.
- Indistinctness of the ideas attached to the word, vii. 11.



- Possession**—as one of the Aristotelian Post-predicaments, viii. 236.
- Possibility and impossibility.** See Impossibility; Incredibility.
- Post**—Letter—Sieyes' doctrines as to the inviolability of, considered, ii. 532.
- — Applicability of to judicial intercourse in relation to writs, &c., ii. 53-55; iii. 378-379.
- — as a means of facilitating pecuniary remittances, viii. 417.
- — as a means of circulating Annuity notes, iii. 111.
- — Regulation of, on Mr Palmer's plan, noticed, i. 556; ii. 204.
- — essential to a free government, ii. 287.
- — In the department of the Interior-communication Minister, by the Constitutional Code, ix. 441.
- Posteriora priorum, and priora posteriorum,** or evidence from chains of events, vii. 62-64.
- Potatoes**—Inquiry into the productiveness of, and the economy of using as a prison food, x. 256-257.
- Potemkin**—Prince, his projects and connexion with Sir Samuel Bentham, x. 147-148, 149.
- — noticed, x. 139, 159, 161, 167; xi. 97.
- — an amusement of, noticed, ii. 255.
- Pot-wobblers**—Characteristic qualifications of the class of voters called, iii. 581 n.
- Poulter**—"The Discoveries," &c., of, referred to, i. 554.
- Poverty**—not the creature of law, but the state of nature, i. 309.
- Sensibility to the operation of the moral sanction as affected by, i. 457.
- as a cause of crime, iii. 227.
- How far it is an inducement to perseverance, iv. 372-373.
- punished by outlawry in England, vii. 254.
- Existence of, and not the want of merits, chief cause why defendants make no appearance, vii. 546.
- as a defect in language, considered, viii. 309.
- an impediment to the exposure of offences, viii. 578-579.
- See Indigence.
- Powell**—Mrs—a relative of the Bentham family, x. 14.
- Powell's Attorney's Academy**—characterized as the oldest book of practice, v. 76 n.
- Power**—a word requiring special exposition when used in law, v. 413.
- Exposition of, with reference to a universal code, iii. 222-223.
- an expression inclusive of right, i. 105 n. †.
- The pleasures of, i. 18.
- authority, &c.—Pleasures and pains of, with the correspondent interest and motives, i. 119.
- Power**—Love of, as a motive, i. 52-56.
- Love of—Character generally given to the motive of, i. 213, 219.
- divided into—over persons and over things, i. 278 n.
- Division of, into branches, as a precaution, i. 570-571.
- General precautions against abuse of, i. 570-578.
- Advantages and disadvantages of distributing, i. 571.
- How far it can be made a means of reward, ii. 195.
- Checks on, a leading end of the Constitutional Code, ii. 270-271.
- without responsibility, reduces trustworthiness, ii. 389-390.
- Authority derived from, ii. 389.
- Abuse of, by ministers of justice—punishment of, i. 513.
- as an object of security by the law, iii. 213.
- Appropriate—Use of the consideration of, as distinct from appropriate will, iii. 293.
- support of, in a monarchy—Evils inflicted for the, iii. 438-445.
- Necessity of having checks to, wherever it exists, v. 69.
- its propensity to draw to itself the national wealth—Burke's opinion on, criticised, v. 297-298.
- Distribution of, in a state, as much a matter for economy, as money, ix. 27-28.
- Connexion between wealth and, ix. 48.
- Impossibility of preserving equality in, ix. 81.
- Aptitude for good government does not increase, but decrease, with the amount of ix. 110-113, 193.
- How it is more influential than money as a means of bribery, x. 511-512.
- Natural increase of the appetite for, x. 531.
- Arbitrary. Exclusion of, as a protection, i. 576.
- Balance of. The term, a vague generality, inapplicable to the operations of government, ii. 445-447.
- Balance of—Arrangements under the title of, produce more evil than good, ix. 123.
- Supreme—Right and duty of the, to make laws, i. 283-295. See Supreme Power.
- Abuse of. Place of, in the Penal Code, iii. 167.
- Dubiety that is likely to attend the notions of the use of the word in mathematics, on account of its application to other purposes, viii. 180-181.
- Powers**—Constitutional distribution of, in connexion with the principle of irrevocable laws, ii. 404.

**Powers**—Elementary Political, considered, with reference to a general code, iii. 195-198. *See* Political Power.

— of the human mind—Enumeration of the, viii. 281-282.

— Mechanical—Inquiry whether a common denomination can be found to express the qualities of, viii. 146-147.

— and Rights—Definition of, with reference to obligations, i. 105-106 n.

**Practicable**—Too good to be, a fallacious expression used against improvement, ii. 461-462.

**Practical Ethics**—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.

**Practice or habit**—Nature of, i. 37.

— Application of, to the Arts and Sciences, ii. 253.

— The calling a plan bad in, but good in theory, a fallacy, ii. 459-460.

**Practice (Legal)**—Meaning of the technical expression, v. 76 n \*.

**Practice**—English. The evils of, ii. 48-49.

— — in regard to the evils of vexation in producing evidence, vi. 103-104.

— — How a cause put off by, in absence of a witness, vi. 91.

— — *See* English Law.

**Præcognita of Logic**, according to the Aristotelians, criticised, viii. 232-234.

**Præmunire**—Confusion and inexplicability of the law regarding, i. 511-512.

**Praise**—Indiscriminate, of officials, conducive to misconduct, ii. 427.

**Pratt**—Mr Justice. *See* Cambden—Lord.

**Pratt**—Mr, son to Lord Cambden, noticed, as a visiter at Bowood, x. 100, 102, 104, 111, 112.

**Pratt**—Miss—Account of, as a visiter at Bowood, x. 104, 110, 111, 112, 113, 557.

**Preambles of Statutes**, characterised, iii. 249 n.

— — — Inanity of reasons given in, i. 465.

— — — Annuadversions on an instance of lengthiness in, iii. 585-586 n.

— — — English and French—Effect in keeping the mind suspended, iii. 323.

**Preappointed evidence**—Difference between and unpreappointed, vi. 68-71, 219. The difference developed, 68-70. Inconsistency and confusion from want of right comprehension of it, in English practice, 70-71.

— — compared with casual, vi. 173.

— — considered, vi. 60-67. Nature and origin, 60-61. Uses anti-litigious and statistic, 61-62. Legislator's duties in relation to, 62. Subject-matters, 62-63. Formalities for contracts considered as a branch of, 64-65, (517-530). Means of enforcing their observance, 64-65, (517-525). Wills, 66-67, (530-551). *See* Formalities; Wills.

**Preappointed evidence in general**, vi. 508-513. Purposes, 508. Original and transcriptitious, *ib.* Objects;—laws, contracts, facts, 509. Advantages—divided into collateral and direct, 510. Uses—to individuals, to judge, to legislator in the way of statistics, &c., 511-512. Formalities—scription, authentication, examination, multiplicate scription, registration, and notification, 512-513.

— — Legally operative facts considered as subject-matters of, vi. 62-64, 566-570. Duties of Legislator, 566. Nature of facts to be registered, divided into—1st, regularly occurring (as those affecting condition, and those affecting collative and ab-lative facts;) and, 2d, casualties, 567. By whom should registration be performable, 567-568. How to secure the verity of such evidence, 569-570; Eventual punishment for falsehood in all cases—counter-interrogation where attainable, 569. Instructions, 570. *See* Genealogical Facts.

— — The principle of, as exemplified in real evidence, vi. 583-585. Fences, landmarks, standards of quantity and quality, revenue stamps, maker's name, 569. Fabrication of a maker's mark a species of forgery, 584. Registration of marks, *ib.* Illustration from copyright act for designs, *ib.* n. Penalty on fraud, 585.

— — unnoticed by Gilbert in his Law of Evidence, vi. 183.

— — Provisions for, in the Constitutional Code, by the establishment of Local Registrars, ix. 625-636. *See* Registrars.

— — *See* Contract; Formalities; Genealogical Facts; Laws; Official Evidence; Registration; Wills.

**Preappointed official evidence**, vi. 72-79. 553-566. Application to transactions of offices at large, 72-76. Direct and collateral uses, (*viz.* judicial and statistic,) 72, 554-555. How trustworthiness to be estimated, 72-73—how to be secured, 74-76. Transactions of judicial offices, 76-77, 556-557. Laws as matter of preappointed evidence—necessity for recording and publishing them, 77-78. Debates of legislative bodies, 78-79.

**Preappointed *ex parte* written evidence**, vii. 126-129.

**Preaudience**—Impropriety of fixed order of, in legislative assemblies, ii. 346-349.

**Precautions for the protection of the public against offences**, i. 551-557.

— General, against abuse of authority, i. 570-578.

**Precautionary regulations**, in the admission of casually-written evidence, vii. 125-126.

**Precedence**—Attention paid to questions of, in England, ii. 322.

**Precedent**—the term an excuse for the repetition of an abuse, x. 511.

- Precedent**—Arbitrary acts on the ground of, ix. 322-323. Evil because our ancestors have done evil, 322. The more distant and barbarous the age when the precedent was practised, the more worthy it is deemed of adoption, 323.
- Absence of. Fallacy of the argument from, ii. 410-411.
- old and unpublished, judicially used in England, vi. 389-391.
- Preceptor**—Authority of one holding the character of, i. 232.
- Precious metals.** *See* Metals.
- Precipitation**—Danger of, a fallacy cited in favour of delay of justice, viii. 476-478. Created by delay, *ib.* Confounded with promptitude, *ib.*
- as an inconvenience in legislative assemblies, ii. 302.
- Means of avoidance of, in legislation, ii. 366-367.
- Avoidance of, as a proper end of judicature, ii. 17.
- Judicial—Effect of, and remedies for, by Quasi-appeal, ii. 162-164.
- an effect of fixed rules in judicature, ii. 32.
- in judicature—The evils of, and the remedy to, iv. 339 n.
- of suits—a grievance charged in the Petition for justice, v. 468-470, 521-522.
- Precision**—Etymology, and practical application of the word, viii. 102 n. †.
- Predicaments**—The. Physical fictitious entities, viii. 199.
- of the Aristotelians considered as entities real or fictitious, viii. 234-236. Substance, 235. Quantity and quality, *ib.* All the other seven come under relation, *ib.* Action and passion, *ib.* Place, *ib.* *Ubi* and *situs* interconvertible, *ib.* Time, *ib.* *Habitus* considered as denoting vesture, 235-236.
- Sciences involving the, viii. 286-288.
- Condillac's exemplificative method of showing the progressive discovery of the, criticised, viii. 282-283.
- Predicaments**—Post, the five, of the Aristotelians, examined, viii. 236. Motion—more important than many of the Predicaments; others come under relation, *ib.*
- Predication**—Nature of, examined, viii. 335-336. Is an attribution of a quality to a subject, 335. Qualities enumerated, 335-336. Real and verbal Predication, 336.
- Prehension in judicial procedure**, ii. 116-117. Subject matters, 116. Search, and purposes for which it may be made, *ib.* Purposes for which it may apply to persons, 116-117. Conditions to justify warrant of arrestation, 117. Seizure of property, *ib.*
- Prehension**—Reasons for extensive power of, to judges, iii. 352 n.
- Prehensor**—Use of the term, to express an officer for the purpose of apprehending, iii. 376-377 n.
- as a judiciary officer in the Constitutional Code, ix. 466.
- and his deputes—Account of Provision for, in Dispatch Court Bill, iii. 311.
- Prehensors**—Judicial—Provisions regarding, in Constitutional Code, ix. 637-639.
- Prehension**—The taking possession, by physical force, of persons or things, 637. Fields of service—coequal with judges', *ib.* Mandate to pursue into other judicatories, 637-638. Self-suppletive function, 638. Who locable—any one who can read and write, *ib.* Peculiar eligibility of persons who have served in the army or navy, *ib.* Considerations as to the prehension of foreigners, and females, 638-639. How locable and dislocable, 639.
- and messengers in proposed Equity Dispatch Court—Functions of, iii. 376-381.
- Preinterpretative Function of Judges** in Constitutional Code, ix. 511-512.
- Prejudice**—Definition of, and cause of existence of, ii. 478.
- How it leads astray by words, iii. 28.
- Authority-begotten—a cause of the existence of fallacies, ii. 478-479.
- Interest-begotten. Effect of, i. 217-218.
- Interest-begotten—a cause of the existence of fallacies, ii. 477-478.
- Prejudices**—Salvo for good government and morals in, i. 182.
- Necessity of keeping in view, in legislation, i. 323.
- How far the legislator can neutralise, i. 464-465.
- How spread by the learned, i. 537.
- The, which act as interruptions to the progress of invention, viii. 276.
- of class religion, &c.—Means of obviating the influence of, on juries, v. 165-167.
- National. How to be dealt with in reforms, i. 180-184.
- Popular, against punishments, i. 411-413.
- Preliminary meeting of parties to a suit**, as a means of curtailing litigation. *See* Meeting.
- Premeditation**—Aggravation of injury from, i. 165, 167.
- Premiums**—Suggestions of Political and Ethical subjects of Essays for, x. 76.
- Prentice**—Archibald—Correspondence with, on his Trial for Libel, xi. 69-70.
- Preparations for committing crime as affording evidence of delinquency**, vii. 18-22.
- Precedency and antecedeny in time**, 18-19. Illustrations, 19, (68.) Different

- orders of preparation, 19. Case of Captain Donnellan cited in illustration, 19-20. Preparatory acts conclusive of guilt converted into separate offences, 20. In what distinct from attempts, 21. Infirmative circumstances applicable, 21-22.
- Propositions—may bear the import of entire propositions, viii. 336.
- The nature of, viii. 356.
  - The connexion of, with adverbs and conjunctions, viii. 356.
- Prerogative—The expression, used as an argument never admitting of contradiction, v. 134.
- Abuse of—how caused by Coronation Oath, v. 206-207.
  - Limitation of the, in respect to creation of peers, proposed, iii. 531.
- Prescription—or ancient *bonâ fide* possession—principle of acquiring a title by, i. 327.
- according to the civilians—Unaptness of the expression, x. 509.
  - of punishment, by length of time, i. 521-523. With regard to reformation, 521-522. Example, 522. Some offences for which ought not to exist, ib. Must depend on nature of offence, 522-523.
- Presence—Personal of Parties would check oppression in Litigation, ii. 172.
- President—Meaning and use of the term, ii. 327.
- an unapt term for expressing the head of a government, ix. 204.
- President of United States—more secure than King of England, ii. 121.
- — — Letter to, on Codification, with answer, iv. 453-468.
  - — — His administration of the chief command of the army, ix. 363-364.
- Presidents of Legislative Assemblies, ii. 327-330. *See* Assemblies.
- Press. The (Public Newspaper)—Enlightening effects of, i. 568.
- — Uses of, in preserving responsibility of men in office, ii. 451-452.
  - — Operations and power of, compared with those of the official judicatories, viii. 565-572.
  - — Gives direction to the Public-opinion Tribunal, viii. 565.
  - — The evil of restrictions of, as undermining the protection of the Public-opinion Tribunal, and giving currency to secret defamation, ix. 53-58. *See* Rule—Good and Bad.
  - — Licensing, a more effectual suppression of than prosecution, ix. 55.
- Press—Liberty of the, a characteristic of a free government, i. 288.
- — — Preponderant advantages of, in comparison with censorship, i. 538.
  - — — Paramount importance of, as a branch of legislation, x. 456.
- Press—Liberty of the. *See* Liberty of the Press.
- Pressure as productive of motion in connexion with springs, viii. 139.
- Presumption—Coke's division of, into violent, probable, &c., discussed, vi. 231; vii. 69.
- in law—Nature of, vi. 115 n.
- Pretium affectionis*—The nature of, i. 322.
- — should be kept in view in legislating as to value, vi. 411.
- Preventing crimes—Indirect means of, i. 533-538.
- Prevention—Particular and general, as the ends of punishment, i. 396.
- of offences by making many individuals interested in the prevention, i. 556.
- Preventive Remedies against offences—Nature of, i. 367.
- Preventive-service Minister—Provision for, in Constitutional Code, ix. 439-441. To take order for prevention of calamity and delinquency, 439. Examples of calamities, ib. Arrangements for prevention or mitigation in reference to each, ib. Things over which he will have power for the service of his office, ib. How far the army and navy may be employable in this function, 439-440. Use to the military as professional training, 440. Their peculiar aptitude for the duties, ib. Subject-matters of local knowledge, as to which they may be deficient, ib. Mixture of migratory and stationary functionaries, ib. Danger of seduction by local intercourse, especially in revenue offences, of which, the moral mischief not distinctly felt, 440-441.
- Price—Rev. Humphrey. His account of himself, and correspondence with Bentham on the circumstances of his being imprisoned for a Label, written in defence of the carpet weavers of Kidderminster, xi. 43-48.
- Price—Dr Richard. The mechanism of his Mortality Tables criticised, viii. 410-411 n.
- — Sinking Fund suggested by, ii. 312.
  - — His views on probabilities, vi. 243.
  - — Letter from, to Bentham, x. 246.
  - — noticed or quoted, i. 8-9 n; xi. 74.
- Prices—Effect of free competition on, ii. 228.
- Influence of paper money on, iii. 108.
  - Rise of. How to obviate in case of the project of Annuity notes, iii. 139-141.
  - Relation of, to the amount of money, with their incidence on different classes, iii. 45-46, 69-70, 139-140.
  - Inefficacy of attempts to fix, by law, iii. 66.
  - Legal limitation, as applicable to as to interest, iii. 8.
  - Publication of, a service which Government may do to trade, iii. 71.

- Prices—Information on the fluctuations of, in domestic articles, x. 377-378.
- Pride, arrogance, &c., as designative of motives, i. 201.
- Family. Inquiry into the causes of, ix. 82.
- Priest—Confession to, should not be demanded as evidence—would only have the effect of suppressing the act of Penitence, with any incidental good that may accompany it, vi. 98-99; vii. 366-368.
- The—described as one of the instruments of monarchy, ix. 135-136.
- Priestcraft—Notice of the progress of, i. 505.
- as connected with the University of Oxford, ii. 261-262.
- Its influence illustrated in Jephthah's and other Jewish vows, v. 222-223.
- Its restraining influence in barbarous times, v. 222.
- Origin and progress of, in the power acquirable by men who profess to secure eternal felicity to others, ix. 20.
- Priesthood—Influence of the, in Spain, viii. 469.
- See Clergy.
- Priestley—Use of the expression "Greatest happiness of greatest number" by, x. 46, 79.
- Whether he or Beccaria first suggested to the author the greatest-happiness principle? x. 142, 567.
- characterized as a materialist, viii. 84.
- opinion of, x. 571.
- casual notices of, i. 57 n †, 193, 230; ii. 462; iv. 64, 457; vii. 90, 430; viii. 521; x. 19, 215, 281, 316, 317, 561; xi. 74.
- Primæval analysis as distinguished from logical, viii. 122-124.
- Primary mischiefs distinguished from secondary, i. 69. See Evils.
- Prime Minister—Provision for, in the Constitutional Code, ix. 204-213.
- — Field of Service of, ix. 204-205. Local field coextensive with that of the Legislature, under which he has to perform all that does not specially belong to the judiciary department, 204. The designation an apt one—superior to President and other like, 204-205.
- — Functions of, ix. 205-206. Executive, 205. Directive, ib. Location and promotion of other Ministers, ib. Correspondent dislocation and suspension, ib. Imperative function in relation to the defensive force, 205-206. Acts relating to it—Promotions, instructions, &c., to be in writing with exemplars, 206.
- — His relation to the legislature, ix. 206-207. Communications all by writing, except when specially sent for, 206. Functions—the indicative, initiative, and statistic, 206-207.
- — Self-suppletive function of, ix. 207. A deputy for whom he is responsible, to act when he is unwell or the office is vacant, ib.
- Prime Minister—Term of service of, ix. 207-208. Limited—suggestion of four years, 207. Restriction on reeligibility ib. Election of successor, 207-208.
- — Remuneration of, ix. 208.
- — Who locable as, ix. 208. No monarch or person of royal blood, ib. A residence qualification, ib.
- — How located, ix. 208-209. Chosen by the legislature, 208. Method for uniting open and secret voting, 208-209.
- — How dislocable, or removable from place, ix. 209. By the legislature or the constitutive, ib.
- — Registration system for the office of, ix. 209. Use of the manifold mode of writing for the distribution of exemplars, ib.
- — Publication system of, ix. 209-212. The use of, in bringing the matters of every department to the knowledge of any person to whom they may be of use, 209-210.
- Impediment to Publicity—Expense, 210. Publicity useful, both for the general service of the public, and for particular service, ib. Exceptions where the evil would be preponderant, ib. Instances—Suffrage of Electors, Army, Navy, Preventive Service, Health, Foreign Relation, and the Judiciary Departments, all liable to a demand for secrecy, ib. Limits to the time during which the secrecy is necessary, and then demand comes for publicity, 210-211. Publication—internal to the official establishment, or external, 211. The former, registration—the latter, printing, ib. Rules for limiting the exceptions in favour of secrecy, 211-212.
- — Securities for appropriate aptitude on the part of, ix. 212-213. Registration, Publication, Dislocability, &c., 212. Responsibility to attend to complaints against subordinates, 212-213.
- Primogeniture—Barbarous origin of, and evil effects of in preventing the beneficent distribution of property, ix. 17-18.
- Primum Mobile—Expression "source of motion" preferred to, viii. 131-132.
- — The kinds of, enumerated, vii. 84-85.
- Principal facts—General view of, as objects of penal and non-penal procedure, vi. 215-216.
- — distinguished from evidentiary, vi. 44, 208, 215. See Circumstantial.
- — and evidentiary—Difficulty of showing connexion between the correspondent classes of, vi. 216.
- Principals and accessories—Reference of questions as to, to contracts, iii. 177.
- Principle—Definition of the term, i. 1 n †.
- Definition and application of a, iii. 215; wherein distinguished from a rule, ib.

Principle—The, of utility, i. 1-4.  
 Principles adverse to utility, i. 4-13.  
 — All declarations of, are statements that a person has formed a certain opinion, ix. 3-5.  
 — Leading, of the Constitutional Code, ii. 269-274.  
 — as applied to a general system of law—wherein they consist, iv. 494.  
*Principles of the Civil Code*, i. 299-364.  
*Principles of International Law*, ii. 535-560.  
*Principles of Judicial Procedure*, ii. 5-181.  
*Principles of Penal Law*, i. 367-580.  
 Printing—Superiority of, to writing, for transcripts, vii. 140.  
 — of legislative acts preferable to the French system of registering, iv. 311.  
 Prior—Matthew, referred to, vi. 314-315.  
 Prior *et* Powers—Case of, cited, vi. 226 n \*.  
 Prior and posterior acts considered as principal and probative, vi. 47-48 ; vii. 62-64.  
 Priority—as one of the Aristotelian Post-predicaments, viii. 236.  
 Prisons—Arrangements of, in regard to debtors, and the various grades of criminals, i. 429-431.  
 — Principle on which reform as to, should proceed, ii. 251-252.  
 — Exclusion of visitors from, when and how far necessary or useful, iv. 23.  
 — Proper system of visiting—Rotation of visitors, &c., iv. 25.  
 — Application of the Panopticon system to, iv. 37-248.  
 — Attention in their locality and construction, to their protection from mobs, iv. 105-109.  
 — Contamination in, fostered by judicial delays, v. 468.  
 — The corruptive influences of, enumerated, viii. 418-419.  
 — Regulations for, adapted to a Mahomedan state, viii. 586-587.  
 — Authority of the Health Minister in regard to, by the Constitutional Code, ix. 444.  
 Prison-breaking. Obviation of, by the Panopticon arrangements, iv. 46.  
 Prison discipline—Possibility of carrying the solitary system too far in—only to be adopted so far as necessary to subdue the refractory, and obviate contamination or combination, iv. 71-76.  
 — — Religious worship as a department of, iv. 78-79.  
 — — Giving an opportunity for inspection by strangers as a part of, iv. 78-79.  
 — — Evils inseparable from, and incidental to, i. 421-422.  
 — — Airing and exercising yards, and method of parading prisoners, as connected with, iv. 98-105.

Prison discipline—Work containing a complete system of, a desideratum, iv. 121.  
 — — Prejudices and feelings that interfere with the practice of a complete system of, iv. 121-122.  
 — — Objects of—Example, good conduct and decency, prevention of undue hardship, regard to health, security from fire, safe custody, future subsistence and good behaviour, religious, and other instruction, comfort, economy, subordination, iv. 122.  
 — — General indifference to, because the rich feel contamination an evil to which the poor only are liable, v. 533.  
 — — See Cells: Contract: Convicts: Dungeons: Hard labour: Imprisonment: Panopticon: Ventilation.  
 Prison fees considered, i. 423-424.  
 Prisoners—Judicial examination of, vii. 39-44. See Self-inculpatve Testimony.  
 — for trial—whether they should be set to work, iv. 59-60.  
 — Escape of. Responsibility for, i. 478.  
 — Enlargement of punishment of, for conduct in confinement, iv. 26-27.  
 — Adaptation of cells to facilitate their labours, iv. 74.  
 — Liberated—Plan of a Provision for, as subsidiary to the Panopticon, iv. 165-171.  
 Privacy, with regard to judicature and evidence, ii. 44 ; vi. 28, 351-380. See Publicity and Privacy.  
 — Cases in which extraction of evidence should be subjected to, vi. 27-28.  
 Private acts—Waste of the time of Parliament on, ix. 118.  
 Private copditions—Rights and obligations attached to different, i. 343-358.  
 Private judgment. Blackstone against the right of, i. 230.  
 Private offences—Characteristics of, i. 139-140.  
 — — distinguished from the other classes, i. 97.  
 — — Divided into offences against the person, against reputation, against property, against condition, against person and property together, and against person and reputation together, i. 99-100.  
 — — The genera of, i. 113-137. See Condition: Person: Property: Reputation.  
 — — Division and subdivision of, iii. 164-165. See Offences.  
 — — Characters of, iii. 172-173.  
 Privation—The pains of, i. 19.  
 Private punishments or Forfeitures, i. 451-475. See Forfeitures.  
 Privilege—Grants of, held immutable, ii. 404.  
 Privileges—Rewards by the granting of, ii. 200.  
 — Sieyes' doctrine as to, criticised, ii. 533.

- Privy Council—Inquiry as to the method of summoning members to, for judicial business, and information on the subject, x. 430-431.
- Prize. *See* Reward.
- Prize court—Jobbing in, vi. 41 n.
- Prize money—Arrangements regarding, in the Constitutional Code, ix. 381-383. *See* Defensive force.
- Prize system—Abuses in the, ii. 215.
- Prizes for discoveries, experiments, &c.—a service which Government may do to trade, iii. 71.
- Probability and improbability—Relative, vi. 46. *See* Improbability.
- Probabilities—an illustration of the practical use of arithmetic, viii. 161.
- Price's views on, vi. 243.
- Probabilizing facts, in connexion with evidence, vii. 4.
- Probates and Letters of administration—Incidence of the duties on, ii. 592.
- Probatio*—Roman division into *plena, minus plena*, &c., vi. 231.
- Probation as an operation in procedure, ii. 25.
- Analysis of the operation of, ii. 60-61.
- Probative, applied to the school exercises which are not for teaching, but for proving proficiency, viii. 44.
- Probative force of evidence—The elements of, analyzed, vi. 220-223. Admits of degrees, 220. The ordinary degree, that which produces belief in mankind, ib. Legislator should provide for its being as great as possible, 221. By what circumstances increased—quality of witnesses—number—real evidence, ib. By what circumstances diminished, 221-223;—circumstances regarding source, 222—regarding shape, ib. Remoteness from seat of perception, 222-223.
- — how estimated, vi. 14.
- — Sources of increase and decrease in, vi. 14-15.
- — and persuasion—Degrees of, how measured, vi. 16-17, 223-235. Importance of correct expression for the degrees, 223-228. Elements affecting the amount of persuasion in witnesses, 224. Ambiguity of ordinary language, ib.—application of mathematical, ib. A scale of persuasion, 225; application of it to witnesses, 225-227; to judges, 226-228; to appeal, 228; to pardon, ib.; to other cases where the same question moved, 229; where punishment administered *pro modo probationum*, 229; to scientific evidence, ib. Incapacity of ordinary language for expressing the degrees, 229-230. Attempts in England, 231-232. Infinite scale, though the only true one, inapplicable, 232-234. Objections of M. Dumont answered by the Editor of the original edition of *Rationale of Evidence*, 234-235.
- Probative force—compared with trustworthiness, vi. 17 n \*.
- — The utmost that a case is capable of need not be insisted on, vi. 233.
- — Questions of incredibility are questions of, vii. 80.
- — Instructions from the legislator to the judge for estimating, vii. 563-598. *See* Instructions.
- — of circumstantial evidence, vii. 64-68. No positive rules, (vi. 50-53) vii. 64. Search on all occasions for improbable suppositions, ib. The number of links in the chain of presumptions renders it less strong, 65. Psychological facts can never be considered conclusive—physical may, 66; yet physical should not be subject to absolute rules, ib. Warnings to prevent under and over valuation, 67.
- — of circumstantial evidence—Errors of legal systems in regard to, vii. 68-73. Insufficiency of the whole, on the ground of defect in, or want of, particular articles, 68-69. *Corpus delicti*, 69. Coke's theory of presumption, 69-70. General circumstantial, received to exclusion of special direct, 70. Wager of law, ib. Expuratory oath, ib. Oath in supplement, 71. Facts excluded on ground of being weak, ib. Records of courts, 71-72. A single article set out as itself conclusive, 73.
- — of circumstantial and direct evidence compared, vii. 73-75.
- — of extrajudicially written and hearsay evidence—instructions concerning, vii. 134-137.
- — of transcriptitious and hearsay evidence compared, vii. 142.
- — loss of, to evidence, in passing from one medium to another, vii. 155.
- Probity—Rules of, those which principally require legislative interference, i. 147.
- an ingredient in trustworthy opinions, ii. 388.
- excluded as a virtue on the part of a nation, ii. 537, 552, 555-556.
- Men in office arrogating to themselves, ii. 412.
- PROCEDURE—JUDICIAL—Code of—Source of the reasons that should accompany, i. 162.
- Code of—Initial Sketch of the, ii. 178-181.
- — Plan of the Code of, with reference to the other codes, iii. 204-205.
- — Diminution of uncertainty in, as a precaution against crimes, i. 558-559.
- — Principles of, ii. 5-181;—
- — Preface to Principles of, ii. 5.
- — Introduction to the Principles of, ii. 5-8; meaning of the term, 5. Adjec-

- tive law, 6. Evils of the present system and interests producing it, *ib.* Arguments used for stopping the progress of improvement, 6-7. Efficacy of Public-opinion Tribunal, 7. Necessity of rejecting the Technical system, *ib.* Leading features of the author's system, 7-8.
- Procedure—Judicial—General view of, in connexion with the ends of judicature, *ii.* 8-11.
- — Relation of, to the rest of the law, *ii.* 15-22. Two objects—power to fulfil the substantive law, and means of ascertaining truth of facts, 15-16. Smallness of difference between the means in the penal and in the non-penal, 16-17. Ends of penal procedure, direct and collateral, 17. Juridical vexations—consumption of time, confinement, expense, and anxiety, 17. Delay, a suspension of the primary end of procedure, 17. Avoidance of it, *ib.* Avoidance of precipitation, 17-18. Ends of procedure, if correct, will furnish principles for trying propriety of regulations of procedure, 18-19. Mischiefs which will exist notwithstanding efforts to the contrary, 19. Analysis of these, 19-20. Observance of the whole comprised in the phrase, "rendering justice," 20. Distinction between real and apparent justice—necessity of procedure giving the latter as well as the former, 20-21. Prejudices reducing the alarm that would arise from want of the latter, 21-22.
  - — Subject matters of, *ii.* 23-24.
  - — All-comprehensive arrangements as to, *ii.* 24-28. Division into operations, instruments, and stages, 24. Operations—Application, Execution, Probation, Accommodation, 24-25. Instruments—personal, real, and written, correspondent to operations, 25-27. Judication, with relation to partition of territory, communication, &c., 27-28.
  - — Practical general rules as to, *ii.* 28-33. Minimization of evil, by regard for ends of justice, 28. Rules for guarding against and compensating irreparable evils, 28-29. Rules for guidance of judge in exercise of his ulterior powers, 29-31. No inflexible regulations, 31-32. Substitution to inflexible rules, 32. Inquiry which side most likely to be in the right? 32-33.
  - — between parties distant from each other, *ii.* 99-105. Pursuer personally repairing to defendant's judicatory, 99-100. Epistolary mode, 100. Difficulties from want of confrontation, and proposed remedies, 100-101. How testimony of witnesses to be dealt with, 101-102. Ready written and real evidence, 102-103. Friendly Bondmanship, or Bail, 103-105.
  - — before appellate judge, *ii.* 166-167.
  - — Arrangements of for the purposes of
- the proposed Equity Dispatch Court, *iii.* 409-427.
- Procedure—Judicial—Every rule of, that does not bend must break, *iv.* 322.
- — Prayer of Petition for justice in relation to, *v.* 500-503. Personal appearance at commencement 500-501. Party himself, with exception of cases of mere information, 501. Arrangement of appropriate excuses that may be pleaded against obeying judicial mandates, *ib.* Instead of judge-made law, judges to propose amendments *in terminis*, *ib.* Proceedings to have regard to convenience, *ib.* All available evidence to be elicited, *ib.* The principle of suretyship to be given all practicable extent to, *ib.* Different forms in which it may exist, *ib.* Occasions for exacting security, 501-502. The form of eliciting evidence to be oral, recorded, or epistolary, according to paramount necessity, *ib.* Epistolary to be subject to oral examination where expedient, *ib.* No oath, and punishment for falsehood, *ib.* Series of disputes between parties to be entered into, and balance of satisfaction struck, 502-503. Minutation of evidence, 503. Helpless litigants' fund, *ib.* Fines on parties in the wrong, *ib.* Language of procedure code to be made intelligible, *ib.*
  - — Publicity and privacy considered with regard to, *vi.* 351-360. *See* Publicity.
  - — Exclusion of evidence occasioned by blind arrangements of, *vii.* 537-542. Place good in a par with bad cause, 537. Secrecy of the Roman system, 538. Short time allowed for trial in England, 538-540. Examination by commission, with Gilbert's reasons for secrecy, 540-542.
  - — in relation to imprisonment for debt—natural as distinguished from technical, *vi.* 135-136.
  - — Blind fixation of times for operations of, *vii.* 239-240.
  - — Letter to the Duke of Wellington on the reform of the system of, *xi.* 9-12.
  - — English system of—Evils of, generally unadverted on, *ii.* 10-13.
  - — Scottish system of, Judge-made, *v.* 5.
  - — Position of, in a general division of the law, *ix.* 8.
  - — Prescription or bearing of, to the Constitutional Code, and principles that should rule it, *ix.* 40.
  - — Place that should be occupied by, in the Universal Code, *iii.* 162.
  - — *See* Account taking Judicatories; Appeal; Application—judicial; Communication—judicial; Compensation; Counter-security; Demand-paper; Evidence; Execution; Forthcomingness; Hearing—initiatory; Jury; Proxies; Quasi-appeal; Quasi-jury; Recapitulatory examination.
- Procedure Law—Principles of, in reference



- to the Constitutional Code, ix. 25-27. Inseparable burthens—delay, vexation, and expense, 25. Minimization of burthens, maximization of benefits, the true object, *ib.* Difficulties to contend with where there is an unorganized law, as in England, 25-26. When there is a real law, little difficulty in bringing it to the notice of the judge—difference as to facts, 26. The field of evidence, and its department—forthcomingness, 27.
- Procedure—Natural and Technical systems of, compared, ii. 169-178. Costs, 169. Long imprisonment *ib.* Imposition of fixed sums without regard to wealth or indigence, 169-170. Arbitrary fixation of time for operations, 170. Transference from Judicatory to Judicatory, *ib.* Writ and declaration in common-law suit, *ib.* General issue—distance of Judicature and fixed time for trial, 170-171. Proceedings by indictment, 171. Grand Jury, *ib.* Absence of parties—interest of professional lawyers, *ib.* Corruption of the public mind, 171-172. Extortion and oppression, 172. Diversification of modes of eliciting evidence, 172-173. Bill in equity, 173. Special pleading, 173-174. Irresponsibility of party for averments, *ib.* Written pleadings, 175. Diversity of actions, 175-176. Record, its irrelevancy and uselessness, 176-177. Interval between opinative and imperative decree in some criminal cases, 177. Needless concurrence, *ib.* Arrest in mesne process, 178. Absence of remedy to wives against cruelty of husbands, *ib.* Fundamental principles of natural procedure, *ib.*
- — — Arrangements of former contrasted with devices of latter, v. 8-14.
  - — — Honest litigants go to courts of the former, dishonest to those of the latter, v. 22.
  - — — distinguished, and the courts in which they are respectively used—in Scotch Reform, v. 7.
- Procedure—Summary. Recording convictions on, vi. 414.
- — and regular, generally contrasted, iii. 321.
- Procès-verbal—an instance of extempore recordation, vi. 82.
- Processions—Religious—Principles that should regulate the sanction or suppression of, ii. 514.
- Procrastination, dilatoriness, &c., as indicative of motives, i. 204.
- — Argument for, in the statement that the time for a measure is not yet come, ii. 432.
- Proctor—uses excommunication as a means of getting his bill paid, vii. 425.
- Procurator mandate—in the Constitutional Code, ix. 254-255.
- Procureur de Roi—The French. How far his office differs from that of Attorney-General, iv. 405.
- Prodigals—Popularity of, iii. 17.
- Principles of the interdiction of, considered, i. 332.
- Prodigality—how far it should be discouraged by refusing relief to poverty, i. 314-315.
- Prevention of, as an argument in favour of the Usury Laws, iii. 5-7. Prodigals generally adopt other means, 5-6. If they can give security, will get at as low interest as others, *ib.* If they have no security, will not get at any interest, 6. Generally borrow among their friends, *ib.* Get credit from tradesmen, 6-7.
- Produce—Right to, involved in title to land, i. 327.
- Production, as a means of abundance, ix. 13-14. The increase of, natural, or by operation of law—latter deprecated, *ib.*
- Bounties upon, considered, iii. 59-61. *See* Bounties.
  - Exemptions from taxes on, act as bounties, iii. 62.
- Profanation—Classification of the offence of, in the Penal Code, iii. 171.
- Profession—Choice of, as a duty of guardians, i. 347.
- Nature of, as a condition in life, i. 135-136.
  - The mind strengthened for the pursuit of, by right education, viii. 11-12.
  - Sensibility to the operation of the moral sanction as affected by, i. 457.
  - Restrictions regarding, in connexion with punishment, i. 436.
  - Whether men should be tempted from, to fill public offices, by high remuneration, v. 310-313.
- Professions of honesty, &c., by individuals No regard to be paid to, iii. 526.
- Professional education and monopoly considered, ii. 51.
- assistant—Reasons for permitting to a litigant, ii. 50-51 ; vi. 337-338 ; vii. 227 n ||.
  - Lawyers—Provisions regarding, in the Constitutional Code, ix. 589-597. *See* Lawyers.
  - opinion. The authority of, ii. 388-389.
  - privileges and condition—Nature of, iii. 167.
- Professorships that should be established in central towns, ii. 257.
- Proficiency-promising principle, in the management of the Chrestomathic school, viii. 49-50.
- Profiles—Publication of, a means of discovering criminals who have escaped, i. 558.
- Profit—Participation in, by felons condemned to labour, as an inducement to work, iv. 12-13.

Profit from the labour of convicts, as an ingredient in prison discipline, iv. 50.

- Moral effects of the deriving of, by the support of particular opinions, ii. 264.
- of an offence—Definition of, i. 87 n †.
- of an offence, should be outweighed by the punishment, i. 399-400.
- of punishment—how to be estimated, i. 398-399.

Profits of stock-brokers and bankers—Proposal to obtain revenue by taxing, ii. 599-600.

- Average, are in the inverse ratio of productive capital to expenditure, iii. 57.
- Application of, in the Panopticon on the contract principle, iv. 48.

Profligacy—Political. Exhibition of, in Hamilton's Parliamentary Logic, ii. 385.

- Fallacy of considering the resignation of emolument a mark of, ii. 464-465.

Progress-registration principle in the management of the Chrestomathic School, viii. 49.

Prohibited degrees with relation to marriage, i. 350.

Prohibition—Commercial. Mischievousness of, ii. 549.

- on rival productions—Evil of, as compared with bounties, &c., iii. 63-64. In what cases useless, 63. In what hurtful, 64. A refusal to participate in the natural advantages of other nations, ib. Custom-house expense, ib. Selfishness and immorality, ib.
- on rival imports—either inefficacious or mischievous, iii. 64.

Prohibitory and restrictive commercial system—The, discussed, iii. 88-100. *See* Restrictive.

Projects—Utility of a treatise on, distinguishing useful, from impostures, iii. 51-52.

Projectors in arts and manufactures—Defence of, against the effect of the laws against usury, iii. 21-29, 47-52. The term is one generally used in reprobation, 21. The restriction strikes against all improvement and amelioration, 21-22. Loans on high interest peculiarly adapted to, 22. Usury laws have not the effect of separating the good from the bad, but merely the old established from the new, 22, 48. Projectors the cause of national prosperity, which would be increased by removal of trammels, 23, 49. These, instead of suppressing the bad, merely narrow the field of both good and bad, 24. A less strong case than the restraint of prodigality, 25. The requisites of genius and courage make projectors a small number, ib. Impertinence of the legislature interfering with the arrangements people think best for themselves, 25-26. From greater ex-

perience skill and civilisation, future projects likely to be more successful than past, 26. Loans infer the benefit of the lender's opinion, 27. Though all the projectors themselves should be ruined, yet the community may be benefited, ib. Illustration of the judgment misled by an expression, 28. Causes of Smith's error, 28-29. Remedy—expunging the Usury laws, at least as regards projectors, 29. Difficulties which ingenious men have to combat with in introducing their works to notice increased by the law, 49-50.

Prolixity, as contradistinguished from redundancy, x. 74.

- in laws—Evils of, iii. 208.

Promise—Ends served by referring the connexion between governors and governed to a, i. 269-270.

Promises—Performance of—how far an absolute principle, ii. 224.

- divided into unilateral and bilateral, iii. 191-192.

Promissory oaths—Nature and effect of, vi. 29.

- — False distinction of assertory from, v. 191-192.
- — The abuses they may be made to support, illustrated, ii. 408-409.
- — Arguments as to the inefficacy of, abridged, v. 514-515. *See* Oath.

Promotion—Anomalies in the system of, in the British army, ix. 363.

- Military arrangements for, in the Constitutional Code, ix. 358-366. *See* Defensive Force.

Prompting witness by suggestive interrogations, vi. 394.

Promptitude of answer—a security for truth in examination of witnesses, vi. 383.

Promulgation of the laws urged, i. 323.

- — — Essay on the, i. 157-163. Neglect of, in modern times, 157. Would convert unwritten into real law, ib. Impossibility, however, with such a mass of matter as the English laws, ib. Natural notoriety of some laws, 158. Promulgation of the Universal code—Schools, Churches, different places, translations, 158-159. Particular codes—applicable to conditions in life, contracts, 159. *Promulgation of the reasons*, 160-163. For making the sovereign acquainted with them, 160. Making them more interesting and comprehensible, 160-161. Assistance to memory, 161. Disarming popular objections, ib. Assistance to judicial interpretation, ib. Aid to perfectibility of the law, 161-162. Tendency to communion of legislation, by letting nations know each others laws, 162. Sources whence the reasons should be drawn in the Civil, Penal, Procedure, and Financial codes, ib. Reasons assigned in Police

- Finance and Political Economy—Turgot and Necker, 162-163. Utility should be the base of reasons, 163.
- Promulgation of the laws—Blackstone's notions of, attacked, i. 233.
- — — Passage in Blackstone presumed to favour, i. 294-295.
  - — — as the general object of their form, iii. 236-237.
  - — — Want of provision for, in England, iv. 312.
  - — — Plan for, by the French National Assembly, criticised, iv. 311.
  - — — Enforcement in the absence of, is tyranny, vi. 519.
- Promulgation paper for publishing the tenor of laws, applicable to particular contracts, vi. 65, 67, 522, 528, 578.
- — with forms of deeds, &c.—Utility of issuing, iv. 455.
- Pronouns—Invention of, by the operation of abstraction, viii. 326.
- divided into substantive and adjective, viii. 348.
  - substantive—bear the same relation to other parts of speech as the noun-substantive, viii. 188.
- Pronunciability as a property desirable in language, viii. 305.
- Pronunciation—Remarks on, x. 569.
- Proof—Denial of. Remedy for, ii. 163-164.
- Burden of, vi. 136-139. *See* Burden.
  - Full—the term discussed, vi. 231.
  - Necessity of founding the assumptions of legislative assemblies on, ii. 364.
  - through examination of parties, &c., in proposed Dispatch Court, iii. 418.
  - *See* Evidence.
- Propensities—proper subjects of the attributes good and bad, &c., i. 216-217.
- Vicious. Proper penal systems should keep a perpetual check on, iv. 175.
- Property—Nature of, vii. 81 n.
- Definition of, i. 308-309.
  - What constitutes, iii. 182.
  - What constitutes, in an individual, i. 25.
  - the creature of law, i. 307, 308-309.
  - Laws favouring the security of, the best for advancing national wealth, iii. 203.
  - as an object of security by the law, iii. 213.
  - as an object of security by the Constitutional Code, ii. 270 n.
  - Evils of compelling the owner to dispose of, i. 321-322.
  - Justifiable limitations on the right of, i. 313-314 n.
  - Attacks upon the security of, i. 318-321.
  - Evils resulting from attacks upon, i. 309-311. Evil of non-possession, 309.
  - Pain of loss, 310. Fear of loss, ib.
  - Destruction of industry, 310-311. Impracticability of a continuous equal distribution, 311-312
- Property—General partition of, discussed, i. 358-364. *See* Levelling System.
- General partition of. Effect that would be produced by, i. 303.
  - General partition of. Democratic representatives have no interest to propose, iii. 471, 475.
  - General partition of, impossible and not designed, iii. 605-608.
  - General partition of. Conditions to embarking in, iii. 605-606.
  - Objects of, distinguished from those of condition in life, i. 108-110, 135-136.
  - Titles which confer a right of, i. 326-330. *See* Titles.
  - Disposal of, by intestate succession, i. 334-336.
  - Deficiency of means of acting on, by English procedure, ii. 104.
  - Seizure of—purposes for which it may be authorised, ii. 117.
  - How the nature of, affected by the requisites for proof of title, iii. 134 n.
  - Shaking the foundations of—Use made of allusions to, iii. 390 n.
  - The declaration of an imprescriptible right of, in the French Declaration of Rights, criticised, ii. 503.
  - Inviolability of. Terms of the first French Declaration of Rights as to, criticised, ii. 521.
  - as one of the rights of man. Clauses as to, in the second French Declaration, criticised, ii. 524-526, 529.
  - Sieyès' doctrine of the liberty of disposal of, criticised, ii. 532-533.
  - Principles that should rule the attachment of, for debt, &c., iii. 353-354.
  - Security of—how far depending on a good system of law language, iii. 271.
  - Legitimate influence of—uses made of the term in political disputes, iii. 483-484, 548.
  - Fallacy of its being the only pledge of attachment to country, iii. 560.
  - Men of, would suffer less than labourers, by a general partition, iii. 608.
  - a subject of Preappointed evidence, vi. 508.
  - The amount of felicity shown not to rise with the arithmetical ratio of, ix. 15-16.
  - The word employed instead of the term "rich men," as a means of political delusion, ix. 76-77.
  - Transfers of. Plan for a register of, in the Constitutional Code, ix. 633-634.
- Property—Offences against, a division of private offences, i. 99-100.
- — — Peculiarities connected with, i. 108.
  - — — Divided into eighteen genera, i. 116-118.
  - — — Influence of time and place on, i. 176.
  - — — as a subdivision of private of-

- fences, iii. 165-166. Divided into those affecting the right, and those affecting the use, *ib.*
- Property—Offences against. As a subdivision of self-regarding, and of semi-public offences, iii. 168.
- — — How satisfaction for, to be measured, i. 372.
- Property and person—Offences against, i. 100, 119.
- Property—Real—Outline of a Plan of a General Register of, v. 417-435.
- — — Commentary on Mr Humphrey's outline of a code regarding, v. 387-416.
- — — *See* Real Property.
- Property qualification of members of Parliament—Illustration of the operation of, iii. 484.
- Property tax—Objections to a, ii. 518.
- — — Incidence of a, ii. 580.
- Properties to be given to a lot of punishment, i. 402-406.
- Prophylactics—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Propinquity and remoteness in the measurement of Pleasure and Pain, i. 16.
- Proposal—Codification, addressed to all nations professing liberal opinions, iv. 535 *et seq.*
- Proposition—No determinate information conveyable except in a complete, viii. 81.
- How distinguished from a sentence, viii. 187.
- Three elements in a—name, attribute, and copula, viii. 186.
- Accessory ideas of words which amount to—Gender, number, &c., viii. 190.
- Distinction between, in a mathematical and in a logical view, viii. 104 n.
- Mathematical—Not true unless it have some physical representative, viii. 163.
- Propositions, contain four parts; subject, quality, relation, and existence, viii. 337.
- Words are integers of, viii. 188.
- The production of clearness in, as a branch of Logic, viii. 242-253. *See* Exposition.
- Imperfect views of the nature of, by the Aristotelians, viii. 337-338. Divided by them into only two elements instead of four, *ib.*
- The matter of all language, whether civilized or barbarous, viii. 321.
- Discourse when first uttered must have embodied, viii. 322.
- Terms formed out of, by analysis, viii. 322.
- Analysis of the matter of, and descriptions and definitions of the various kinds of, viii. 333-334.
- Names of subjects of, analytically considered, viii. 335.
- Predicative branch of, considered, viii. 335-336.
- Propositions expressive of the state of the perceptive faculty, considered as having, for the source of the perception, a corporeal object, viii. 336-337.
- Propositions in Geometry—Proposal for proving, in the purely verbal method, without the aid of diagrams, viii. 155-160.
- Proprietors—Landed—Their corruptive power in elections, ii. 479-482.
- Prorogations—a device of the monarch to get rid of opposition and trouble in Parliament, ix. 164-165.
- Prosecution. Impediments to, a cause of impunity of crime, i. 559.
- of offences—Rewards for, and punishment for neglecting, ii. 197.
- of offences—Impediments to, in the expense, &c., ii. 213-214.
- Prosecutions—Criminal—Hardship and mischief to the public in throwing the cost and responsibility of, on individuals, iv. 402-403.
- for offences—The defective system of, both according to English and Roman law, viii. 538-539.
- Prosecutor, gives evidence before grand jury, without cross-examination, vi. 472.
- Testimony of, according to English practice, vii. 489-496. *See* Plaintiff.
- The taking the evidence of, in criminal, and not in civil cases, considered, vi. 475.
- in case of reward—Exclusion of testimony of, vii. 490-492.
- Deposition of, before a justice, in case of felony, vi. 471-472.
- Prosecutor—Public. No necessity for his finding security, ii. 107.
- — — Provision for, in Constitutional Code, ix. 570-577. *See* Advocates—Government.
- Prosecutors—Voluntary—Arrangements as to, in Plan of Judicial Establishment proposed for France, iv. 385-387. Not bound to prosecute, 385. Cases where one may prosecute in preference to Pursuer-General, *ib.* Duty by death, &c., or relinquishment, to devolve on Pursuer-General, 386. Reimbursement, *ib.* Rewards, *ib.* Precautions against collusion, *ib.* Oath, 386-387. Lodging information, 387. Provisions for safety of informer on the one hand, and against malicious mal-information on the other, *ib.*
- Prosecutors and informers—Essay on the best means of supplying, iv. 389-406. Three methods—leaving open to individuals at large; having fixed official; mixture of both, 389. To induce voluntary prosecutors, there must be an interest, 389-390. Giving them, in all cases, a sufficient pecuniary one expensive, 390. Uncertainty of its sufficing, *ib.* Odium and prejudices, *ib.* Gives pardon-power to individuals, *ib.* Difficulty in finding a

- fund for reward, *ib.* An uncertainty of which delinquency would take advantage, 391. Unjust burthen on individuals, *ib.* But though there should be an official Prosecutor, voluntary prosecutors ought not to be excluded, 391-392. They increase the chances of the law being exercised, 392. Prevent arbitrary dispensing power, *ib.* If excluded, Public Prosecutor would create a despotism, *ib.* Such an officer, unless responsible to the people, will be subservient to the Crown, and even the more so that irremovable, 393-394. Would keep out informers, of whom eye-witnesses are the best, 394-395. Prosecutor and witness should not be deemed incompatible, 395. Especially absurd to hold them so in cases of reward for conviction, 396. Evils of sleeping laws, 397-398. Means of securing informers and prosecutors, 398-404. Difference between the English and French crown-officers and the author's plan, 404-406.
- Prosodial-non-significant exercise, or making nonsense verses—Uses of, viii. 46.
- Prospective view of the Rationale of Evidence, vi. 203-207.
- Prosperity—National, caused by the enterprise of projectors, &c., iii. 23.  
— Modifications of the matter of, as objects of security by the laws, iii. 213.
- Prostitutes—their social position, and its causes, i. 545-546. Effect of their being cut off from society, 545. Remedies, 546.
- Prostitution—Effects of, on the individuals, and on society, i. 545.
- Protection of the law—Forfeiture of, as a punishment, i. 474-475, 513-514.
- Protector and protégé—Influence of connexion between, on testimony, vi. 160; vii. 576.
- Protest against Law Taxes*, ii. 573-583.
- Protests in the House of Lords. Nature and effect of, ii. 316-317.
- Protestants—Extent of sensibility of, with regard to religion, i. 174.  
— Intolerance of, to Catholics, ii. 417-450-451.
- Prothonotaries in Common Pleas—their influence in creating the special jury system, v. 76-77 n.
- Proved—meaning given to the word, vi. 230; vii. 4.
- Provisional authentication distinguished from definitive, vii. 183-184.  
— — The distinction between definitive and, unknown to English law, vii. 188.  
— — by archetypal draught, vii. 186.
- Provisional decision, in case of detention of evidence, vii. 379-380.
- Provisional sequestration as a remedy for the effects of judicial delay, vii. 380-383.
- Provisions—Effect of cheapness of, ii. 549.
- Provocation as an extenuation of injury, i. 165-166, 168.  
— Kind of that will extenuate an offence, i. 79.  
— Influence of religious prejudice on the extent of, i. 174.
- Proxy—Conducting litigation by a, ii. 35-36.
- Proxies—Admittance of appearance by, in judicial procedure, ii. 49-52. Circumstances of disability with respect to the party, in which they may be employed, 49-50. Litigational proxies, professional and unprofessional, 50-51. Remedy where they make prejudicial admissions, 50. How far professional lawyers to be employable, and to have exclusive privilege, 51. Application by unauthorized proxies, for prevention of damage, 51-52.
- Prudence—Nature of the quality, i. 143.  
— Private ethics—not legislation—can enforce, i. 146.  
— Extra-regarding, and self-regarding, as elements of official department, ix. 307-308.
- Prudential-præterition Fallacy—leaving an unanswerable argument unnoticed, x. 521-522.
- Prudential impracticability defined, vi. 328 n †.
- Prussia—Law of, noticed, i. 349; vii. 18.  
— Pensioned counsel in, iv. 319.  
— illustrative of the safety of popular education, viii. 20.  
— Ranks of nobility in, ix. 87.  
— State of society in the army of, ix. 422.  
— The ineligibility of, as an ally for Britain in 1789, x. 207-208.  
— Letter to Bentham on the Political position of, in 1794, x. 297-300.  
— Advantages of the registration of land illustrated in, x. 350.
- Psammographic (or writing on sand) principle, in the management of the Chrestomathic School, viii. 53-54.
- Psychical entities—Logical uses of distinguishing from physical, iii. 286.
- Psychological causes of correctness and completeness, and the reverse, in testimony, vi. 247-250.
- Psychological facts—a better field for mendacity than physical, vi. 246.  
— — Improbability as regards, vii. 113-114. Inapplicability of the term impossibility, 113-114. Absence of conformity in, 114. Nature and effect of what is termed freedom of the will, *ib.*  
— — Inquiry as to, necessary in evidence as to crime, vii. 2.  
— — and physical facts distinguished, vi. 216-217.
- Psychological impossibility considered as a disprobative fact in evidence, vi. 47.
- Psychological Pathology—a term for the Philosophy of the intellectual powers, viii. 88.

- Psychology—Use of extending the employment of the word matter to, ii. 287-288.
- Position of, in a general division of Arts and Sciences, viii. 84.
- Public—when suits considered as, ii. 80.
- Public—The. Protected by protection to individuals, i. 321.
- — Means of protecting from particular offences, i. 553-556.
- — Different classes of, in relation to the forming a judgment, ii. 313.
- — How far costs of litigation should be defrayed by, ii. 112.
- — being benefited by litigation, should share in the expense, ii. 576.
- — Appropriation to, of successions, which would otherwise fall to relations beyond the prohibited degrees, ii. 585-598. *See* Supply without burden.
- — the best for watching judicial proceedings, found in metropolis, iv. 348-349.
- Public Account-keeping*—Essay on, v. 383-386.
- Public discussion—Letters on, to the Spanish people, ii. 275-297.
- Public esteem—the most efficacious reward of passive virtue, ii. 233.
- Public force—Offences against, as a subdivision of public offences, iii. 169-170.
- Public houses—Licensing system of—Correspondence with O'Connell on the injustice of, xi. 24-25.
- — Counteracting tendency of holding Benefit Societies in, viii. 414.
- Public instruction—Codification and; papers on, addressed to authorities in the United States, &c., iv. 451-533.
- — Circular on, to Governors of United States, iv. 531-533.
- Public meetings. Reasons for liberty to, ii. 281.
- — *See* Meetings.
- Public offences distinguished and analyzed, i. 101-104. Against external security, 101-103. Against justice, ib. Against the preventive branch of the police, ib. Against the public force, ib. Against the positive increase of the national felicity, ib. Against the public wealth, ib. Against population, ib. Against the national wealth, ib. Against the sovereignty, ib. Against the national interest in general, ib. Against religion, 101, 103-104.
- — Characteristics of, i. 141.
- — The place they should occupy in the Code, iii. 162.
- — Subdivisions of, iii. 169-171.
- — Characters of, iii. 173-174.
- — particularly unfit for judicial privacy, vi. 369-372.
- Public offices, as repositories of Preappointed evidence, vi. 553-561. *See* Official Evidence.
- Public officers—Proposal for publishing the emoluments, &c., of, to raise competition, i. 554.
- Public officers—How to ensure the responsibility of, i. 548.
- — Salaries to, sufficiently large to secure them from temptation, i. 548-549.
- — Emoluments of. *See* Offices.
- Public opinion—Moral influence of, vi. 369-372.
- — Sinister interest of, i. 530-531.
- — Punishment by, i. 453-467.
- — Mischiefs produced by directing it against an individual, in the form of contempt, i. 377.
- — Utility of pressing, into the service of the laws, i. 563.
- — Cases in which it does not correspond with the duty of the legislator, i. 464, 531.
- — Influences of on judicature, aided by appeals, ii. 165-166.
- — Influence that the direction of, might have in eradicating fallacies, ii. 486-487.
- — Just influence of, on elections, iii. 448-449.
- — Influence of, on judicial aptitude, iii. 396.
- — Existence and influence of, among communities of criminals, iv. 138.
- — Securities for the expression of, adapted to a Mahomedan state, viii. 584-585.
- Public-opinion Tribunal—General view of the operation of, viii. 561-563. Publicity in the first place to rulers' acts—next to opinions formed on them, 561. The people's, being both judges and subjects, reconciled—exercise of influence, ib. Those particularly cognizant considered as committees, 562. Numbers of judges rising with the extent of the oppression, ib. Sentence, the obstruction of obedience—consequences to which it may lead, ib. No regularity in the conduct of this tribunal, but essential to protection, 563.
- — Attributes of the official judicatories enumerated, for the purpose of comparison with, viii. 563-564.
- — Constitution of, as a judicatory, viii. 564-566. At the head of the functionaries, the newspaper press, 564-565. Analysis of the elements of the tribunal, as consisting of the public at large, 565. The merely speaking members the foundation—these cannot be extinguished, 565-566. The committees and sub-committees—according to the connexion which they have with any particular transactions, 565-566.
- — Functions of, compared with those of the official judicatories, viii. 566-568. Enumeration, 566. Application to news papers receiving accusations, 567. Defences, ib. Receiving evidence—through casual correspondence, &c., ib. Expression of opinion and judgment, 567.

- Diffusion and execution of judgment, 567-568.
- Public-opinion Tribunal—Power of, compared with that of the official judicatories, viii. 568-572. Means of execution and effect—number of the persons who concur with the unofficial judicatory, a counterpoise to the physical force of the official, 568-569. Extent of the incorporeal field—the subjects on which decision may be given, 569. Defect in the party divisions, ib. Aristocracy and democracy—former constituting opponents to the free exercise of the judicatory, 569-570. Circumstances which turn the scale in favour of freedom—disagreements as to succession and share of power, division of parties, &c., 570. The competitions of statesmen—a perpetually-acting cause of weakness in a monarchy or aristocracy, 570-571. A disadvantage to the Public-opinion Tribunal, in the incapacity to act in concert—local distance and impediments thrown in the way by adverse governments, 571-572.
- — — Actual power of, in the average case, is as the number of suffrages, viii. 572.
- — — in relation to the Constitutional Code, ix. 41-46. Though called opinion, operates by the anticipation of action springing from it, 41. To be considered as in full assembly, or in committee, ib. Cases where obligatory effects directly follow—jury an example, ib. Operation of the tribunal without expression, in its sentiments being anticipated by persons in power, 42. Facilities for enabling the tribunal to act; notices on public offices of their purpose, hours of attendance, &c., ib. Admonitory rule applicable to functionaries, 42-43. Special rules against official insolence, 43. Reason for strengthening the tribunal—it is a support to good government, an impediment to bad, ib. Composed of two sections—aristocratic and democratic, ib. The latter have the general interest, the former their own peculiar, at heart, 43-44. Subdivision of the aristocratic into political parties, 44. The aristocratic have an interest in the commission of crimes, as they have power to obtain impunity or privilege—the democratic not, ib. Hence the judgment of the aristocracy worked in their own favour, 45. This illustrated in the necessity of juries to check the sinister interest of judges, ib. Neither section without errors, but democratic in maturity comes nearest the truth, ib. Weight of individuals of the aristocratic party—principle to restrict their influence to opinions, where their educational skill useful, ib. Influence of the aristocracy through the operation of taste, 45-46. Difficulty of drawing any absolute line of distinction between the two classes, 46.
- Public-opinion Tribunal—The composition of, as a recognised judicatory, by the Constitutional Code, ix. 157-158. Recognises those who are excluded from the supreme constitutive, ib.
- — — Functions of, as a recognised judicatory, by the Constitutional Code, ix. 158-159. Statistic Function, 158. Censorial, ib. Executive, ib. Melioration-suggestive, ib. Heads for noticing imperfections in the law when amendments suggested, 158-159.
- — — Securities to, against the legislative and judicial departments, in exercising the functions assigned to it by the Constitutional Code, ix. 159-160.
- — — Instructions to, to protect against fallacies the system of instruction and qualification for candidates for office, proposed in the Constitutional Code, ix. 293-294.
- — — Law Reforms to be laid before, ii. 7.
- — — Cases where judges, &c., brow-beat witnesses, should be laid before, vi. 408.
- — — Influence it would have in making litigants tell truth, if examined in open court, vii. 230.
- — — A committee of, called Quasi-jury, to act as assessors to judges, ii. 141-161.
- — — Juries a committee of, ii. 131.
- — — Certainty and expedition of its proceedings, i. 458.
- Public peace—Disturbance of. Vague use of the term in indictments for sedition, v. 258-259.
- Public prosecutor—Advantages of a, ii. 238.
- — — Mischiefs occasioned by the want of, in England, iv. 403.
- — — Provision for, in Constitutional Code, ix. 570-577. See Advocates—Government.
- — — and Defender, to act for the monarch, the public, and the poor, in the Plan of Judicial establishment proposed for France, iv. 384-385.
- — — See Advocates—Government.
- Public purse—Frauds against, supported by prejudices, i. 465-466.
- Public services—Pecuniary and honorary rewards for, ii. 216-218.
- Public spirit—The oscillations of, x. 145.
- Public treasure—how far it should be liable to refund the losses suffered by offences, i. 386-388.
- Public works—Engagement of government in, shows that private capitalists have not confidence in getting the necessary facilities, vi. 67.

Publican—A man converted into, by ex-communication, i. 515.

Publication of accounts in which the public are interested, i. 554-555.

- of accounts of contractors for prisons, iv. 48.
- of legislative debates, vi. 78-79.
- as a security for evidence, vi. 26.
- Means of affecting for evidence, vi. 27.
- of evidence of doubtful veracity, in the newspapers, &c., as a safeguard from deception, vi. 320.
- with regard to deeds—a term used instead of authentication, vi. 550.
- system of, in connexion with the office of Prime Minister in the Constitutional Code, ix. 209-212.

Publicity in Legislative Assemblies, ii. 310-317. *See* Legislative Assemblies.

- with regard to votes of Legislative Assemblies, ii. 367-370. Should be the general rule, 367-368. Cases where it may be dispensed with, 368-370.
- in the operations of the foreign department, urged, ii. 554-560.
- Means of providing for, by architectural arrangements, in those departments of the official establishment where it is required, ix. 325-333. *See* Ministers Collectively—architectural arrangements.
- Necessity of, for laws, vi. 77-78.
- Subjects of, for giving operation to the Public-opinion Tribunal, viii. 572-573.
- with relation to offences—its uses, and its obstacles in fear, indolence, and poverty, viii. 577-579.
- The only protection against judicial oppression, ii. 8-9.
- No necessity for, in accusation, if preserved in judicature, i. 573-574.
- Use of, in retribution for offences against honour, i. 381-382.
- the soul of justice; various shapes in which it is contributory thereto enumerated, iv. 316-317.
- requires to be conjoined with power of appeal to be perfectly efficacious, iv. 340.
- the great safeguard against bribery in English judicature, v. 341.
- as a security for trustworthiness of evidence, vi. 26-27, 284-285.
- as a feature of the Law Tribunals of the Constitutional Code, ix. 493-494.
- Means of securing, in Judicatories, by the Constitutional Code, ix. 535-537.

Publicity and privacy—as applied to judicature in general, and the collection of evidence in particular, vi. 351-380;—

- — — preliminary explanations, vi. 351-354. Relative terms—highest publicity the whole world—highest privacy one person. 351-352. Former cannot exist—latter may, ib. Publicity should be rule—privacy exception, ib. Topics present-

ing themselves for consideration, 353. Means of publicity, natural and factitious, 354. Instruments of privacy, ib.

Publicity and privacy—uses of publicity to collection of evidence and to procedure, vi. 355-359. Check on mendacity and incorrectness, 355. A security for correctness of records, ib. Protects from arbitrariness of judge, ib. A security for the judge's reputation, ib. Makes the court a school of morals, 355-356. All persons should be free to take notes of the evidence, for the perpetuation of these advantages, 356. Same reasons apply to publication of evidence, and of remarks, 357. Has had effect of making judge specify reasons, ib. Argument by Oughton—that publicity gives opportunity for witnesses to conspire, combated, ib.; that they might act in fear of resentment of parties, 357-358. Presence of the Bar, how far advantageous, 358. How far appeal may be a succedaneum to publicity, 358-359.

- — — exceptions to the principle of universal publicity, vi. 359-368. In what respects publicity not necessary, 359-360. Objects for which exemption from it may be sought, 360. Preservation of judge, parties, &c., from violence and annoyance, 360-361. Preventing mendacity-serving information, 361-362. Prevention of disclosure which may tend to non-forthcomingness, 362-363. Preservation of reputation and family peace, 363-367. Regard to decency, 367-368. Preservation of state secrets, 368.
- — — precautions to be observed in the application of the principle of privacy, vi. 369. Concealment should not be by fixed rules—should not exceed what is necessary—should not be the attribute of a particular court, ib.
- — — cases particularly unmeet for privacy, vi. 369-372. Crimes, especially public ones, 369-372. The judge alone should not have right to seclude such cases, 370; nor should he at instance of prosecutor alone, or defendant alone, or both, 370-372. A middle course suggested where secrecy necessary, 370.
- — — Errors of Roman and English law on, vi. 372-380. General sources of errors—the interested parties by whom the laws are made, 372-373. Publicity the leading principle of English—secrecy of Roman, 373. Secrecy in equity courts, and Gilbert's reasons, 374. Wife alienating land with concurrence of her husband, 375. Secrecy before Master in Chancery and other like officials, 375-376. Publication of trials, 377. Affords opportunities of obtaining ulterior evidence, ib. Baffles alibi, 378. The French method of schi-



- tation, 379. Inapplicability in this country, 380.
- Puffendorf—An illustration from, on the extent to which judges should have a suspensive power, iv. 313.
- noticed, i. 150 n +, 341; ii. 524; iii. 158, 220, 292; viii. 128 n.
- Pugatcheff—Imposture of, referred to, i. 568.
- Puget—tutor of the young Grand-Dukes of Russia—Anecdotes of, by Dumont, x. 408-409.
- Pulteney—William, Earl of Bath, noticed, iii. 531; v. 40.
- Pulteney—Sir William—Correspondence with, on charges of ministerial malversation as to the Panopticon, x. 384-386.
- — — Letter to, on the Panopticon Penitentiary project, xi. 121-123.
- Punctuation—Laws of, how far distinctly established, vi. 461.
- PUNISHMENT as distinguished from calamity, i. 15.
- Adjustment of, to circumstances influencing sensibility, i. 32.
- What to be looked to in an act, with a view to, i. 36.
- Effect of the certainty of, i. 70.
- reasons for applying, to certain actions as crimes, i. 81-83.
- General view of the ends of, i. 83 n.
- Cases unmeet for, i. 83-86.—
- unmeet where it is groundless, inefficacious, or unprofitable, i. 83-84.
- Cases in which it is groundless, i. 84  
Where injured party has consented, ib.  
Where the mischief outweighed by benefit, ib.  
Certainty of adequate compensation, ib.
- Cases where it must be inefficacious, i. 84-85. Where it is not assigned before the offence, 84. Where unpromulgated, ib.  
Deprivation of will—Infancy, Insanity, Intoxication, ib.  
Ignorance of the penalty, from unintentionality, unconsciousness, or misapprehension, 85. Danger or fear of mischief counteracting the punishment, ib.  
Physical incapacity to obey the law, ib.
- Cases where it is unprofitable, viz, from the evil of it overbalancing that of the offence, i. 85-86.
- Cases where it is needless, i. 86.
- The properties to be given to a lot of, i. 91-96. Variability, 91. Equability, ib.  
Examples of unequal punishments—  
Banishment, Pecuniary penalty, 91-92.  
Commensurability, 92. Method of measuring by making addition with increase of offence, ib.  
Characteristicness, ib.  
Retaliation, ib.  
The appearance, not the reality, that is efficacious to example, 92-93.  
Exemplarity and frugality, 93.  
Subserviency to reformation, ib.  
Application of this property to particular offences, 93-94.  
Efficacy to disable the offender, 94. Different methods of accomplishing this, ib.  
Subserviency to compensation, ib.  
Absence of unpopularity, 94-95.  
Remissibility, 95-96.  
Recapitulation, 96.
- Punishment—Cases in which it is efficacious, distinguished from those where private Ethics regulates, i. 142-148.
- Impropriety of founding it on the character of motives, i. 215.
- Inefficacy of, as a preventive, without satisfaction, i. 371.
- Rationale of, i. 388 *et seq.*
- Dumont's advertisement to the Rationale of, i. 388-390.
- Definitions and distinctions concerning, i. 390-395. Double application of the term, 391. Acts which constitute punishment, ib.  
Distinguished from other evils by intention of inflictor, ib.  
Objects aimed at in punishment, as directed against positive and negative offences, 392-395. Practical uses of observing the objects, 395.
- Cases unmeet for, i. 397-398. Cases in which it is groundless, 397. In which it would be inefficacious, ib.  
In which needless, 397-398.
- The ends of, i. 396-397. Particular and general prevention, ib.
- Expense of, i. 398-399.
- Measure of, i. 399-402. Should always exceed profit of offence, 399-400. Expense may rise with extent of mischief, 400. Punishment of greater offence should make the less preferable, ib.  
Motive of restraint corresponding to every portion of the mischief, 402. Circumstances influencing sensibility to be considered, ib.  
Increase in magnitude where deficiency in certainty or proximity, 401-402. Habit to be suppressed, 402. Special circumstances influencing quantity, ib.  
Simplicity of the code to be considered, ib.
- Properties to be given to a lot of, considered in the *Rationale*, i. 402-406. Variability, 402-403. Equability, 403. Commensurability, ib.  
Characteristicness, 403-404. Exemplarity, 404. Frugality, ib.  
Subserviency to reformation, ib.  
Disablement, 404-405. Compensation, 405. Popularity, ib.  
Simplicity of description, 405-406. Remissibility, 406.
- Popularity with reference to, i. 411-413.
- Properties of, viz.—with relation to the simply afflictive, i. 415-416. The complex afflictive, 418-420. With relation to imprisonment, 424-429. With relation to banishment and relegation, 434-435. With relation to laborious punishments, 439-441. With relation to capital punishment, 444-450. With relation to the punishments of the moral sanction, 456-458. With relation to simple ignominious punishments, 463-467. With rela-

- tion to pecuniary forfeiture, 468-469. With relation to corruption of blood, 482-483. With relation to transportation, 490-497. With relation to the Panopticon Penitentiary, 498-503.
- Punishment**—Random, viz. — forfeitures against third parties, deodands, exclusion of witnesses, i. 485-489.
- Evil of making its extent depend on accident, i. 496-497.
  - Proper seat of, i. 475-490. Misseated distinguished from groundless, 475. Vicarious and extravasated, ib. Impossible to confine it entirely to the guilty—sufferings of relations, &c., 476. Rules concerning naturally extravasating punishment, 477-478. Apparently, but not really misseated—viz. civil responsibility, 478. Varieties of misseated punishment—Vicarious—Transitive—Collective—Random, 478-479. Vicarious considered, 479-480. Transitive, 480-482. Disadvantages of the Transitive, 482-483. Collective punishments, 483-484. Random punishments, 485-489. Cause of the frequency of misseated punishments, 489-490.
  - Defeazance of, i. 520-525. By Pardon, 520-521. By length of time, 521-523. By death of parties, 523-525.
  - by retaliation, defined, and the offences it is inapplicable to enumerated, i. 409-411.
  - The most simple and early adopted means of suppressing crime, i. 533.
  - always involves an evil, and should be avoided where there are substitutes, i. 533-534.
  - Diminution of uncertainty as to, i. 558-559.
  - Effect of, with regard to mischiefs of the first and second order, in relation to procedure, ii. 20-21.
  - Inapplicability of unbending rules to, ii. 31.
  - Degrees in the scale of affluence, how measured for the purpose of, ii. 110-111.
  - Increase of, in case of groundless appeal, recommended, ii. 115.
  - of an innocent person—Measure of actual effect of, ii. 133.
  - applicable to actions only—not to dispositions, ii. 231.
  - of an irreparable nature—security from during appeal recommended, ii. 169.
  - as the counterpart of reward, ii. 193-194.
  - Exemption from as a reward, ii. 196-200.
  - and reward combined, ii. 197-198.
  - and reward, the respective fields of influence of, in the public service, marked out, ii. 204-208.
  - less simple for selection than reward, ii. 216.
  - How danger of deprivation of salary operates as, ii. 236.
- Punishment**—Equality of, as maintained in the French Declaration of Rights, considered, ii. 508.
- Declaration, that it cannot be inflicted except in virtue of a promulgated law, in the French Declaration of Rights, criticised, ii. 512-513.
  - Uses made of the division of good and evil into the first and second order, in reference to, iii. 289.
  - Divisibility as a quality of, iv. 31, 32.
  - How far the master of a penitentiary should have power of, iv. 53.
  - Effect which the arrangements as to prison discipline may have in increasing or decreasing, iv. 123.
  - for offences in prison—suggestions as to, iv. 164. The mutual responsibility system adoptable without hardship, ib.
  - Objects, or ends of, enumerated, to try if transportation meets them, iv. 174.
  - Frequently thoughtlessly administered—involves frequently more in reality than name—instance, transportation for a limited time, to a country whence the convict cannot return at its expiry, iv. 183-199.
  - Hard labour as a, first adopted in the United States, iv. 212-213.
  - Effect of, on trustworthiness of evidence, vi. 22, 268-270. See Sanction—Legal.
  - as a security for trustworthiness of testimony, vi. 284-285, 291-308. Distinctions of falsehood—blameless, blameable from temerity, and blameable from intention, 291-293. False incidence of punishment, on the false oath instead of the mendacity, 294-295. Rules—Temerity should be punished, 295-296; Amount of punishment for falsehood should be sufficient protection without aid of other sanctions, 296; Regard to be had to extent of the mischief done, 296-297; Litigants should be punished for false statements, 297-302. Defects of Roman law regarding punishment for falsehood, 302-303. Defects of English law, 303-308.
  - substituted for oath, to secure public funds from fraudulent claims, vi. 313.
  - Apprehension of—Effect produced by, vii. 6 n.
  - Evidence that may occasion, not on that ground to be excluded, vi. 96, 106-109; vii. 445-472. See Self-disserving.
  - Rigour of, increased, because operation of law defeated by quibbles on the ground of humanity, vii. 453.
  - Inaptitude of imprisonment for debt as, vi. 177.
  - according to English law, as a test of depravity, vii. 412-413.
  - Whether registration should be enforced by, vi. 84.

**Punishment**—Exemption from, in cases of mendacity, promotes falsehood, vii. 262.  
 — Much of what seems done by fear of, done by fear of shame, vi. 326.  
 — Effect of, on belief, vii. 108-110.  
 — Proper principles of, in relation to the Constitutional Code, ix. 22-24. *See* Penal Law.  
 — the counterpart of reward as an instrument of Government, ix. 47-48.  
 — necessary for the production of responsibility, ix. 151-152.  
 — to be economised in the Constitutional Code, ix. 150-151.  
 — Origin of the vindictive principle in, x. 69-70.  
 — Rationale of—Publication of, from the French, x. 548.  
 — Afflictive, i. 413-420. *See* Afflictive  
 — by imprisonment, i. 420-431. *See* Imprisonment.  
 — by Quasi-imprisonment, i. 431-435. *See* Banishment; Relegation.  
 — Simply restrictive, i. 435-437.  
 — Active or laborious, i. 437-441.  
 — Capital, i. 441-450. *See* Death.  
 — by forfeiture, i. 451-475. *See* Forfeiture.  
 — Corporal—Absence of, a feature of the Chrestomathic system of Education, viii. 15-16.  
 — Derivative, or falling partly on the innocent—Rules concerning, i. 477-478.  
 — on the Penitentiary Panopticon system, *See* Panopticon.  
 — Remission of—Provisions for, by Constitutional Code, ix. 600-607.  
 — by the transportation system—The evils of, exposed. *See* Transportation.  
**Punishment-Book**—Plan of, for entering punishments and acts of coercion in the army or navy, ix. 367-368.  
**Punishment-minimizing principle**—in the management of the Chrestomathic School, viii. 48.  
**Punishments**—Proportion between, and offences, i. 86-91. Four subordinate objects for legislator to keep in view, 86. Thirteen rules for making the estimate, 87-90. Recapitulation of circumstances to be kept in view, 90-91.  
 — Classification of, i. 395-396. Corresponds with that of offences, ib.  
 — and crimes—Analogy between, i. 407-409.  
 — Corporal, examined at length, i. 413-450. *See* Corporal.  
 — Sanguinary—Effects of, i. 442-444.  
 — Vicarious—their nature and unequal operation, i. 479-480.  
 — Transitive, as corruption of blood, &c., and their disadvantages, i. 481-483.  
 — Complex, examined, i. 490-516. General inconveniences, 190. Transportation,

490-498. Panopticon Penitentiary, 498-503. Felony, 503-511. Præmunire, 511-512. Outlawry, 512-514. Excommunication, 514-516.  
**Punishments**—Choice of, and latitude to be given to judges in, i. 516-517.  
 — Privative, or Forfeitures, i. 451-475. *See* Forfeitures.  
 — Collective, viz. inflicted on large bodies of men for delinquencies of part of them, examined, i. 483-484.  
 — Subsidiary, examined, i. 517-519. Necessary for enforcement of, or substitution to primary, 517. Imprisonment, 518. Estimate of income to make it subsidiary to pecuniary punishment, 518-519.  
 — How to strengthen the impression of, upon the imagination, i. 549-550.  
 — The limitation of, in the French Declaration of Rights, criticised, ii. 511-512.  
 — the counterpart of Rights, iii. 160-161.  
 — intended to rise above each other should have a common measure, to prevent their being diversely estimated, iv. 29-30.  
**Punitive remedy**—Evil of following, in different tribunals from those which award the satisfactive, v. 531-532.  
**Punitory law**—what? i. 151.  
**Pupilage**—Inquiry as to the proper period of, i. 348.  
**Purchase and sale of offices** considered, ii. 246-248.  
**Purchasers**—Use of a system of registration to, vi. 575.  
**Purely-metrical - translation exercise**, in schools—Uses of, viii. 46.  
**Purgation in connexion with benefit of clergy**, i. 506-507.  
**Purgatory** defined, i. 485.  
**Purity in the measurement of Pleasure and Pain**, i. 16.  
 — Physical and moral—Connexion between, iv. 158.  
 — of language—an expression used to prevent its improvement, iii. 273-274.  
 — of style essential in the composition of laws, iii. 206-207.  
 — of motive—a boast had recourse to, when misgovernment attacked, ix. 60-61.  
**Purport**—depends upon tenor, vi. 290.  
 — of words—Precariousness of testimony to, vii. 136.  
**Pursuer**—Demand Paper by, ii. 65-73.  
 — Nature and contents of Demand Paper by, ii. 66-70.  
 — Amendment of demand of, ii. 72-73.  
 — more likely to be in the right than defender, ii. 32.  
 — Commencement of suit by personal application of, ii. 62-63.  
 — Security to defendant against oppression by a, ii. 105-110. *See* Counter-security.  
**Pursuers General**—Arrangements as to, in the plan of Judicial Establishments

- drawn up for France, iv. 354-358. Appointment, continuance, power, and rank, 354. Pay, 354-355. Attendance, 356. Oath of office, 356-357. Deputies, 357-358. Responsibility, 358.
- Pursuers General—Functions of, iv. 384-385. To act for the public, the monarch, and the indigent, *ib.* Oath of office, 385.
- Their line of duty, promotion, &c., to be kept distinct from that of the judge, iv. 387-389.
- Pursuer—Public. Demand Paper at instance of, ii. 68-70.
- — *See* Advocates—Government.
- Push-pin—Comparison taken from the amusement of, ii. 253.
- Pussort—Debate by, on limitation of testimony, vii. 537 n.
- Puttenham—General, noticed, ix. 361-362 n.
- Pye—H. J. (Poet Laureate)—Letter to, x. 361.
- — noticed, xi. 118.

## Q

- Quack medicines—Nature of the tax on, ii. 575 n.
- Quakers—Founders of the most successful colonies, i. 497.
- Penitentiary system of, at Pennsylvania, i. 502.
- Characteristics of the, iv. 213.
- Impunity for crimes witnessed by, v. 201-202; vi. 316; vii. 425. The law altered, v. 202 n; vi. 381 note 6.
- Occasional remarks on oaths in relation to, v. 456, 461, 513.
- untenability of their objections to war, x. 581.
- Qualification—The Property, for members of Parliament, criticised, ii. 249; iii. 484.
- of jurymen, ii. 127-129.
- as a limitation on the disposal of offices, ii. 248-249.
- The knowledge, for the exercise of the suffrage, suggested, iii. 464-465, 470, 560, 565.
- Qualification—Judicatory, for trying the qualifications of candidates for office, by the Constitutional Code, ix. 274-277.
- Qualifications of Electors—Provision for, in Radical Reform Bill, iii. 564-566.
- at Elections—Mode of certifying and registering by Radical Reform Bill, iii. 575-577.
- of Representatives—Provision for, in Radical Reform Bill, iii. 566-567, 567-568 n.
- of candidates for office—Arrangements as to, in Constitutional Code, ix. 271-283. *See* Ministers collectively.
- Qualified list—Selection of Jurors from, as described in the "Art of Packing," v. 78, 83 n, 122 n.
- Quality—a physical fictitious entity, viii. 199, 264, 331.
- as an absolute fictitious entity of the second order, viii. 202-203.
- considered as one of the predicaments, viii. 235.
- A predicate is the assertion of, viii. 335.
- Mental operations performed in the attribution of, to a subject, viii. 337.
- of witness—Effect of, on probative force, vi. 221.
- and quantity—Standards of, as preappointed circumstantial evidence, vi. 583.
- Qualities—Primary, of evidence—correctness and completeness, vi. 21.
- desirable in evidence, vi. 21-22, 211. *See* Trustworthiness.
- considered as fictitious entities of the second remove, viii. 197.
- Quantity—a physical fictitious entity, viii. 199, 263-264.
- considered as an absolute fictitious entity of the first order, viii. 201-202. Distinguished into continuous and discrete, *ib.*
- considered as one of the predicaments, viii. 235.
- Sciences involving the predicament of, viii. 287-288.
- Utility of establishing standards of, i. 555.
- Quantities—Negative. Obscurities, in regard to the multiplication of, removed, viii. 178.
- Quarantine—arrangements for mitigating the evils of, iv. 119 n.
- Quarrels. Judicial adjustment of, recommended, ii. 46-47.
- Quartering of soldiers—The principle of, ix. 386.
- Quarterly Review—Statement in, that Bentham was a disappointed man, commented on, x. 541-542.
- Quasi-appeal in the Principles of Judicial Procedure, ii. 161-169;—
- — and appeal, how distinguished, ii. 161-162. Latter, where the judge fails in the services required by appellant, *ib.* Circumstances in which applicable, 162.
- — Grounds for, ii. 162-164. Denial of means of proof, execution, communication, or defence, 163. Delay and precipitation, *ib.* Remedies to these, 163-164. Falsification of Record, 164.
- — Proceedings in, ii. 166-167.
- — Checks in relation to, ii. 167-168.
- — Options which the Judge Appellate has in, in relation to his opinion of the decision pronounced, and of the conduct of the immediate judge, ii. 168.
- — Arrangements in connexion with, for the employment of evidence found after the decree of the Primary Court, ii. 160-169.

Quasi-appeal—Security in case of, against irreparable punishment, ii. 169.

Quasi-delict. Doctrine of the civilians as to, ii. 70.

Quasi-imprisonment as a punishment, i. 431-435.

Quasi-Jury—in Principles of Judicial Procedure, u. 141-158;—

- — Preparatory observations on, ii. 141-143. Not to have authoritative power, but merely to be a check on the judge by stating opinion, 141. Increases responsibility where it should lie—on judge ib. Adjustment of number to the expense and distance, 142. Payment by public, and not varying with income of jurymen, 142-143.
- — Use and definition of, ii. 143-144. To give the advantages of the jury without the mischiefs from mistakes, &c., 143. To have all the powers of a judge except the imperative, 144.
- — Whence and how chosen, ii. 144. No qualification but knowledge, ib. Chosen by chance, ib. Secrecy of vote, ib.
- — Expunction, or challenging, not to take place as to, ii. 144-145.
- — Uses of, ii. 145-148. Acts as a security for moral aptitude of judge, 145. Compared with ordinary jury, which professes to be security for his intellectual aptitude, ib. The control to be effectual, must attend every step of the case, 145-146. No inducement to corrupt such a body, 146-147. Among the advantages of Jury, Civil and Penal, are publicity—the giving reasons—the receiving evidence in its best form, 147-148. These realized by quasi-jury, ib. Acts as a school of judicature, 148.
- — Difference between, and jury, ii. 149. Found in the quasi-jury having no absolute judicial functions, except prohibition of appeals in criminal cases, ib.
- — Collateral advantages, or beneficial applicabilities of, ii. 149-151. Application as a school of justice—advantages over jury, from greater ramification, 149-150. Universality of its application to free and despotic countries, 150-151.
- — Jurisdiction of, ii. 151-153. In all causes in which Judges have jurisdiction, 151-152. Power of assessing to be in each suit, coextensive with that of Judge in deciding, 152-153. Excluded in summary suits, 153.
- — Interrogative functions of, ii. 153-154. Parties, witnesses, counsel, judge, &c., ib. Obligation to answer where it is apt and relevant, 154.
- — Opnitive function of, ii. 154-155. Manner in which to be expressed, and effect to be given to, ib. Entry in Register, ib.

Quasi-Jury—Warrant of, for appeal, u. 155, 156. In common crimes, appeal only to be admitted in case of certificate of doubt, or belief of innocence, ib.

- — Costs of trial by—how arranged, ii. 156-157.
- — Features in Jury-trial discarded by the system of, ii. 157-158. Number only three, 157. No enclosure except by consent, ib. No oath, ib. No forced unanimity, ib. No torture, 158. Responsibility to Public-opinion Tribunal, &c., ib.
- — Recapitulatory Examination before, i. 158-161.
- — Provisions as to, in Constitutional Code, ix. 554-568;—
- — General preliminary observations, ix. 554-556. Narrower in effective force than the English Jury system, but with a wider extent over the field of legislation, 554. Ordinary Jury system only good as counteracting a bad rule of action, ib. The apt features of the Jury system retained in this—limits to judicial power, publicity, obligations on judge to give reasons, and production of evidence in its best shape, 554-555. Causes of unaptness not to be found in this system—corrupt appointment, infraction of oath, power in the hands of incompetent men, want of responsibility to public opinion, and vexation and expense to the parties concerned, 555. The service of juries in counteracting the law, noxious where the laws are good, 555-556. Division of the Quasi-Jury into two branches—the erudite and the popular, 556. Enumeration of the arrangements tending to fix, clarify, and give effect to their proceedings, ib.
- — Fields of service, ix. 556-558. A body of assessors attending every court, 556. Duties, principal and incidental, ib. Original inquiry by the judge, 556-557. Recapitulatory examination before Quasi-Jury, 557. No new evidence, unless newly discovered or come to hand, ib. Incidental reference, where complaint of judge's conduct in the cause—as to delay, &c., 557-558. Uses of Quasi-Jury—check on judge, instruction to jurors, 558.
- — Composition and number, ix. 559-561. Ordinary and select, 559. Always an odd number, ib. Moral aptitude looked for in the ordinaries whose interest coincides with that of the greatest number—intellectual in the extraordinaries, ib. Considerations as to the most simple method of narrowing the list, 559-560. A Quasi-Jury compositor for extracting the eventually attending, from the possibly attending list, ib. The whole body of electors the mass from whom the selection made, by lot, 560. Security

against the abject classes, in the requisition of capacity to read, 560-561.

Quasi-Jury—Functions of, ix. 561-563. The auditive, 561. Lective, as to writings, &c., ib. Inspective, ib. Orally interrogative, ib. Commentative—privilege of making remarks, ib. Opinative, in the way of amendment on the judge's decree, ib. Appeal licencing—suggestion for allowing the Quasi-Jury the right to interdict or allow execution, notwithstanding appeal, in criminal cases, 561-562. The class of offences to which their power of allowing execution referable—those occasioned by indigent rapacity, theft, robbery, &c., 562. Circumstance affecting the safety of the public, which may justify such restrictions on appeal, ib. Mode in which this function put in execution, 562-563.

— How located, ix. 563-567. Three always in attendance, one a select, the other two ordinarie, 563. Method of supplying defaults, ib. List of hable set, ib. Destined attendance set, ib. Quasi-Jury minister to choose the hable list for the year, ib. Excluded list—grounds, Disreputableness—Preoccupation, &c., ib. Exempted List—grounds, Infirmary, Superannuation, Private Professional occupation, Poverty, &c., 563-564. Method of claiming exemption, ib. Country and Town hable list, 564. Each divided into select and ordinary, ib. Admittance to select on application, which disqualifies for receiving subsistence-money, ib. Destined attendance sets, framed by Registrar, ib. Notice to those called, 565. Choice by lot of the several sets, ib. Transmission of excuses and framing of excuse list, ib. Efflux and Influx list—of persons ceasing to become, and persons commencing to become hable, 565-566. Adaptation of the sets to the number of Trials, 566. Privilege of rotation, ib. Substitutes, ib. Protection against packing, by the operation of the Public-opinion Tribunal, ib. Expediency of confining the selection to towns in new and thinly-peopled countries, ib. Suggestions for extending the privilege to females, 566-567.

— Subsistence-money to, ix. 567. Double the estimated day's pay of lowest paid labourers, ib.

— Attendance of, ix. 567-568. Defaulters' lists, 567. Penalty comes within the Penal Code, 567-568.

— Securities for appropriate aptitude of, ix. 568. Not punishable for unconscious error, but punishable for palpably designed error, ib. Punishable for corruption, ib. Judge to prevent them from obstructing proceedings, ib.

Quasi-Jury-Inquiry, as a stage in suits, ii. 92-94

Quasi-lector—as a judiciary officer in the Constitutional Code, ix. 466.

Quasi-suits, or incompletely organised—distinguished as a species, ii. 88.

Quasi-trial, or recapitulatory examination at instance of party or judge, ii. 158-161.

Quebec Act—The limitation on the power of the Crown to legislate for colonies acknowledged by, iv. 258-259.

Queens of England—Characters of the, ix. 108-109.

Queen's Bench. *See* King's Bench.

Queen's College, Oxford—Bentham entered as a Commoner of, x. 35-36.

Question—Begging the, by means of using expressions, conveying praise or dispraise, ii. 436-438.

— and answer—Outline of Parliamentary Reform in the form of, iii. 539-552.

Questions to witnesses, vi. 384-385. Should be one by one, and not in strings, 384. Should arise out of the answers, 384-385.

— in epistolary interrogation should be numbered, vi. 441-443

Questioning. *See* Interrogation.

Quibbles and quirks—Evasions of justice from, vi. 148; vii. 257, 453-454.

— — — Power of judge to give or refuse effect to, and its influence in making the law arbitrary, vii. 308.

Quietist—The argument of the, for no alteration, ii. 430-431.

Quintilian—Character of the critical labours of, ii. 380.

Quo warranto—The cases of, under Charles II., alluded to, i. 483.

Quorum—The requisition of, in a legislative assembly, ii. 326.

## R

Race or Lineage, as a circumstance influencing sensibility, i. 30.

Radical branches of the Defensive Force defined, ix. 333-336. In the army all persons capable of bearing arms—in the navy the merchant seamen, ib.

— — — Particular institutions regarding, in the Constitutional Code, ix. 343-348. *See* Defensive Force.

Radical Reform urged in preference to moderate, in Reform Catechism and Introduction, iii. 435-557.

— — Author's opinions of, as compared with other systems, iii. 458.

— — Circumstances in which the interests both of Tories and Whigs would be affected by, vi. 528-529.

— — The ingredients of, iii. 558.

— — Causes of the feeling of the danger-

- ousness of, and of the vituperative expressions used against, iii. 601.
- Radical Reform—Terms of attack on, in King's speeches, 1819, considered, iii. 602-603.
- — Bill for, with extracts from the reasons, iii. 558-597.
- — contradistinguished from Whig, in a letter to O'Connell, x. 598-599.
- Radicals—the true friends of the people, iv. 424.
- Radicalism not dangerous, iii. 599-622.
- Plan of defence of, iii. 604-605.
- The charge against, of intending a sponge on the National debt, rebutted, iii. 608-611.
- The charge against, of a projected division of property, refuted, iii. 605-608.
- Defence of, from the state of America, iii. 612-613.
- Defence of, in the history of the Volunteer Association of Ireland, iii. 613-620.
- Origin of the Association—characteristics of Radicalism in its constitution, 613-615.
- General sketch of the results, 615-616.
- Coincidences with Radicalism explained in respect to secrecy, universality, equality, and annuity, of suffrage, 616-617.
- Downfall of the institution when Reform moved—treachery of the leaders, 617-619. Consequences, 619-620.
- Growth of, evinced in the founding of the Westminster Review, x. 540-541.
- Rage—Nature of, i. 53.
- Fury, &c., as designative of motives, i. 203.
- Railways—Considerations as to the effects of, ii. 55.
- Advantages of, iii. 67.
- Raisin—The Sultana, introduced in England by Bentham, x. 150, 156.
- Raleigh—Sir Walter. The case of, an instance of suspended punishment, i. 509 n.
- — — noticed, i. 10 n.
- Ralls—Eustratio, one of the Greek youths whom Bentham undertook to educate, iv. 588.
- Rammohun Roy—Opinion of, x. 571.
- — Letter from Bentham to, on the state and improvement of British India, x. 589-592.
- — Account of, by Colonel Young, xi. 7-8.
- — Introduction of, to Bentham, and further account of in the letter of introduction, xi. 59-60.
- — desire to get him into Parliament, xi. 66.
- Ramsden—Jesse, noticed, viii. 148 n.
- Ramus—Peter, critical inquiry as to whether he was the author of the form of logical division called the Porphyrian Tree, viii. 103, 111-112 n.
- — noticed, viii. 116.
- Ramus—William, noticed, x. 28.
- Rancour—Nature of, i. 53.
- Randolph—David Meade—Letter to, from Governor Snyder, on Bentham's proposal to prepare a code for Pennsylvania, iv. 475-476.
- Random punishments—Effect of, i. 485-489.
- Ranelagh's—Similarity of the Panopticon to, in architecture, xi. 105.
- Rank—Nature of, and legal constitution of, iii. 166.
- as an object of security by the law, iii. 213.
- Influence of, on sensibility, i. 29.
- Sensibility to punishments of the moral sanction as affected by, i. 457.
- Degradation from, as a punishment, i. 462-463.
- Conferring of, as a reward, considered, ii. 194.
- How far the support of, necessary to the public service, ii. 234-235, 245.
- The utterance of fallacies, costing no trouble, favourable to the support of, ii. 481.
- The proper allotment of, to judges, considered, iv. 378.
- Prejudices of—Influence on juries, and suggestions for obviating, v. 165-167.
- of a witness—effect of on testimony, vi. 254.
- increases a man's utility as a spectator in courts of justice, vi. 361.
- as an ingredient in evidence, vii. 61-62.
- The political influence of, examined, ix. 78-92. See Honour—Factitious.
- The worship of, examined and accounted for, ix. 82-85.
- of nations—an expression used when rank of their kings meant, iv. 427.
- Ranks—Scale of. Remarks on the Empress Catherine's, ii. 191, 194.
- Rapacity as a motive, i. 50.
- Dangerous nature of offences occasioned by, i. 75, 82.
- Rape—Extent of the criminality of, i. 82.
- Nature of the offence of, i. 118-119.
- Analogical punishment suggested for, i. 411.
- Rapin's History—an early favourite with Bentham, x. 7.
- Rashness in an act—Nature of, i. 44.
- — Punishment for, vi. 295-296.
- Ratiocination—a faculty of the mind necessary to the teacher and the learner, viii. 76.
- Ratiocinative matter of a code, and its foundation in the non-disappointment principle, v. 413-414.
- of the Constitutional Code—Nature of, ix. 3.
- Rationale—The, or set of accompanying reasons as a component part of a code of laws, iv. 454.
- — in a code of laws—The various capa-

- cities in which it is of service, iv. 491-494, 526, 538-539. Serving as a guide and bridle to the draughtsman and the legislator; an instrument of interpretation and source of satisfaction and instruction to the citizen; a means of instruction and guidance, and source of satisfaction to the judge, *ib.*
- Rationale—The, the term justified, vi. 5.
- — Absence of, in the proposed Spanish Code, animadverted on, viii. 517-519.
- — as part of a code of laws—Frederic the Great's objection to, criticised, iv. 526.
- — First promulgation of, in the Constitutional Code—absence of, in the established systems, and the reasons, ix. 1-2.
- — should indicate the conduciveness of the various articles to utility, iv. 540-543.
- — The several parts of, should be as nearly as possible in contact with the articles of law to which they apply, iv. 543-545.
- Rationale of Evidence, vols. vi. and vii.
- — — Editor of original edition of; Notes, &c., by—Preface, vi. 201-203. Note to new edition, vi. 203. Animadversions on Dumont's remarks on the author's scale of degrees of persuasion, vi. 234-235. Animadversions on views of Edinburgh Review, —viz., on making the communications between lawyer and client evidence, vii. 476-479; on taking the evidence of husbands and wives in regard to each other, 486; on interrogating parties, 487-488 n. Chapter by, on the rule that evidence is to be confined to the points in issue, vii. 558-562.
- Rationale of Punishment, i. 388 *et seq.*
- — — Dumont's advertisement to, i. 388-390. His account of the MSS. and those of the Rationale of Reward, 388-389.
- Rationale of Reward, ii. 192-266.
- — — Publication of, from the French, x. 548.
- Ravillac—Illustration from his assassination of Henry IV. i. 62, 64, 74 n\*, 473.
- — an illustration of the effect of oaths, vi. 318.
- Ravaut—Procédure Civile of, quoted, vi. 303.
- Ray—John, the botanist—Notices of the family of, as connected with the Bentham family, x. 3, 25.
- Raymond—Lord, Chief-Justice—his views of the obligatoriness of acts of Parliament, v. 126.
- Rayneval—M., anecdotes and notices of, x. 125-126, 152.
- Razumovsky—Count, in Russia—Story of a dinner party with, x. 160.
- Reaction—the counterpart of passion, viii. 204-205.
- Reactive source of motion, or motion from the elasticity of springs—Applicability of, viii. 139-141.
- Reading as a qualification for jurymen, ii. 127.
- — as a qualification for the elective franchise, iii. 464-465, 470, 560-565.
- — Public encouragement to, ii. 258.
- — as a criterion for benefit of clergy in English practice, i. 506.
- — Form for attesting a voter's qualification in, iii. 565.
- Real entities—Logical uses of, distinguishing from fictitious, iii. 286.
- — See Entities.
- Real evidence, or evidence from things, as a branch of circumstantial, vii. 8-15;— No description of fact that may not be the subject of legal inquiry, 8. Extent of the field, even in penal law, 9. Table of facts as to the human body, which may come under the cognizance of legal tribunals, *ib.* Things, in the relation they bear to a fact of delinquency indicated, 10. Condition of things as source of evidence, distinguished into relative and absolute, *ib.* Immediate distinguished from reported, *ib.* Infirmative facts—illustrations, 11. The circumstantial evidence of possession of an article of criminative real evidence, 11-13. (*See Possession.*) Interrogation as a means of supplying deficiencies, 14-15.
- — Forgery of, vii. 15-18. Compared to subornation—an attempt to make objects give a false tale, 15. Divided into fabricative and obliterative, *ib.* Joseph's cup in Benjamin's sack, an illustration, 16. Erroneous conclusions may be formed from—the alteration may be in self-defence against a false accusation, or it may have been done in sport, 16-17. Provision should be made for keeping real evidence *in statu*, 17. Defects of English law in this respect, 18.
- — Mode of dealing with, in case of litigants distant from each other, ii. 99-103.
- — Authentication with regard to, vi. 120; vii. 174-175.
- — The principle of preappointed evidence as exemplified in, vi. 582-585.
- — compared with personal, vi. 173-174, 218.
- — as distinguished from personal—unnoticed by Gilbert, vi. 183.
- Real reported evidence. *See Reported Real.*
- Real property commission—Authority conferred by, iii. 349-350 n.
- Real property—Dilatoriness and other defects of the law of, iii. 420.
- — Progress of inquiry regarding the law of, posterior to the publication of the commentary on Humphrey's outline of a code, v. 388.



**Real property**—The removal of, from liability for simple contract debts, animadverted on, v. 533.

— — Professional evidence that no title to, considered absolutely safe, v. 538.

— — Commentary on Mr Humphrey's outline of a code of, v. 389-416. Remarkable as the production of an experienced practical man, 389. Heads of his reform, and probabilities in favour of adoption, 389-390.—1st Improvement, substitution of apt for unapt formulæ, 490-491; not to be accomplished without legislative sanction, though some improvements might be made by draughtsmen, ib. 2d, Registration. 3d, Abolition of the anomalous courses of descent, 391. 4th, Reduction of copyholds to the state of freeholds. 5th, Partition of common lands, ib. Remaining improvements embraced in codification, 391-392. Advantage of systematic abbreviation, 392. Advantage of schedules for describing the subjects, ib. Bewildering effect of confused sentences, with illustrations, 392-393. Common forms applicable to the like parts of dissimilar deeds, 393. Length of sentences, 393-394. Indication of the topics by headings, 394. Draft of a deed of sale, compared with the author's, 395. Impediments to forgery, by individualisation of time and place, 396. Sums to be both in words and figures, 396-397. Mischiefs of making use of words which are not self-explanatory, ib. Instructions for filling in seller's name, condition, and habitation, 397. Method of describing the subject-matter, ib. Directions for signing, and the description of the act, 398. Draught of a deed of mortgage, compared with the author's, (Humphrey's,) 398-399. Mortgage, an improper term—proposed substitution of land-pledge, 399. Considerations as to their being made negotiable documents, 400. Draughts of marriage contract compared, 400-402. Notes on author's draught, 402. On reviewer's draught, ib. Words, pin-money and jointure, 402, 403. The term rent-charge, 403. Precision in the employment of the word "inalienable," 403-404. The term impeachment for waste, 404. Dower, and the proper presence of legal provisions in connexion with stipulations, ib. Relation of succession of children to time of husband's decease, 405. Heirs—want of a common word to embrace all kinds of successors, ib. Distinctness in respect to naming places, &c. ib. Registration, 405-407. Uses—preservation from loss and falsification, exclusion of counterfeits, record of encumbrances, statistical information, 405-406. Extract from constitutional code, 406-407.

Mode of executing the manifold system of writing; and use of distributing exemplars as protection from forgery and fraud, ib. The encouragement that would be given to honesty by greater security to lenders, 408. Notaries in France, and their system, ib. The plan of nullification on failure of compliance with registration, objected to, as punishing innocent party instead of culpable lawyer, 409-410. Considerations as to the unwillingness of borrowers to allow their position to be recorded, 410. A simple form of inquiry into the existing state of real property, substituted to Mr Humphrey's expensive and complicated plan, 410-411. Simpler arrangements for keeping up the system, 411-412. For this, as for other branches of a general code, the matter divisible into enactive, expositive, ratiocinative, instructional, and exemplificational, 412. The uses of the expositive, with examples of its application, 412-413. Ratiocinative matter, and the non-disappointment principle, 413-414. Method of subdivision by a plan susceptible of being carried to any length, 415. Use of a general list of the diversifications of family connexions for those making wills, ib. Provisions for preventing a reforming code from retroacting, 415-416.

**Real property**—Outline of a plan of a General Register of, communicated to the Real Property Commissioners, v. 417-435. See Register.

**Real and Personal Property**—Factitious nature of the distinction between, i. 508; vi. 543.

— — — The distinction between, considered, in regard to authentication of wills, vi. 533, 542-551.

— — — Abolition of the distinction between, provided for in Dispatch Court Bill, iii. 390.

**Reason for an act**—meaning of the term, iii. 215.

— A word not suitable to designate one of the mental faculties, as it is generally used to express approbation of the use made of faculties, viii. 76-77.

— Appeal to, instead of authority, ii. 391-393.

— Appeals to, for the correction of abuses, treated with contempt, ii. 457.

— thrown away on the insincere, iii. 600-601, 621-622.

— Law of, uses made of the term, i. 9 n.

— of a law—definition of a, i. 238 n<sup>bb</sup>

**Reasons**—the Author's—form his sole reliance for the adoption of his opinions, iv. 420.

— The giving of, as affecting motives, i. 48.

— Judge should give, for decisions, ii. 29.

— Publicity has occasioned the giving of by judges for their decisions, vi. 357.

- Reasons—Judge giving—an advantage produced by Jury Trial, ii. 147.  
 — Technical, characterized, vii. 400-401.  
 Reasons for laws—Promulgation of, i. 575-576.  
 — — — Promulgation of—Essay on the, i. 159-163.  
 — — — Embodiment of, iii. 323.  
 — — — Blackstone on, i. 234.  
 — — — Illustrations of method of stating, i. 465.  
 — — — Laws accompanied by, would remain unaltered on account of their merits, ii. 407.  
 — — — accompanying laws—Analogy for, in judges giving reasons with decisions, v. 418.  
 — — — to be kept separate from the laws themselves, ii. 356.  
 — — — Appendix a receptacle for, iii. 596.  
 Reasoning—Close, characteristic of those having the general interest at heart, as contrasted with vague generalities, ii. 455-456.  
 Rebellion—Associations not a cause of, i. 577.  
 — Application of forfeiture as a protection against, i. 481-482.  
 — Commission of—Nature of, iii. 350 n.  
 Recapitulation of instructions as to the probative force of evidence, vii. 597-598.  
 Recapitulatory examination, or Quasi-trial, in procedure, ii. 158-161. To be before a Quasi-jury, 158-159. No evidence but such as at original, 159. May be either at instance of judge or a party, ib. Applicable arrangements to the two cases, ib. Admission of undoubted facts under pain of penalties, 159-160. Two objects in view—additional instruction, and exposure of conduct of judge, 160. Checks on vexatious adoption of the recourse, ib. Appropriate evidence to be substituted to the indicative that may have come out at original investigation, ib. Grounds for refusal, 161. Proceedings of judge in recapitulating, &c., ib.  
 Recitation—Application of, as a means of promulgating ordinances in a partially civilized or a Mahomedan country, viii. 576-577.  
 Recitative exercises—Nature of, in the Chrestomathic system of Education, viii. 44.  
 Recognisances to keep the peace, i. 519-520.  
 Recognition of individuals—Facilities for, recommended as a precautionary police measure, i. 557.  
 — as a means of authentication of deeds, vi. 516.  
 — of a deed—all that is certified by attestation, vi. 517 n.  
 Recolement, vi. 451-458, 503. *See* Reëxamination.  
 Recollection—Erroneous, vi. 252. Distinguished from oblivion, ib.  
 — Refreshment of, vi. 253.  
 — Helps to, vi. 446-451. *See* Helps to Recollection.  
 — Writing as an aid to, vi. 328.  
 Recollectedness a security for evidence, vi. 283, 287-288.  
 Recompense to injured party as an element in the punishment of crimes, iv. 199-201.  
 Reconciliation—How judge to bring about, in case of quarrels, ii. 47.  
 — between parties—How far the prospect of obtaining, justifies judicial privacy, vi. 366.  
 Reconciliation courts of Denmark alluded to, ii. 47; iii. 83 n; vi. 24 n †, 326, 366 n.  
 Record—(Judicial)—Remedies for falsification of, ii. 164.  
 — Irrelevancy and uselessness of, in Technical procedure, ii. 176-177.  
 — should be a complete history, iv. 343 n †.  
 — Bandyng of, between Westminster Hall and the circuits, v. 475.  
 — Matters it consists of contrasted with those it ought to consist of, v. 530.  
 — Mixed meaning of the word, vi. 565.  
 — in a common-law suit, characterized, vi. 73.  
 — Animadversions on the conclusive nature of the evidence of, vii. 71-72.  
 — Gilbert's comparison of, to a diagram, vi. 144, 184, 565; vii. 71-72.  
 — amissing—admits evidence of a person convicted of perjury, vi. 409.  
 — Confessing to error in—Effect of, vii. 436-438.  
 — Withdrawing—Effect of, vii. 437-438.  
 — Proposed, of cases in which suspicious testimony received, vi. 119; vii. 161-162.  
 — *See* Official Evidence; Preappointed Evidence.  
 Records of Judicatories—Method of keeping, prescribed by the Constitutional Code, ix. 579-585. *See* Registrars.  
 Recordation of evidence, considered in the Rationale of Evidence, vi. 408-419. *See* Notation and Recordation.  
 — of evidence for eventual use—Absence of provisions for, in common law, shows want of codification, v. 499.  
 — by way of national book-keeping—Objections to the existing system of, v. 383-386.  
 — Uses of, with respect to law-suits, vi. 31.  
 — Extempore, as applicable to legally operative facts, vi. 79-83. Demand for, as a cure for oblivion and misrecording, 79-81. How supplied, 81. Precedents from English and French law, 82-83.  
 — derivative, and registration, vi. 83-86.  
 — Uses, viz., for contracts, &c., 83. To what instruments applicable, 83-84. How

- enforceable, 84. By whom performable, 84-85. Matter to be entered, 85. Securities against error, *ib.* Registrar's duty, 85-86.
- Recordation of the species and nature of the evidence received in causes, vii. 595-597.
- System of, attached to the Tribunals by the Constitutional Code, ix. 493-494.
- Recorder—Origin of the judicial office of, vi. 554 n.
- of London—His resistance to the enforcement of the act for the liberation of prisoners against whom no Bill is found, v. 179-180.
- Recorders—Temporary, how they might be obtained among various members of society, vi. 81-82.
- — — — — Precedents from English and French law as to, vi. 82-83.
- Recoveries—Common—Described as a fiction of law, vii. 283-284.
- Recreations—Harmless. Utility of, ii. 254-255.
- Recruitment as a military term—Meaning of, ix. 349, 353.
- Source of, providable by a system of Pauper management, viii. 420-421.
- of the military forces—Arrangements for, in the Constitutional Code, ix. 396-397.
- Red Lion Street—the place of Bentham's birth, x. 5.
- Redemption of stock—Notice as to, and practice, with reference to the project of Annuity notes, iii. 114.
- Redesdale—J. F. Mitford, Lord, noticed, iii. 373 n; v. 116, 159, 371, 372; vi. 42 n.
- Redress—Legal. Benefit of, both to the injured and the aggressor in supplying the place of revenge, i. 542.
- Reduction of Offices. Principles on which it should proceed, ii. 251-252.
- Redundancy of words as a defect in laws, iii. 247-248.
- — — — — Rules for avoiding, in the phraseology of laws, iii. 260-264.
- — — — — Specimen of, in a British Statute, iii. 263
- Reëligibility of representatives—Restrictions on, ix. 172-180 *See* Legislature.
- — — — — Discussion with Dr Bowring on, x. 528-530.
- Reeve—Edward—A Schoolfellow of Bentham, x. 14.
- Reeves, John—His testimony to the justice of Justice Ashhurst's opinion on the law, criticised, v. 237.
- Reëxamination, repetition, or recolement, considered, in the Rationale of Evidence, vi. 451-458. Borrowed in Scotland from the Roman Law, 451-452. Systematic in Roman Law—incidental in English, 452. Apparent objects, *ib.* One only gained—assistance to correctness and completeness, *ib.* Objects better supplied by other provisions, *ib.* Admission of reëxamination only on special cause, 453-454. Faculty of amendment in English equity practice, its uncertainty, with illustrations cited, 455-458.
- Referees—Provision for, in the Constitutional Code, ix. 552-553.
- Reference—Arrangement of Laws so as to provide means of, iii. 193-195.
- Liberty of, where weak evidence received, vii. 163.
- had recourse to when case deferred, vi. 104.
- Reform—how national prejudices, &c., to be dealt with in the case of, i. 180-184.
- Use made of the plea that there is difficulty in stopping in, i. 363.
- The practice of consulting those whose interest is opposed to, regarding, ii. 13.
- Employment of allusion to danger of innovation as an argument against, ii. 418-420.
- Difficulty of accomplishing, produces cry of danger of innovation, ii. 418.
- Fallacies on which the delay of, is supported, ii. 430-435.
- How met by expressions of Theoretical, Utopian, &c. ii. 457-462.
- Constitutional. Sketch of the various proposals for a, by Mr Meady, iii. 553-557.
- How it is easily baffled by the delay occasioned by a second legislative chamber, iv. 423-424.
- Motives which cause the demand for its being gradual, iv. 423.
- The kind of, that will not be frustrated by sinister interest, illustrated in the new drop, v. 119.
- The Coronation Oath made an instrument of opposition to, v. 207-209.
- requires positive regulation (inferring inspection) while abuse does not, v. 208.
- Proposals for reducing the suffering created by, through the non-disappointment principle, v. 266-267.
- Includes the abolition of corruptive influence—Hence the opposition it meets, x. 81.
- Constitutional—Guardians of—Bentham urged to be one of the committee of, x. 522-523.
- Reform—Law. *See* Law Reform.
- Reform—Parliamentary—Plan of, in the form of a catechism, iii. 433-457.
- — — — — Introduction to Plan of, iii. 435-556.
- — — — — Authorities in favour of, iii. 442-443.
- — — — — Democratic ascendancy as essential to, iii. 445-451, 613-620.
- — — — — Elements of, iii. 452-458. Virtual universality and equality of suffrage, 452-453. Freedom of suffrage, including secrecy, 453-454. Due dependence of representatives as regards electors— independence as regards others, 454-456.

- Exclusion of placemen, 454-455. Universal constancy of attendance, 457-458.
- Reform—Parliamentary—Author's opinions on, as compared with those of other radical reformers, iii. 458.
- — Usefulness—not dangerousness of, that creates hostility, iii. 466.
  - — Inadequacy of moderate, iii. 516-521. Examination of the projects that had been brought forward, 516-518. Inadequacy with regard to electors, in respect of secrecy and freedom of election, virtual universality, and equality, 518-519. Inadequacy with regard to the representative body—Independence, constancy of attendance, and impermanence, 519-520. Household suffrage, 521. Plan for modification of expense, delay, vexation, and disorder, ib.
  - — Circumstances in which the interests, both of Whigs and Tories, opposed to, iii. 527-532.
  - — Interests of the country gentlemen, as opposed to, iii. 532-533.
  - — Options and compromises which the author would accept as to, iii. 533.
  - — Uses of the author's exposure of the motives and influences opposed to, iii. 533-535.
  - — Ends to be aimed at on the occasion of, and means conducive towards them, iii. 539-541.
  - — Means of, conducive to the aptitude of members, iii. 541-548.
  - — Collateral advantages of the various departments of, to various classes of persons, iii. 548-552.
  - — Enmity of the Irish aristocracy to, shown in the breaking up of the Volunteer Association, iii. 618-620.
  - — Gerard Hamilton's opposition to, ii. 384-385.
  - — Temperate and intemperate—a distinction used for fallacious purposes, ii. 452-453.
  - — Discussion in Parliament on Bentham's Plans of, and misstatements corrected, iv. 566-569.
  - — Correspondence with Sir Francis Burdett about drawing a Bill for, x. 491-495.
  - — Radical and Whig—Letter to O'Connell on the comparative merits of, x. 598-599.
  - — Radical, urged, in opposition to the proposals of Brougham, ii. 458.
  - — Belief in the inadequacy of, while the Royal authority and the House of Lords remain, ix. 144-145.
  - — Resolutions on, prepared by Bentham and moved by Sir Francis Burdett, x. 495-497.
  - — Applications for permission to print popular versions of author's Plan of, x. 489-490.
- Reform Bill—Radical, with extracts from the reasons, iii. 558-597.
- — — Titles of the, iii. 563.
  - — — Preamble of the, iii. 563.
  - — — Provision in, for seats and districts, iii. 563-564.
  - — — Provision in, for electors—Their qualifications and certificates, iii. 564-566.
  - — — Provision in, for qualifications of candidates, iii. 566-567.
  - — — Provision in, for election offices, national and district, and Election-Master-General, with subordinates, iii. 567-570.
  - — — Election apparatus of, iii. 571-574.
  - — — Recommendation of candidates—Forms for, in, iii. 574-575.
  - — — Method of establishing and recording qualifications in, iii. 575-577.
  - — — Method of election in—Ballot, &c., iii. 577-579.
  - — — Demarcation of election and Polling districts in, iii. 579-583.
  - — — Method of defining and indicating voters' habitations in, iii. 583-588.
  - — — Continuance of members by—annual Parliaments, iii. 588-589.
  - — — Vacancies in representation—How created and filled up by, iii. 589-591.
  - — — Means in, for securing Legislative Assembly against temporary disturbances, iii. 591-592.
  - — — Method of obviating indisposition of speakers in, iii. 592.
  - — — Appendix to—Necessity of definitions, abbreviations, &c., iii. 592-597.
  - — — Recapitulation of the leading principles of, and reasons for holding them, iii. 599-601.
- Reform of public offices—Principles on which it should proceed, ii. 251-252.
- Reform—Scotch—(viz., in relation to the judicatures) in Letters to Lord Granville, v. 3-53.
- Reformation—Kind of punishment that operates to, i. 71 n \*.
- — Punishment should be subservient to, i. 93.
  - — equivalent in the moral world, to discovery in the physical, i. 227.
  - — In what circumstances it is an object in punishment? i. 392.
  - — Subserviency to, as a property of punishment, i. 404.
  - — Subserviency of laborious punishments to, i. 440.
  - — Unconduciveness of transportation as a punishment to, i. 492-495.
  - — Conduciveness of the Panopticon to, by labour, temperance, separation, and instruction, i. 499-500; iv. 40, 47.
  - — Inadequacy of the penal colony system

- to the production of, contrasted with the efficacy of the Panopticon Penitentiary Plan, with illustrations, iv. 174-183. *See* Transportation.
- Reformation—The, an innovation, ii. 418.
- — How it might have been stopped by a coronation oath, ii. 409.
- — Money and influence it threw into the hands of the king, and their effects on the liberty of the country, iii. 514.
- Reformers. How, if successful in pointing out abuses, they come under the libel law, v. 106-107.
- *See* Reform—Parliamentary.
- Regenfeld—Baron, noticed, x. 285.
- Register—General, of real property—Outline of a plan of a, communicated to the Real Property Commissioners, v. 417-433. Novelty a requisite, 417. Utility of reasons, and absence of them in Commissioners' Report, 418. Inadequacy of a preamble to a bill, 418-419. Two principles—Greatest happiness, and Non-disappointment, 419. Ends to be held in view, primary and secondary—former, avoidance of loss; latter, avoidance of delay, vexation, and expense, 420. Severe case of loss, or disappointment by defect of title, to be obviated, 420-421. Nature of a Registration Institution, and its drawback—expense, 421. Objects for attainment enumerated, 421-422. 1st—minimization of expense, 422. By Central Buildings, 422-423; By the smallest adequate number of functionaries, 423. Application of the principle of competition, 423-424. Gratuitous services of Probationary Deputes, 424. 2d object—minimization of delay, ib. Effected by strictness of attendance, &c., 424-425. 3d object—maximization of personal aptitude, 425-427. Deputeship, inaugural declaration, interdiction of emolument by fees, single-seatedness, public opinion, dependence of attendance on emolument, dislocability, 425-426. Reasons for not having patronage and power of removal in the same hands, 426. Inadequacy of restricting the choice to barristers, and of oaths for the security of aptitude, 426-427. 4th object—maximizing aptitude of machinery, 427-428. Power of sublegislation as to interior arrangements by the Central authority, ib. 5th object—security for the efficiency of the process maximized, 428-429. A comprehensive map, 428. Difficulties in the spherical form of the earth, and the inequalities of surface, ib. Method of subdivision to make a general map accord with the several minuter maps, 428-429. Utility of transverse lines illustrated in a map of Paris, 429-430. 6th object—extent of application of this security maximized, 430-435. All kinds of Property admitted, 430. No fees—the registration, while useful to individuals, being a national benefit, as a storehouse of evidence, and fees always creating corruption, 431-432. The manifold system of writing, 432-435. Illustrations of its utility, in the inadequate plans proposed by other means for obtaining accurate copies of deeds for deposit, &c., ib. 7th object—minimization of the burden, 435. In addition to the absence of fees, &c., conveyance of documents by post, ib.
- Register—General, of Real property—Correspondence with Speaker Abbot on the advantages of, x. 350-351.
- — — Cromwell's attempts to establish—how baffled, iv. 501.
- Register of criminals—Uses of, to the end of justice, viii. 505.
- Register of all persons subjected to coercion and confinement, i. 370.
- Register—Military—Arrangements for a, in the army and navy, for entering punishments and complaints, ix. 367-370.
- Register of births, marriages, and deaths, i. 553; iii. 83; vi. 566-574.
- — — System of, in England, vi. 567 n; ix. 625-626 n. Bill for Scotland, ib.
- — — *See* Genealogical facts: Registrars—Local.
- Register of seamen—Advantage of, both to the public and to the seamen, ix. 406.
- — Plan for establishing and employing, with heads of entry, &c., ix. 409-415. *See* Defensive Force—Shipboard oppression obviated.
- Registers for workmen—Utility of a system of, viii. 398.
- Registrar of a judicatory—The position and functions of, described, ix. 465.
- A, should be attached to every directive official department, ix. 231.
- Registrar and his deputes, in Dispatch Court—Account of provisions for, in proposed Bill, iii. 309-310.
- — — Provision for appointment, function, salary, &c., iii. 341-342, 344.
- Registrars attached to the Judicatories—The qualifications required of, in the Constitutional Code, ix. 528-529.
- Registrars—Judiciary—Immediate and appellate—Provisions for, in Constitutional Code, ix. 579-585;—
- — — Fields of service—Co-extensive with judge's, ix. 579.
- — — Relation of, to judge, ix. 579-580. Verity, correctness, clearness, &c., of proceedings, what he has to see to, 579. Must make entry of whatever the judge requires, ib. Judge cannot expunge what Registrar has written, 580. Substitute appointed by judge in absence, ib.
- — — Effective functions of, ix. 580-

581. Litiscontestational, in relation to a suit begun, 580. Providentiary by construction of preappointed evidence—for preventing rights from being frustrated, &c., *ib.* Transferred from local registers to the Judiciary Register, *ib.* Financial functions—as to the money for paying the officials, 580-581.
- Registrars—Judiciary—Immediate and appellate—Elementary functions, ix. 581-582. Necessary to the discharge of his effective, 581. Included in the Litiscontestational and Auditive are—The Inspective, Lective, Interrogative, Minutative, Commentative, Attestative, Receptive, Accersive, Communicational, Authenticative, Custoditive, Sub-directive, Access-affording, *ib.* Included in the Providentiary-effective are—The Receptive, Acceptional, Custoditive, and Requisitive, *ib.* Included in the Financial are—The Receptive, Acceptional, Custoditive, Requisitive, and Transmissive, 581-582.
- — — Minutation by—how, ix. 582-583. Statements of discourses, and relatively-influential occurrences, 582. What included in the term, *ib.* Subjects of concomitantly-statistic, and of subsequently-statistic information, *ib.* Documents, *ib.* Suits that may be unminuted on account of simplicity, 582-583.
- — — Attestation by—how, ix. 583. Applicable to any statements in the course of business, of which it is necessary to keep a probative copy, *ib.* Proceedings in the several cases of the person admitting, refusing, or evading the admission of the correctness and completeness of the draft, *ib.* Function of the judge as to authentication, &c., *ib.*
- — — Minutation-Amendment by—how, ix. 583-584. Case where a person desires to make addition, subtraction, or substitution on his attested document, *ib.* Exemplars to be kept in original state, 584. Method of making, *ib.* Arrangements as to the incidence of the expense, *ib.*
- — — Securities for appropriate aptitude applicable to, ix. 584-585. Method of making corrections, so that what was originally written be visible—no erasures or deletions, 584-585. Provision for treating suggestions by parties, &c., 585. Judge and Registrar to be mutual checks on each other, *ib.*
- — — No migration in the case of, as in that of the judges, necessary or beneficial, ix. 585.
- Registrars—Local. Provisions regarding, in the Constitutional Code, ix. 625-636.
- — Fields of service, ix. 625-626. Same as those of the Headman, 625. Provision of preappointed evidence, 626.
- — Self-suppletive function of, ix. 626.
- Registrars—Local. Functions in general, ix. 626-627. Reference to provisions as to Judiciary Registrars and Local Headmen, 626. Description of persons—sex, name, age, occupation, *ib.* Places and times, *ib.* Examples of the various sorts—deaths, births, marriages, and contracts, and other legally operative facts, *ib.* The Books, 626-627.
- — Genealogical-recording functions, ix. 627. Deaths, marriages, divorces, arrivals at full age, lapses into insanity, and restorations to sanity, *ib.* Property-settling purposes, *ib.* Health-preserving sanitary purposes, *ib.* Private economy-aiding purposes—rates of mortality for insurances, &c. *ib.* Political economy-serving purposes, *ib.* Calamity and casualty-minimizing purposes—directing the attention of Government to the means of prevention, *ib.* Crime-minimizing purposes, *ib.* Indeterminate purposes—comparative salubrity of places and occupations, influence of temptations to prodigality, prevalence of intemperance, &c. *ib.*
- — Death-recording function, ix. 628-629. Entry, in case of death, of person, place, time, cause, with description of persons present, 628. Digested mortality tables, and the disposal of them, *ib.* Power to extract information, *ib.* Information to Judiciary on suspicion of violence, *ib.* Prehension of suspected persons, *ib.* Temporary custody of found bodies, *ib.* Disposal to medical practitioner, when no claimant, 628-629. Examination of arrested person, 629. Functions of the English Coroner, *ib.*
- — Marriage-recording function, ix. 629-630. To include divorces, 629. Causes of complication, as compared with other registers, *ib.* System in England, 629-630, and *n.*
- — Birth-recording function, ix. 630. Sex, father's name, age, and occupation, mother's name, place, date, persons present, persons bringing report, date of report, child's name, if reported, *ib.* Considerations as to illegitimates, *ib.* English practice, *ib.* and *n. †.*
- — Maturity-recording function, ix. 630. Elicitation of evidence of the fact, *ib.* Legal rights to which it is serviceable, *ib.*
- — Insanity-recording function, ix. 630-632. Entry, an adequate evidence, 630. Different kinds of insanity, and their different effects—with the view to the exercise of precautionary functions, 631. Provision for temporary confinement, *ib.* Provision when pecuniary means deficient, *ib.* Considerations as to prodigal persons, 631-632. English sys-

- tem, 632. Disposal of exemplars of record, *ib.* Registration of restoration to sanity, *ib.*
- Registrars—Local—Post-obit-administration-granting function, ix. 632-633. Receipt of application from claimant of the administration, 632. Inquiry, *ib.* Temporary preservation of effect, *ib.* Practice in England, expense, and denial to those who cannot afford it, 633. Contrast with proposed plan, *ib.*
- — Property-transfer-recording function, ix. 633-634. Entry of all instruments appointed by the Legislature, 633. Advantages in the way of security from loss, fraud, &c., 633-634.
  - — Contract-recording function, ix. 634. All contracts legislatively appointed to be registered, *ib.* Uses, *ib.*
  - — Extra-judicial-evidence-recording function, ix. 634. All such evidence as may be legislatively ordained to be registered, in contemplation of litigation, *ib.*
  - — Sub-judiciary topographic-evidence-recording function, ix. 635. Maps, and other imitative documents, *ib.*
  - — Digestive function, ix. 635. Preparation of digested tables, and transmission of exemplars, *ib.*
  - — Document chamber for public inspection of tables, ix. 635.
  - — Term of service, ix. 635. *See* Registrar—Judiciary.
  - — Attendance and remuneration of, connected with, and made dependent on, each other, ix. 635-636.
  - — Who locable, and how located, and dislocated or removed, ix. 636.
  - — Securities for appropriate aptitude, ix. 636.
  - — Inaugural declaration, ix. 636.
  - — Relation of, to Local Headmen by Constitutional Code, ix. 624-625.
- Registrars—Local Headmen's—General description of, in Constitutional Code, ix. 467.
- Registration—A system of, with regard to Titles, proposed, with the requisites, i. 552.
- of Deeds—The uses of, enumerated, v. 405-406.
  - of Burdens on landed property—considerations on the unwillingness of borrowers to allow, v. 410.
  - Application of in schools, to all matters indicative of the state of discipline and scholarship, viii. 49.
  - A system of, for the Prime Minister's Office in the Constitutional Code, ix. 209.
  - system of, adapted in the Constitutional Code to the operations in all the Official Departments, ix. 232-253. *See* Books.
  - of Births, Marriages, and Deaths. *See* Genealogical facts; Register; Registrars—Local.
- Registration—The effect of nullifying deeds in case of non-compliance with provisions for, considered, v. 409-410.
- of Laws—Prejudice in France in favour of, as a formality, iv. 311.
  - of testimony, vi. 408-419. *See* Notation.
  - judicial—System of proposed, vi. 330. Subjects of, *ib.* Uses of—as a check on the judge—with a view to appeals and future litigation, &c. *ib.* *See* Official Evidence.
  - transcriptitious, as applied to contracts, vi. 575-582. Uses—preservation and promulgation, 575. Securities, debts, sale, *ib.* Leases, 575-576. What contracts to be registrable, 576. Whether in whole or part—expense apart, the whole, *ib.* Mode of enforcement—difficulties where there is no professional person, but all such personally liable, 577-578. Mode of notification—letter of advice, 579. Mode of designation in the case of land, *ib.* Limits to the application of the practice—extent to which secrecy compatible, 580-581. Importance of reducing the matter to be transcribed—aberrations of English practice, 581-582.
  - publicity a security for correctness of, vi. 355.
  - of facts connected with character evidence, vii. 59-60.
  - of marks of manufacturers, &c., for prevention of forgery, iii. 72; vi. 584-585. Illustration from fabrics' copyright act, 584 n.
  - of the species and nature of the evidence received in causes, vii. 595-597.
  - *See* Preappointed Evidence; Record; Recordation.
- Registrum Brevium referred to, vii. 458-459.
- Regret—the pangs of, i. 19.
- Regular procedure—prejudices in favour of the term, vii. 198-199.
- Regulations—Table of, in Legislative Assemblies, recommended, ii. 320.
- precautionary, in the admission of casually-written evidence, vii. 125-126.
  - Precautionary for the weighing of evidence. *See* Instructions.
- Rehearing—Nature of a, ii. 153.
- Reid—Dr Thomas—His miscomprehension of the use of Bifurcate or exhaustive division in logic, viii. 115-116.
- — His opinion of the Defence of Usury, x. 176-177.
  - — — noticed, vii. 95.
- Reinstatement—Eventual, in the case of evidence having been found deceptive, vii. 163.
- Rejection instead of amendment of defective measures—Fallacy of, ii. 471-474.
- Rejoinder in civil action, vi. 400.

Relation—Ambiguity of the term, i. 120 n +.

- A physical fictitious entity, viii. 201, 264.
- Absence of language for expressing the incidence of, with respect to more than two things, viii. 108-109 n.
- of things to each other—one of the most powerful means of instruction as to their nature, viii. 109-110.
- Fictitious entities connected with—their universality, viii. 203.
- Simple fictitious entities connected with, viii. 203-205. Place, time, motion, action, and passion and reaction, ib.
- As between cause and effect—Fictitious entities appertaining to, viii. 206-210.
- The predicaments that involve, viii. 235.

Relations—Reasons for prohibiting marriages between, i. 350-352.

- beyond the forbidden degrees—Proposal to exclude the succession of, and appropriate the estate to the revenue, ii. 585-598. *See* Supply without burden.
- Social—The interests arising from, as affecting testimony, vi. 160-164; vii. 575-577.

Relationship—Aggravation of simple corporal injury from, i. 165, 167.

Relationships—Natural and Legal, analysis of, i. 119-121.

Relegation—As a punishment, compared with Banishment, &c. i. 431-435.

Relief—The pleasures of, i. 19.

- to paupers—Principle of no liberation till expense of worked off, viii. 383.
- Parochial. Table of cases calling for, explained, viii. 365.
- Parochial. *See* Pauper Management.
- Out-door—Difficulties in the way of any adequate system of, viii. 440-452. *See* Poor Law.

Religion—How connected with the rise of asceticism, i. 5.

- Extent of the mischief to society, of crimes occasioned by, i. 75-76.
- Offences against, i. 101, 103-104.
- Genera of offences against, i. 134 n.
- Offences against—Their place in the penal code as a subdivision of public offences, iii. 170-171.
- Propensity to make the law interfere with, i. 147.
- Provisions for the support of, i. 316-317.
- Prejudices regarding punishments founded on, i. 412.
- Contempt for, encouraged by promiscuous intercourse in prisons, i. 429.
- Fallacy of presuming attacks on, when a bad form of, is attacked, ii. 440-441.
- Neglect of, in penal colonies, i. 494.
- How employed for demoralizing purposes in the universities, ii. 261-262.
- Influence of the exertions of the hired champions of, in the propagation of, ii. 262-264.

Religion—Influence of fallacies of authority on, ii. 393.

- Extent to which the observances of, ought to be protected from molestation, ii. 514-515.
- Providing for the exercise of, to the various sects, in prisons, iv. 23-24.
- The ordinances of, as a part of prison discipline, iv. 78-79.
- Illustrations of its inefficacy to humanize the population of a penal colony—treated with ribaldry, iv. 223-224.
- adopted in England like a bill at first reading, with liberty to amend, v. 201.
- Natural and revealed—repugnance of judicial oaths to, v. 457-458.
- How employed by tyranny to extirpate morality, vi. 117 n.
- Mistaken presumption, that all men act under the influence of, vi. 320 n +.
- not to be taught in the Chrestomathic school, as it might exclude some persuasions, viii. 40-42.
- Those who think it requires coercion to protect it, cannot be sincere believers in, viii. 546.
- The crimes committed through, more to be dreaded, than those committed against, viii. 547.
- Securities against vexation on account of, proposed for a Mahomedan state, viii. 583-584.
- Extent to which the Instruction Minister authorized to interfere with, by the Constitutional Code, ix. 442.
- Danger of a zeal for, when it is contradistinguished from morality, x. 70.
- Established—Reasons against, in a free state, ix. 92-95. If the doctrine be true—needless, 92. If untrue—pernicious, ib. If supposed true, but unacceptable, paying clergy will not make it more acceptable, ib. The mode compared with hiring false witnesses—reward held out to all who will set their hands to a certain creed, 93. Demoralizes the minister, by confusing his notions of right and wrong, ib. A certificate of belief, in the falseness of the creed or its inability to support itself, 93-94. Fallacy of the notion, that when truths are felt as so important, people will not of themselves follow them out, 94. Real motives for establishments—disposal of patronage, spiritual despotism, &c., 94-95.

Religious belief—The disposition to coerce for, traced, vii. 109 n.

- Exclusion of witnesses on the ground of, discussed, vi. 106; vii. 420-427.
- Exclusion of witnesses on the ground of, caused by antipathy, vii. 426-427.

Religious establishments, are legislation for the subversion of truth by bribery for the support of given opinions, ix. 35.



- Religious establishments—Reasons why there is no provision for, by the Constitutional Code, ix. 452-453; Purchases insincerity, ib.
- Religious instruction—as an object of Prison discipline, iv. 122.
- — for convicts—Requisites of, i. 500.
- Religious observances among convicts—Inadequacy of the Transportation system—Efficacy of the Panopticon for, iv. 176.
- Religious partiality—Means for neutralising the influence of, on juries, v. 165-167.
- Religious persuasion as influencing sensibility, i. 30-31.
- Religious restrictions—Motives that have led to, in England, i. 437.
- Religious sanction—Definition of the, i. 14.
- — Motive corresponding to the, i. 52, 56.
- — Difficulty of finding the exact rank of the motive corresponding to, in the scale of motives, i. 58.
- — Disposition inferred from acting on, i. 63-64.
- — considered as a standing tutelary motive, i. 66.
- — Pleasures and pains of the, with the correspondent interest and motive, i. 201.
- — Source and direction of the, iii. 291.
- — Employment of the, as a means of preventing crime, i. 564-567. Should be in conformity with utility, 564. Therefore no coercion, 564-565. Demoralising effects of intolerance, 565. Employment of the sanction by the magistrate dependent on his authority over it, 566. Evil direction that the sanction has taken, ib. Worse direction of irreligion, ib. Oaths, 567.
- — injured by the practice of demanding unanimity of jurors, v. 464.
- — Effect of, on evidence, vi. 20-21, 260-261, 270-276; vii. 583.
- Religious sensibility and bias—Influence of, i. 24.
- — Offences against, i. 174.
- Remanet, when a jury trial deferred, vi. 104.
- Remedial measures—Inability of the Common-law courts to take, vii. 294.
- services by judges in relation to procedure, ii. 39-40.
- Remedy—Definition and nature of a, iii. 214.
- quibble of saying the law gives one for every right, vi. 148.
- Legal—Compensation as a, ii. 110-115.
- Remedies—Legal. Various kinds of, ii. 90-92.
- against offences. The various kinds of, i. 367.
- Suppressive for chronic offences, i. 369-370.
- Remedies by English law—their dependence on the nature of the evidence, iii. 361-362 n.
- Punitive and satisfactive—evils of their being administered in distinct tribunals, v. 531-532.
- succedaneous to exclusion of evidence, vii. 368-383. *See* Exclusion.
- suggested for the evils of the technical system of judicature, vii. 320-329. Officers for the department of law-reform, 320. Substitution of the natural to the technical system, 320-321. Natural contrasted with technical procedure, 322-324. Abolition of special pleading, 325-326. Abolition of fees, 327-328.
- The complex variety of, afforded in English practice, vi. 475.
- Remembrance, Reminiscence, &c., as logical operations, viii. 224-225.
- Remembrancer in Exchequer—Obscurity of the origin of the office, vi. 68 n \*.
- — — Sir Richard Phillip's attempt to get him to strike special juries in terms of the act, v. 155-156.
- Remembrancer of the City of London — Origin of the office of, vi. 68 n \*, 554 n.
- Remissibility as a property of a punishment, i. 95-96, 406.
- Remission of Punishment—Provisions for in the Constitutional Code, ix. 600-607. *See* Justice Minister—Dispunctive Function.
- — *See* Pardon.
- Remitter of a cause in English practice—Defectiveness of, vi. 420.
- Remoteness in time or place—Effect of, in creating belief in improbabilities, vii. 89-90.
- of testimony from seat of perception—Effect of, vi. 222-223.
- Remuneration as *ex post facto* reward, ii. 203-204.
- Large—fallacy that it is necessary for the support of official dignity, v. 316-318.
- Counterpart of intimidation as an instrument of government, ix. 47-48.
- and attendance—Plan for connecting, in the case of a legislative body, ix. 163-166.
- all above what will procure the service is waste, ix. 200.
- of officials—The system of, in the Constitutional Code, ix. 266-271.
- Reasons against increasing, for length of service, ix. 295-296.
- of army and navy—Provision for, in Constitutional Code, ix. 371-381. *See* Defensive Force.
- Remuneratory Laws—Plan of, iii. 203.
- Rennel—Major, noticed, xi. 122.
- Reparation to the sufferers by offences, i. 371-388. *See* Satisfaction.
- Repeating—The faculty, when unaccompanied by comprehension, a useless acquisition in schools, viii. 44-45.

- Repetition as distinguished from continued act, i. 37.  
 — Power of, in aggravating small offences, i. 377-378.  
 — or amendment, in equity cases, vi. 455-458.  
 — of evidence, on the Scottish system, vi. 451-458. *See* Re-examination.  
 — in terminis and in purport as defects in literary composition, viii. 271.  
 Replication in civil action, vi. 480.  
 Reply—Privilege of, in debating, considered, ii. 359-360.  
 Replies in written evidence should be numbered in conformity with questions and answers, vi. 441-443.  
 Reports as a foundation for legislation—The proper system of, expounded, and the existing systems criticised, in Plan for Legislation Inquiry Judicatories in Constitutional Code, ix. 181-188. *See* Legislature.  
 — False. Principles of satisfaction to persons injured by, i. 375-376.  
 — False. Position of offence of, in Penal Code, iii. 168.  
 Reports of Decisions—a means by which judges, reporters, and booksellers manufacture law, iv. 484-486.  
 — — — Various elements of uncertainty that may characterize the law deduced from, iv. 486 n.  
 — — — Effect of publishing, vii. 315-316.  
 — — — Extent of the body of, in England, excellent materials for a code, ix. 26.  
 Reported real evidence, *i. e.* supposed real transmitted through oral or casually-written, vii. 152-154.  
 Reporting in legislative bodies—as a means of giving publicity to their proceedings, ii. 315; vi. 78-79.  
 Reporting witness judicially appointed—Functions of a, vii. 153.  
 Repose as an element of felicity, ix. 15.  
 Repositories for preappointed evidence, vi. 553-561. *See* Official Evidence.  
 Representation—How far exposition can be carried on by means of, where parties have no common language, viii. 243-244.  
 — Corruption of, in England, ii. 293-294.  
 — Coextension of, with Taxation—the principle criticised, iii. 467 n.  
 — Inadequacy of proposed moderate reforms in the, iii. 519-521.  
 — and population—Considerations regarding the proportions of, to each other, iii. 583-584 n.  
 — of the People—A Bill to reform the, iii. 558-597.  
 — The principle of, necessary to any country large enough to defend itself, ix. 47.  
 — The non-existence of, in Britain when the Book of Fallacies written, ii. 445.  
 Representation—Reform in the. *See* Reform.  
 Representations in Scottish procedure—Fees and delay from, vii. 221-225.  
 Representatives—how far they should be liable for, or should be entitled to, compensation for offences, i. 523-525.  
 Representatives—(as applied to members of a legislature)—Indefinite meaning of the term, ii. 507-508.  
 — Deputes a preferable term to, ix. 155-156.  
 — Conditions requisite to existence of confidence in, ii. 301 n.  
 — Publicity as to the proceedings of, ii. 310-317.  
 — Influence that public-opinion ought to hold over, ii. 368.  
 — Dependence of, as regards electors—Independence as regards others, iii. 455-457.  
 — Universal constancy of attendance of, iii. 457-458.  
 — Inapplicability of secret voting to, iii. 490.  
 — Impermanence of their situation through short Parliaments urged on the ground of utility and usage, iii. 511-516.  
 — Reeligibility of—Opinions on, expressed in Tract on the proposed Portuguese Constitution, viii. 483-485. Later formed opinion, 485 n.  
 — Who should be authorized to choose in a free state, ix. 95-113. *See* Constitutive—Supreme.  
 Representative Democracy—Reasons why it affords the best securities against misrule, ix. 10.  
 Representative System—Origin and progress of, in England, ii. 444.  
 Reprisals in War—Incidence of, i. 480.  
 Republic. The most perfect form of Government, ix. 2.  
 — The Constitutional Code chiefly adapted to a, ix. 2.  
 — Estimate of the comparative merits of the Federative, and the simple form of a, ix. 643-647.  
 Republics—Frugality of rewards in, ii. 201.  
 — Absence of insurrection and distress in, as exemplified in America, iii. 612-613.  
 — Difficulty in reconciling to judicial privacy in cases where it is necessary, vi. 372.  
 — Absence of temptation to commit state offences in, ix. 36-40.  
 — Extent to which public amusements sought in, i. 318.  
 Reputation—The pleasures of, i. 18.  
 — Motive corresponding to the pleasures of, i. 51, 56, 57.  
 — Disposition in connexion with, i. 62-63.  
 — A standing tutelary motive, i. 65-66.  
 — Weight given to sentiments by, i. 232.  
 — Love of, as connected with the exercise of benevolence, i. 561, 563.

- Reputation—Authority derived from, ii. 389.
- How the desire of, affects argumentation, viii. 237.
  - Good and bad. Distinction between, defined, i. 463.
  - Pleasures of good, and pains of bad, with the correspondent interest and motives, i. 201.
  - Value of, overlooked in estimating the reward of official persons, v. 317-318.
  - Easier protected to the powerful than to the weak, independently of assistance from Libel law, v. 247.
  - Nature of property in, with relation to forfeiture as a punishment, i. 452-453.
  - as an object of security by the law, iii. 213.
  - As an object of security by the Constitutional Code, ii. 270 n.
  - When attacks on should be punished? ii. 279.
  - of official persons—Propriety of sanctioning scrutiny into, ii. 425-427.
  - of deceased persons—Considerations as to legal protection to, x. 518.
  - The law may work upon, as well as upon property and person, vii. 50 n.
  - of an accused person—How far it is evidence, in regard to the accusation, vii. 56-60. *See* Character.
  - of theft—Punishment for, illustrated in English practice, vii. 446 n.
  - How far danger to violation of, justifies restriction of judicial publicity, ii. 44; vi. 364-367.
  - Regard for—Effect of on testimony, vii. 570-571.
  - of judge—Publicity protects, vi. 355
  - Forfeiture of as a punishment, i. 458-467.
  - Pecuniary. *See* Pecuniary Reputation.
- Reputation—Offences against, as a division of private offences, i. 99-100.
- — — as a subdivision of private offences, iii. 164-165.
  - — — as a subdivision of self-regarding offences, iii. 168.
  - — — as a subdivision of semi-public offences, iii. 168.
  - — — Considerations as to time and place with regard to, i. 175-176.
  - — — Considerations as to whether the protection of official persons from, should not be a degree less than that of private citizens, viii. 510.
  - — — Satisfaction, as applicable to, i. 375.
- Reputation and Person—Offences against, i. 100, 118-119.
- Request—Courts of, natural procedure before, vii. 321-323.
- — — Smallness of the skill required in, iii. 400
- Requisitive functions of Ministers collec-
- tively in the Constitutional Code, ix. 253-257.
- Resentment—Indignation, &c., as designative of motives, i. 203.
- Residence with relation to jurisdiction, ii. 27-28.
- Resident—Rank of, as a foreign minister, ix. 228.
- Resistance to Motion—Divided into counter-motion, and *vis inertiae*, viii. 128-129.
- National. When justifiable, ii. 545.
  - justified by attacks on liberty of the press, ii. 121.
  - to Government—Under what circumstances commendable, i. 287-288.
  - How far recourse to, may be necessary against a popular Legislature, ix. 121
  - to oppression—Imprescriptible right of, according to the French declaration, criticised, ii. 504. A mere license to resist what one dislikes, ib.
  - Faculty of, the security of a free government, ii. 287.
- Resolutions of political assemblies—Matters to be attended to in framing, ii. 334.
- on Parliamentary Reform, drawn by Bentham and moved by Sir Francis Burdett, x. 495-497.
- Respect—Factitious honours, considered as drafts for on a nation, and the effect on society, ix. 78-92. *See* Honour.
- Education a means of securing, viii. 8
  - to persons in authority—Mischief of the proposition that nothing should be done to reduce, vii. 331.
- Respondentia—Virtual usury sanctioned by the law, in bonds of, iii. 14.
- Responsibility of parties for offences committed by others, considered, i. 383-386.
- Civil, of one person for another, distinguished from misseated punishment, i. 478.
  - of public officers—How to increase, i. 548.
  - the effectual protection from judicial malversation, ii. 31.
  - of applicants for judicial services—Securing the, ii. 42-43.
  - How to adapt remuneration to the securing on the part of persons in employment, ii. 234.
  - Of representatives to their constituents, ii. 301 n.
  - Power without—Trustworthiness in inverse ratio of, ii. 389-390.
  - The absence of, in connexion with fallacies of authority, ii. 393-394.
  - Secret voting inapplicable in cases demanding, iii. 490.
  - to the public—greater in the case of single (especially if contract) than in board management, iv. 125-134.
  - A word requiring special exposition, when used in law, v. 413.
  - Official, considered, vi. 556-559. Only

- in its burthensome sense—carrying with it risk of actual loss—that it is efficacious, 556. If it arise only from power, the higher it is, the less to be trusted, 557. Illustration from declarations of opinion, which may be purchased to any absurdity, *ib.*
- Responsibility—Weakened by the aggregation of officers constituting a board, or corporate body, *vi.* 557-559.
- Official, in regard to correct registration, *vi.* 72-73.
- How it is weakened, according to the numbers among whom it is spread, *i.* 571; *vi.* 379.
- False notion that it can be created by reward—can only be by punishment, *ix.* 151-152, *n.*
- Analysis of the various kinds of, applicable to rulers, *ix.* 152-153.
- Responsive exercises—Nature of, in the Chrestomathic system of Education, *viii.* 44.
- Rest—a physical fictitious entity, *viii.* 200-201.
- or the absence of the fictitious entity called motion, divided into absolute and relative, *viii.* 130-131.
- Sciences involving the predicament of, *viii.* 288.
- Restitution in kind, as satisfaction to the sufferers by offences, *i.* 374-375.
- Actions of, ranked as non-graduable, *ii.* 84.
- Absence of provision for, at common law, shows want of codification, *v.* 487.
- Provision for eventual, in case of decision on weak evidence, *viii.* 125.
- Restoratives to the competency of evidence by English practice, *vii.* 433-440. Are proofs of the absurdity of exclusion, 433. Burning, 434-435. Great seal, 435. Sceptre, 435-436. Confessing to error in record, 436-438. Resigning interest, 438-440, 507.
- Restraint as an offence—Nature of, *i.* 114.
- Restraint in relation to punishment and forthcomingness, *i.* 393.
- Restriction as a mode of exposition, *viii.* 248.
- Restrictions—Religious—motives on which they were established in England, *i.* 437.
- on labour, &c., illustrated, *ii.* 225.
- on trade—Effects of, *iii.* 57-58. Discourage one branch to enhance another, *ib.* When the profit made by one instead of another, government takes credit for creating it, *ib.*
- on trade—Substituting licenses for, a means of raising revenue, *x.* 304.
- Restrictive punishments defined, *i.* 420.
- — The kind of, described as simply restrictive, *i.* 435-437.
- Restrictive and prohibitory commercial system—Nature of the, *iii.* 88-96. If the goods prohibited would not be purchased, useless—if they would, mischievous, 88-89. In the latter case, a tax without benefit of revenue, 89. If the home article too dear to be purchased, simple infringement on comforts, *ib.* Smuggling, 89-90. Losing the foreign market, 90-91. Dearer instead of cheaper commodities, 91. Inferior quality, *ib.* Home manufacturers deprived of employment, 91-92. Loss of duties on imports, 92. Seizures, *ib.* Conflicts with revenue officers, and crimes, 92-93. Rivalry with the provinces professed to be benefited by the prohibition, 93-94. Retaliation by other states, 94. Foreigners and smugglers looked on by the people as friends—their own government as enemies, 94-95. Takes the character of infamy away from crime, 95. Founded on a false estimate, when acted on will ruin those concerned, on the restoration of the natural system, 95-96. Application to new and to old established trades, 96.
- — — Causes of the, *in.* 96-100. Combined exertions by self-interested parties, 96. Secret influence, 96-97. Absence of these auxiliaries to the cause or the people at large—the consumers, 98-99. Landed interest and corn laws, 99-100. Legislative incapacity, 100.
- Restrictives—Proper employment of, in language, for the avoidance of ambiguity, *viii.* 314-315.
- Retaliation—Punishment by, *i.* 92, 409-411. Circumstances necessary to make it complete, 409-410. Offences to which it is inapplicable, *i.* 410-411.
- Punishment by, considered in respect to the quality of characteristicness, *i.* 403-404.
- What kind of offences admit of, *i.* 140-141.
- Retreat—Pensions of—Opinion against, in Constitutional Code, *ix.* 31.
- — — Reasons in favour of, in the military department, not applying in the civil, *ix.* 373-374.
- — — Dumont on, *ii.* 245-246.
- — — Difference of opinion with Dumont on, *ii.* 191.
- Retrenchment—Application of the non-disappointment principle to the neutralization of the hardships of, *v.* 266-267.
- Retrenchments—That many have been made, no excuse for not making more when there is a demand for them, *v.* 323-324.
- Retributive sanction—The, a lately discovered one, *i.* 14 *n.* \*
- Return to a Mandamus, in English practice, characterized, *vi.* 462.

- Revelation—Law of. Blackstone's opinion that no human law should be suffered to contradict, criticised, i. 286-287.
- Reveley—William—Author of Views in the Levant, noticed, iv. 78 n, 80 n, 83; x. 157, 228, 274.
- — and his wife—their acquaintance with Bentham, x. 251-252.
- Revenge—Nature of, i. 53.
- Extent of the evils to society of crimes occasioned by, i. 75.
- The pleasures of, with the corresponding interest and motives, i. 203.
- Nature and operation of, in regard to satisfaction for offences, i. 382-383.
- the natural punishment of a barbarous state of society—Legal redress a substitute, i. 542.
- Pleasure of the exercise of, not equal to the pain produced—an axiom, in. 226.
- Influence of, never taken into view by lawyers, vi. 475.
- Revenue—Programme of three sources of, escheat—taxing the traffic on money—substituting licenses for commercial restrictions, x. 304.
- The. Advantages of Project of conversion of stock into Annuity notes to, in. 123-132
- Proposal to appropriate to, estates not succeeded to, by relations within the forbidden degrees, ii. 585-598. *See* Supply without burden.
- Colonies no assistance to, unless by compulsory taxation, iv. 414.
- Fines to, should give place to compensation to party injured, i. 388.
- Frauds and offences against. Wrong tone of public-opinion regarding, and remedy, i. 464-465; vi. 268.
- Offences against. Jury-trial a protection in, ii. 119, 135.
- Offences against—their place in the Penal Code, in. 170.
- causes. Special juries invented for the purposes of, ii. 138.
- Revenue officers—Rewards to, from captured goods, ii. 199.
- Revenue prosecutions—a species of collusion that has been practised by compounding, x. 84-85.
- Revisals—How far correctness of transcripts secured by, vi. 171.
- Revolt—What constitutes a state of, i. 266.
- Principles of resort to, iii. 219.
- Precautions against, on the part of governors, i. 572.
- Revolution of 1688—reduced the sovereign's power, but added to sinister influence of Lords and Commons, iv. 446-447.
- — — an innovation, ii. 418.
- — — The quibbles and fictions connected with, in Parliament, ii. 288.
- — — Utility of the contract form as a means of limitation seen in, viii. 575.
- Revolution of 1688—Criticism on the use of the word abdicate at the, ii. 409; in. 508-509.
- — — Use of the term glorious, in relation to, as a vague generality, ii. 447-448.
- Revolutions—Circumstances justifiable of, ii. 287.
- in public-opinion—how produced, i. 564.
- REWARD—The principles of, ii. 192-235;—
- Definitions as to, ii. 192-193. Definition of reward, 192. Services to which applicable—ordinary and extraordinary, 193. Rewards, occasional and permanent, ib.
- Matter and sources of, ii. 193-197. To good what punishment is to evil, 193-194. Composed of money, 194. Of honour—ranks, orders, &c, 194-195. Power, 195. Exemptions, 196-197.
- and punishment combined, ii. 197-198.
- Reasons for husbanding matter of, ii. 200-203. Honours, power, exemptions, monopolies, 200. Evils of prodigality, 200-201. Exemplified in the peerage, 201. Illustrations, 202-203.
- after the service or remuneration, ii. 203-204.
- and punishment. Relations of to each other, ii. 204-208. Latter preferable, when it will serve, 204-205. Former expensive—latter not exacted, but where incurred, ib. Reward necessary for extraordinary services, 205. When punishment attempted for these, tendency to keep down the qualifications, 206. Distribution of onerous duties, 207. Resumé, 207-208. Adam Smith's opinions, 208.
- Where hurtful, ii. 208-212. Having tendency to interfere with duty, as Judges' fees, 208-209. Emoluments of Paymaster of Forces, 209. Inspectors of Public Works paid according to outlay, 210. Encouragement of falsehood—University oaths, ib. Rewards for propagation of opinion, 211. Misplaced charity, ib. Official remuneration so great as to tempt to idleness, ib. Tax on justice a reward to injustice, ib. Temptation to crimes by the law of succession, 211-212. Insurance, 212.
- Where needless, ii. 212-213. Inventions, &c., which reward themselves in commerce, ib.
- Proportion in, ii. 213-216. To outweigh burden of the service, 213-214. To be considered in conjunction with natural reward, ib. Should be so adjusted, step by step, to value of service, 214. Where two services in competition, the reward to be adjusted to the more important, 214-215.
- Choice as to, ii. 216-220. Variable, equable, commensurable, exemplary, economical, characteristic, popular, fructify-

- ing, 216. Illustrations of various kinds, 217-220.
- Reward**—Procedure as to, ii. 220-222.
- To informers, ii. 222-223.
  - To accomplices, ii. 223-225.
  - Competition as to, ii. 225-229. Disadvantage of limiting, 225-226. Objection that the labour of unsuccessful competitors is lost, answered, 226-227. General good effects of competition on trade, 228. Application to public works, &c., ib. Application to legislative systems, 229.
  - How far applicable to virtue, ii. 230-233. Inapplicability to mere passive qualities—requisition of action, 230-231. Application on a limited scale, 231. Seizing striking instances of exertion, ib. Publicity, 231-232. Local inspection—not that of government, 232. Public esteem the best reward, ib.
  - Accompaniments to, ii. 233-235. Wages, 233-234. Instruction, 234. Equipment, ib. Indemnity, ib. Insuring responsibility, ib. Guarantee against temptation, ib. Support of dignity, 234-235. Excitement to alacrity, 235.
  - applied to offices, ii. 235-252.
  - to be economised, in the Constitutional Code, ix. 150-151.
  - Opinion that money is the only kind statesmen will be influenced by, combated, v. 313-316.
  - Application of, to the preservation of life, illustrated in the case of ship surgeons, &c., iv. 196-197.
  - applied to art and science, ii. 252-260. *See Art.*
  - when exuberant—its effect in creating a system of patronage, iv. 552.
  - Principles of, as applied to public servants, discussed in official aptitude maximized, expense minimized, v. 265-386.
  - How far applicable to the exaction of labour from felons, iv. 12-13.
  - by Parliamentary sanction, and from secret service—money, contrasted, v. 287-290. Former requires ostensible service—latter not, ib.
  - uses of the distinction of effects of the first and second order, with reference to, iii. 289.
  - Responsibility cannot be created by, ix. 151-152 n.
- Reward-economising principle**, in the management of the Chrestomathic school, viii. 48.
- Reward**—Rationale of, ii. 192-266.
- — Preliminary observations to, ii. 192.
  - — — Transference of matter published under, to *Manual of Political Economy*, iii. 33 n.
  - — — notice of the preparation of, in Russia, x. 170.
- Reward**—Rationale of, Dumont's account of the MSS. of, i. 388-389.
- Rewards**—Plan of legislation as to, iii. 203.
- Proper method of making them subservient to the execution of the Penal Law, iv. 398-404.
  - more accessible to the domestic than to the political governor, i. 569.
  - Influence of, on belief, vii. 108-110.
  - for declarations of opinion—Demoralising effects, ii. 262-266, 397.
  - to informers—Effect of, considered, vii. 490-492.
  - to informers—Cause of the frequent failure of, i. 564.
  - to informers—Principles of so adjusting that they may not be calculated on so as to tempt informers to excite to crime, ix. 573-575.
  - for convictions—Absurdity of not holding the prosecutor a good witness in the case of, iv. 395-396.
  - to Reveue officers from captured goods, a specimen of self-executing laws, ii. 199.
  - The principle of establishing, for essential services, though voluntarily rendered, i. 340.
  - for public services—Burke's plea for the employment of the public domains in, controverted, v. 284-286.
- Reynold's**—Sir Joshua—Reminiscences of, x. 48.
- — — noticed, v. 301.
- Reynoso**—Don Felix José. His work in favour of an upper house in Spain, viii. 467.
- Rhetoric**—Its etymology, origin, and modern acceptation, compared with those of grammar, viii. 91-93 n.
- Ends pursued by the writers on, ii. 379-380.
  - Too often substituted for logic, in legislation, viii. 509.
- Rhyme**—fixes itself on the memory, by the association between import and sound, viii. 229.
- Rhythm**—application of melodiousness as a property of language, to, viii. 306.
- Ricardo**—David—Account of, x. 498.
- — Letter to, x. 498.
  - — casually noticed, x. 468, 484, 533.
- Rich**—The. Felicity does not rise in the ratio of the property of, its principal elements being common to all classes, ix. 15-17.
- — More the enemies of the poor than the poor are of them, ix. 143-144.
  - — — Reasons why they are less moral than the poor, x. 519.
  - — — Treasure of, an insurance office to the indigent, ix. 34.
- Richards**—Chief Baron, noticed, v. 355, 356.
- Richardson**—Judge—Opinion of, x. 571
- Richardson**—Samuel—Novels of. Bent-

- ham's reminiscences of reading, in his boyhood, x. 21, 22.
- Riches—Aptitude, moral and intellectual, for the exercise of political power, sinks instead of rising with, ix. 110-113.
- Their tendency to reduce the motives to exertion, iv. 364-365, 374-375.
- Richmond—Duke of, (the third,) connexion of, with a negotiation between Lord North and the Rockinghams, x. 102-103.
- — — Probable reason for his supporting universal suffrage, iii. 527, 534.
- — — His pamphlet on universal suffrage, iii. 446.
- — — Visit of, to Bentham, x. 60.
- — — His opinions on Radical Reform, iii. 458, 461, 467.
- Rickman—Mr. His preliminary remarks on the Population Returns, noticed, iii. 583-584 n.
- — Praise of his Population Returns, v. 411.
- Ridicule—Preservation of parties wronged from, in courts of justice, ii. 114.
- Dangerous effect of introducing in legislative proceedings, ii. 366.
- employed against reformers to protect abuses, v. 96.
- Tendency to hold as libel, v. 110-111.
- Riego—Testimony to his services to Spain, vii. 467.
- Riflemen—Reasons why they are not more generally employed in warfare, ix. 398.
- Right—a word requiring special exposition when used in law, v. 413.
- as the converse of duty, i. 292-293.
- must correspond to obligation, vi. 294 n
- that the law gives none without a remedy—a quibble, i. 186; vi. 148.
- The, of the supreme power to make laws, considered, i. 283-292.
- Confusion of the adjective with the substantive, ii. 523.
- Use of the substantive, implies the justification of violence in favour of what it is employed to support, ii. 522-523.
- Right and wrong—meaning of the terms, i. 2.
- — — The various systems regarding, reducible to the principles of sympathy and antipathy, i. 6.
- Rights, as the counterpart of obligations, i. 301-302, 338.
- as the counterpart of obligations, with reference to procedure, ii. 16-17.
- Use of viewing, as the counterpart of obligations, iii. 293.
- as the counterpart of obligations — Analysis of the sources of, in the Introduction to the Constitutional Code, ix. 18-19.
- to the services of others, i. 338-340.
- Fallacy of the proposition that all men are born, and remain equal in, ii. 498-499.
- Rights—People ready enough to watch their own, without a Declaration, ii. 511.
- the fruit of laws, ii. 523.
- as distinguished from property—Sieyes' doctrine as to equality in, considered, ii. 533.
- Laws concerning; their relation to those concerning offences, obligations, and services, iii. 158-160.
- Connexion of, with services, iii. 180.
- as a general title of the civil code, iii. 181-186. Division from diversity of source, 181. Division from diversity of objects, ib. Division from subjects upon which exercised, 181-182. Division from extent of field—private and political, 182. Division from the person in whose favour exercised—personal and fiduciary, ib. Division from divisibility—integral, fractional, and concatenated, ib. Subdivision of integral—occupation, exclusion of others, disposition, and transmission, ib. Limitations of rights of occupation, 182-183. Right of alienation, 183. Acts the measure of rights, 184. Confusions in the Roman division into rights of persons and rights of things, ib. Confusion as to rights independent of the Laws, 184-185. Table of Divisions of Rights, 185. Principal heads, ib. Rights over things, ib. Rights over persons, 185-186.
- Collative and ablativ events, with relation to, iii. 186-190. Discovery, 186. Possession of productive things, ib. Possession of a receptacle, ib. Amelioration, ib. Fortuitous obliteration of distinctive character, 186-187. Private disposition, 187. Disposition by the magistrate, ib. Judicial seizure, ib. Occupation of thing abandoned, ib. Testament, ib. Nomination to and dismissal from office, ib. Contract, ib. Possession, 187-189. Considerations as to nomenclature, and use of the word Title, 189-190. Table of collative events, 190.
- Exposition of the term, with reference to a Universal Code, iii. 217-221. Efficient causes of, in absence of and presence of obligation, 217-218. A fictitious entity, 218. Effect of using the terms natural, moral, and political, with, ib. Political the only proper qualification to, ib. Confusion of adjective with substantive, ib. Violence produced, 218-219. Reason why rights should be constituted is, because they are useful, and originally there were none, 219. True origin of Governments—habits of obedience, ib. Limits of obedience, ib. Uses that have been made of fallacious appeals to rights, 220. Foundation of support of rights on utility, 220-221. Different kinds of right, 221. Law their foundation, ib.

- Rights—Predicted disturbance to, from codification, answered, iv. 459-460.
- of individuals—impossible to discover, in England, from incognoscibility of the law, v. 547.
  - An expression applied to unexplained and fictitious entities, vi. 9 n.
  - Application of preappointed evidence to, vi. 60, 508.
  - New—Nature and description of, vi. 8 n †.
  - Securities a preferable term to, in constitutional documents, viii. 557.
  - Imprescriptible—Fallacy and mischief of the expression, ii. 500-502. Presume something anterior to Government, and which cannot be altered by it, 500. Dependence of rights on Government, 501. Natural effect to keep up resistance to the laws, ib. Real origin of Governments, 501-502.
  - and obligations attached to different private conditions, i. 343-358.
  - and Powers—Definition of, and reference to obligations, i. 105-106 n.
  - Declaration, Bill, or Petition of. *See* Bill of Rights; Petition of Rights.
  - Declarations of, during French Revolution—Examination of, ii. 489-529. *See* Declaration of Rights.
  - French declarations of—Allusions to the doctrines of, i. 358; ii. 218-220.
  - Declaration of, as proposed by Sieyès—Observations on, ii. 530-534.
  - Declarations of—Letter to Brissot against the principle of, x. 214-215.
  - Essential—Fallacy of declarations of, ii. 521-524.
- Rigorists and Liberals—their disputes concerning evidence, vi. 145-148
- Riot—Character of the offence of, i. 369.
- Provisions for the suppression of, in the Constitutional Code, ix. 617.
- Riot-Act—Inconvenience of reading the, i. 370.
- Riots—Proper methods of dispersing, i. 370-371.
- aggravated by rash interference, ii. 311.
- Risk—The price of, considered in all commercial and pecuniary transactions, i. 387.
- Rates—Religious—How far the exercise of, should be protected from molestation, ii. 514-515.
- Rivadavia—Notice of, x. 500.
- Letter to, x. 513-514.
  - Account of the Presidency of, by General Miller, xi. 16.
  - Casual mention of, x. 566.
- Robbery—Nature of the offence of, i. 118.
- A general equalization of property would be, i. 361.
  - Examination of the circumstances which encourage and discourage, i. 70-71.
  - Elements of the dangerous nature of, i. 75.
- Roberts—Dr, a naturalist—Visit by Bentham to, x. 46.
- Robespierre noticed, x. 259
- Robinson—John, (Lord Ripon,) noticed, v. 352, 368, 377; ix. 293.
- Robinson Crusoe—Bentham's reminiscences of reading, in his boyhood, x. 21.
- — referred to, vii. 94.
- Robinson—William Davis. His work on the Mexican Revolution quoted as the foundation of the Junctionia Proposal, ii. 561-563.
- Rocha—Dr. His translation into Portuguese, of the tract on the liberty of the Press, viii. 482.
- Rochefoucauld—Liancourt, Duke de—Letter from Lord Lansdowne to, with his opinions on Bentham, x. 226-227.
- — — Communication of the news of the murder of, x. 285-286.
  - — — Casual notices of, x. 212, 219, 237, 262, 280, 316, 379; xi. 75.
- Rochefoucauld noticed, i. 49 n †.
- Rochester—(John Wilmot,) Earl of, noticed, v. 202.
- Rockets compared with cannon as an instrument of destruction, ix. 349-350 n.
- Rockingham—Marquis of, noticed, v. 283, 301; x. 214.
- — — An account of an overture by Lord North to, x. 102-103.
- Rodios—P. G., Secretary of the provisional government of Greece—Correspondence with, on form of Government for liberated Greece, iv. 583.
- Roebuck—J. A.—Mention of, xi. 81.
- Roget, Dr—Letter from, on the preparation of Nitrous Oxide gas, x. 342-343.
- — Correspondence with, on the practicability of a frigidarium for the preservation of vegetables, fruit, &c., x. 346-350.
  - — Mention of, x. 186.
- Roland de la Platière—Letter of, with the announcement of Bentham's being made a French citizen, x. 281.
- Rolls—Master of—Proposed absorption of the court of, in the Chancery, v. 553-563.
- Master of—origin and jurisdiction of, vi. 423.
- Romans—(Ancient) Prostitution among the, i. 546 and n.
- Ferocity of, nourished by gladiatorial shows, &c., i. 562.
  - Frequent revolts of governors among, and the reasons, i. 572.
  - Honorary rewards for merit among, ii. 218.
  - Pernicious ambition of the, ii. 218.
  - Moderateness of pay of military commanders among, compared with the British system, ix. 378.
  - Absence of duelling among, promoted assassination, i. 543.
- Roman Catholics. *See* Catholics.
- Roman Law—Intentionality and consciousness, according to, i. 45 n †.
- — Period of majority by, i. 79.



- Roman Law—*Legitimatio per subsequens matrimonium* of, i. 128 n\*.
- — Want of method in the, i. 139 n\*.
  - — as to compensation to sufferers from offences, i. 373.
  - — Indicative evidence acted upon by, ii. 57.
  - — Influence of, in England, ii. 152.
  - — distinguished for Fallacies of authority, ii. 393.
  - — Arrangement of the Books of, iii. 162-163.
  - — Effect of counting slaves as things by, iii. 177.
  - — Division of things in, iii. 178.
  - — Division of, as to rights of persons and rights of things, criticised, iii. 184.
  - — Nomenclature of, as to contracts, criticised, iii. 189-190, 191.
  - — A leaning to the practice of, in England, in the reign of Mary, v. 532.
  - — System of extraction of evidence under, vi. 32 n.
  - — Cross-examination and confrontation, in evidence, according to, vi. 33-34, 501-504.
  - — Deposition according to, vi. 36-37.
  - — Affidavit evidence according to, vi. 38.
  - — Examinations by commission derived from, vi. 114.
  - — Scientific evidence according to, vi. 229.
  - — Attempts of, to express degrees of probative force, vi. 230-231.
  - — Forgery ranked by, under the *crimen falsi*, vi. 247;
  - — The *dolus* of, a peculiarity, vi. 248.
  - — *Culpa* and *temeritas* according to, vi. 249 n †.
  - — Defects of, in punishment for false testimony, vi. 302.
  - — The oaths in, vi. 322-323.
  - — Judges sole examants in high crimes according to, vi. 345.
  - — Errors of, in respect to publicity and privacy in judicature, vi. 372-380. *See* Publicity.
  - — Method of authenticating depositions by, vi. 417.
  - — Local judicatures of, vi. 430 n †.
  - — Examinations under, are only employed in purport, not in tenor, vi. 440.
  - — Mode of examination of, partakes of Scriptural and *rite roce*, vi. 444.
  - — System of reëxamination under, vi. 451-454. *See* Reëxamination.
  - — Incongruities of, in respect to extraction of evidence, vi. 499-501. *See* Extraction.
  - — Rule as to *corpus delicti* in, vii. 69 n †.
  - — Importation of equity from, vii. 297.
  - — Exclusion of evidence, probably imported from, vii. 390.
  - — Danger of mendacity from method of collecting evidence under, vii. 392.
  - — Paucity of legal fictions in, vii. 419-420.
- Roman Law—Confessorial evidence under, vii. 446.
- — Aberrations of, in respect to the requisition of more than one witness, vii. 525-530.
  - — Secrecy of examination according to, vii. 538-542.
  - — Aberrations of, in respect to making some kinds of evidence conclusive, vii. 549-558.
  - — casually animadverted on, i. 349; ii. 72, 83, 157; iv. 460, 514; v. 37, 92, 108, 408; vi. 32 n\*, 38, 39, 170, 395, 399, 421, 462, 465, 486, 491, 492-504, 547 n; vii. 69, 70, 160, 327 n, 370, 489; viii. 474, 478, 480, 538, 539, 540; ix. 458; x. 581.
- Romantic—Application of the expression, to political projects, ii. 459.
- Rome—Church of—whether it differs with that of England on infallibility, v. 210-211.
- — — The dispensing power of, as an instrument of Priestcraft, v. 223-224.
- Rome—History of. Evil principles inculcated in, v. 318.
- Romilly—Sir Samuel—how the author's friendship with, was formed, i. 249.
- — — His testimony in favour of Lord Eldon disputed, v. 370-371.
  - — — Notice of, from Bentham's reminiscences, x. 186.
  - — — His opinion on the work on Political Tactics, x. 199-201.
  - — — Account by, of the forms of Procedure of the British Parliament, for the use of France—Discussion on the assistance given by Trail and Wilson in preparing it, x. 213-214.
  - — — Specimen of his style compared with Bentham's, x. 225.
  - — — Account of the Edinburgh Bridewell by, x. 294-295.
  - — — Correspondence with, as to the proposal of exposing the Duke of Portland's conduct in reference to the Panopticon, x. 399-400.
  - — — Letter of, from Edinburgh, on the state of the Scottish Judicatories, and plans for reforming them, x. 421-422.
  - — — Letter to, on the subject of the proposed alterations in the Courts of Scotland, x. 423-425.
  - — — His advice against printing the art of packing Juries, x. 450-451.
  - — — His death, x. 504.
  - — — Letters from, on the Panopticon, xi. 116, 144, 148.
  - — — Letters to, on the Panopticon, xi. 127, 162-164.
  - — — Miscellaneous Letters from, x. 195, 264, 287, 288, 362-363, 403-404, 420, 431-432.
  - — — Miscellaneous Letters to, x. 423-424.

Romilly—Sir Samuel—casually noticed, i. 247; ii. 283 n; iii. 469; iv. 479, 530, 566, 567; v. 357, 562; x. 62, 228, 249, 263, 277, 280, 322, 347, 362, 382, 396, 397, 399, 428, 433, 440, 457, 471, 472, 478; xi. 81, 128, 129, 131, 133, 137.

Romilly—Lady, noticed, x. 187.

Rooke—Mr Justice, noticed, vii. 430.

Root—Square and cube—difficulty of mathematical students acquiring a clear comprehension of the meaning of, viii. 179-180.

Rope-making as an employment for prisoners in a penitentiary, discussed, iv. 102.

Rose—Sir George—Character of, x. 308.

— — — Letter from Bentham to, on the Globe Insurance Company, x. 334-335.

— — — Correspondence with, on the Annuity-note Project, x. 359-361.

— — — Defence of Economy against, v. 303-328.

— — — Advertisement to "Defence," &c., against, admitting his economy in practice, v. 302.

— — — Introduction to Defence, &c., against, v. 302-303.

— — — Opinions of, controverted, viz. ;—

— — — That the vastness of the whole public expenditure is a reason for not curtailing small parts of it, v. 303-305.

— — — That the decayed aristocratic families should be provided for at the national expense, v. 305-307.

— — — on the insufficiency of official incomes as remuneration, v. 307-308.

— — — on the claims which official men have to establish fortunes for their families at the public cost, v. 308-310.

— — — on the necessity of tempting men from lucrative professions by high remuneration for public services, v. 310-313.

— — — that money is the only thing which public servants can be presumed to hold valuable, v. 313-314.

— — — that money the only stimulus to official exertion, v. 314-316.

— — — that high remuneration is necessary for the support of official dignity, v. 316-318.

— — — on Mr Pitt's contracting debts, v. 318-322.

— — — on getting rid of official influence, v. 323-324.

— — — His communication with Bentham on the Protest against law taxes, ii. 582.

— — — Conduct of, as to the Panopticon Penitentiary, xi. 103, 115-116, 164-165.

— — — Correspondence with, on the Panopticon Penitentiary, xi. 116-118.

— — — casually noticed, iii. 119 n, 435; iv. 204, 206, 263; v. 268; viii. 469; x. 250, 362, 363, 373, 391-394; xi. 118, 124, 131, 135.

Roses—Wars of the—their effect on the liberties of Parliament, iii. 514.

Rosenkampf—M. De—noticed, x. 406-407, 542-543.

Ross—Visit to, by Bentham in his youth, x. 46.

Rosslyn—Lord. *See* Wedderburn.

Rotation—Application of the principle of, to governing bodies, i. 572-573.

Rotten Boroughs—Note as to, in the Common-Place Book, x. 141.

Rousseau—Incident of his prosecution of Saurin, vii. 34.

— — — noticed or quoted, i. 182, 341, 431, 464; iv. 64; x. 443.

Rowing as a punishment, i. 438.

Royal assent to Bills—Formula of, ii. 373.

Royal Institution—Advantages of the, ii. 260.

— — — System of instruction in, compared with that of Chrestomathic school, viii. 21.

Ruggles—Mr. His Poor Law Projects noticed, viii. 367-368; xi. 103.

Rule—Meaning of a, in connexion with the word order, ix. 222-223.

— — — Definition and application of a, iii. 215.

Wherein distinguished from a principle, ib.

Rule—Good and Bad—the elements of, considered in connexion with the Constitutional Code, ix. 46-64. Misrule, consisting of oppression and depredation, 46-47. Will have place in every government where the arrangements allow of a few consulting their own interest to the prejudice of the mass, 47. Therefore in all but democracies, ib. Elements of the power of government, are intimidation and remuneration, 47-48. In good rule, the smallest amount possible of both employed, 48. Power an element of reward as well as wealth, ib. Corruption and delusion, elements in bad government—not in good, ib. Governments divided into seven species—the monarchical, the aristocratic, the democratic, and the mixtures of these, 48-49. In a monarchical mixed government, perpetual desire corruptly to exercise patronage, ib. Outline of securities against this, ib. Problem—to leave the power of doing what is beneficial, and remove that of doing what is detrimental, ib. Doctrine of counterforces—Possibility of applying them even in absolute monarchies, 50. Susceptibility to the various sanctions, 51. Two kinds of responsibility spoken of—the one, real responsibility to the sanction; the other, the possession of wealth which may be taken from one, ib. Where there is the latter responsibility, however, the former is weakened, and the power of maleficence in reality raised, 51-52. Hence the weakness of responsibility in a monarchy, 52. To moral responsibility to the Public-opin-

- ion Tribunal, all governments more or less responsible, 52-53. For bringing into action the force of the Public-opinion Tribunal, evidentiary and commentative matter requisite, 53. Efforts to suppress their production indicate maleficence, *ib.* Opponents of censure the protectors of misgovernment, *ib.* Cases in which defamation or disclosure really is mischievous, *ib.* In other cases, outcries against the licentiousness of the press, and attempts at suppression, predicate misgovernment, 43-54. The protection and redress which a free press gives to the feeble, 54-55. Means of keeping down the press—license and prosecution: former the more efficacious, 55. Effect of taxing is to supply only the kind of press which the rich use, *ib.* A restricted press favourable to the growth of defamation verbally, as it affords no means of answering, 55-56. Effect of restrictions in producing hatred against the government, 56. No presumption against a government that restricts the press is too severe, *ib.* Mischievousness of that arrogance of superior wisdom in rulers, which forbids criticism of their acts, 57. Especial mischievousness when mixed with fanaticism, *ib.* Inferences from indiscriminate suppression of false and true reports, 57-58. The necessity of there being coercive power in governments, and the mitigation of this against the security of the people, 58. The smaller it can be made, the better, *ib.* Badness of neighbouring governments has an evil influence, 58-59. Fictions of Law—inventions of misgovernment, 59. Tabular comparison of the elements of aptitude of good government, as compared with the Government of England, 59-60. Defence of the system, that it is the same it has always been, answered; the elements of power, and especially the army, increased, 60. When the evils exposed, recourse had to the boast of purity of motive, 60-61. The assertion its own contradiction, 61. Evil produced in fostering this spirit by laudatory Biographies, &c., 61-62. The labouring classes, who are the really beneficent, get none of the praise, 62. Looked at with disgust on account of their poverty, by those who are doing them injury, *ib.* Minimization of confidence in governors recommended, *ib.* Difficulty of balancing power, so as to leave what useful, and remove what maleficent, 62-63. United States an illustration, 63. Arrogation of purity of motive not necessary there, 63-64.
- Rule to show cause—Motion for, vi. 477.
- Rules—Fixed. The employment of, a protection in all exercises of power, i. 576.
- Rules of prisons—reference to, i. 432.
- of court—Plan for judge making, subject to disallowance by Crown or either House, iii. 367-371.
- fixed and inflexible—Impropriety of, in judicature, ii. 31-32. Substitution to them, 32.
- General, not applicable to probative force of circumstantial evidence, vi. 50-53.
- unbending in evidence—Superiority of cautionary instructions to, vi. 151-152.
- Rules of law founded on erroneous inferences from circumstantial evidence, vi. 53-57.
- — — characterized as legislation by Judges, ii. 121
- — — fictitious law manufactured by Judges and reporters, iv. 484-486
- Rulers—Effect of giving to, greater legal securities than to individuals at large, ii. 121.
- Manner in which oppression by, is met by the Public-opinion Tribunal, viii. 562.
- Rumford—Count, noticed, viii. 426; x. 390.
- Rumour—a ground of punishment in ecclesiastical practice, vi. 493-494
- Rush—Richard—Correspondence with, as to the existence of Libel Law in the United States, x. 512-513.
- — Letter to, x. 533-534.
- — noticed, xi. 40.
- Russell—Lord John—Vague expressions employed by, against Radical Reform, examined, ii. 600-602.
- — — noticed, x. 594.
- Russell—Lord William, noticed, vii. 413.
- Russell's Forms of Process quoted, vii. 222-224.
- Russia—Punishments by mutilation in, i. 417.
- Servile punishments in, i. 439.
- Ranks of nobility in, ix. 87.
- Habits of the nobility of, x. 159.
- Improvement of the nobility of, i. 569.
- Reformation in Government of Provinces of, i. 571.
- Correspondence with the Emperor of, on codification, iv. 514-528. Letter offering a code, 514-515. Answer, stating that the commission on the laws would take cognizance, 515. Present from the Emperor rejected, and why, 515-516 n. Reply, showing the hopelessness of good results from reference of the matter to the commission, 516-528.
- Account of Bentham's residence in, x. 159-179.
- State of the army of, x. 159-160.
- Dinner parties in, x. 160.
- The attempt to separate Denmark from, and create a war, in 1789, attacked in the Letters of Anti-Machiavel, x. 201-211.
- Eligibility of, as an ally for Britain in the time of Catherine, x. 207-208.
- Letter to Bentham, with remarks on the political position of, in 1794, x. 297-300.

Russia—Dumont's notes of his residence in, x. 405-410.  
 — Progress of Bentham's opinions in, x. 406-407, 408, 473, 478  
 Rutland—Duke of—his pension to Jephson, ii. 384.  
 Ryder—Mr Secretary, noticed, x. 464; xi. 135.

## S

Sabaxin, a Russian merchant—Account of, x. 160.  
 Sabbath—Instruction that might be given on the, ii. 258.  
 — Abortive efforts to get convicts in New South Wales to keep the, iv. 224.  
 Sabloukoff—General—Letter from, hoping for a code for Russia, by Bentham, x. 412-413.  
 — — Letter from, on Slavery in Russia, x. 420-421.  
 Sacrament. Instances of its being taken as a bond of union by assassins, vii. 422.  
 Sacred—Use made of the term, as distinguished from profane, i. 506.  
 Safe custody—Provision for, in proposed Dispatch Court, iii. 382-388.  
 — — Whether persons kept in, before trial, should be set to labour? iv. 59-60  
 — — with regard to evidence, vii. 175.  
 Safeguards against suspicious evidence, vi. 116-119; vii. 593-597. Declaration of credence from exhibitant, vi. 117-118. Code of instructions for weighing evidence, 118-119; vii. 563-598. (See Instructions.) Recordation of cases where inferior evidence received, vi. 119; vii. 595-597.  
 Sailors—might be trained under a system of Pauper management, viii. 421.  
 — Their practice of engraving their name noticed, i. 557.  
 — The importance attached by, to the peculiar form of an oath, vi. 319.  
 Saints—Practice connected with the canonization of, ii. 220.  
 Saints' Days in Catholic countries—Idleness produced by, iii. 68.  
 St Albans—Case of. Constitutional question as to the power of the Crown, decided in, iv. 259-260, 268.  
 St Helens—Lord—Correspondence with Wilberforce and, as to the propriety of an embassy to France, consisting of persons whose opinions would not be inimical to the dominant party there, x. 315-320.  
 — — Correspondence with, on the constitution of the Privy Council as a court of appeal, x. 430-431.  
 — — Miscellaneous letters to, x. 261-262, 305-306, 362.

St Helens—Lord—Casual notices of, x. 184, 250, 358, 390, 399; xi. 74.  
 — — Letter to, on the state of the negotiations as to the Panopticon Penitentiary, xi. 118-120.  
 St John—Goodyear—a college companion of Bentham, x. 41.  
 St Vincent—Lord—Mention of, xi. 120.  
 Salary—How far it may be made a guarantee against temptation, by its amount, i. 548-549; ii. 234.  
 — How far it is a reward for services, ii. 235-237. Extent of, does not increase zeal, 235-236. Reason—because it is not attached to each individual official act, 236-237.  
 — Payment by, inferior to the contract system, where the latter is practicable, iv. 129.  
 — Smallness of, conducive to aptitude, v. 271-272.  
 Salaries—Official—Rules as to, ii. 237-240.  
 — — Should not consist of fees or perquisites, ii. 241.  
 — — Should be the smallest that the service will be done for, ii. 241-242.  
 — — Nominal, should not exceed real, ii. 242-243.  
 — — Should be borne by those who have the benefit of the services, ii. 243-244.  
 — — Should be calculated on a scale to exclude corruption, ii. 244-245.  
 — — To members of Legislature, as a means of securing attendance, ii. 324-325.  
 — — As an instrument of bribery, iii. 492.  
 — — Means of abuse in connexion with, iv. 131 n.  
 — — Extravagant: their tendency to render the recipients idle, iv. 374-375  
 — — of Police Magistrates—Observations on Peel's Bill for raising, v. 328-348. See Magistrates.  
 — — means proposed for their full amount being made public, v. 385.  
 — — The system of in the Constitutional Code, ix. 266-271.  
 Salas—Dr Ramon—Spanish translation of the Principles of Morals and Legislation by, xi. 20.  
 Sale—proper causes of invalidity in, i. 331-334.  
 — Deed of—Draft for a, v. 395.  
 — Deed of—Plans for brevity and precision in describing the subject in, v. 392.  
 — of justice, vi. 134.  
 — use of registration to the contract of, vi. 575.  
 — of offices, considered, ii. 247-248.  
 — of judicial offices to qualified persons, the money going to the public behoof—explained and defended, iv. 372-378. See Pecuniary Competition.  
 — of Public Offices—Letter on the advantage of, with reference to the appointment of a Secretary by the Common Council of London, xi. 31-32.

- Salency—Institution of La Rosière de, ii. 231.
- Salisbury—Marquis of, noticed, x. 250; xi. 101, 136, 137.
- Salisbury—Richard Anthony—notice of, x. 285.
- Salisbury—The case of, in relation to prison fees, with personal characteristics, v. 359-360.
- Salubrity of places and of trades—use of registered statistics for throwing light on, ix. 627.
- Sanatory regulations—use of registered statistics for, ix. 627.
- — Authority of the Health Minister in regard to, by the Constitutional Code, ix. 444-445.
- — Extract from the Examiner as to, ix. 648-649
- SANCTIONS—The four, as the sources of pleasure and pain, i. 14-15. The Physical, the Political, the Moral, and the Religious defined and distinguished, ib.; another division in a Letter by the author to Dumont, 14 n\*. Etymology of the term sanction, 14 n†
- — Origin of the theory of the, iii. 292.
- — Division of—Uses made of, by the author as a logical arrangement, iii. 290-292.
- — those which bind a witness to the observance of truth enumerated, vii. 569.
- — The several species of, as the causes of trustworthiness in evidence, vi. 18-21, 260-261; vii. 394. The Physical, the Legal or Political, the Moral or Popular, and the Religious, defined and distinguished, ib.
- Sanction—The Physical—Operation of, on trustworthiness of evidence, vi. 262-264. Love of ease, by avoidance of trouble of invention, tends to truth, 262. Application to the proverb, that children and fools speak truth, 263. The motive weak and easily counteracted, 264.
- Sanction—The Moral or Popular—Punishments belonging to the, i. 453-458.
- — — Operation of, on trustworthiness of evidence, vi. 264-268. Dependence of mankind on the exercise of veracity, 264. More especially in judicial questions, 265. Counteraction of the sanction in favour of evil, by inducements to conceal vice, ib. Classes having an interest separate from that of the rest of the community, prompting to falsehood, 265-267. Falsehoods that are supported by the sanction, 267-268.
- Sanction—The Legal or Political—Punishments of, compared with those of the moral, i. 454-455.
- — — Operation of, on the trustworthiness of evidence, vi. 268-270. Applies where the moral sanction deficient—public offences, &c., 268. As a cause of veracity, counteracted by the punishment of self-crimination, ib. Unfaithfulness to his trust of the administrator of this sanction, 269-270.
- Sanction—The Religious—Operation of, on the trustworthiness of evidence, vi. 270-276. Propagator of a religion seeks to infuse veracity in followers, 270-271. In applying scripture to advanced states of civilisation, deficiencies filled up from the moral sanction—and any falsehoods that are now justified, so sanctioned, 271. Cases in which force of religious sanction has operated to produce perjury, ib. Peculiarities of the Mahomedan code, 271-272. Feebleness when not assisted by the legal and moral sanctions, 272. Illustrations of its inefficacy—solemn declarations on controverted points—unanimity of juries, and findings under the value of forty shillings—falsehoods in lawsuits—university oaths, 273-274. Ease with which this sanction counteracted by any other, 274-275. Uses to which it is peculiarly applicable, 275-276.
- — Arrangements for pointing the force of, in administering oaths, vi. 319.
- Sanctuaries from arrest, considered, i. 431.
- — — a device of Technical procedure, v. 12.
- Sand—Employment of, for writing on in schools, viii. 53.
- Sanderson—Robert, Bishop of Lincoln—His explanation of the laws of the University of Oxford, ii. 261.
- — His Exposition of the Aristotelian Logic—criticised, as to the Definition: the Uses: the End: the Functions: the Object, matter, and subjects: the Predicaments, and the Post-Predicaments, viii. 232-236.
- — The definition of contradictoriness by, impugned, viii. 103-104 n.
- — His Logic suggested to the Author the system of Dichotomous division, viii. 110-112.
- — Character of his work on Logic, viii. 113.
- — His rules for logical division examined, viii. 113-114.
- — Use made of his Logic by the Author as a means of reference to the Aristotelian logic, viii. 217.
- — had correct notions of the nature of Definition, viii. 252.
- — His exposition of Logical division criticised, viii. 255-256.
- — Criticism on his exposition of the Laws of method, viii. 273-275.
- — Alteration of a reading in his Logic suggested, viii. 274.
- Sandwich—Lord—His connexion with a negotiation between Lord North and the Rockinghams, x. 102-103.

- Sanguinary punishments—Effects of, i. 442-444.
- Santander—General—Account of, in a letter to Admiral Mordvinoff, xi. 33.
- — Document by which he re-introduced the study of Bentham's works in New Grenada, x. 553-554.
- Sardinian Code. Arrangement of The, iii. 163.
- — Incompleteness of the, iii. 206.
- Sarmento—Senhor, a Portuguese deputy, noticed, x. 525.
- Sarpi—Paul, noticed, vi. 11.
- Sasines—Register of, in Scotland, vi. 579n†.
- Satire—a protection to the public when honours are unworthily conferred, ix. 92.
- Satirists. The sentiment of benevolence weakened by, i. 562.
- Censure of the occupation of, ii. 255.
- Satisfaction for the loss caused by offences—Nature of, i. 371.
- — — Reasons for the obligation to make, i. 371.
- — — Six kinds of, distinguished, i. 371-372.
- — — The quantity of, to be granted, i. 372.
- — — Advantages of the certainty of, i. 372-373.
- — — Pecuniary, examined, i. 373.
- — — by restitution in kind, i. 374-375.
- — — Attestative, as applicable to offences arising out of falsehood, &c., i. 375-376.
- — — Honorary, for insults, &c., i. 376-381. Extent of the evils that may be committed by the offence, 376-378. Nature and effect of duelling, 378-381.
- — — Propersystem of, in case of offences against honour, i. 381-382.
- — — Vindictive, examined, i. 382-383.
- — — Substitutive, or at the expense of a third party, i. 383-386. Master and servant, 383-384. Guardian and ward, 385. Father for his children, *ib.* Mother for her children, 385-386. Husband for wife, 386. Innocent persons who may profit by offences, *ib.*
- — — Subsidiary, at the expense of the public treasure, i. 386-388.
- — — Relation of, to punishment, i. 394.
- — — as an element in the punishment of offences, iv. 199-201.
- Satisfactive remedies against offences—Nature of, i. 367.
- — Evils of their being administered by different tribunals, from those which administer the punitive, v. 531-532.
- Saurin—incident of Rousseau's prosecution of, vii. 34.
- Savages—The condition of, i. 307.
- The pursuits and amusements of, i. 540.
- Reason of the credulity of, vii. 92.
- Savigny—De, noticed, iv. 425.
- Savings Banks on the ordinary system. Defects of, viii. 410-414. Legislative amendments, 410 n.
- — Plan for, viii. 408-417. *See* Frugality Banks.
- Sawbridge—Alderman—his plans of Reform, iii. 517.
- Sax—Chevalier de—Notices of, in a Letter from Lord Wycombe, x. 311-312.
- Saxons—The Anglo. Inequality of the pecuniary punishments of, i. 399-400.
- Saxony—Security to Protestants in, ii. 417.
- Expense entailed on by its conversion into a kingdom, ix. 89.
- Say—J. B.—Information from, as to the attendance of Judges in France, ix. 652-653.
- — — Letters from, x. 485-486, 499-500, 504, 525-526.
- — — Letter to, xi. 2-3.
- — — noticed, x. 484.
- Scale of Ranks—The Empress Catherine's, discussed, ii. 194.
- of persuasion—an infinite one inapplicable, though the only true one, vi. 232-234.
- Decigrade, of persuasion, with reference to evidence, vi. 225.
- of trustworthiness, vi. 167-168.
- Scandal—Impediments to the liberty of the press give license for the propagation of, ix. 56.
- a designation of irrelevant evidence in equity, vii. 363, 365-366.
- *See* Reputation—Offences against.
- Scantiness as a defect in language considered, viii. 309.
- as a defect in literary composition, viii. 271-272.
- Scarlet—Sir James, (Lord Abinger,) noticed, iii. 376 ; iv. 447.
- Sceptre—competency of witness restored through the, vii. 435-436.
- Schedule—The use of, as a means of methodically describing subjects in deeds of sale, v. 392.
- Scholar-Jury principle, in the management of the Chrestomathic system of Instruction, viii. 49.
- Scholar-monitor principle, in the management of the Chrestomathic system of Instruction, viii. 47.
- Scholar-teacher principle, or employment of the more advanced scholars as teachers of others—a principle of management in the Chrestomathic system of Instruction, viii. 46-47. Advantages—saves money, saves time, increases relative aptitude, and strengthens in the teacher his knowledge, *ib.*
- Scholar-tutor principle, or employing the advanced scholars as private tutors to the others—a principle of management in the Chrestomathic system of Instruction, viii. 47.

- School—Court of justice considered as a, vi. 355-356, 365.
- School of Legislation—how creatable by encouraging the public to make suggestions as to proposed legislation, and opening competition for drafts of codes, iv. 521-523.
- School discipline—Employment of reward in, ii. 206.
- School—The Chrestomathic—peculiar advantages of, viii. 11-16.
- — Objections to the plan of, answered, viii. 16-21.
- — Relation of, to the existing Universities and Schools, viii. 21-22.
- — Obstacles and encouragements to, viii. 22-25.
- — Order of priority of subjects in, viii. 25-28.
- — Stages of instruction in, viii. 28-40.
- — Branches of instruction excluded from, viii. 40-43.
- — Intellectual exercises of, viii. 44-46.
- — Principles of management of, viii. 46-54.
- — Proposal for the establishment of, viii. 54-59.
- Schools—As places for the promulgation of Laws, i. 158.
- Encouragement of emulation in, ii. 198.
- of vice—Prisons considered as, i. 429.
- The Panopticon system as applicable to, iv. 37-248.
- Application of the Panopticon Plan to: considerations as to the rigour of discipline it would occasion, and the facilities for experiments, iv. 62-66
- Sunday—Adaptation of, to a Panopticon Penitentiary, iv. 161-162.
- Laws might be got by heart in, iv. 482.
- Oaths of Irish Bishops to erect, broken, v. 456.
- Popular—Advantages of, and groundless prejudices against, viii. 20.
- Public—Tyrannical and barbarous habits encouraged in, viii. 435-436 n.
- of Justice—How Juries may furnish, ii. 149-150.
- Schoolmasters acting as notaries, vi. 530.
- Schoolmen—Their mistake in supposing that ideas could be lodged in the mind otherwise than through individual objects, viii. 99 n.
- Science—Fallacy of authority denied influence in, ii. 393.
- in contradistinction to art, predicates knowledge acquired by attention and exertion, viii. 27.
- Impediments to improvement in, in reference for great names, viii. 177.
- Unapt phraseology kept up in, by the experienced, who are familiar with it, to the prejudice of learners, whom it impedes, viii. 182
- Science—Unapt nomenclature preserved in, from the unwillingness of adepts to give up what is obscure and imposing to the uninitiated, viii. 183-184.
- Inaccurate conclusions in, from want of knowledge of all the causes at work, and the promotive or obstructive circumstances, viii. 209.
- Advantage of nomenclature to, vi. 442.
- Cause of advancement of, vi. 226.
- Questions in, are questions of evidence, vi. 208-209.
- Wisdom of our ancestors not appealed to in, ii. 401.
- Sciences—Provision for the cultivation of the, i. 317-318.
- Invention in, with mementos as to the impediments likely to interfere, viii. 275-279. *See* Invention.
- those involving the predicaments of Place, Motion, Time, Number, Figure, and Quantity, viii. 286-288.
- Science and Art—Reward applied to, ii. 252-260. *See* Art.
- — Abortive efforts to draw line of distinction between, viii. 26-27, 240-241.
- — Specimen of a new Encyclopedical Sketch of, with a diagram, viii. 82-95. *See* Encyclopedical.
- — Essay on nomenclature and classification in, viii. 63-128. *See* Nomenclature.
- — The false notion that they are different not only in degree, but in kind, from the common objects of human pursuit, viii. 239-241.
- — Analysis of the field of, viii. 282-289. *See* Arts.
- Scientific evidence, vi. 214.
- — Nature of, and relation of scale of probative force to, vi. 229.
- — Difference between Roman and English law as to, vi. 229.
- Scientific language—Improvements in, vi. 226-227 n.
- Scientific opinion—The authority of, ii. 388-389.
- Scio visited by Bentham on his way to Russia, x. 151.
- Scipio—Anecdote of, ii. 210 n.
- his method of evading pecuniary inquiry, iv. 130 n.
- Scopic—The use of, as a termination in Encyclopedical nomenclature, viii. 83 n.
- Scotch Reform, &c.—Letters to Lord Grenville on the proposed Reform in the administration of justice in Scotland, v. 1-53. *See* Session—Court of.
- Scotland—The law of, inimical to fictions, i. 254-255; v. 92; vii. 327 n, 419.
- Nature and character of the provision for the poor in, i. 315, 544.
- Law of divorce in, i. 355.
- Law of marriage in, i. 357; vii. 580.
- Clergy of, characterized, i. 544.

- Scotland—Registration system in, i. 552.
- Verdicts of juries given by majority in, ii. 128.
  - The proposal to extend the system of special pleading, as practised in England, to, criticised, ii. 174.
  - Jury Court in, alluded to, ii. 174.
  - Churches and Universities of—Salaries in, compared with those in England, ii. 216.
  - Practice as to Lords of the Articles in, ii. 351 n.
  - Union of, with England, considered in connexion with Irrevocable laws, ii. 405-407.
  - Alterations on the judicature of, considered in connexion with the Union, ii. 406-407.
  - Non-existence of bishops in, ii. 449.
  - Injustice to, in respect of amount of representation, iii. 584 n.
  - Law of—Confusion in colonial and other administration by overlooking the existence of, iv. 264 n.
  - System of procedure in, Judge-made, v. 5.
  - Proposed Reforms in—Summary of opinions on, v. 14. Division of Court, ib. Jury Trial, ib. Appeals, ib.
  - not afflicted by the distinction between law and equity, v. 41.
  - Law Reform in—Resistance of Commissioners of Inquiry to, v. 154.
  - State of the Jury system in, v. 175.
  - Alterations since the author wrote, ib. n.
  - Notaries-Public of, disadvantageously compared with those of France, v. 408.
  - No Bankruptcy Court in, v. 607.
  - Absence of separate equity judicature in, vii. 302.
  - Cessio bonorum in, vi. 181-182.
  - Clergymen acting as notaries in, vi. 530 n.
  - Delays in the procedure in, vii. 221-224. See Session—Court of.
  - Female witnesses once excluded by the Law of, vi. 116.
  - Forms of notice or citation in, vii. 253.
  - Holograph deeds in, vi. 515 n.
  - Increase of jurisdiction of sheriffs in, vii. 234 n \*.
  - Law of, as to authentication of writs, vi. 122 n †.
  - Law of deathbed wills in, vi. 531 n.
  - Local courts of, vii. 224, 598.
  - Manner of swearing witnesses in, vii. 423-424.
  - Meditatio fugæ warrants in, vi. 334 n.
  - Nullity of informal deeds in, vi. 517 n.
  - Practice as to pleading guilty in, vi. 473 n \*.
  - Purging a witness of partial counsel in, vii. 440.
  - Registration of contracts in, vi. 575 n, 579 n †, 581 n.

- Scotland—Rejection of tendered testimony in, vii. 395-396.
- Repetition of evidence in, vi. 451-452.
  - Witnesses kept apart from each other in, vi. 362 n \*.
  - illustrative of the safety of popular education, viii. 20.
  - Labourers' wages in, compared with those of England, viii. 408 n.
  - Taxes on Justice in, ix. 523-524.
  - Letter from Sir Samuel Romilly on the state of the Judicial system in, and on proposed Reforms, x. 421-422.
  - Letter to Romilly on Law Reform in, x. 423-425. Incompatibility of ingrafting Bentham's larger plans of Reform with those sanctioned by Lord Grenville and Lord Henry Petty, 423-424. Principles—single-seated judicature—judge to give an opinion with his decision—appeal not to stop execution, 424. Preparation of a work on the subject, 424-425.
  - The great number of appeals in, ix. 469 n.
  - The fisheries of—Letter to Dr Anderson on his schemes regarding, x. 127-129.
  - Inquiry as to the number of convictions for crime in, as compared with England, x. 129-131.
  - Proposal to prepare a code for—Letter from Romilly on, x. 432.
  - Articles of Faith of the clergy of, x. 473.
  - Scotsman newspaper—Notice of the, x. 577.
  - Scotsmen—The decision as to their right to the privileges of Englishmen, iv. 267.
  - Scott—Sir Walter, noticed, v. 154; x. 536-571.
  - Scribe. See Writer.
  - Script—how far should be consultable by witness, vi. 386-392. See Notes.
  - Litigant founding on, should declare his credence in, vi. 117-118.
  - Cases in and conditions on which transcript of should be received, vii. 143-149. See Transcript.
  - Authentication and De-authentication of, vi. 119-128. See Authentication.
  - Scription. See Writing.
  - Scripture—Sacred—how far affording a rule of action, i. 10-11.
  - — authorities cited from, against the practice of judicial oaths, v. 219-220.
  - — Repugnance of judicial oaths to, urged in Petition for justice, v. 458.
  - — Evidence for, transmitted evidence, vii. 158 n.
  - — not to be part of the Chrestomathic system of Education, as it might exclude some persuasions, viii. 40-42.
  - Scrivener's Company—Bentham's Reminiscences of the, x. 34.
  - Scrutinized evidence compared with unscrutinized, vi. 169.



- Scrutiny of conduct of officials—Utility of keeping up the practice of, ii. 426.
- Effect of, on testimony, vi. 173.
- Sculptor—How far imagination necessary to, viii. 76.
- Sea—The. Liberty of fishing in, should be unlimited, i. 329.
- — in what respects the subject of laws, iii. 201.
- — Arrogation of dominion over by Britain unadverted on, iii. 584 n.
- Sea-Defensive Force—Elements of as distinguished from the Land, ix. 333-336.
- — Provision for in the Constitutional Code, ix. 402-415. *See* Defensive Force.
- Seal—what kind of will restore competency of witness, vii. 435, 438-439.
- Sealing deeds in England—Inconsistency of the rules as to, vi. 516 n \*. *See* Sigillation.
- Seaman's Code—Plan for giving copy of a, to each registered mariner, ix. 412.
- Seamen—Merchant—Register of. Advantages of, both to the Public and to the Seamen, ix. 406.
- — Plan for obviating oppression of, by a system of registration, and summary adjudication on complaints—in the Constitutional Code, ix. 409-415. *See* Defensive Force—Ship-board oppression obviated.
- Search—Things as to which, and objects for which, it may be judicially authorized, ii. 116.
- Seat—Proper, of punishment, i. 475-490.
- Seats in the House of Commons—Purchase of, considered, iii. 485-487.
- — — Interest of the Tories and Whigs in regard to, as affecting Reform, iii. 528-529.
- — — Method of vacation of, by Radical Reform Bill, iii. 589-591.
- — — Compensation for the loss of, by reform, iii. 533.
- Seclusion—How far justifiable, to keep accused person or witness from intercourse or tampering, vi. 450-451. *See* Publicity and Secrecy.
- Secondary mischiefs distinguished from primary, i. 69.
- Secondary of the city of London—Proposal to apply the principle of pecuniary competition to the election to the office of, xi. 31-32.
- — — Corruption in the office of, v. 497.
- Second-hand evidence preferred in English practice to direct, vi. 108-109.
- Secrecy—Cases to which it should apply in courts of justice, iv. 301-302, 317.
- Abolition of, in the Foreign department urged, ii. 554-560. Admits facilities for war, 554-556. Where the strongest checks on ministers are needful, there are the fewest, 556. Strength of Britain renders secrecy peculiarly inapplicable, 556-557. Use of conquests only to despots, 557. Their uselessness to the British people, ib. Absurdity of attempts to improve trade by war, 557-558. Use of secrecy to nourish petty vanity and importance, 558. Popularity of war, 559. Vulgar error that successful war enriches, ib. Idea that it adds to respect, ib. Use of the terms splendour, glory, &c., 559-560.
- Secrecy in matters of Government—Necessity of adopting, unless where there is absolute publicity, i. 575.
- Departments and operations of the Government in which it is sanctioned by the Constitutional Code, ix. 210-212.
- Arrangements for securing, in communications to Government functionaries, where necessary, ix. 329-330.
- Cases in which it may be sanctioned in information to public officials, and the reasons, ix. 330.
- inapplicable to the proceedings of representatives, iii. 487-490.
- in the deliberations of legislative assemblies, considered, with relation to the French Chamber of Peers, ii. 317 n.
- as evidence of delinquency, vii. 47-48.
- Extent to which compatible with registration of contracts, vi. 580-581.
- of the Roman system of examination considered, vii. 538, 540-542. *See* Privacy.
- when justifiable in procedure, ii. 44.
- whether obtainable in votes of juries? ii. 132.
- of accusation—Prejudice against, from its being employed to hide bad laws, iv. 399.
- of imprisonment—how far safe, iv. 23.
- Secrecy of suffrage—Protective effect of, iii. 453-454.
- — — Reasons for, detailed, iii. 487-490. *See* Ballot.
- — — Plan for, in Reform Catechism, iii. 540.
- — Abridged statement of the arguments for, ix. 109.
- Secret informations—Recourse to, recommended, i. 573-574.
- Secret intercourse—Method of obviating, in the tribunals projected in the Constitutional Code, ix. 494.
- Secret register, in which reasons for taking or refusing objectionable testimony entered, vi. 97 n \*.
- Secret societies—The causes that give rise to, ii. 292.
- Secret service-money—Dangerous influence of remuneration granted out of, v. 287-290.
- Secret voting—A plan for, applicable to a board or other small body, ix. 274-275.
- — in elections and in legislative bodies, compared, ii. 368-370.

Secrets in trade—Whether the divulgence of, should be required from a witness, vii. 347.

— State—how far they justify restriction of judicial publicity, ii. 44 ; vi. 368.

— State—should not be extortable in evidence, vii. 348.

Secretary of State—Patronage in the hands of, subject to the influence of public opinion, v. 345.

Secretary of bankrupts by the Bankruptcy Court Bill—Functions of, inquired into, v. 566, 572-573.

Sections in statutes—Longwindedness of, iii. 248.

— — — Want of numerical reference from one to another, iii. 250-251.

— — — The breaking down of, into parts, recommended, iii. 264-265.

Security—External. Offences against, i. 101-103.

— the principal object of the civil law, i. 302-303, 307-308.

— Relation of, to the other objects of the civil law, i. 302-303.

— and equality—Opposition of, i. 311-312.

— and equality—Means of reconciliation of, i. 312-313.

— Examples of attacks upon, i. 318-321.

— Sacrifices of to security—viz., by exactions in the way of Taxation, i. 313.

— The certainty of satisfaction for loss through offences, essential to, i. 372.

— The principle of restitution in kind necessary to, i. 374.

— as an end of the Constitutional Code, ii. 269-271. Against calamity and hostility, ib. Hostility, either from open enemies, or internally from officials, ii. 270-271.

— Criticism on the declaration of imprescriptible right of, in the first French Declaration of Rights, ii. 503-504.

— As one of the rights of man—Clause as to in the second French Declaration, criticised, ii. 524-526.

— and Freedom—All that industry requires of the Government, iii. 35.

— Instruments of enjoyment constitute to a nation, as a fund convertible to defence, iii. 37 n. †.

— Commercial addition to, in the project of Annuity notes, iii. 133-136.

— External—Offences against—their position in the penal code, iii. 169.

— Universal—Maximization of, as an end of the law, iii. 211-213.

— of the person—Axioms of mental pathology applicable to, iii. 225-227.

— As an end of the distributive branch of the law, iii. 293-294.

— Instruments of, in regard to evidence, vi. 22.

— As an object of the civil or distributive law, ix. 11-13. Applies to person, reputa-

tion, property, and condition in life, 11.

Opponents—Foreign adversaries, rulers, and fellow-citizens, ib. The last object of the civil law, ib. Acts against security termed offences, 12. Penal code the means of enforcing the directions of the Civil, 12-13

Security to governors, and security to governed—Conflict between, and difficulty of reconciling, ix. 58.

— Internal and external, as one of the principal ends of a defensive force, ix. 338.

Security (or Bondsmanship)—Judicial: proposals for giving all practical extent to—forms in which it may exist, and cases in which employed, v. 501-502.

— — — Reasons for requiring from persons convicted of corporal injury, i. 167

— — — for good conduct, in connexion with Penal law, i. 519-520.

— — — Methods of communication, for the purpose of obtaining, ii. 79.

— — — or friendly bondsman, in Principles of procedure, ii. 103-105.

— — — to Defendant against oppression by Pursuer, ii. 105-110. *See* Counter-security.

Securities for appropriate aptitude in the members of a Legislature, as embodied in the Constitutional Code, ix. 191-198.

— for the appropriate aptitude of ministers, by the Constitutional Code, ix. 316-324. *See* Ministers collectively.

— for trustworthiness of evidence. *See* Trustworthiness.

— Makeshift evidence deficient in, for trustworthiness, vii. 118.

— False, for the trustworthiness of evidence—viz. oaths, exclusions, &c., vi. 28.

*Securities against Misrule, adapted to a Mahomedan state, and prepared with particular reference to Tripoli, viii. 555-600.*

— — — — Note by Editor to, viii. 555.

— — — — The term *securities* preferable from its clearness, to the word *rights*, or others generally used for the like purposes, viii. 557-558.

— — — — against vexation on account of religion, viii. 583-584. Perfect liberty of opinion and worship—with protection to the predominant religion against the offensive public use of others, ib.

— — — — against national gagging, by appeal to Public-opinion and the law, viii. 584-585. Freedom to express opinion when no personal injury occasioned in doing so, 584. Accusation justified by its truth, ib. Liberty of convocation, where not productive of disturbance or injury, ib. Acts of power contrary to this liberty, in obstructions, forcible dispersals, seizing papers, &c., illegal, 584-585. Sanction, in such case, to meet force by force, 585

— — — — against national disarmament

- and debilitation, viii. 585-586. Sanction to carry arms, with counter security, to prohibit armed assemblies after notice, *ib.*
- Securities for a Mahomedan state,—in favour of individuals—General declaratory view of, viii. 586. Enumerated acts against person and property, which are only to be done as declared by law, *ib.*
- — — against secret confinement, or other oppression of the person, viii. 586-587. Intimation and publicity of commitment, 586. Registry of prisons, *ib.* Succedaneous provisions for temporary prisons, 586-587. Punishment for illegal imprisonment, 586. Means of discovery of persons imprisoned, *ib.*
- — — against injurious banishment, viii. 587-588. Whether by force, fraud, or intimidation, 587. Intimation and publicity, *ib.* Punishment of contravention, 587-588. Considerations as to whether preventive measures, as by registration, will suffice, 588.
- — — against secret and unlawful homicide, viii. 588-589. Official notice of every death, 588. Arrangements for inquiry when human agency suspected, *ib.* Arrangements for a full and fair examination, 588-589.
- — — applicable to the case of mysterious disappearance, viii. 589-590. Official notification and registration, *ib.*
- — — against extortion of personal service, viii. 590. Not to be exacted by any official person, or other, without a written acknowledgment, *ib.* Particulars of the document, *ib.* Occasions justificative of exaction of service—Prevention of calamities, &c., *ib.*
- — — against official depredation, viii. 591-592. Force, intimidation, or deceit, 591. Imposition of secrecy is evidence of depredation, *ib.* Receipt by an official, of remuneration for service which he is not entitled to, *ib.* Precautions against fraudulent use of the sovereign's name, *ib.* Form of receipt for emoluments, 591-592.
- — — Securities in favour of private writings against seizure, injury, inspection, &c., viii. 592. Judicial authority, *ib.* Precautions against wanton judicial application for malicious ends, &c., *ib.*
- — — Chances of success to any project for, viii. 592-600. Utmost that can be obtained from the sovereign resolves itself into promises, 592-593. Advantage to the people, that any breach is palpable, and public opinion may bear on it, 593. The advantage of a wrong being seen to be distinctly unlawful, *ib.* Witness *Magna Charta*, Bill of Rights, and French Charter, 593-594. Inducements to sovereign's acceptance, in the checks not being directly on himself, but on officials, 594. Counteraction in the unwillingness of a sovereign to undergo control, 595. Inducement to consent in the greater ultimate personal security, 596. Increase of reputation, *ib.* Improvement in the value of his property, 596-597. Inducements arising from domestic relations, 597. Opulence of the sovereign dependent on that of his subjects, *ib.* Increase of security will bring increase of capital, 597-598. Individual and public employment of capital, 598. Improvement of the land, 598-599. Mines and the precious metals, 599-600. Manufactures, *ib.* Means of communication and other public works, *ib.* Fame of the improvements would bring travellers and capital to the state, 600.
- Sedative Function—Judges', in the Constitutional Code, ix. 486-487.
- Sedentary occupations—their tendency to limit the disposition and power to commit acts of violence, iv. 143.
- Sederunt—Acts of, in Scotland, a means of Judicial legislation, v. 7.
- Sedition—Law of, considered in Letters to the Spanish people on the liberty of the Press, ii. 275-297.
- Criticism on the law of, with reference to the indictment in *Rex v. Edmonds*, v. 241-251.
- Criticism in the law of, with reference to the indictment in *Rex v. Wolseley*, &c., v. 255-261.
- Law of, in the United States, v. 246.
- The absence of any distinct definition of, either in common or statute law, v. 260-261.
- Seditious disposition—Jury charged by Indictment to find, as if it were an offence, v. 256.
- Seditious Libel—a creature of monarchy—does not exist in a representative democracy, ix. 38. *See* Libel Law.
- Seditious Meetings' Act—The, ii. 295.
- Seditious Writings—Laws for the destruction of, noticed, i. 535. *See* Libel.
- Sedley—Sir Charles—Prosecution of, noticed, ii. 385.
- Seducing motives distinguished from tutelary, i. 65.
- Seduction—nature of the offence, i. 118-119.
- Compensation for, according to English law, i. 373.
- Inefficient punishment of, in England, vii. 35 n.
- Place of, in the Penal Code, iii. 165.
- Political means and instruments of, in elections, examined, iii. 476-482.
- Segur—Count, noticed, x. 264.
- Selby—The name of a schoolfellow of Bentham, x. 30.
- Selby Case—The, noticed, ii. 591.

Selden—Anecdote by, as to outlawing the King of Spain, i. 513 n \*.

— noticed, i. 149-150 n, 239 n.

Selenic—or simply mechanical source of motion, from gravitation towards the moon, vii. 132.

Self-acting laws, ii. 199-200.

Self-assumed authority—The fallacy of, ii. 411-412.

Self-contradictory assertions—more readily believed than simply incredible ones, vii. 111.

Self-criminative testimony—Causes of exclusion of, vii. 449-451. The interest of criminals, 449. Political partisans protecting each other, 450. Corresponding interest of lawyers, 451.

— — — Pretences for the exclusion of, vii. 451-458. Cruelty of making a man convict himself, 451-454. Fox-hunter's reason—fairness, 454. Reference to unpopular institutions—Inquisition, Star-chamber, and High Commission, 455-458.

— — — History of the rule excluding, vii. 458-463. Checking investigation in ecclesiastical courts, 458. A contrary practice once in use, 459-460. Instance of examination of defendant, 461-462. Considerations as to the history of the punishment of perjury, 462-463.

— — — Exclusion of, when the criminality is distinct from the cause in hand, vii. 466-468. The exclusion more pernicious in this case than others, ib.

Self-defence as an extenuation of injury, i. 166-168.

— — and punishment—Relation between, i. 392-393.

— — Employment of fallacies in, against counter-fallacies, ii. 479-480. Should be preceded by reasons, and accompanied by an acknowledgment of their fallacy, ib.

— — Mendacity allowed to criminals on the principle of, vi. 472.

Self-denying ordinance—The, was the exclusion of placemen from Parliament, iii. 531.

Self-discrediting testimony—Exclusion of considered, vii. 465-466.

Self-disserving testimony—Exclusion of considered, vii. 445-472 ;—

— — — Uses of, and mischiefs from exclusion, vii. 445-449. Foundation in the unmeaning maxim that no one is bound to accuse himself, 445-446. Constitutes the most effectual evidence, 446. The rejection compels recourse to worse evidence, and the consequent chance of injustice, ib. Saving delay, vexation, and expense, 447-448. Exclusion taken advantage of invariably by the dishonest, 448. Teaches the people that they have to look for protection to mendacity, 448-449. See Self-criminative ; Self-energetic.

Self-disserving testimony—Inconsistencies of English law with regard to, vii. 468-472. Admission of casual notes and hearsay evidence, 468-469. Examinations before justices, 469. Motion for an information, 470. Motion causes, 470-471. Interrogatories by the master, 471. Affidavits on bringing up for judgment, ib. Bill in equity, 471-472.

Self-inculpativ testimony as evidence of delinquency, vii 29-45 ;—

— — — confession and confessorial evidence defined and distinguished, vii. 29-32. Confession is complete and direct evidence—confessorial requires inference, 30. Should not be considered as amounting to confession, without interrogation, 31. Consideration as to whether, to be considered a confession, it should not be plenary, or as particular as would be requisite for conviction if it came from an extraneous witness, 31-32.

— — — extrajudicially delivered, vii. 32-36. The various species, with their causes of transpiration—Conspiratorial, Confidential, Jactitatorial, Unadvisedly colloquial, Unadvisedly exculpativ, Penitential, Superior-benefit-seeking, 32-33. Infirmative considerations—misinterpretation, 33-34 ; incompleteness, 34 ; mendacity, or false statement of guilt, 34-35. Distinction between designed and undesigned, 35-36.

— — — judicially delivered, vii. 36-38. Unadvisedly self-exculpativ, and penitential, 36. Motives for confession considered, 37. Ways in which confession may be false, ib. Witchcraft, ib. Should be circumstantial, and particular as to time and place, 37-38.

— — — extracted by interrogation, vii. 39-44. The subject in general—delinquent's efforts to save himself, tend to elucidation of his guilt, 39-40. Difference in point of effect between extrajudicial and judicial, 41-44. Advantage of having both united, 43. Rejection of this species of evidence in England, unadverted on, 43-44.

— — — impropriety of the exclusion of, vi. 106-109. See Self-criminative ; Self-disserving.

— — — rejection of, tends to accumulate irrelevant evidence, vii. 364.

— — — exclusion of, an admission of the injustice of the Penal law, vii. 348-349.

— — — strength of, vi. 404

Self-notificative Information—Extraction of, from litigant, ii. 43.

Self-energetic testimony—exclusion of, considered, vii. 463. Has less claim for exemption than self-criminative, ib.

Self-preference, or self-regarding interest—

- the great ruling principle of human action, ix. 5.
- Self-preference—The author's discovery of the rule of, x. 80-81.
- — See Interest—Self-regarding.
- Self-preservation—as designative of a motive, i. 54, 56, 393.
- — an occasional tutelary motive, i. 66.
- — as a ground of extenuation, i. 79.
- — Extent to which it justifies the infliction of evil, i. 82-83.
- — and punishment—Relation between, i. 393.
- — Effect of, on testimony, vi. 155.
- — an illustration of the effect of motives on evidence, vi. 259.
- Self-regard—The primary feeling, and the foundation of sympathy, ix. 192.
- — of individuals—Effect of, on Government, ii. 120.
- Self-regarding affection—Necessity of, to man, x. 510.
- Self-regarding motives—A class styled, i. 56, 58-59.
- — — their effect in connexion with the tendency of an act, i. 61.
- Self-regarding interest. See Interest.
- Self-regarding offences defined and distinguished, i. 98, 100-101.
- — — Genera of, as corresponding with those of private offences, i. 115 n +, 116 n \*, 118 n ‖, 119 n \*, n §, 131 n \*.
- — — Characters of, i. 140-141.
- — — Considerations as to time and place, with respect to, i. 175.
- — — Subdivision of, iii. 167-168
- — — Characters of, with reference to classification, iii. 173
- Self-regarding pleasures and pains, i. 20-21.
- — — — with the corresponding interest and motives, i. 205.
- Self-service principle in schools—a principle of management in the Chrestomathic system, viii. 51.
- Self-suppletive function of the members of the Legislature by the Constitutional Code, ix. 167-170 See Legislature.
- — — of the Prime Minister, according to the Constitutional Code, ix. 207.
- — — of Ministers collectively according to the Constitutional Code, ix. 231-232.
- — — Judge's, according to the Constitutional Code, ix. 483-486.
- Self-trumpeter's fallacy—The, ii. 412.
- Selkirk—Lord. Allusion to his removal of tenantry, v. 44-45.
- — — noticed, x. 484.
- Sellis—Dr—a college friend of Bentham's, x. 40.
- Semi-public offences distinguished from the other classes, i. 97-98.
- — — Divided into those operating through calamity, and those through delinquency, i. 100.
- Semi-public offences—Genera of, as corresponding with those of private offences, i. 115 n +, 116 n \*, 118 n ‖, 119 n \*, n §
- — — Characters of, i. 140; iii. 173.
- — — Considerations regarding time and place, with regard to, i. 174-175.
- — — Subdivisions of, iii. 168-169.
- Senate of United States—has created prejudices in favour of second Legislative Chambers, iv. 447-448.
- Senates and Houses of Peers—Address to citizens of France against, iv. 419-450. See Lords: Peers.
- Sensation—The philosophy of, represented by Pathoscopic Pneumatology in the Encyclopedical Sketch of Art and Science, viii. 88.
- Sense—The pleasures of, enumerated, i. 17-18.
- — Pleasures and Pains of, with the correspondent interest and motives, i. 198.
- — Organs of. Connexion between impression on, and judgment performed in consequence, vi. 250.
- — Common. Use made of the term, i. 8 n.
- — Moral. Use made of the term, i. 8 n.
- — Common and moral. Dispute between the respective partisans of, vi. 239.
- Senses. Ideas derived from the operation of objects on the, i. 99 n.
- — The pains of the, i. 19.
- — Motives corresponding to the pleasures of, i. 59-60.
- — Immaterial ideas necessarily put in the language applied to the objects of, viii. 327-329.
- — Evidence presented to, the only kind that cannot lie, vii. 73-74.
- — The dispute as to whether they are capable of being deceived, vi. 250-251.
- Sensibility—Circumstances influencing, i. 21-35. Amount of pain or pleasure from given cause dependent on sensibility, 21. Bias of sensibility, ib. Exciting causes, 22. The circumstances enumerated, ib. Health, 22-23. Strength, 23. Hardiness, ib. Deformity, ib. Knowledge, ib. Intellectual power, 23-24. Firmness, 24. Steadiness, ib. Bent of inclinations, ib. Moral and religious bias and sensibility, ib. Sympathetic and antipathetic sensibility and bias, 24-25. Insanity, 25. Habitual occupation, ib. Pecuniary circumstances, 25-26. Connexions in the way of support, burden, sympathy, and antipathy, 25-27. Bodily temperament, 27. Mental temperament, ib. Radical frame of body and mind, and effect of incidents, ib. How far bodily emotions may be indicative of mental state, 27-28. Sex, 28. Age, 28-29. Rank, 29. Education, ib. Climate and nature of the country, 29-

- 30 and n. Race or lineage, 30. Government, *ib.* Religious profession, 30-31
- How far the influencing circumstances can be calculated on in legislation and judicature, 31
- Exciting causes to which they apply, 32
- Analytical view, 32-33
- Dumont's explanation of the uses of these observations, 33-35.
- Sensibility—Circumstances influencing, to be kept in view in transplanting laws, i. 172-173.
- Circumstances influencing, to be considered in measuring punishments, i. 401.
- Punishments of the moral sanction dependent on extent of, i. 457.
- How far the external manifestations of, indicative of feeling, i. 27-28.
- to motives—Effect of, on evidence, vii. 395.
- Sensible objects defined, viii. 44.
- Sensuality—Intellectual instruction a security against the effects of, viii. 9-10.
- Luxury, &c., as motives, i. 198
- Sentence—Difference between, and proposition, viii. 187
- Every one is either a proposition, or a combination of propositions, viii. 333
- Sentences—Necessity for clearness and brevity of, in laws, iii. 208.
- Illustrations of length and confusion in, in English statutes, iii. 248-249
- Long. The influence of, on the state of the mind in their perusal, v. 392, 393-394.
- Importance of distinctness in the structure and limitation of, vi. 461.
- Method of producing clearness in, viii. 242-253. *See* Exposition.
- Separation of the sexes—Provisions for, in Panopticon system, iv. 134-137.
- of paupers—Purposes for which necessary, and means of attaining with relation to them, viii. 372-373.
- into classes in Penitentiaries—Conduciveness of, to reformation, i. 499-500.
- Separatist—Law exempting them from oaths, vi. 381 note 6.
- Sepoys—Amelioration of the condition of, through the operation of military discipline, ix. 418
- High feeling among, as soldiers, ix. 421-422.
- Septennial act—Circumstances of the passing of the, iii. 546.
- Sepulveda—Senhor, a Portuguese deputy, noticed, x. 525.
- Sequences of facts—Evidence from, vii. 62-64
- Sequestrator in Chancery—Origin and functions of the, iii. 350-351 n
- in Chancery—Complexity of the practice of, iii. 352 n.
- Provisional, as remedy against the effects of judicial delay, vii. 330-333.
- Sergeant-at-arms—Origin and functions of the, iii. 350 n.
- Sergeants at Law—Origin of the functions of, iii. 152.
- Servant—Rights and obligations attached to the condition of, i. 343.
- Offences which may be committed against, with reference to his condition, i. 123-124.
- Responsibility of master for, in relation to satisfaction for offences, i. 383-385.
- and master—Effect of connexion between, on evidence, vi. 160; vii. 576.
- Servants—Swift's directions to, noticed, iii. 383.
- Position of, adduced as controverting the maxim, that all are born equal, ii. 499
- Intercourse with, deleterious to the minds of children, viii. 12.
- Domestic. Plan for boarding the children of, in industry-houses, viii. 423.
- Service—Reasons against increase of remuneration for length of, ix. 295-296
- Personal—Sieyès' views regarding, considered, iii. 531-532.
- Personal. Securities against the illegal extortion of, adapted to a Mahomedan state, viii. 590.
- of notice—abuses as to, vii. 249-255.
- Service Books for registration of official operations, in Constitutional Code, described, ix. 234.
- Uses of, ix. 235
- Services as the converse of obligations, iii. 180-181.
- Analysis of the kinds of, ix. 22. *See* Burthens.
- Preparatives and inducements to the performance of, iii. 233-235.
- Exemption from, as a reward, ii. 196
- as a general title of the civil code—Division of, iii. 179-180. First division, according to the active or passive faculties which give birth to them, 179. Second—according to the subject—persons or things, *ib.* Third—corporal and mental, 179-180. Fourth—the party, or number of parties employed, 180. Fifth—services arising out of established rights, *ib.* Table of the division, *ib.*
- Rights respecting, i. 338-341. Means of acquiring, 338-339. Superior need, (*i. e.* lightness of the burden in comparison with its importance to the recipient.) 339-340. Claim created by services previously performed, 340. Contract, 340-341.
- Laws concerning—their relation to those concerning offences, rights, and obligations, iii. 158-160.
- Considerations as to how far they may be remunerated by honours, ix. 90-91.
- Gratuitous—Propriety of the public receiving, from eleemosynary advocates, Judges Depute, &c., iii. 342-344.

- Services—Gratuitous—Burke's opinions against, controverted, v. 294-297.
- Services—Judicial—nature of, ii. 33.
- — Examination of applicant for, ii. 37-38.
- — Warning against excess in quantity of, being demanded by litigants, ii. 71.
- Services—Public—Divided into ordinary and extraordinary; and the former into routine and occasional, ii. 193.
- — Pecuniary and honorary rewards for, ii. 216-219.
- — Influence of an aristocracy on the fund for rewarding, ii. 201.
- — Burke's estimate of the extent of remuneration for, controverted, v. 292-294.
- Servility—nature of, i. 50.
- Intellectual—An impediment to the progress of invention, viii. 276.
- slavishness, sycophantism, obsequiousness, &c., as designative of motives, i. 200.
- Servitudes—Expediency of, as a branch of law, i. 342.
- Classification of, iii. 184.
- Session—Court of, in Scotland—Proposed division of, into Chambers, considered, v. 16-27. The resolutions of the House of Lords on the subject, 16. Benefits—dispatch, 16-17. Economy, 17. Competition, ib. Advantage of single-seated judges, 17-18. Exemplification in sheriffs, 18. Numerousness of Court of Session copied from France, 19. Bodies of judges require high paid presidents, ib. Chief reason for keeping up numerously-seated courts—a large stock of learned materials to be disposed of, 20. Unwillingness of judges of Inner-house to act as judges of first instance, 21. The natural system of judicature that would be established would be the resort of honest men, while the present system is the resort of knaves, 22. Difficulty, however, of getting the technically educated to adopt the new course, 23. Approbation of the Small Debt Courts by Scottish authorities, 24-27.
- — Proposed alteration of system of pleading in, v. 27-29. Danger of the multifarious written matter of the existing system being continued, ib.
- — Proposed addition of trial by jury to, v. 29-47. Resolutions of House of Lords on the subject, 29. Views of jury trial—would have it in all causes in the second instance—in none in the first, 29-41. (*See Jury.*) Nothing to be seen in proposed plan that gives hope for reduction of delay, &c., 41-42. Would make the evils of jury trial simply an addition to the delays, &c., of Scottish pleading, 42. General issues a means of abbreviation, but defective, 42-43. Judge does not condescend to frame issues in England, and of course would not in Scotland, 43. Use of jury trial for incidental or motion causes, 44. The means of delay likely to be purchasable by *mala fide* defendants, 44-45. General oppression, ib. Whether both Inner and Outer house are to have juries, 45. Evils likely to be produced by bandying the causes between the metropolis and provinces, ib. Law as to new trials grown up in England through the sufferings of litigants—proposal for Scotland should have kept in view the experience thus obtained, 46-47.
- Session—Court of, in Scotland—Lord Eldon's Bill for amending the practice of, v. 47-53. Smallness of the Reform proposed, 47. Bill not the work of the nominal framer, 47-48. Division into distinguishable parts, 48-49. Historical note by editor, of reforms in the Court of Session, 49 n. Analysis of the regulations for the Judicial Establishment, 49-50. Subordinate legislation, 50. Inquisitorial and initiative authority, 50-52. Regulations as to appeals, 52. The phraseology of the Bill criticised, 52-53.
- — Correspondence with Romilly on the proposed Reforms in, x. 421-425.
- — Summary of author's opinions on proposed reforms in, v. 14.
- — Alterations in, considered in connexion with the Union, ii. 406-407.
- — Commission of inquiry as to procedure in, and its resistance to reform, v. 154-155.
- — Delay and expense of procedure in, v. 154.
- — Delays in, illustrated in the Rationale of Evidence, vii. 221-225. Sham representations, 221-222. Opinions of lawyers on, 223. Evils not concealed by them, 224. Alterations since the author wrote, 221 n, 224 n. Motives conducive to the evils, 224-225.
- — Vibrations of causes in, vii. 237.
- Sessions favourably contrasted with assizes, vii. 237-238.
- Settlement—Law of. Oppressive incidence of, v. 234.
- Marriage—Draught for a deed of, v. 400-402.
- Settlements—Penal. *See* Transportation.
- Sewell—Sir Thomas and his family. Account of, as friends of Bentham's father, x. 15-16.
- — noticed, v. 352.
- Sewers—Authority of the Health Minister regarding, by the Constitutional Code, ix. 444-445.
- Sex—Influence of, on sensibility, i. 28.

**Sex**—Aggravation of simple corporal injury in, i. 164-167.  
 — Sensibility to the moral sanction as affected by, i. 457.  
 — of pursuer to be entered in demand paper, n. 66-70.  
 — of witness—Effect of on testimony, vi. 254.  
**Sexes**—Separation of the. Provision for, in Panopticon arrangements, iv. 134-137.  
 — Abolition of distinctions between, in succession, proposed, i. 335.  
**Sexual appetite**—Pleasures and pains of the, i. 197.  
**Sexual connexions**—Interest arising from, as affecting the trustworthiness of testimony, vii. 577-581. Husband and wife, 577-579. Concubinage, 579-581.  
**Sexual desire** as a motive, i. 50, 197, 212.  
 — — Arrangements for satisfaction of, to prevent offences, i. 544-546.  
 — — Reasons why dislogistic terms are applied to the motives founded on, i. 213, 216, 218-219.  
**Shadwell**—Sir Launcelot, noticed, v. 562.  
**Shadwell Police Office**—Proposed union of, with the Thames Office, considered, x. 329-330.  
**Shaftesbury**—Lord (the first,) characterized, iv. 447.  
 — — (the second,) noticed, i. 8-9 n.  
**Shall**—meaning of the word discussed, vi. 230 n †.  
 — and will—Inquiry into the reciprocal use of, viii. 350-353. *See* Verbs.  
**Shakspeare**—would have put the expression "Rights of Man," into the mouths of his bad characters, had it been used in England, ii. 524.  
**Sham distinctions**—Employment of, as a fallacy, ii. 451-453.  
**Sham bail**—a fiction of law, vii. 284-285.  
**Sham notices**—the kind of called Distringas-  
 ses animadverted on, vii. 221.  
**Sham pecuniary checks**, on delay vexation and expense, vii. 307.  
**Sham plea**—less obnoxious than other pleas, vii. 267.  
**Sham "Representations"** in the Court of Session, vii. 221-225.  
**Sham writs of error**, vii. 214-216.  
**Shame**—Application of, as a punishment, i. 453-467. *See* Moral Sanction; Forfeiture of Reputation.  
 — Sense of, as a motive, i. 51.  
 — Inoperativeness of, on slaves, i. 345.  
 — as a security for the trustworthiness of testimony, vi. 24, 326-327; vii. 570-571. Acts often where punishment is supposed to act, vi. 326-327. More impartial in its application, ib.  
 — as the consequence of testimony—not of itself a sufficient ground for exclusion, vii. 463-465.

**Shannon**—Lord. His influence in the Irish Parliament, x. 94.  
**Sharpe**—Granville—Letter from Sir James Mackintosh to, x. 428.  
**Shebbeare**—Dr—Case of, referred to, i. 446 n.  
**Sheen**—Trial of, noticed, vii. 257 n †.  
**Sheffield**—Lord—Testimony of, in favour of the Irish Volunteers, viii. 473.  
**Sheffield**—Adam Smith's character of, as an unprojecting town, iii. 27.  
**Shelburne**—Lord, Marquis of Lansdowne—Notices of, in the Preface to the Fragment on Government, i. 248, 249, 252. Visits Bentham, 248. Bentham's intercourse with him, 249. His remarks on the Principles of Morals and Legislation, 252.  
 — — The Fragment on Government occasions Bentham's introduction to, x. 82.  
 — — calls on Bentham, x. 88.  
 — — Letter from, to Bentham, on Poor Laws, the Fragment on Government, &c., x. 88-89.  
 — — Bentham's visit to, x. 89-124.  
 — — Bentham's impression of the courtesies of, x. 92, 99.  
 — — His negotiations with Lord Chatham and Lord Holland, x. 101.  
 — — Account by, of an overture made by Lord North to the Rockingham Party, x. 102-103.  
 — — Letter to, from Bentham, on his return from Bowood, x. 114-115.  
 — — Estimate of, by Bentham, x. 115-116.  
 — — Reminiscences of the character, manners, and habits of, x. 116-118.  
 — — consults Bentham on Hastings' trial, x. 117-118, 181-182.  
 — — Letter from Bentham to, on some rare books, x. 126.  
 — — Letters from, on Bentham's departure for Russia, x. 148-149.  
 — — Proffers and attentions to Bentham on his return, x. 181-182.  
 — — Letter from, on Bentham's return from Russia, x. 183.  
 — — Bentham's opinion of, in later life, x. 186-187, 565-566.  
 — — Letters from, on Bentham's opinions of the House of Lords, favour for France, Republican opinions, &c., x. 195-196.  
 — — Letter from, to Bentham, on the proceedings of the King of Sweden, x. 197-198.  
 — — attributes the answer to Bentham's Anti-Machiavel letters to George III., x. 211-212.  
 — — Memorandum of a conversation with, as to his political negotiations—Fox, Pitt, Thurlow, x. 214.  
 — — Conversation with Bentham about Parliament, x. 214.  
 — — Letter to Bentham on De Witt's Letters, x. 215.



- Shelburne—Lord— Letter from, to Mr Bentham, senior, acknowledging his son's portrait, x. 225.
- Letter from, to the Duke de Rochefoucauld, with his opinion of Bentham, x. 226-227.
- Letter from Bentham to, charging him with having virtually promised to bring him in for one of the family seats in Parliament, and not keeping the promise—Sketches of the Shelburne party, and of the political position of Lord S., x. 229-242.
- Letter from, in answer to Bentham's claims, x. 242-243.
- Reply by Bentham to, admitting the justness of his views, and rejoinder, x. 243-245.
- Bentham's account to his brother of the controversy with, x. 246.
- Letter from, with questions as to Parliamentary tactics, from King Stanislaus, x. 247-248.
- Letters to and from—Visits—Pitt, Fox, and the state of France in 1791, x. 258-259.
- Letters to and from—An entertainment given by Bentham—Panopticon—French Refugees, 279-280.
- His death, x. 419.
- Had to resign for making peace, ii. 555 n.
- Miscellaneous Letters from, x. 261, 262, 313-314.
- Casual notices of, iv. 172; ix. 218 n; x. 42, 198, 219-221, 249, 271-273, 322, 428, 441, 557; xi. 79.
- Shelburne—Lady—Notices of, x. 90, 92, 96, 117.
- Her character and influence, x. 115-116.
- Her estimate of Bentham, x. 88.
- Sheridan noticed, iii. 533 n; x. 41.
- Sheriff—Feudal origin of the, iii. 350 n.
- of Middlesex—Notice of the functions of, iii. 350 n.
- Sheriff-courts in Scotland an illustration of the single-seated system, v. 18.
- Sheriffs in England—Anomalous position and authority of, v. 497.
- Simster interest of, in regard to Juries, ii. 130.
- of London—Anomalous position of those who have attempted reforms in the matters under their authority, v. 118-121.
- Ships—Merchant—Considerations on the compulsory use of, for national defence in emergencies, ix. 404.
- Necessity of judicial authority being exercised in, iv. 334.
- Ship-board oppression obviated—Provisions for the protection of merchant seamen by a Register, and a summary complaint system—in the Constitutional Code, ix. 409-415.
- Shpley—Jonathan—Bishop of St Asaph—A school-fellow of Bentham, x. 30.
- Ship-money—The exaction of fees in courts of justice, compared to the tax of, iii. 339 n; v. 367, 444.
- Shipwreck—Proposal of honorary rewards for exertions in the case of, ii. 231.
- Shock to security—Nature of a, ii. 270 n.
- Shops—Courts of Justice compared with, ii. 73; iii. 36, 362 n, v. 359.
- Shop-Books as evidence, vii. 151, 167.
- Shopkeeper—Evidence of, to charge a customer, vii. 123, 167.
- Short-hand—matters to be taken in, in proposed Dispatch Court, iii. 418.
- as an external instrument of improvement in a language, viii. 313.
- Aptitude of, for verbatim registration, vi. 412 n.
- Short-hand Writer—an official, should be attached to each law court, vi. 414.
- Instance in Central Criminal Court, ib. n.
- in proposed Dispatch Court, iii. 341.
- Employment of, in legislative bodies, ii. 315, 326.
- Short-Lesson Principle—in the management of the Chrestomathic school, viii. 52-53.
- Siam—The incredulity of the king of, adduced in illustration, vii. 95, 96, 99-100.
- Sibbald—Mr, Letter to, x. 532.
- Sickness—Considerations as to the best means of providing for, through the instrumentality of savings' banks, viii. 412.
- Siddons—Mrs, noticed, vi. 146.
- Sidmouth—See Addington.
- Sidney—Lord, noticed, x. 79, 135, 214, 401.
- Sieyes—Observations on the Declaration of Rights proposed by, ii. 530-534.
- His proposed multiplication of many-seated judicatures, v. 19.
- Noticed, x. 316.
- Sight—Nature of defects in sense of, vi. 250.
- Punishment by infictions on the organs of, i. 417.
- Sigillation—as a means of authentication of contracts, vi. 515-516.
- Signs—Collections of. Their relation, when used, to the object designated, viii. 336-337.
- of discourse divided into audible, visible, and tangible, viii. 227.
- Algebraic—Nature and application of, vii. 85-86.
- Algebra as an illustration of the employment of, viii. 37.
- Arbitrary—Use that may be made of, in Geometry, as representing demonstrated propositions, viii. 166-168.
- Signature—Proving by extraneous witnesses instead of questioning the party, vii. 448.
- Onomastic and symbolic distinguished, vi. 515.

- Signature—Impediments to proving, by non-examination of party, iii. 416.
- Signatures to Petition for justice and codification—Instructions for obtaining, v. 439-440.
- Signing judgment. The fiction of, reprobated, v. 472, 525.
- Silence—equivalent to confession, vii. 39.
- on examination, as evidence of delinquency, vii. 24-29.
- Silva Carvalho—Joze da—noticed, x. 525.
- Similitude of hands—Evidence from, vii. 177-179.
- Simony—nature and constitution of the offence of, ii. 248.
- Simple afflictive punishments, i. 413-416.
- capital punishments, as distinguished from simple afflictive, i. 441-442.
- and complex—Suits ranked as, ii. 80-82.
- ignominious punishments examined, i. 463-467.
- Simplicity as a property desirable in style, viii. 311.
- in a language—Estimate of as a quality, viii. 311, 313.
- its relation to copiousness as a quality in language, viii. 309-310.
- of description as a property of punishment, i. 405-406.
- Advantages of, in relation to the franchise, iii. 464-465.
- Protection of, as a reason for the Usury Laws, iii. 8-9.
- Simplification—Fallacious objections to, ii. 464.
- Simply restrictive punishments, i. 435-437.
- Simpson—Thomas—(The mathematician,) noticed, viii. 178.
- Simultaneity as one of the Aristotelian Post-predicaments, viii. 236.
- Simultaneous action principle—In the management of the Chrestomathic school, viii. 53.
- Sincerity—Declaration or oath of, by a litigant founding on makeshift evidence, vii. 162-163.
- Sinclair—Sir John—Letter from, to Bentham, x. 300.
- — — noticed, x. 254, 302.
- Sinecures—Involve the tyranny of extortion, and the turpitude of swindling, v. 92.
- Virtual—application of the term to offices—where a deputy does the work, the clear sum earned by the principal is deprecation, v. 380-381.
- connected with the Courts of Law—List of, v. 288 n.
- Proper means of reduction of, a subject for a premium, x. 76.
- Sinecurism, a mode of obtaining money on false pretences, i. 531.
- Sinecurists—Interest of, to oppose innovation, ii. 420.
- Single-seated judicatories—Principle of, explained, ii. 22.
- — — recommended in Scotch Reform, v. 18-27.
- — — Reasons for, v. 555-556.
- — — Reasons for, as expounded in the Constitutional Code, ix. 470-473.
- Sinister ends of government—those where any principle is allowed to predominate over the Greatest-happiness principle, ix. 6.
- Application of the word, to motives and interests, i. 217; vi. 258.
- Sinister Interest. *See* Interest.
- Sinking Fund—Operation of a, on the production of wealth, iii. 80-82. Borrowing at a small per centage and paying at par creates capital, 80. Incidence of the national debt—estimate of the evils of a sponge on it, 81. Proportion between the amount of capital that might be created from the same fund left in possession of individuals, and applied in payment of national debt, 81-82.
- Sistive function of Judges, by the Constitutional Code, ix. 508-511.
- Sittings of Courts of Justice—Times of, as arranged for proposed Dispatch Court, iii. 406-409.
- Uninterrupted on the part of courts of justice, recommended, vii. 371-373.
- of legislative assemblies—Admittance of the public to, ii. 315.
- of legislative assemblies—Considerations as to hours of, ii. 322-323.
- of Parliament—circumstances by which they are determined, ii. 323.
- Situation of a witness—Effect of, on his testimony, vi. 160-164.
- of an accused person in respect of motives, means, disposition, character, and station, as evidence of delinquency, vii. 53-62.
- Six Acts—The, characterized, iii. 603, 621-622; v. 246.
- Six Clerks—Abuses in the constitution and patronage of the office of the, v. 289 n.
- — — Jobbing as to the patronage of, v. 352.
- Sketch—Initial, of the Procedure Code, ii. 178-181.
- Skill—The pleasures of, i. 18.
- Skinner—Chief Baron, noticed, v. 162.
- Skinner—Thomas, an early companion of Bentham, x. 14.
- — — His reforms as Sheriff of London, v. 118-119.
- Skinner—Captain, account of, x. 322.
- Skip—The name of a fellow-student of Bentham, x. 40.
- Slander—Law of, in England, in relation to persons convicted with benefit of clergy, i. 511.
- *See* Reputation—Offences against.

- Slaves—nature of alleged community of interest of owners with, iii. 442.
- Compensation on emancipation of, i. 312-313.
  - West India—Savage punishment of, i. 443.
  - West India—Enormities which might be exercised against, from exclusion of their evidence, vi. 86 n.
  - Associations rendered dangerous among, by the extent of their wrongs, i. 577.
- Slave Trade—sacrifice of life in the, iv. 196-197 n.
- Slavery—nature of, i. 123, 143 n.
- Rights and obligations considered as connected with, i. 343-347. Boundary line between it and freedom, 343-344. Difficulty of abolishing, ib. Absurdity of attributing happiness to, ib. The labour less productive than that of freemen, 345. Absence of inducements from shame, &c., 345-346. True principles of emancipation, 346.
  - as a punishment, considered, i. 474.
  - The—of ancient and modern times, compared, iii. 257.
  - Gradual abolition of, iii. 41 n †.
  - Sieyès' views regarding, considered, iii. 531-532.
  - used as a popular argument against laborious punishments, i. 441.
- Sleep—How much necessary for health, iv. 163 n.
- Sleeping Laws—The mischievous nature of, iv. 397-398.
- Sloth—Its competition with drunkenness in penal colonies, iv. 232.
- Sluggishness, &c., as designative of motives, i. 204.
- Slow and Sure—A fallacy used for the delay of reforms, ii. 433-434
- Small-Debt Courts in Scotland—as proposed by Lord Swinton, v. 22, 23.
- — — contrasted in cheapness and expedition with Court of Session, v. 154.
- Smart Money, in the case of military casualties—Exposition of principles applicable to, ix. 377.
- Smith—Adam. His position that no laws can reduce interest below the lowest market rate, iii. 11-12.
- — — Arguments of, against farming the revenue, ii. 250-251.
  - — — Letter to, on projects in Arts, &c., iii. 20-29.
  - — — held the science of Political economy as the principal—its art the collateral object, iii. 33 n †.
  - — — His scale of employments of capital adopted, iii. 69.
  - — — His omission of the subject of population, iii. 72 n †.
  - — — His wealth of nations—Substance of reports of Bank Committees recommended as addition to, iii. 133-134 n.
- Smith—Adam. Opinions of, on rewards and punishments, ii. 208.
- — — Mention of, at Oxford, x. 40.
  - — — casually noticed or quoted, ii. 213 n, 216, 228, 312, 576; iii. 10, 13-14, 18, 48, 49, 51 n, 58, 61 n, 67, 73, 77 n, 185 n; iv. 124 n; v. 201 n, 301; viii. 460.
- Smith—J. Adams—a visiter of Bentham, x. 554-555.
- Smith—John, M.P.—Account of, xi. 35-36.
- — — Letter to, xi. 38-39.
- Smith—Richard—List of Bentham's works edited by, x. 548.
- — — Notes and elucidations by, i. 100, 497; ii. 191, 316, 327, 373, 536; iii. 33, 76, 106, 156, 211, 295; vi. 64.
- Smith—Robert, noticed, x. 403.
- Smith—The Rev. Sidney—Letter from, x. 560.
- Smith—Dr Southwood—Estimate of, xi. 35.
- — — His Introduction to the Chrestomathia, viii. ii-iii.
  - — — His account of the Utilitarian Philosophy, and estimate of Bentham's character and mental powers, xi. 83-95.
- Smith—Captain—Account of, as a visiter at Bowood, x. 104, 107.
- — — noticed, xi. 79.
- Smuggled goods—Rewards to revenue officers from, ii. 199.
- Smuggling—If delicacy to females should allow the continuance of, in preference to a search? i. 182.
- Wrong tone of public opinion in regard to, and remedy, i. 464-465.
  - as a limit to the extent of indirect taxation, iii. 78.
  - Restrictive policy creates and pays for the crime of, iii. 89-90, 92-93.
  - under oppressive restrictive systems, withdraws the character of infamy from crime, iii. 95.
  - Classification of, as an offence, iii. 170.
  - limits the per-centage of Taxes on Trade, iv. 414.
  - Exchequer Juries peculiarly liable to corruption in cases of, v. 87.
  - Difficulty of getting the public to join in suppression of, from the mischievousness not being obvious, ix. 440-441.
- Smyrna—visited by Bentham on his way to Russia, x. 150, 156.
- Smyth—Chief Baron, noticed, v. 162.
- Snail's-pace argument—a fallacy to procure delay, ii. 433-435.
- Snyder—Simon—Governor of Pennsylvania—Letter to, proposing to prepare a code for Pennsylvania, iv. 468-475.
- — — Letter of, to D. M. Randolph, on Bentham's offer of a code, iv. 475-476.
  - — — His message to the Legislature of Pennsylvania on Bentham's offer of a code, iv. 476.

- Social use of language as distinguished from solitary**, viii. 301.
- Use made of the term as qualificative of order, ii. 441.
  - A class of motives so styled, i. 56.
  - motives—Restraining effect of, i. 67.
  - connexions—Interest arising from, as affecting the trustworthiness of testimony, vii. 575-577.
  - distinctions—Falsity in the French declaration of Rights as to, ii. 499-500.
- Societes de Commendite on the French system, commended**, iii. 48.
- Society**—distinguished into natural and political, i. 263. Former negative, latter positive, ib.
- Sieyes' definition of the composition of, criticised, ii. 530.
  - The rights of man in, according to the second French Declaration of Rights, ii. 524-525.
  - Good—Intellectual instruction an introduction to, viii. 10. 13.
  - State of—Adjustment of official incomes to, ii. 245.
  - A Political—The objects of, according to Sieyes, ii. 530-531.
  - for the encouragement of Arts—The, characterized, iii. 28.
  - Blackstone's ambiguous use of the word, i. 261-262.
- Societies**—Friendly—Advantage of the project of circulating annuities to, iii. 107.
- Friendly. *See* Frugality Banks.
  - Political. Sanction to, as a preservative from insurrection, &c., i. 576-578.
  - Political, the requisition of licenses for, unadverted on, ii. 294-295.
  - Public. Projects for suppressing, in Spain, criticised, ii. 284-289.
- Socius criminis**. Principles on which he should be induced to accuse, ii. 223-225.
- Socrates**—Estimate of, x. 583.
- noticed, ii. 210; viii. 120. 267.
- Socratic mode of discussion compared with the Aristotelian**, viii. 236-238.
- Solander**—D. C., noticed, x. 183.
- Soldier**—The. Described as one of the instruments of monarchy, ix. 135-136.
- Soldiers**—Qualities required in, ix. 374.
- Hospitals of retreat for, considered, ii. 219.
  - Preservation of the lives of, should be made the interest of their commanders, ii. 239-240.
  - Exclusion of, from the franchise, iii. 464.
  - Essential importance of preserving content among, ix. 340.
  - Regulations as to, by the Constitutional Code. *See* Defensive Force.
  - Utility of finding occupation for the time of, and rules applicable, ix. 341-342.
  - Collateral employments for, ix. 415-418.
- Soldiers**—Advantage of raising the tone of feeling among, ix. 421-422.
- Ornaments of—toys of the monarch, x. 532.
  - Soldier's code—Proposal for a, as a guide to his rights and obligations—to be delivered on enlistment, ix. 335-336.
- Solemnities**—Application of, to punishments, i. 549-550.
- of deeds—Object and proper nature of, i. 551.
  - Application of, to contracts, &c. *See* Formalities.
  - for administration of oath, vi. 319-321.
- Solicitation of judges, according to the old system in France**, vi. 379.
- Solicitor**—Reason for examination of, as provided in Dispatch Court Bill, iii. 305.
- Provisions for examination of, in Dispatch Court Bill, iii. 410-413.
  - Charges of, for fictitious attendances before Masters in Chancery, v. 319.
- Solitary confinement**. Relaxation of the rigours of, in the Panopticon—adherence to, only so far as necessary to subdue the hardened and avoid contumacious or conspiracy, iv. 71-76.
- — Extent of the conduciveness of, to reformation, iv. 47.
- Solitude**—The good and bad effects of, weighed, iv. 73-74.
- Solen**—noticed, i. 121 n t, 191. 467.
- Somatology or Somatic**—Position of in an Encyclopedical sketch of Arts and Sciences, viii. 84-85.
- Division into Poniological and Po-ological, viii. 85.
- Somers**—Lord—His inadequate plan for amending the system of examination, *de bene esse*, v. 40-41.
- — His opinions on the alienation of the Royal demesnes controverted, v. 284-285.
  - — noticed, v. 270.
- Somerset**—Duke of, and George II.—Anecdote of, x. 232.
- Sophist**—Etymology of the word, ii. 379 n.
- Sorcery**—Publicly recommended, as a means of counteracting impostures regarding, i. 554.
- Soul**—The—defined as a human inferential entity, viii. 196.
- Sound**—Communication of, by tubes, proposed for Panopticon, iv. 41.
- Sounds**—The mere acquisition of, by the memory, often mistaken for an acquisition in education, viii. 44-45.
- Sources of motion**—Analytical sketch of the several, viii. 128-148. *See* Motion.
- South Sea Scheme**—The, characterized, iii. 71.
- Southern**—Mr. Editor of the Literary department of the Westminster Review, x. 540.
- Southey**—Dr. noticed, x. 536.

- Southgate—Mrs—Visit to, by Bentham in his youth, x. 47.
- Sovereign—The. How he may make the law influence the happiness of his people, i. 270.
- Power of extending mercy a dangerous instrument in the hands of, i. 529.
  - One who holds personal intercourse with the people most independent as a governor, i. 574.
  - Uses to which he may bend promissory oaths, ii. 408-409.
  - Laws for restraint of The Place they should occupy in the code, iii. 162
  - Use of a Peerage to, as a means of corruption and intimidation, iv. 432-437.
  - Inducements to, in a partly civilized state, to grant security to person and property, viii. 592-600
- Sovereigns—Offences of, in international law, divided into those *de bonne foi*, and *de mauvaise foi*, and the causes of the former considered, as creative of wars, ii. 539-540, 544.
- Vulgar errors as to the injustice of, ii. 539.
  - See King: Monarch.
- Sovereignty—Definition of ingredients of, ii. 540.
- Offences against—their nature, i. 101-103
  - Offences against—their place in the Penal code, iii. 170.
  - Principle that no act of, can be exercised without express authority from the nation, in terms of the French Declaration—Criticism on, ii. 504-505.
  - Distribution of, over subjects, in connexion with international law, ii. 540-544.
  - in a free state—in whom it should be, ix. 96-98. See Constitutive.
  - by the Constitutional Code, to be in the people, ix. 153
- Space as an absolute fictitious entity of the first order, viii. 202. The negation of body, ib. No limits, ib. But individual portions conceivable, ib.
- considered as absolute and relative, viii. 203.
  - Its connexion with place, viii. 203.
  - Sciences involving the predicament of, viii. 238.
- Spain—Tincture of Asiatic manners in, i. 177.
- Early establishment of duelling in, i. 378 n.
  - Legislation as to round hats in, i. 563 564 n.
  - The projects of Gorch for the government of, criticised, ii. 284-289.
  - Decrease of religious persecution in, ii. 451 n.
  - Folly of, in attempting to limit exportation of precious metals, ii. 70.
  - The decree of the Cortes of, of 1820 prohibiting the importation of manufactured goods, criticised, iii. 88-100.
- Spain—Deficiency of, in certain articles of manufacture, iii. 91.
- Difficulty of enforcing the prohibitory policy in, as against smugglers, iii. 93.
  - Imports from, and exports to, iii. 101
  - George III.'s war with, piratically commenced, iv. 432.
  - Testimonials from, on the author's capacity to draw up a code of laws, iv. 570-573.
  - Limitation of testimony in, vii. 536-537.
  - The progress of Bentham's philosophy in, viii. 463-466.
  - Practice of the Roman law in, unfavourable to liberty, viii. 478.
  - Proposed Penal Code for—Censure of the measures adopted by the legislative committee to prevent a free examination of, and to suppress the assistance of foreigners viii. 493-505.
  - (Penal Code for)—Censure on the proposal to punish efforts to alter, as an assumption of infallibility, and a suppression of free discussion, viii. 505-514.
  - (Penal Code for)—Censure on the general severity of, and the frequent recurrence of the punishment of death in, viii. 514-516.
  - (Penal Code for)—Various features of, in which the many are sacrificed to the few, viii. 516-535. Not founded on the Greatest-happiness principle, 516-517. No Rationale, 517-519. Offences against the Government put before those against individuals—an illogical arrangement, as the latter the simple offence, which the former is a modification of, 519-520. Creates severe laws in favour of the aristocracy and the monarchy prejudicial to the security of the people at large, 520-522. Evil of giving official persons securities beyond those enjoyed by the community at large, 522-523. Necessity of keeping, by an apt nomenclature and classification, to the principle that no act should be punished unless it do mischief to some one, 523-525. Examples of defects in proposed code, 525-526. Examination of provisions, the effect of which would be to subject the civil tribunals to the military, and the people to martial law, 526-529. Want of a separation of the laws to which all are subjected, from those which apply to persons in a peculiar position—such as functionaries; hence additional trouble to those who have to consult the code as a rule of action, 529-532. Laws of constant concernment should be separated from those of occasional, 532. Main text, Exposition, and Rationale should be distinct, 532-533. Illustration of distinct code in case of husband and wife, 533-

534. Value of the practice of expressing identical ideas in identical words, 534-535.
- Spain—Proposed plan for preventing mischief by the ecclesiastics of, without coercion, viii. 547-550.
- Government of, a mixture of monarchy and democracy, ix. 49.
  - Efforts to instruct in the forms of legislative debating, x. 433-434, 438-439.
  - Progress of Bentham's opinions in, x. 514.
  - Remarks on the Revolutionary Constitution of, x. 515.
  - Effect of Bentham's remarks on hereditary legislatures in, x. 516.
  - The state of, in 1823, x. 539.
- Spanish Constitution—Letter on the defects of, viii. 482-485. General view, 482-483. The immutability-enacting clause—assumption of infallibility, and declaration against improvement, 483. Clause against the reeligibility of representatives—operates as exclusion when they have become most capable by experience, &c., 483-485. Author's more recent opinion on the subject, 485 n. Biennial election—annual preferable, 485.
- people—Letters to The, on the liberty of the Press, ii. 275-297
  - and Portuguese affairs Three tracts on, viii. 465-486
- Spartans—Their exhibitions of the Helots, cited in illustration, ii. 387
- Speaker or President of a Legislative body
- Rules as to election and functions of a, ii. 327-330
  - of the House of Commons. Ambiguous nature of the term, ii. 327 n.
  - of the House of Commons—How to obviate interruption caused by indisposition of, ii. 592.
- Speakers or debaters in legislative assemblies—Arrangements for, ii. 321-322.
- Public. Uses of fallacies to, ii. 480-481.
- Speaking correctly must have been preceded by writing correctly, as the latter necessary to the formation of Grammar, viii. 92 n.
- Public—Inadequacy of, to useful purposes, as compared with writing, iii. 466.
- Speaking trumpet—Recommended for proclamations to disperse mobs, i. 370.
- Special commission from a common Law court for examining witness, vi. 95.
- Special committees in legislative assemblies, ii. 372-373.
- Special Juries—Elements of the Art of Packing, v. 61-156.
- — a special engine of corruption, in contradistinction to ordinary juries, v. 76-84 *See* Juries.
  - — with reference to the Rationale of Procedure, ii. 133-139.
- Special order in equity for admission of evidence, vi. 490.
- Special pleading in English practice—Nature of, ii. 173-174; vii. 273-274.
- — Abolition of, recommended, vii. 325-326.
  - — Contrasted with the plan of anticipative survey, vii. 370.
- Special pleaders—considered as redundant judiciary assistants, ix. 462.
- Specialty distinguished from circumstantiality, vi. 286-287.
- Species—a word that cannot be employed otherwise than in relation to genus, viii. 122 n.
- The relation of, to genus, viii. 265-266.
- Specimen of a Penal Code, i. 164 168
- Spectator—Article from, on Capital Punishments, quoted, i. 532.
- Speculation—Commercial, should be open to the employment of money in them with limited responsibility, iii. 48.
- Speculative. Abusive and fallacious use of the expression, ii. 458-459.
- Speech—Parts of—Explanation of the term, viii. 343.
- — — divided into simple and aggregated, and self-significant and non-self-significant, viii. 344-345
  - — — Order of invention of the, viii. 326
  - — — Systematical Sketch of, viii. 187-190.
- Speech—Power of. Psychological history of, as a means of forming and communicating ideas, viii. 227-229.
- Speeches—a better place for the use of Paradoxes than writing, ii. 465.
- Speeches—Kings'—Characteristics of, viii. 577.
- Speeches in Legislative Assemblies—Reasons why they should be over before the voting begins, ii. 343-346.
- — — No fixed order for, ii. 346-349
  - — — Rules as to, ii. 358-364
  - — — Pubherty as to, ii. 314-315
- Speeches in Parliament—Publication of authenticated—a security for aptitude of members, ii. 543-544, 549, 551.
- — — Project for suppressing irrelevant matter in, iii. 499 n.
  - — — Publication of those of one house useful for the other, iii. 551.
- Spencer—Earl, (George John 2d)—His conduct as to the site for the Panopticon Penitentiary, xi. 101, 113, 120, 143.
- — Letter to, showing that the erection of the Panopticon Penitentiary on his grounds will not be disadvantageous to them, xi. 107-112.
  - — noticed, x. 295.
- Spendthrifts—Popularity of, and the reason, ii. 17.
- Speranski—Notices by Dumont of his desire to apply to Bentham for a code for Russia, x. 406, 408, 416.

- Speranski—Further notices of, x. 542-543.
- Spheres—The only bodies that have one uniform surface, viii. 202.
- Spinola—Vincent—Genoese envoy to France, x. 315, 317.
- Spiritual Courts—Punishment in, by disabilities, i. 514-516.  
— — — Origin of, vii. 294.
- Spiritual—The Lords, characterized, iv. 438.  
— — — See Bishops.
- Spiritous liquors—Object and effect of taxing, i. 535.  
— — — Noxious effects of the use of, in penal colonies, iv. 230-235.  
— — — Baneful consumption of, in New South Wales, i. 495.
- Spleen, Wasphishness, &c.—as designative of motives, i. 203.
- Splitting of jurisdictions—presented as a grievance in Petition for justice, v. 481-491.
- Spoilation—Concurrence of the people in any general plan of, impossible, iii. 606-607.
- Spontaneous or uninterrogated testimony, vi. 458-465;—  
— — — In what cases to be received, vi. 458-460. Distinguished from interrogated evidence, 458-459. Conditions, that the statements are such, as if false, bring immediate opprobrium, and can be specifically disproved, 459. Instance— one swearing, to get an annuity, that another is alive, *ib.* Should be subject to scrutiny, 459-460.  
— — — How to lessen the imperfections of, vi. 460-462. Distinctness the object, 460-461. Division into distinct numbered articles, 461. Use of the first person, 462. The extent of persuasion distinguished, *ib.*  
— — — Abusive applications of, in English law, vi. 462-465. Different kinds of, 462-463. Sinister interest occasions use of, 464-465.
- Spontaneous self-inculpativ evidence. See Self-inculpativ spontaneous.
- Sport—as a motive for crime—to be peculiarly dreaded, as showing the antagonist motives so easily overcome, iv. 222.
- Spring—(the mechanical) as a source of motion, viii. 138-141. A reservoir of motion, 138. Application to Time-pieces, 139. Instruments of destruction, 140. Musical instruments, 141.
- Springs of action—Table of the, with explanations and observations, i. 197-219.  
— — — What included under the denomination, i. 205.  
— — — Causes of the deficiency or abundance of eulogistic and dislogistic appellatives to, i. 212-214.  
— — — Service to the author of the division of, iii. 290.
- Spunge on the national debt—Charge against radicals of proposing, considered, iii. 608-611.  
— — — The impolicy of, pointed out, iii. 610-611.
- Spuriousness—Application of preappointed evidence to prevention of, vi. 513.  
— Declaration of suspicion of, should be made by impugner of deed, vi. 524.  
— Neglect of formalities, when to be considered as evidence of, vi. 518-523. See Formalities.  
— of a writing—Modes of proving, vii. 181-183 External evidence, 181-182. Internal evidence, 183.
- Square Root—Difficulty of mathematical students acquiring a clear notion of the nature of, viii. 179-180.
- Stael—Madame de—Bentham's opinions of, x. 467.  
— — — Bentham's refusal to see, xi. 79.  
— — — Noticed, ii. 412 n; x. 487.
- Stage-coach Proprietors—Imperfection of existing methods of settling disputes with—Arrangements proposed in Constitutional Code, ix. 621-623.
- Stages of suits, ii. 92-94.
- Stage-effect—to be aimed at in punishments, i. 549-550.  
— — — Necessity of attending to, in judicature, vi. 321.
- Stagnation of Trade—Proposed remedy for the sufferings from, in the case of operatives, x. 85.
- Stahl—Ernest—noticed, ii. 401.
- Stammering-repetition-prohibiting principle, in the management of the Chrestomathic school, viii. 53.
- Stamp Duties—Incidence of the, ii. 580.  
— — — Instances of self-acting laws, ii. 199-200.
- Stamps to attest quantity and quality—Employment of, i. 556.
- Standards of quantity—Utility of establishing, i. 555.
- Stanhope—Earl (Charles third)—Allusions to his boast of having read the statutes at large, iii. 239 n; x. 569.  
— — — His method of preservation from fire by the use of plaster, iv. 97 n.
- Stanhope—Lady Hester—Notice of, x. 458.
- Stanhope—Colonel Leicester—Account of, xi. 2-3.  
— — — noticed, x. 589.
- Stanislaus the last King of Poland, noticed, i. 247.  
— His employment of John Lind, x. 56.  
— His pension to Lind's widow, and Bentham's exertions to get her payment of it, x. 358-359.  
— noticed, x. 247.
- Star-chamber—Preferable to a covertly-pensioned jury as a judicature for libel, v. 115-116.

Star-chamber—Method of proceeding before the, vii. 456 n, 459.

— Practice of, a popular argument against self-criminative evidence, or the examination of criminals, vi. 317; vii. 455-458.

— noticed, vii. 291 n, 301.

Starkie on evidence, quoted, vii. 325 n<sup>a</sup>.

State—Offences against the, distinguished from others, i. 98.

— Application of forfeiture to, i. 481-482.

— The necessity of Jury Trial in, ii. 119.

— and their severe punishments the produce of the monarchical system, ix. 37-40.

State secrets—How far the preservation of, justifies restriction of judicial publicity, vi. 368.

States of things distinguished from events, vi 217.

States—Founders of. Criticism on Blackstone's use of the expression, i. 274.

States-General of France. Criticism on mode of Procedure in, ii. 330-331 n, 345, 349, 350, 356.

Statesmen cannot make pure instruments for themselves, and must work with impure, ii. 473-474.

— The labours of, exaggerated for the extraction of reward, v. 290.

— Opinion that money is the sole influencing desire of, controverted, v. 313-316.

Station in life—Influence of, on sensibility, i. 29.

— of an accused person considered as evidence, vii. 61-62. Should be confined to exculpativ, ib.

Stationer—Law, functions of, vi 525 n.

Statistic function of Ministers Collectively in Constitutional Code, ix. 232-253. *See* Books.

Statistical tables as to the moral state of districts proposed, ii 232

Statistics—Utility of, as a safeguard from crime, i. 557

— Aid that Government should give in the collection and publication of, iii. 83-84.

— Vital—Importance of, as data for improvement among the labouring classes, viii. 410-411.

— Utility of preappointed official evidence, or registers to, iii. 83-84; vi. 61-62, 72, 76, 77, 511-512, 555, 562-564, 572-573.

— Judicial. Extent to which they may be collected, and uses to which applied, iii. 83; vi. 562-564

— Registered. Plan in the Constitutional Code for the preservation of, and services expected from it, ix. 625-636. *See* Registrars.

Statues as honorary rewards, ii. 219.

Stature—Human—Extent of, as a question of credibility, vii. 87-88.

Statutes—Essay on the drawing of, iii. 233-283. *See* Nomography.

— State of the practice of drawing, since the preparation of the tract on Nomography, iii. 232 n.

— Inconvenience of the method of drawing, illustrated in the recital on Exchequer Bills, iii 152.

— Rules as to the drawing of, ii. 354-358. *See* Laws—Drawing of

— Letter to Dundas on the drawing of, x. 292-293.

— Causes of prolixity in the structure of, x. 74.

— Prolixity and defective arrangement of, with their causes, iii. 208.

— Lengthiness and obscurity of, animadverted on, iv. 3-4.

— Deficiency of, in point of brevity, precision, and facilities for reference, ii. 355.

— Confusion of, in regard to means of reference from one to another, and the sinister interests occasioning it, v 149-150 n.

— Depravity of the style of, iii. 241-242.

— Blunders in, iii. 243.

— Effects of the depraved style of, on members of Parliament—confusion, and ignorance of what they are about, iii. 242-243.

— The redundancy of, iii. 248; vi. 523.

— Longwindedness of, iii 248-249.

— Absence of abbreviated means of reference in, iii. 250-251. Numbers not authoritatively used to distinguish the divisions, 250. Want of arithmetical means of referring from one section to another, 250-251. Circuitous reference from one statute to another, 251.

— Rules for avoiding redundancy in, and obtaining steadiness and certainty, iii. 260-264.

— Specimens of redundancy in, iii. 263.

— Remedies for longwindedness in, iii. 264-265. Division into paragraphs, &c., ib.

— Specimen of confusion in, from attempt to put a system into one sentence, iii. 264.

— The want of facilities for consulting, v. 443.

— Substitution of brief names for, to titles, by the public, and its advantages, ii. 382.

— Hypothetic instead of categoric form used in, iii. 277 n.

— Plan for making all amendments to, symmetrical, under the control of a Legislation minister, by the Constitutional Code, ix. 430-435.

— Preambles of—Effect of in keeping the mind suspended, iii. 323.

— Preambles of—Length and complexity of, iii. 585-586 n.

— Inanity of reasons in the preambles of, i. 465.

— Abortive attempts to consolidate, ix. 432-433 n.

— Authority of, contemned by judges, vii. 311-315.



- Statutes—Counteraction of, by judges, and proposed remedy, in the “Art of Packing Juries,” v. 176-186.
- Ambiguity in, vii. 538 n.
  - Forgery of, should be punishable, vii. 140.
  - Substitution of instruction in, to regulation, in relation to forms, vi. 524 n.
  - Printed copies of, should be of the same authority with originals, vii. 140.
  - Simple plan for making amendments on, suggested, vi. 537 n.
  - Forms of conviction in, and their uses, vii. 315.
  - should be recorded and made public, vi. 77-78, 551-552.
  - Sinister interests that have led to their being made obscure and unintelligible to the public at large, vi. 551-552.
  - Declaratory—made to shield judges from the consequence of having wilfully disobeyed previous statutes, v. 182-183.
  - Promulgation of—Blackstone’s notions of, discussed, i. 233.
  - at large—Nature of the task of reading, in 239 n.
  - of the University of Oxford—Their moral effect, n. 261-262.
  - of the University of Oxford—Incongruities of, as illustrative of the demoralising influence of oaths, v. 213-215.
  - See Statute Labour.
- Statute-labour—an unequal tax, i. 319.
- — Oppressive nature of the exaction, ix. 346 n.
- Statute Law distinguished from common, i. 185.
- — and its incompatibility with common law, iv. 396-397.
  - — the only real law, iv. 483.
  - — All common law should be converted into, v. 236.
  - — The inobservability of, v. 235.
  - — Baneful influence exercised by Judges in the making of, v. 93.
  - — Impossible to obey it, because too extensive to be mastered, v. 546.
  - — Certainty of, as contrasted with the uncertainty of jurisprudential, vii. 206-207, 309-310, 504.
  - — Bulkiness and imperfection of, in regard to evidence, vi. 142.
  - — the requisition of more than one witness enforced by, vii. 526.
- Statute of frauds—examination of, with regard to wills, vi. 67 n †, 542-551. See Wills.
- Staunton—Sir George—noticed, x. 302.
- Steadiness—as a circumstance influencing sensibility, i. 24.
- Stealing—Definition of, i. 152.
- Summary convictions in certain cases of, vii. 504-506.
- Stealing. See Theft.
- Steam-Engine—The moving source of, to be found in alternate gassification and degassification, viii. 135.
- — Proposed improvement on by Kempel, a Hungarian, viii. 135 n †.
- Steele—Mr—mention of, x. 252.
- Stellionatus—Etymology of in Roman law, vii. 18.
- Stepmother and Stepfather—Difference in the motives and conduct of, i. 351.
- Stereoptic source of motion—The, from the descent of solid bodies, viii. 133.
- Stereosigenous source of motion—The, by the expansion caused by liquid bodies becoming solid, viii. 142-143.
- Sterne—Lawrence, noticed, v. 416.
- Stevens—the name of a school-fellow of Bentham, x. 30.
- Stewart—Dugald—His opinion on Bacon and D’Alembert’s tabular survey of the departments of human knowledge, viii. 6-7.
- — Letter making inquiry into the proportionate number of convictions for crime in Scotland, supposed to be addressed to, x. 129-131.
- Stewart—Sir James—Reference to, on population, in 73.
- — — noticed, v. 361; x. 127.
- Stewart v. Fraser—Case of, cited, vi. 226 n †.
- Stillingfleet—a fellow-student of Bentham, x. 40.
- Bishop, noticed, x. 22.
- Stimulus to exertion—Opinion that money is the sole, controverted, v. 314-316.
- Stipendiary Branch of the Defensive Force—Elements of, and constitutional regulations applying to, by the Constitutional Code, ix. 348-352. See Defensive Force.
- Stock—Expense of transfers of, in. 119-120 n.
- Inapplicability of transfers of, to meet small demands, in. 134 n.
  - Reductions of interest on, as compared with the operation of the Annuity-note Project, in. 141-144.
  - Plan for the transfer of, by conversion into Note annuities, in. 105-153.
  - in the offices of the several public departments—Books for registering according to the Constitutional Code, ix. 235. See Books.
- Stock—Immoveable—Book, in the system of official registration in the Constitutional Code—Method of keeping, ix. 237, 242, 243-244.
- Stock—Personal—Book, in the system for registering official operations in the Constitutional Code—Method of keeping, ix. 236-237, 242, 244-245.
- Stock-brokers—Proposal to obtain revenue by taxing the profits of, ii. 599-600.

- Stock-notes—Inquiry as to proposed scheme for, x 341.
- Stone—Mr, secretary to the embassy at Paris—Notices of, and of Bentham's intercourse with him, x. 184; xi. 74.
- Stones—Meteoric, as illustrative of the theory of incredibility, vii. 100-101
- Stopping—The difficulty of. Uses made of the argument from, i. 363
- Stores—National. Method of keeping a correct register of, by plans and models, ix. 238-241. *See* Mimographical Registration.
- Stoves—How far they are suited for producing heat without detriment to health, iv. 111.
- Stow's Chronicle—Perusal of, by Bentham in childhood, x. 12.
- Strangers—Admittance of, to legislative bodies, ii. 315.
- Strangling as a punishment, i 442
- Strappado—The—an Italian punishment, i. 413.
- Straw—Man of—Origin of the expression, ix. 93 n.
- Streets—Designation of, for purposes of indicating habitations of voters, iii. 585-586.
- Strength—Bodily, as a circumstance influencing sensibility, i. 23.
- Strings of questions—Confusion occasioned by putting, in the extraction of evidence, vi. 364.
- Stuart—Sir John—His patronage of Mill, x. 483.
- Stuart dynasty—their curing the king's evil, noticed, vii. 93.
- Stupidity—The opposition offered by, to the progress of invention, viii. 277.
- Sturt—The family of—Account of, as visitors at Bowood, x. 111, 112, 113.
- Style—Properties desirable in, enumerated, viii 311-312
- Rules for, in relation to the drawing of laws, ii 207-209.
- Illustrations of Bentham's study of, x. 125.
- Bentham's conversational opinions, and practice as to, x. 568-569.
- Subalternation—Logical. Of scales in, viii. 267-268. Framed of the aggregates which are *genera generalissima*, 267. All within *entity*, ib. Division of entities, ib. Aggregates commensurate and incommensurate, ib. Superordinate and subordinate aggregates, ib. Extremes of the scale—individuality and the highest aggregation, ib. Illustration of the division of aggregates, and of definition in the three aggregates of the animal, vegetable, and mineral kingdoms, viii. 267-268.
- as applicable to the three physical kingdoms, viii. 268-269.
- Scales of application of, to invention and discovery, viii. 278.
- Subdivision of a code or other literary work—An infinitesimal method of, described, v 415.
- Subdivision courts under Bankruptcy Court Act—Nature of, considered, v. 569.
- Subject—a fictitious entity, viii. 205.
- of a proposition—Inquiry into the nature of, viii. 335.
- and object—Relation of, to each other, viii. 205.
- Subjects—Principle of the distribution of between state and state, ii. 540-544.
- Sublegislation Ministers—Provision for, in the Constitutional Code, ix. 643. Counterparts within their localities, of the several ministers of the State, ib. Necessary differences to be settled by the Sublegislatures under direction of Legislature, ib. Illustrations of difference, ib.
- Sublegislatures—Provisions regarding, in the Constitutional Code, ix. 640-643. Field of service—each judicial district, 640. Functions enumerated, ib. Ministerial Function—Execution and effect to government arrangements, ib. Institution-rearing Function, as to Public Works, &c, ib. Money-supplying Function, for local expenditure, 640-641. Expenditure-watching Function, 641. Transfer-compelling Function, as to property required for public works, &c., ib. Information-elicitative Function—collecting evidence as data for proceedings, ib. Publicity to ordinances, ib. Composite Inquiry Judiciary with neighbouring sublegislatures, where mutual interests concerned, 641-642. Term of service—same as the Legislature, 642. Attendance connected with remuneration, ib. Qualification—the same as for member of the Legislature, ib. Election, ib. How removeable, ib. Securities for appropriate aptitude, ib. Inaugural declaration, 642-643.
- by the Constitutional Code—Powers of Supreme Legislators as to, ix 162.
- Submission to Government—The necessity of, as deduced by Blackstone, criticised, i. 286.
- Subordinates—Advantages to the Judge in employment of, vi. 422.
- Subordination—Preservation of, as an object of prison discipline, iv. 122.
- Official—Meaning of the term, ix. 226-227
- Subordination-grades of Ministers in terms of the Constitutional Code, ix. 226-231
- Subornation—Nature of, i 113 n\*.
- a cause of invalidity of contracts, i. 331.
- almost always accompanies perjury on the part of a witness, i. 488; vii. 408.
- of perjury—Those who have kept up the system of affidavit-evidence guilty of, vi. 497

- Subpoena**—a means by which any man may annoy another, vi. 101.
- Subscription to matters of opinion.** Demoralising effects of, ii. 260-262.
- to Articles of Faith—How it enfeebles the mind, x. 144.
- See Oaths; Articles.
- Subscriptions to defray expense of evidence**—Advertisements for, recommended, vii. 376-377.
- Subsequent**—used where the word future should be employed, viii. 314.
- Subsidiary punishments,** i. 517-519.
- satisfaction for the evils of offences, i. 386-388.
- Subsidies to foreign powers.** Evils of the system of, iii. 439.
- — — preferable to loans, as carrying no deceptive notion to the people, that they will be repaid, ix. 33.
- Subsistence**—Division of the elements of, iii. 37.
- A distinct object of the civil law, i. 302; iii. 211-213.
- Relation of to other objects of the law, i. 302-203.
- The laws relating to, i. 303-304.
- as an end of the Constitutional Code, ii. 269.
- Security for, as a branch of the Civil Code, ix. 13. The original fund—Labour, ib. Causes of deficiency, ib. Remedies must be at the expense of abundance, ib.
- as an end of the distributive branch of the law, iii. 293-294.
- Axioms of Pathology applicable to, iii. 227-228.
- How far infringements on freedom of trade may be necessary for the security of, iii. 71.
- Articles of, as ingredients in the matter of wealth, iii. 37.
- Adaptation to, one of the forms in which the Government may interfere with the national wealth, iii. 35.
- Subsisting Instructions**—regard to be paid to in transplanting laws, i. 177-180.
- Substance**—how distinct from matter, viii. 201.
- Substantives with auxiliaries**—employment of in legislation in preference to verbs, iii. 267-268.
- Substantive Law**—distinguished from adjective, ii. 5-6; vi. 7.
- — extent to which the devices of the Technical system are applicable to, vii. 318-319.
- — improvement of, preferable to weak enforcement, vii. 260.
- — Position of in a general division of the law, ix. 8.
- Substantives (Noun) as a part of speech**—considered according to case, number, and gender, viii. 345-347.
- Substantives**—How to avoid ambiguity in the use of, viii. 313-316.
- Verbal with auxiliaries—Preference of to verbs, as a less ambiguous medium, viii. 315-316; x. 569.
- Verbal. Clearness in the use of, instead of verbs, x. 569.
- Substitute**—Arrangements for appointment of by legislators, ix. 167-170. See Legislature.
- Substitutive satisfaction for the evils occasioned by offences,** i. 383-386.
- Succession as a method of logical arrangement,** viii. 260.
- Succession (to property)**—incidence of taxes on, ii. 590.
- as affected by corruption of blood, i. 480-482.
- Intestate. Proper system of, i. 334-336. Preference to the descending line, 334-335. Apportionment, 335-336.
- Proper principles of distribution on the occasion of, ix. 17-18.
- Uses of registration for the purposes of, vi. 570-574. See Genealogical facts.
- Equality promoted through legal limitation of, i. 312.
- Complexity of the English laws of, i. 323-324.
- Disputes as to in monarchies, how far beneficial to the public, viii. 570.
- Disputes regarding the right of in monarchies, as a cause of war, ii. 539, 544.
- Expense and imperfection of system of administration of, in England, ix. 633.
- Successions**—appropriation of vacant, on failure of relations within the forbidden degrees—Plan for, ii. 585-598; iii. 390. See Supply without Burden.
- Sudder-Adawlut**—The, characterized, x. 225.
- Suffering**—Sympathy with the infliction of, in the case of reforms, and means of reducing, v. 266.
- Suffocation as a means of torture,** i. 414.
- SUFFRAGE**—The—The nature and limitations of, according to virtual universality, iii. 559-560.
- The author's views as to the, discussed in Parliament, and misstatements there made, corrected, iv. 566-569.
- The widest practicable extent of, affords the best securities against misrule, ix. 10.
- Inadequacy of moderate Reform as to the, iii. 518-519.
- Resolutions on the, drawn up by Bentham, and moved by Sir Francis Burdett, x. 495-497.
- Equality of, an ingredient of Reform, iii. 561.
- Equality of—Brief view of what requisite to constitute, ix. 109.
- Annuality of—Brief explanation of, in the Constitutional Code, ix. 109-110.

- Suffrage—Freedom of—The seductive influences tending to infringe, examined, in. 476-482.
- Household — compared with virtually universal, in. 464, 467 n, 470.
  - Secrecy of—its protective effect, in. 453-454
  - Secrecy of Detail of reasons for, in. 487-490. *See* Ballot.
  - Secrecy of—Abridged statement of the arguments for, ix. 104
  - Universality of—Exposition of, in Constitutional Code, ix. 107-109. Any restriction should have special reasons, 107. Special reason in case of those under age, 107-108. Many exceptions that are not worth making, from chance of litigation, *ib.* Necessity to yield to the prejudice against females, 108-109.
  - Virtual universality of, urged, and distinguished from absolute, in. 452, 459-476. *See* Universality.
  - Universality, secrecy, annuality, and equality of, preferable to the common terms employed, ix. 107
- Suffrages—Newspapers and the letter-post as a means of notification of, viii. 579-583
- Method of giving, by Radical Reform Bill, in. 577-579.
- Suggestedness—cases in which it may be a security for evidence, vi. 283, 288-289.
- Suggestions—Mendacity-serving—how far helps to recollection consistent with avoidance of in evidence, vi. 450-451.
- Suggestive interrogation considered in the Rationale of Evidence, vi. 392-399:—
- — Reasons against absolute prohibition of, vi. 392-397. Meaning of the term, and its connexion with “leading,” 392-393. Saving of time, 393. Assistance to recollection, 393-394. Sometimes necessary to prevent mis-decision, 394. Very rarely can prompt mendacity, 394-395. Would be difficult to draw a line of exclusion, 395. The presumption of law that a witness ready to perjure himself for the party who calls him, and so must not be led, considered, 396-397. Judge’s consent should be had for suggestion to oblivious witness, 397.
  - — Conditions on which judge may allow, vi. 397-399. Whether a general rule can be made, 397-398. Multitude and variety of facts, application of the respondent, evident necessity for the sake of clearness and correctness, 398. No more information than necessary should be afforded, *ib.* Whether suggestive interrogation should be preceded by the usual examination? 398-399
- Suicide—Comparison between the impulses to, and those to capital crimes, i. 446.
- Means of preventing, supposed to be adopted in Greece, i. 411-412 n.
- Suicide—Punishment of, vicarious, i. 479-480. Remitted through perjury of the jury, *ib.*
- No prohibition in Scripture against, x. 582.
  - Finding it the result of insanity an instance of the inefficacy of oaths, ii. 41.
- Suit—Nature of a, ii. 33.
- Commencement of, by personal application of party, ii. 63.
  - Standard duration of a, ii. 88.
  - An ordinary—Expense of, ii. 575 n.
  - Initiatory process of a, in. 415.
  - Wherein a. consists, vi. 8
  - False presumption of want of merits from not proceeding with, vi. 49.
  - an injury which may be inflicted on a man by any other, without cause, vii. 263, 493
  - Delay of, from absence of a material witness, vi. 91.
  - Party commencing, should vouch for truth of his statement, vi. 296
- Suits—Maximization of the number of proper—minimization of improper, ii. 12.
- Interest of lawyers as to—how it varies with the public interest, ii. 13-14
  - Avoidance of reiteration of, ii. 64-65
  - Demand-papers for the different kinds of, ii. 66-70.
  - Commencement of, by English practice, criticised, ii. 73
  - Evils of the arrangements as to, in England, with regard to fixation of times, &c, ii. 75-76
  - Their sorts, ii. 80-88. Definition of suit, 80. Sources of distinction, *ib.* Non-penal and Penal, *ib.* Simple and Complex, with illustrations, 80-82. Original and Excretitious, 82. Graduable and Non-graduable with regard to nature of demand, 84. Continuous and Expeditable, with illustrations of essentially and accidentally continuous, 84-85. Distributive-seeking, 85-86. Where several claims on one person—advantage of combining, 86-87. Imaginary distinction between law and equity, 87. Account suits, *ib.* Summary and chirocal, 87-88. Quasi (or incompletely organized) suits, 88.
  - Measures to be taken for continuance of, ii. 88-90.
  - Various methods of terminating, ii. 90-92.
  - Various stages of, ii. 92-94
  - None can be called trivial to those who undergo the evils of commencing them, ii. 577-578.
  - The kind of, in respect of complexity, length, &c., that may be suitably disposed of by a Dispatch Court, in. 313-315. Auxiliary judges for the complex, *ib.*
  - in equity—Arrangements for the order, &c., of their adjudication in proposed Dispatch Court, in. 390-395.

- Suit\*—Interests engaged in protracting, iii. 408.
- Delays in procedure necessitate the terminating in remanet, compromise, or reference, v. 35-36.
  - Delays in, a grievance charged in the Petition for justice, v. 467-468.
  - Precipitation of, as a consequence of delay—a grievance charged in the Petition for justice, v. 468-470, 521-522.
  - Blind fixation of times for operations in—a grievance charged in the Petition for justice, v. 470-472, 522-524.
  - Mechanical substituted to mental judicature in—a grievance charged in the Petition for justice, v. 472-473, 524-525.
  - Decision of, on grounds foreign to the merits—a grievance charged in the Petition for justice, v. 476-480.
  - Mischievous transference and bandying of—a grievance charged in the Petition for justice, v. 473-476, 517, 525-531. Loss by transference of evidence—that taken before justices, 473-474. Loss of time, 474. Loss of money, ib. Extinction of local juries and origin of the circuit system, ib. Bandying of the Record to the circuit and back, 475. Unintelligibility of *Nisi prius*, 475. Real intelligible foundation, fees, 476. Arbitrary transference distinguished from appeal, 525-526. Statement of the operations necessary to judicial procedure, with a view to estimating the amount of transference from jurisdiction to jurisdiction, that is absolutely necessary for justice, 526-527. Execution of Process, collection of evidence, and intercourse between the parties, may all necessitate transference, ib. Removal may be caused by tribunals of exception—military and ecclesiastical, 528. Removal in case of inability or death of judge, ib. Illustrations of useless and mischievous removal in the criminal branch in English practice, 528-529. In the Civil Branch, 529-531.
  - Division of into those that should, and those that should not be recorded, vi. 410-412.
  - Division of into simple and complex, vii. 289 n.
  - in which suspicious testimony received—proposed record of, vi. 119; vii. 595-596.
  - contingent—Use of judicial registration to, vi. 330.
  - Penal and civil—Analogy between the instruments of procedure for, ii. 16-17.
- Suitors—Mendacity-license to, in England, ii. 48-49.
- Reasons for praudence of by lot in Dispatch Court Bill, iii. 305-306.
  - Reason for imitatory examination of in Dispatch Court, iii. 306.
- Suitors—Reasons for system of intercourse with in Dispatch Court, iii. 306.
- Provisions for judge being elected by, in proposed Dispatch Court, and reasons, iii. 332-333.
  - Indigent—appointment of Eleemosynary Advocate for, iii. 342.
  - in Equity—Reasons for their not petitioning for the Dispatch Court Bill, iii. 390-391 n. ‡.
  - Personal presence of in Court, should be not merely permitted, but obligatory, iv. 319-321. Detection of frauds and errors, 319. Facilities for producing real evidence, ib. If case not at once terminated, at any rate cleared, ib. Allegations that cannot be made good obviated, 320. Early knowledge of the point at issue, ib. Facilities for compromise, ib. Saves delay, 320-321.
  - Imitatory examination of, for purposes of proposed Dispatch Court, iii. 413-417.
  - Avoidance of preference or detriment to, in the arrangement of causes for hearing, iv. 322.
  - Arrangement that should be made for communication with each other and the Judge, as preliminary to litigation, v. 422-423.
  - Exclusion of from court, a device petitioned against in Petition for justice, v. 446-448, 508-509.
  - when in the wrong—Fines against prayed for in Petition for justice, v. 503.
  - sufferers where delay occasioned for Judge's convenience, vi. 92.
  - not permitted to speak in court, vi. 138.
  - Preliminary meeting of, vii. 184, 185, 187, 189. See Meeting.
  - Interest of, not considered in the rules of evidence, vi. 392.
  - All statements by, should be subject to punishment in case of mendacity, vi. 297-302.
  - pillaged by written pleadings, vi. 331-332.
  - seduced into falsehoods by their professional advisers, vi. 438, 483, 524; vii. 188, 205, 230 n, 263, 272, 275-279, 286-287, 299.
  - The use of the third person instead of the first reconciles them to the falsehoods uttered for them, vi. 439.
  - ought to be punished for confusion and obscurity in their statements, vi. 443.
  - Uses of judicial official evidence and registration to, vi. 409, 561-562.
  - Exclusion of from the presence of the Judge, vii. 226-233. See Parties.
  - Proposed license to, to produce expensive evidence at their own cost, vii. 375-376.
  - Dishonest, their advantages in the English system of pleading, vii. 275.

- Suitors**—Dishonest, the only persons benefited by exclusion of party's evidence, vii. 448.
- Indigent—an instance in which prejudice to cannot be avoided, vi. 411
- Indigent—advertisement of for pecuniary assistance, vii. 376-377.
- Suitors**—Equity. Plan for relief of, in Dispatch Court proposal, iii. 297-317
- — Election of their own Judge, proposed to, iii. 300
- — Petition of for Dispatch Court, iii. 303-305.
- — Account of measure for retro-transference of, in Dispatch Court Bill, iii. 308
- — Petitioning for Dispatch Court—information to be furnished by, form in which it is to be furnished, and directions for communication, iii. 315-316
- Suitors at Public Offices**—Architectural arrangements for securing them audience in rotation, ix. 528-529.
- Sally noticed, v. 143
- Summary convictions before Justices in certain cases of theft**, vii. 504-506
- Summary Judicature**—advantages of, vii. 211.
- — Prejudices against, vii. 198-199
- — Recording convictions on, vi. 414.
- — as distinguished by lawyers from regular, iv. 333-334
- — recommended in Dispatch Court proposal, iii. 299
- — Requisites of, iii. 329.
- — generally contrasted with regular, ii. 321
- — Courts in which it is practised, iii. 299-300
- Summary Suits**—applicability of Jury trial to, ii. 153.
- — Nature of the appeal applicable to, ii. 153.
- Summary and Chronical**—Suits divided into, ii. 87-88
- Summary view of the Plan of a Judiciary under the name of the Court of Lords' Delegates*, v. 55-60
- Summary voting in Legislative Assemblies**—as compared with distinct, ii. 370-372.
- Sumptuary laws**—Object of, i. 535.
- — Impolicy of, i. 183-184.
- Sunday**—How convicts should be employed during the, considered, iv. 17-19
- Employment on—Suggestions for, in connexion with religious observances, in the Panopticon Penitentiary House, iv. 161-162.
- Legislature, according to Constitutional Code, not to sit on, unless on urgent occasion, ix. 163
- Super-Book and Sub-Books**, for registration of Official operations in Constitutional Code, described, ix. 234
- Superannuation**—Guardianship in the case of, iii. 386.
- no good ground for excluding a witness, vi. 105; vii. 427-432.
- Superannuation allowances**—Evil effects of, iv. 361 n<sup>o</sup>.
- Superannuation annuities**—uses to which they may be converted for the benefit of the working classes, viii. 409.
- Superfluity in evidence**—Anticipative survey would be the means of discovering, vii. 369.
- — justificative of exclusion of evidence, vi. 89.
- Superintendants**—Peculation by—Remedy for, i. 547.
- Superiors**—Character inferred from breach of respect towards, i. 77-78.
- Supernatural things**—Untrustworthiness of the evidence generally adduced in support of, vii. 105-106.
- — Belief in, considered, vii. 101-102
- — Motives tending to produce belief in, vii. 106-111
- — Classification of, in D'Alembert's Encyclopedical Map, viii. 77-78
- Superstition**—Knowledge a preservative from the influence of, viii. 11
- Its restraining influence in barbarous times, v. 222
- Supplement**—Oath in, vii. 71
- Supply without burden**—Project for, in an extension of the Law of L-cheat, ii. 585-593. Preface stating the circumstances in which it was first brought forward, 585 Exclusion from inter-state succession of all relations beyond the prohibited degrees, and appropriation of the property to the state, 586. Deduction in some cases within the pale, ib. Arrangement as to family settlements, ib. Peers to be exempt for expediency's sake, ib. Latitude to be left to the power of bequest, ib. Appropriation and realization by public officers, 587. Incidence of the plan—latitude to which its operation should extend, 587-588. Heads of details for the organization of the project, which would have been worked out had encouragement been given to it, 588-589. Unburdensomeness of the project—no expectation being raised, no disappointment, and consequently no hardship, 589-590. A tax on succession has a pressure, because heretofore has once had the whole, 590. Ease of collection, 591. A check to litigation, ib. Would encourage marriage, ib. Popularity, 591-592. Comparison with legacy and probate duties, &c., 592. Calculation of produce, 592-593. Application—Remission of obnoxious taxes, 593-594. Answers to objections—Tendency to dissipate the national wealth, 594; Breach of faith, ib; Exposure to con-

- sion, *ib.*; Tendency to glut the market with land, 594-595; Expense, 595; Increase of influence of the Crown, *ib.*; Powers for collection abused, *ib.*; Encouragement to government profusion, *ib.*; Revolution in property, *ib.*; Absorption of property in Exchequer, *ib.*; Subversion of ancient law, and innovation, 595-596. The plan less harsh than the existing law, 596. Ancient Law of Escheat, and limitations on the power of bequest, 596-597. Blackstone's opinion, 597-598.
- Supplies—Efficacy of the power of the Commons over the, *in* 446
- Supporters of a system, as distinguished from advocates of it, *iv.* 201.
- Supposed—Applicability of the qualification to unoriginal evidence, *vii.* 119.
- Suppression of evidence as indicative of guilt, *vii.* 48-50.
- Suppressive remedies for chronic offences, *i.* 369-370.
  - against offences—Nature of, *i.* 367.
- Supreme constitutive authority—The seat and nature of, considered, *in* relation to the Constitutional Code, *ix.* 95-113.
- Supreme Legislature—Exposition of the principles of, preparatory to the Constitutional Code, *ix.* 114-127.
- Supreme operative—Exposition of the principles applicable to, *in* the Constitutional Code, *ix.* 127-145. *See* Operative.
- Supreme power—The. Blackstone's opinions on the right of, to make laws, criticised, *i.* 283-292. Use of the word right, 283-284. Confounds consent to obey with duty of obedience, 285. Necessity of submission deduced from consent to it, 286. Theory, that no command to be obeyed which is contrary to the law of nature, or of revelation, 286-287. Utility the criterion, and each man to judge for himself, 287-288. Impossibility of restricting the powers of a Legislature, 288. Consequence of the laws being held void, 289. Practical extent to which limits exist, 290. Distinctness that disputes on the subject would assume were they based on utility, 291-292.
  - Duty of the, to make laws. Blackstone's opinions on, criticised, *i.* 292-295.
- Surgeons—Analogy from the practice of, as to effect of vacations in Courts of Justice, *iv.* 378.
- Surgery—Etymology of, and place in the Chrestomathic system of Instruction, *viii.* 36.
  - Professorship of, *in* central towns, *ii.* 257.
  - National field for the experimental study of, *in* a system of Pauper management, *viii.* 425.
- Survey—The Ordnance. Progress of, *in.* 580 *n.*
- Survey—The Ordnance. Reference to, *v.* 429.
- Survey—Commission of, for purpose of dividing the country into election districts, *iii.* 579-582.
- Survey—Anticipative, of evidence, as a succedaneum to its exclusion, *vii.* 369-371. *See* Anticipative Survey.
- Survey—Geometrical—Uses of, for registration of contracts as to land, *vi.* 579
- Suspected persons—Propriety of demanding accounts from, *i.* 557.
- Suspension of a Public-officer—Formalities in the case of, to prevent oppression, *ix.* 311.
- Suspensive power by judges, and reference to the legislature, where strict interpretation of the law unjust, *iv.* 312-315.
- Suspicion—Grounds of *in* evidence, enumerated, *vii.* 391.
  - Note of, substituted to nullity, for neglect of formalities, *vi.* 523-525.
  - of verity of evidence—causes of considered, *vi.* 153-166; *vii.* 563-591.
  - should take place of exclusion, as against evidence from contaminated sources, *vi.* 112, 131-132.
  - How far statements of a person labouring under, are believed, *vii.* 389.
  - Conviction of perjury as a ground for, *vii.* 407.
- Suspicious connexions—Imputation of, as a fallacy used in debate, *n.* 416.
- Suspicious evidence—Safeguards against, *vi.* 116-119.
  - — Cautionary instructions to judge for weighing, *vi.* 151-175; *vii.* 563-591.
- Swear not at all*—Containing an exposure of the needlessness and mischievousness, as well as anti-christianity of the ceremony of an oath, *v.* 187-229. *See* Oath.
  - — — Editorial note to, with late alterations of the law, *v.* 186.
  - — — Advertisement to, *v.* 189.
- Swearing. *See* Oath.
- Sweden—Conduct of Britain to, *in* relation to the refusal of the army to adopt the war of Gustavus III, *x.* 202-203.
  - Law of Divorce *in*, *i.* 355.
  - Practice as to patents of nobility *in*, *ii.* 220 and *n*†.
  - Fall of the liberties of the Diet of, *ii.* 327 *n.*
  - Liberty of perjury purchased by the law of, *vi.* 324.
- Swediaur—Dr—notices of, *x.* 88, 190, 285, 382.
- Swedish Code—Arrangement of the, *iii.* 163.
  - — Incompleteness of the, *iii.* 206.
- Sweeping classifications—Fallacy of, *ii.* 450-451.
- Swift quoted *in* favour of annual Parliaments, *iii.* 511 *n.*

Swift—His directions to servants, the model of Hamilton's Parliamentary Logic, n. 383.  
 — Noticed or quoted, iii. 515. 620; iv. 4, 246 n, 447; v. 421, 592 n; x. 412.  
 Swimming—Advantage of knowing the art of, viii. 436 n.  
 Swindling—Definition of, v. 595 n.  
 — The term applied to Masters in Chancery exacting fees for fictitious attendances, v. 364-367.  
 Swinton—Lord—Praise of, as establisher of the Small Debt Courts, v. 21-22, 23.  
 Swiss League—The—An illustration of an International Judicature, n. 552.  
 Switzerland—Secrecy of Legislative proceedings in, ii. 315 n.  
 Sydney—Algernon, noticed, vii. 413  
 Sydney—Penal colony of. The system of criticised. *See* Transportation  
 Sydney—Lord, author of the bill for the regulation of mad-houses, iv. 60 n.  
 Syllabic-lection principle—in the management of the Chrestomathic school, viii. 53.  
 Syllogism—merely an adaptation of nomenclature, vi. 442.  
 Symbolic signature—as a method of authentication, vi. 515.  
 Symbolical rewards, ii. 218.  
 Symmetry with reference to the matter of the Constitutional Code—The nature of, ix. 3.  
 Symonds—Arthur—His report on drawing acts of Parliament, iii. 232 n.  
 Symonds—Dr Joseph—Letter from, to Bentham on his work on the Free States of Antiquity, and on Works on Italy, x. 138-139.  
 Sympathetic Powder—Illustration from the, i. 479.  
 Sympathetic Sanction—The, i. 14 n \*.  
 — — The. Source and direction of, iii. 291-292.  
 Sympathetic sensibility and bias—influence of, i. 24-25.  
 Sympathy—Motive corresponding to the pleasures of, i. 52-53.  
 — Based in self-regard, ix. 192.  
 — The pains of, i. 20.  
 — Pleasures and pains of, with the corresponding Interest and Motives, i. 202  
 — and antipathy as principles adverse to that of utility, i. 6-11. Explanation, 6-8. Sources of the various systems concerning right and wrong, 8. Enumeration of these, 8-10 n. Sometimes coincide with utility, 9-10. Most apt to err on the side of severity, 10. Source of antipathy to actions—tracing of motives, 11.  
 — effect of on testimony, vii. 569-570.  
 Synonymation as a mode of Exposition, viii. 248.  
 Synonyms—Use of, i. 206.  
 Synoptic Table of Arts and Sciences ex-

plained, viii. 82-93. *See* Encyclopedical Sketch.  
 Synoptic Encyclopedical Table or Diagram — uses of, and reasons for making the division in exhaustive, viii. 98-102.  
 Synthesis—How performed for the aggregation of logical wholes as a preliminary to logical analysis, viii. 125.  
 — not properly the converse of analysis, as does not predicate a homogeneous whole, viii. 75 n.  
 — Relation of to analysis, viii. 256-258. *See* Aggregation  
 — Must precede analysis in the chronology of mental operations, viii. 265-266.  
 — and analysis—Improper application of to Geometry and Algebra, viii. 258-259.  
 System—The levelling, discussed, i. 358-364.  
 Systems—Unity of to be held in view in nomenclature, viii. 64-66.

## T

Table attached to the Encyclopedical Sketch of Art and Science—Explanations, relative to the, viii. 95-98. Division Exhaustive, 95. Art and Science used instead of Arts and Sciences as each head appertains to both, ib. Use of the Bifurcate system, and the Greek, in representing the head or superordinate as divided into two dividivnt parts, each being in relation to the other a definition per *genus et differentiam*, 96. Use of synonyms, ib. The use of Greek-sprung terms, of synonyms, and of explanations from words in familiar use, justified, 96. Subdivision corresponding with genus and species, 97 The plan adopted to exclude obscurity and ambiguity, ib. Reasons for the different kinds of type used, 97-98.  
 — — — Uses of the, viii. 98-100. Compared with connected discourse less explicit, but brings the whole to the eye at once, 98-99. Admits conception and reciprocal comparison, 99 Efforts of Bacon, Chambers, and D'Alembert in the same direction, noticed, ib. Use of the table as a means of rapid analogy between one branch and another, 100. Each step gained, so much for others to start from, ib.  
 — — — Reasons for exhaustive division in, viii. 101-102.  
 Table of the springs of action, i. 197-205.  
 Table of Motions in Legislative Assemblies, ii. 317-320.  
 Table of Regulations in Legislative Assemblies, ii. 320.  
 Table—Synoptic—of Arts and Sciences explained, viii. 82-95. *See* Encyclopedical Sketch.



- Tables—Application of to Geometry in presenting Propositions in series, according to their connexion with each other, viii. 164-166.
- of services exigible from judges, to be hung up in courts of justice, ii. 37-38, 42-43.
  - showing the proportion of mulets to income, to be hung up in courts, ii. 111.
  - Statistical, exhibiting the state of particular districts as to morality, &c., recommended, ii. 232.
  - Reasons for employing the form of, in *Chrestomathia*, viii. 7.
  - *Chrestomathic*—Notes to, viii. 8-54
  - of population, &c. Utility of, i. 557.
- Tabor—The family of. Relations of the Bentham family, x. 3.
- Tabular-exhibition principle—in the management of the *Chrestomathic* school, viii. 51-52
- Tacitus noticed or quoted, i. 535; ii. 254; v. 581; vii. 93.
- Tactical Division of Logic—sacrificed by the Aristotelians to the Dialectic, viii. 218.
- Tactics—Political—Essay on, ii. 301-373.
- — General view of the subject of, ii. 301-302.
  - — Ends that should be kept in view in a code of regulations as to, ii. 302-305
  - Obviating Inaction, 302; Useless decision, ib.; Indecision, ib.; Delays, ib.; Precipitation, ib.; Fluctuation, ib.; Quarrels, 302-303; Falsehoods, 303; Decisions vicious in form, ib.; Decisions vicious in their foundation, from absence, want of freedom, seduction, and error, ib. Synoptical table of the inconveniences corresponding to the several ends, 304-305.
  - — Allusion to the circumstances in which the work on was written—state of France, x. 197.
  - — Proposal to Morellet, for the publication of in France, x. 198-199.
  - — Opinion of Romilly, Trail, and Wilson on, with Bentham's answer, x. 199-201.
  - — See Legislative Assemblies: Members.
- Tailor—Contract with for a coat, as an illustration of preappointed evidence, vi. 509-510 n.
- Tait—William—Letter to, xi. 67-68.
- Talbot—Mr—Notice of, as a visiter at Bowood, x. 104.
- Talent—How made applicable to the public service, ii. 195.
- Want of, aids fallacies of authority, ii. 393.
  - The bidding for the employment of, by offering high rewards for public services, considered, v. 310-313.
- Talent—Value of lost, from defective systems of education, viii. 11.
- Talleyrand—His efforts to get Bentham's works propagated in France, x. 378-380, 383, 387.
- His visit to Bentham, xi. 74-75.
  - noticed, ix. 87; x. 185, 255, 313, 316, 565.
- Tampering with evidence, official persons, witnesses, &c.—Presumption of guilt from, vii. 49 n, 50-51, 52.
- Tanner v. Taylor—Case of, cited, vi. 389
- Task-description principle, in the management of the *Chrestomathic* school, viii. 51.
- Taste—Utility of, ii. 254.
- Pleasure and pains of the, as springs of action, i. 197.
  - Ambiguity in language spoken of as offending, ii. 245.
  - Principle of, allowed, through the influence of aristocracies, to have preponderance over the Greatest-happiness principle, ix. 46.
  - Bad—Objections to attacks on, ii. 254.
- Tatischev—a Russian family called—Bentham's acquaintance with, x. 181.
- Tatoong, as a punishment, i. 416.
- Tax with monopoly*—a proposal to obtain revenue by taxing the profits of bankers and stock-brokers, ii. 599-600.
- Taxes—Nonpayment of. Extent of the mischief of, i. 72-73, 133 n.
- Various kinds of, which are misseated and infringements of the security of property, i. 319.
  - on official salaries—Incongruity of, ii. 242-243.
  - Farming the, considered, and popular prejudices exposed, ii. 249-251.
  - Clause of the French Declaration of Rights regarding the equality of, ii. 517-518.
  - A pacific convention would diminish, throughout Europe, ii. 553
  - Incidence of various kinds of, ii. 573, 580-581.
  - Clause in the French Declaration of Rights regarding the application of, ii. 518-519.
  - Proposal for a saving in, by the extension of the law of escheat, ii. 585-598.
  - All encouragements by the Government to individuals must be met by, iii. 34.
  - Connexion of, with national wealth, iii. 40.
  - Growing expenses—take from enjoyment to security, ib. Past expenses or debt—do not affect existing wealth, are merely the result of previous expense, ib.
  - on trade—Effect of, iii. 40
  - Income converted into capital through the instrumentality of, iii. 44.
  - Colonies never pay, iii. 52.

**Taxes**—on rival branches of home manufacture—Incidence of, iii 65.  
 — on rival imports—Incidence of, iii. 65.  
 — how they diminish wealth, iii. 76.  
 — Expenditure as the counterpart of, iii. 75.  
 — Direct and indirect, iii. 76-78. Latter voluntary, 76-77. Extent to which they may be carried dependent on wealth, 77. Tax on imports borne here—on exports by foreign consumer, ib. Indirect taxation with regard to pressure on good and bad habits, ib. Appropriation of successions where no near heirs—a light tax, 77-78. Taxes on justice, medicine, &c, the most oppressive, 78. Smuggling a barrier to the extent of indirect taxes, ib.  
 — Effects of, on production, iii. 78-80. General rule that taxes should be only for revenue, 78. Incidence of duties by foreigners on imports from us, ib.; of duties on home manufactures, 78-79. Tax on exports, 79. International precautions for prevention of effects of rapid changes—fiscal regulations, ib. Reasons of prejudice in favour of export trade, 79-80.  
 — Employment of, for a sinking fund—Effect of on the national capital, iii. 80-82.  
 — Pressure of, in Britain, iii. 100.  
 — Reduction of, through profits arising on project of conversion of stock into Annuity notes, iii. 123-132.  
 — Principles that should regulate, iii. 204.  
 — Imposition of, on everybody, to put in everybody's pocket—an illustration, v. 269.  
 — Kinds of, that should be interdicted—on knowledge, justice, medicine, insurance, and for creating national institutions which the rich only can enjoy, ix. 451.  
**Taxes on justice, or on law proceedings**—Rewards to injustice, ii. 211.  
 — — — Objections to, ii. 243; vi. 11.  
 — — — have the evil, that the creation of them is occasioned by those who profit by them, v. 98.  
 — — — Objection to, overcome by calling them fees, v. 160.  
 — — — Acts of Parliament against, cited, v. 353.  
 — — — considered in remarks on the Bankruptcy Court Bill, v. 583-596.  
 — — — Protest against, ii. 573-583. See Law Taxes.  
 — — — Origin and evils of, vii. 199-201, 327-328.  
 — — — Abolition of, recommended, vii. 377-378. Alteration of the law noticed, 377 n.  
**Taxes on medicine** characterized, ii. 575-576 n; vii. 377.  
**Taxes on productions**—Exemptions from, act as bounties, iii. 62.

**Taxes on succession**—Incidence of, ii. 590.  
**Taxation**—Proper purposes of, i. 313.  
 — Relation of, to punishment, i. 394.  
 — Coextension of representation with—the principle criticised, iii. 467 n.  
 — a power not vested in the Crown, even with regard to conquered colonies, iv. 266-269.  
 — cannot be accomplished against colonies through trade without coercion, iv. 413-414.  
 — The argument that the vast extent of, is a reason for not removing the minor burdens, combated, v. 303-305.  
 — Pressure of, on the industrious, an argument against pensioning the idle, v. 306.  
 — Proper principles of, contrasted with those in use, ix. 33-34. Consideration with financiers—not the sufferings of the taxed, but the extent of opposition to be feared, ib. Recourse should be first had to the least oppressive taxes—then as urgency demands, to the more burdensome, 34. Thus, when there is waste, it is at the cost of the most oppressively taxed, and known to be so, ib.  
 — Enumeration of purposes for which there should be none, ix. 40.  
 — Influence it may have in accumulating property in the country, or saving it from expenditure, x. 326.  
 Taylor the architect—commonly called Ball Taylor, noticed, x. 16.  
 Tayler—M. A.—His motion about chancery delays, x. 460-461.  
 Tlutchagoff—Admiral—Suggestions to, on his proposed History of the Russian Campaign, x. 477.  
 — — Letters from, x. 485, 486.  
 — — Suggestion to, to write his own Memoirs, x. 485.  
 Tea—Beneficial effect of the use of, i. 540.  
 Teacher—The faculties exercised by, as distinguished from those exercised by the Inventor, viii. 74-76.  
 Teachers—Scholars acting as, a part of the management of the Chrestomathic school, viii. 46-47.  
 Teaching—False notion of its being so distinct from learning that both cannot be conducted together, viii. 302.  
 Tears—How far an indication of grief, i. 27-28 n ||.  
 Technical—Meaning of the term, vii. 197 n.  
 — As applied to reasons, vii. 401.  
 — language—imprudence and mischievousness of, vii. 280-283.  
 — Reasons for not using, in the author's instructions as to the trustworthiness of testimony, vii. 566-567.  
 Technical arrangement distinguished from natural, i. 237.  
 Technical Economy, as to manufactures, &c—Source of information as to, in a

- system of Pauper management, viii. 426.
- Technical language—Wherein that of law differs from that of other sciences, iii. 269-270.
- Technical legal terms—Examples of, requiring special exposition, v. 413.
- Technical system of Procedure—Resumé of the aberrations of, ii. 178-181.
- compared with natural procedure, ii. 169-178
- The devices of, as distinguished from the arrangements of natural procedure, v. 8-14.
- Courts of, contrasted with those of natural procedure as to the character of the suitors, v. 22.
- Substitution of the natural to. urged in Petition for justice, v. 445.
- Devices of—List of, as complained of in Petition for justice, v. 446.
- The forms in which evidence is considered by, vi. 141-143.
- Notice of the author's remarks on, by Editor of Original Edition of Rationale of Evidence, vi. 202.
- The various evils of. *See* the various Chapters of Book VIII. of Rationale of Evidence, Vol. VII. 106-334.
- Reasons for an examination of, in connexion with exclusion of evidence, vii. 196-197.
- Contrasted with the natural, vii. 197-199.
- General recapitulation of the interests causing the evils of, vii. 211-214.
- The vices introduced to by the fee-gathering principle, particularly exemplified, vii. 214-225. *See* Fee-gathering
- Remedies suggested for the evils of, vii. 320-329. *See* Remedies.
- Apology for the exposure of, vii. 329-334.
- Evils of, adduced in answer to the fallacy that judicial forms are the shields of liberty, viii. 478-479.
- casually animadverted on, ii. 7; vi. 411, 443, 446, 466, 479, 585; vii. 43, 166, 193.
- Technical Terms—Unapt, continued from the desire of adepts to preserve a palpable distinction between themselves and the uninitiated, viii. 183-184.
- Technicalities—The theory that they are a check on the judge considered, vii. 324.
- Legal—Advantages of improving, and prejudices against improvement, iii. 270-274.
- Evils of, illustrated in Finance, iii. 204
- Technology of Arts and Manufactures as a branch of the Chrestomathic system of Instruction, viii. 38-39.
- Division of, with a view to pleasures and pains, as a specimen of the method of filling up an encyclopedical analysis, viii. 90-91 n.
- Technology, or the application of Mechanical Philosophy to commercial purposes, expressed by Catastatico-Chrestic Anthropurgics in the Encyclopedical Sketch of Art and Science, viii. 88.
- Sketch of the field of, viii. 148-150. Advantage of the application of, to the mechanical employments, with a Rationale or explanation, viii. 148-150.
- General. Specimen of from Wilkins' Essay towards a real character, &c., viii. 150-155.
- Telemachus—Influence of the perusal of, on Bentham's early opinions, x. 10-11.
- Temerity—nature of falsehood from, vi. 292-293.
- in evidence punished by public opinion, vi. 327.
- Incorrectness occasioned by, should be punished, vi. 280, 295-296.
- and evil consciousness—The distinction between, unknown in English law, ii. 579-580 n.
- Temperament—bodily and mental—as circumstances influencing sensibility, i. 27
- Temperance in Penitentiaries—Conduciveness of to reformation, i. 499.
- Temperate—Use made of the term in delaying reforms, ii. 433-434.
- and intemperate reform—A distinction created for fallacious purposes, ii. 452-453
- Temple—Sir William—The confidence between De Witt and, ii. 553-554.
- Temple—The. Advice from, to Sir Richard Philips in relation to his inquiries on the packing of special juries, and comments, v. 143-146.
- Temptation—Method of ascertaining the strength of, i. 67, 87.
- Making emoluments sufficient to exclude, ii. 244-245.
- Responsibility to be increased with, i. 548.
- Means of reducing, by high salaries to public officers, &c., i. 548-549.
- How far extent of salary a guarantee against? ii. 234.
- Effect of, on testimony of witness, vi. 154. *See* Interest; Motive.
- In what circumstances no ground for reducing punishment, i. 400.
- Tenants—Manner in which influences may be used against, at elections, iii. 479-482.
- Tendency of acts—Inference of disposition from, i. 60-68. *See* Dispositions.
- Tenor—Transcript in, vii. 139-140.
- Inference of authenticity from, vii. 178-180.
- Inference of spuriousness from, vii. 181.
- distinguished from purport, viii. 44.
- Tension—as productive of motion in connexion with springs, viii. 139.

Tenterden—Lord—Strictness of interpretation of Indictments by, i. 14.  
 — — noticed, iii. 375-376; iv. 447; v. 562, 592; x. 572, 595.  
 Terig and Macdonald—Trial of, cited, vii. 101 n.  
 Terms used in legislative acts—Fixation and exposition of the meaning of, iii. 592-594.  
 — Expositions of, with reference to a Pan-nomion, or universal code, iii. 217-224.  
 — Impostor—Use of, as fallacies of confusion, ii. 438-440.  
 Terms (in the English courts) compared with vacation time, vii. 241-245.  
 — and Circuits—Nature of, discussed, vi. 91 n.  
 — Delay and precipitation occasioned by, grievances presented in Petition for justice, v. 467, 469.  
 Term business—Factitious, vii. 242-243.  
 Terminology—Legal—Evils of the existing system—advantages of, and prejudices against, improvement, iii. 269-274.  
 Territorial dominion—How the relations of sovereign and subject created by, ii. 541-542.  
 Territory—Disputes regarding violation of, as a cause of war, ii. 544.  
 — Boundaries, &c., of, in Constitutional Code, ix. 147-150.  
 Terror—Application of means of, to prison discipline, iv. 10-11.  
 Terrorism—Analysis of the operation of, in elections, iii. 479-482.  
 — at elections—compared with bribery, iii. 482-485.  
 Test and corporation act—The, characterized, i. 437; ii. 227, 265-266.  
 Tests—Religious—A testimony in favour of the prohibited religion, iv. 398 n.  
 Testimony—Causes of belief in, vi. 235-244  
*See* Belief.  
 — Causes of trustworthiness and untrustworthiness in, vi. 17-21.  
 — secured from misrepresentation and ob-livion by registration, vi. 79-80.  
 — Vexation attending the giving of, vi. 93-95.  
 — False—The prompting causes of, ex-aminated, vi. 158-159.  
 — remoteness of, from seat of perception—Effect of, vi. 222-223.  
 — Modes of incorrectness in, vi. 244-247.  
 — Dangers to be guarded against with re-gard to, vi. 279-282.  
 — of parties—Exclusion of, vii. 226-233.  
 — of parties—Impropriety of excluding, vii. 487-489.  
 — of co-parties for and against each other.  
*See* Co-parties.  
 — Exemptions from the burden of hearing, in certain circumstances—the propriety of, considered, vii. 472-486. *See* Exemp-tion.

Testimony of plaintiff—Examination of the course pursued in regard to, by English law, vii. 489-496.  
 — of defendant—Examination of the course pursued in regard to, by English law, vii. 496-506. *See* Defendant.  
 — Interest in general considered as a ground of untrustworthiness in, vii. 567-573.  
 — Pecuniary interest as a ground of un-trustworthiness in, vii. 573-575  
 — Interest derived from social connexions as a ground of untrustworthiness in, vii. 575-577.  
 — Interest derived from the sexual con-nexions as a ground of untrustworthiness in, vii. 577-581.  
 — Interest derived from connexion with the suit as a ground of untrustworthiness, vii. 581-584.  
 — Inprobability as a cause of untrustworthi-ness in, vii. 585-591.  
 — *See* Evidence; Witness.  
 — Exclusion of. *See* Exclusion.  
 — Spontaneous, vi. 458-465. *See* Sponta-neous.  
 — Spontaneous self-inculpativ. *See* Self-inculpativ.  
 — Extraction of. *See* Extraction.  
 Texigenous source of motion—The, by the contraction occasioned by fusion, viii. 142.  
 Thames Police—Proposed union of, with the Shadwell Office, discussed, x. 329-330.  
 — — Heads of a Bill for regulating the, x. 330-333  
 — — Correspondence as to, x. 333-335.  
 Theatres—Sanatory authority as to, by Health Minister, in Constitutional Code, ix. 445  
 — Good effects to which they may be ren-dered conducive, i. 540.  
 Theft—Position of, in the subdivisions of the Penal Code, iii. 166.  
 — Genus of the offence, i. 117-118.  
 — Forms of enactment with regard to, iii. 277.  
 — Reputation of being guilty of—Instances of its subjecting to punishment, vii. 446 n  
 — above forty shillings—Law as to, altered, vi. 381 n. 2.  
 — Summary conviction for certain kinds of, vii. 504-506.  
 Thelematic source of motion—applied to the will as a source of muscular motion, viii. 134.  
 Thelematology—applied to sciences in which the will is concerned in the production of a result, viii. 288-289.  
 Thelematoscopic Pneumatology, or Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 89-90.  
 — — Division into Dicastic and Exegetic, viii. 92-93.  
 Thelusson v. Staples—Case of, vii. 356 n.

- Theodosius I.—Absurd application of religion by, to punishment, i. 412.
- Theology—Manner in which opinions in, carried by force, vii. 109 n.
- Theoretical—Abusive and fallacious use of the epithet, as a term of reproach, ii. 458-459; vii. 504.
- Theoretical Ethics—Position of, in the Encyclopedical Sketch of Art and Science, viii. 94.
- Theory—Encouragement to, as the first step in the career of invention, ii. 256.
- Those who cry out about, indulge in bad, n. 442.
- Good in, and bad in practice, the expression, and its fallacious use, criticised, ii. 459-460; iii. 467 n.
- Unpopularity of the term, iv. 177.
- Theory of evidence—Gilbert's, discussed, vi. 183-187.
- Therapeutics—Etymology of, and place in the Chrestomathic system of Instruction, viii. 36.
- Therean Code—Emblematic frontispiece of, i. 550.
- — arrangement of the, iii. 163
- — Sorcery legislated for in, i. 554.
- — referred to, i. 153; vi. 504.
- Theves—Their mutual tuition in prisons, i. 427-428.
- Propriety of giving the public instruction as to the schemes resorted to by, i. 554.
- Honour among. Dangerous nature of the principle termed, iv. 225-226; vi. 265-266.
- Things, as the first general title of the Civil Code, iii. 176-178. Natural and artificial, 176. Employable and consumable, 176-177. Individually valuable, and valuable in mass, 177. Sensible and insensible, ib. Simple and complex, ib. Individuation, 177-178. Roman divisions, 178.
- Evidence from, or real evidence, as a branch of circumstantial, vii. 8-18. *See* Real Evidence.
- states of, distinguished from events, vi. 217.
- and Persons—Division of Rights of, in the Roman Law, criticised, iii. 184.
- Thrust, and the want &c of the means of quenching it, as motives, i. 197.
- Thompson—Mr William, of Cork—Letter to, on the Chrestomathic system of Education, x. 506-507.
- Thomson—Dr, the chemist, noticed, viii. 217; x. 401-402
- Thomson's Seasons—Bentham's impression of, from the perusal of in childhood, x. 22.
- Thornbury—The poisoned pancake of, adduced in illustration, ii. 463.
- Thornton—Henry—His work on Paper credit noticed, x. 389, 413.
- Thought—considered as the basis of language, and its operations in that respect examined, viii. 320-323.
- Thought—Words as the signs of, the subject of exposition, viii. 242-243.
- The employment of, in suggesting remedies to abuses, held up to contempt, ii. 457-459.
- Decisions without, vii. 246-249.
- Acquaintance with, facilitated through a knowledge of the principles of language the sign of it, viii. 344.
- Threat to testify against—how far it affects the trustworthiness of testimony, vii. 23-24.
- as circumstantial evidence of delinquency, vii. 21.
- Infirmative circumstances applicable to, as evidence, vii. 23-24.
- as an offence—position of in the Penal Code, iii. 168.
- Submission to as an extenuation, i. 79
- Three Tracts on Spanish and Portuguese Affairs, with a continual eye to English ones*, viii. 463-486.
- Thrift—Unpopularity of the virtue of, iii. 17
- Throckmorton—Sir Nicholas—Trial of, cited, vii. 461.
- Throne—Lustre and dignity of the—Depredation masked under support of, ix. 89.
- Danger of giving official power to a person nearly allied to, vi. 556 n.
- Thurlow—Lord—Characteristics of, ii. 175; x. 94.
- — Charge of breach of faith against, by Lord Lansdowne, x. 214.
- — noticed, iii. 476 n; x. 59.
- Tidd's Practice quoted, vii. 359 n †.
- Tierney—Mr—noticed, iii. 532.
- Tilley—Case of, cited, vii. 190 n †.
- Tilsit—Peace of, alluded to, vi. 368.
- Timber—Naval—Suggestions for procuring a supply of, viii. 421.
- Time—a physical fictitious entity, viii. 200.
- Its connexion with place as the name of a fictitious entity, viii. 204.
- next in order of simplicity to place, as an entity connected with relation, viii. 203.
- Influence of, on matters of legislation, i. 188-194.
- The Innovator-General, by altering the adaptation of Institutions to their purpose—a fallacy, ii. 419-420.
- Fixation of the meaning of words designative of, in legislative acts, iii. 593.
- Considerations as to, with regard to *alibi* evidence, viii. 112.
- Interval of, to be allowed to witnesses to answer questions, considered, vi. 449-450.
- Particularity as to, in confessions and instruments of accusation, vii. 38.
- Sciences involving the predicament of, viii. 287.
- Times—New and old—Confusion between,

- involved in references to the "wisdom of our ancestors," n 398-399; x. 69.
- Times—Regulations and Explanations with regard to, as a general title of the civil code, n 178-179.
- Remote—are visible to us in remote places, vii. 90
- Timidity, cowardice, &c., as designative of motives, i. 204.
- a cause of incorrectness in oral testimony, vi 254
- of witness—may betray to self-contradiction, &c., from browbeating, vi. 406-407.
- an impediment to the exposure of offences, vii 578
- Tindal's Christianity as old as the Creation—Bentham's impression of, from perusal in boyhood, x. 22.
- Tippoo Saib noticed, iv. 417.
- Tithes—Objectionable incidence of, ii. 244.
- Title—meaning of the term, i. 153, 293 n
- of a discourse—wherein it consists, i 283
- Proof of—Nature of property affected by the requisites for, iii 134 n.
- Title deeds. *See* Deeds.
- Titles as the foundation of rights—The nomenclature of considered, with reference to the terms collative and ablative events, iii 189-190.
- which confer a right of property, i 327-330
- Actual possession, 327. Ancient *bona fide* possession, ib. Prescription, ib
- Land and its produce, 327-328. Things nourished on, and thrown on the land, 328. Lands from which water has retreated, ib. Amelioration-, 328-329.
- Mines, 329
- Fishings in great waters, ib
- Hunting, 329-330
- Registration of, i 552. *See* Registration.
- The various, on which a claim may be laid in a suit, vii. 278
- by succession, &c.—Use of registers for the purpose of, vi 570-574. *See* Genealogical Facts.
- or headings to the different clauses of deeds, recommended as conducive to clearness, v. 394.
- Tobacco—Use of, excluded in the Panopticon system, iv. 158.
- Tolerance—Religious—Criticism on the clause in the French Declaration of Rights—regarding, n. 513-515
- Tongue—Analogical punishment inflicted through the, i 408.
- Tooke—John Horne—Estimate of, x. 404
- — — His discoveries in grammar estimated, vii 120, 185, 188.
- — — Method of selecting Special juries, as exhibited in the trial of, v. 103-104 n
- — — Trial of, cited, vii. 251.
- — — Mention of, x. 582.
- Topographical function—The, of the Local Headman, by the Constitutional Code, ix 619
- Topography—a science involving the predicament of place, viii 286
- The field of, separated from that of geography, viii. 243
- Toreno—Count—Letter from, requesting an opinion on the Penal Code for Spain, iv. 571.
- — Letters to, on the proposed Penal Code, delivered in by the Legislative Committee of the Spanish Cortes, viii. 4: 7-554
- — History of the publication of the letters to, viii. 489-490
- — The grounds of the opinions addressed to, to be certain preestablished positions, with reference to the Greatest-happiness principle, with the reasons, viii 490-493.
- — Correspondence with, in reference to his conduct regarding the letters on the Spanish Code, viii. 551-554
- Tories—Characteristics of the, iii 527
- Form that the arguments of, against reform assume, iii 600
- Their abhorrence of reform a professed creed, iv 423.
- The. Examination of the interests and corresponding motives of, against reform, iii. 528-529.
- In what they differ from the Whigs, ii 443.
- — casually referred to, n. 443, iii. 486, 590 n; viii 469.
- Torture—Relation of, to punishment, i. 393
- Kinds of, that have been applied as punishments, i. 414
- Punishment of death with, considered in its effects, i 442-444.
- originated with ill-considered scruples about evidence, vii. 522-523, 525.
- Interrogation confounded with, vii. 454-455
- Totmill Fields as a spot for a national Penitentiary, x 323; xi. 116, 153.
- Tott—Baron de, noticed, x 402.
- Tourenl—Jacques de—Estimate of, x 142
- — His defence of Torture, i 231.
- Tours—Practice of the Provincial Assembly of, n. 341.
- Towns—Large—Prejudices against, and ineffectual efforts to restrain, iii. 74.
- Townsend—Lord, noticed, x 108
- Townsend—The Rev. Joseph—Notices of, as a visiter at Bowood, x. 92, 97, 99, 100, 123.
- — Letter from Bentham to, x. 139-140.
- — Letter from, to Bentham, x. 140-141.
- — Estimate of the abilities and character of, x. 515, 517

- Townsend—The Hon. Thomas, noticed, x. 141.
- Tracts on Poor-laws and Pauper management, viii. 358-461.
- Three, on Spanish and Portuguese affairs, viii. 463-486.
- Tracton—Lord and Lady—Account of, as visitors at Bowood, x. 100, 103-104.
- Trade—Taxes restraining, an infringement on property, i. 319
- New sources of—Inimicality of the usury laws to, through limitation of the rate of interest, iii. 22.
- Effect of free competition on, ii. 228.
- Uselessness and mischief of laws interfering with, ii. 549.
- No branch of, that is carried on without government interference can be disadvantageous, iii. 63.
- War for the sake of—its absurdity, ii. 557-558
- Impolicy of attempts by Government to give a direction to, iii. 43-44. Depends on amount of capital, which changing the channel cannot increase, 43. Governors don't know profitable investments so well as individuals, ib. If they did, indication of them would be sufficient, 43-44
- Increase of wealth by, iii. 70-72. Advantages of all voluntary exchange, 70. Excess of produce of labour the real balance of trade, ib. Ingredients in the superiority of one country over another, in, ib. Fallacies as to balance in gold, ib. Instances of mercantile iniquity—Mississippi and South Sea, 70-71. Subsistence and defence to be considered, 71. Information which Government should propagate as to inventions, prices, &c., ib. Patents, 70-71.
- Addition to security of, in the project of Annuity notes, iii. 133-136
- The child of capital, depending on its amount, not on the extent of the market, iii. 54; iv. 411.
- Course of, used as an argument for the admissibility of evidence otherwise excluded, vii. 167, 402-403.
- Stagnation of—Proposed remedy of, to operatives, x. 85.
- in opinions (of counsel) brought into existence by the bad state of the law, vii. 315-318.
- *See* Profession.
- Trades—Proposal of a system of Technology applicable to, viii. 148-150.
- Freedom in the choice of, to convicts, as an ingredient in prison discipline, and an advantage to the community, iv. 49-51.
- Multiplication of, not necessary in prison discipline, iv. 51-52.
- Uses of statistical information as to the comparative salubrity of different kinds of, ix. 627.
- Trade Minister—Provisions regarding in the Constitutional Code, ix. 447-448. Subjects in regard to which trade has benefited from regulation—Incidence of taxation, Patent rights, &c., 447. Functions, ib. Connexion with Finance Minister, 447-448
- Tradesmen—Extent to which they give credit, and their inducements to it, iii. 6-7.
- Their books, as evidence, vii. 151.
- Trading justices—account of, vii. 327.
- Trail—James—Account of, as an early friend of Bentham, x. 133-135.
- Letter from, on the politics of 1784, x. 135.
- — — — On Voltaire's Memoirs, Smith's Wealth of Nations, &c., x. 136.
- — — — On the ascent of Lunardi's balloon, x. 136-138.
- — — — Urging Bentham's return from Russia, x. 171-172.
- — His opinion on the work on Political Tactics, x. 199-201.
- Letter from—Progress of Bentham's works in Ireland, x. 300.
- His opinion on Escheat *vice* Taxation, x. 305.
- — casually noticed, x. 99, 165, 168, 175, 212, 213, 217, 247.
- Training—A plan for, applicable to a volunteer defensive force, in the Constitutional Code, ix. 343-348
- Transcripts—Nature of, in connexion with evidence, vii. 139-141. Three kinds—1st, Verbatim; 2d, In purport only; 3d, In effect only, 139. The various ways of making transcripts, 140. Superior applicability of printing, 140-141.
- Sources of untrustworthiness in, vii. 141-143. Double source of defect—original and transcript, 141. As compared with hearsay, more likely to be accurate, fraud apart, 142. Inaccuracies from want of attention, ib. What forms they may assume, 142-143.
- In what cases and on what conditions to be received in evidence, vii. 143-149. Original accessible, 143-144. Original known to be out of the country, 144-145. The original in a state of exprovinciation, 145. Original known to have existed, but to have become extinct, 145-146. Former existence of original known, but present unknown, 146. Existence of original has not been ascertained, 146-147. Original in power of adverse party, 148-149.
- Arrangements for securing the fidelity of, vi. 74-85; vii. 149-150.
- and originals—How to distinguish between, vii. 150-152.
- May be evidence as to genuineness of original, vi. 90.
- Successions of—probative force weakened with each, vii. 155.

Transcripts—Aberrations of English law as to admission of, in evidence, vii. 169-170.  
 — Provisional decision on the evidence of, when original inaccessible, vii. 379-380.  
 — External securities for. *See* Interrogation; Oath; Punishment; Puberty; Shame; Writing.  
 Transcription—Modes of, vii. 139-141.  
 Transcriptitious evidence—or supposed written evidence transmitted through written, vii. 139-152. *See* Transcripts  
 — — as makeshift evidence, vi. 57.  
 — — Preappointed, as distinguished from Original, vi. 508.  
 — — compared with Original, vi. 171-174.  
 Transcriptitious registration as applied to contracts, vi. 570-582. *See* Registration.  
 Transfer—Judicial—for receiving defendant's statement, ii. 115-116.  
 Transfers of Property—Plan for a Register of, in the Constitutional Code, ix. 633-634.  
 — of Stock—Substitute for, by conversion of stock into Note annuities, iii. 105-153.  
 — of Stock—Expense of, as compared with that of the Annuity-note Project, iii. 119-120 n.  
 Transference of suits—Means of, in Dispatch Court Bill compared with Established, iii. 331 n.  
 Transgressions—Notification and publicity as to; advantages of, and impediments to, in fear, indolence, and poverty, viii. 577-579.  
 Transient and continued—Acts distinguished into, i. 37.  
 Transitive and Intransitive—Division of acts into, i. 36-37.  
 — Punishment, i. 480-482.  
 Translation—Application of as a school exercise, viii. 45.  
 — as a means of exposition, viii. 244-245.  
 Translations of Laws—Cases in which they are necessary, i. 158-159.  
 Transmitted evidence, vii. 152-159. *See* Media.  
 Transplanting Laws—Principles to be followed in, i. 172-177. Circumstances influencing sensibility to be considered, 172-173. Information to be acquired as to the people, 173. The offences—Simple corporeal injuries, ib.; Irreparable corporeal injuries, ib.; Wrongful confinement and banishment, 173-174; Simple mental injuries, 174; Semi-public offences, 174-175; Offences against reputation, 175-176; Against person and reputation, 176. Offences against property, ib. Offences against condition, 177.  
 — — Regard to be had to existing institutions in, i. 177-180. Physical and moral source of peculiarities, 177. Consideration whether the transference may not be, all things considered, prejudicial, Vol. XI.

178. Suitability of habits—illustration  
 — Jury-trial in Bengal, 178-179. Existence and fitness of the institution, to be both considered, 179-180.  
 Transplanting Laws—Rules respecting the method of, i. 180-184. No law to be changed without special reason, 181. Alterations not to be made to gratify individual tastes, ib. Things indifferent to be left to the moral sanction, ib. Easiest attack on a bad system—the refusal of enforcement to it, ib. Preponderant dissatisfaction to be avoided, ib. Indirect Legislation to be preferred to coercion, 181-182. Reforms which will assist the introduction of others, to be preferred, 182. Management of prejudices, 182-184.  
 — — A means of showing their defects, from the recipients not having prejudices in their favour—Illustrations from transference of English law to India, i. 184-188.  
 Transportation—constituted of exile, confinement, and bondage, iv. 276 n.  
 — considered as a complex punishment, i. 490-497. Evils of the system of contracting—by buying off, punishment avoided, 490-491. Does not suffice as an example — Real hardships great, but idea entertained of them mixed with pleasure, 491-492. Unconduciveness to reformation—General profligacy—Imbecility of the authorities—Extent of intoxication, &c., 492-495. Only incapacitates the convict locally, 495. No compensation to injured party, 495-496. Want of economy, 496. Extent of the punishment left to the operation of chance, 496-497. Not a satisfactory foundation for a colony, 497.  
 — as a punishment, and its inferiority to the Penitentiary system, discussed in the first letter to Lord Pelham, in Panopticon 7. New South Wales, iv. 173-211. Objects of punishment enumerated, 174. *Example*—obliterated by distance, ib. *Reformation* not effected, 175-183. No tutelage of the convicts, or control of their vicious propensities, ib. No inspection—Provision of soldiers, chaplains, &c., no succedaneum, 175-176. Superior provision for religious instruction and observances in the Panopticon—Collins quoted as evidence of uncorrected improbity, improvidence, and deterioration, in New South Wales, after the attempted remedy, 176-180. New South Wales worse in this respect, than an old-established colony would be, 180-183. *Incapacitation for fresh offences* not accomplished, 183-199. The offences deemed not to be committed because they are not in sight, 183-185. Local exclusion an easy—reformation a difficult object, 185-186. Distance the



- sole consideration entertained, 186-188  
 A thoughtlessly administered punishment—may involve much more than it is called, *e. g.* by inability to return when the period expired, 189-190. Requisition of sanction of the governor to return, 190-193. Death the simplest preventive: a frequent fruit of the carelessness of the system, 193-199. No provision for compensation of injured by this species of punishment, 199-201. *Economy* of the two systems compared, 201-211. Difference of individual cost nearly four to one, 201-204. Deficiency notwithstanding in the establishment at New South Wales, 205. Unprofitableness of colonies in general, and peculiar barrenness of this species, 206-207. Profitableness not contended for by those advocates who understand the practice, 207-208. Question, whether the colony is a nursery of soldiers and seamen for the East Indies, discussed, 208-209. Discovery of plants all that has been got for much expenditure, 210-211.
- Transportation—Compared with the Panopticon-system and the American Penitentiaries, in the second letter to Lord Pelham, iv. 212-248. Introduction of the hard-labour system in Pennsylvania, and adoption in New York, 212-213. Illustrations of corruption and sloth in New South Wales, 214-215. Prodigality, improvidence, and drunkenness illustrated, 215-216. Industry and frugality in the Philadelphia and New York Penitentiaries, 216-217. Superior spur to industry in the Panopticon mode, 217. Exemplifications of depravity in New South Wales, 217-220. Incendiarism peculiarly frequent, 220-222. Peculiarly dangerous disposition shown where sport alone the motive to great crimes, 222-223. Spiritual remedies unavailing and treated with contempt, 223-224. Conduct in American Penitentiaries contrasted, 224. Difficulty of obtaining evidence—combinations—noxious principle of honour among thieves, 224-226. Laxity and corruption of the police, 226-230. Drunkenness as a main cause of the crime and non-reformation, 230-235. Exemplifications of reformation in the Penitentiaries, both as to prisoners and discharged convicts, 235-236. Sobriety and strictness, as produced by inspection, the cause, 236-238. American system still imperfect, in respect of the want of inspection on the Panopticon principle, 238-242. Penitentiary system superior, not only in point of reformation, but of example, 242-245. The hopelessness of economy becoming a feature in the management of the settlement, 245-247. The Hulks a subject deferred, 247-248.
- Transportation system in America and New South Wales compared, iv. 184-185 n.  
 — and banishment compared, i. 433-435  
 — General estimate of, as a punishment, iv. 6-7.  
 — The punishment of, aggravated by arbitrary laws of the governors of penal colonies, necessitated by the absence of a constitutional legislative system, iv. 272-276. *See* New South Wales.  
 — Illegal. Securities against, adapted to a Mahomedan state, viii. 587-588.
- Travelling—Method of facilitating to the poor, viii. 417-418.
- Travelling-disputes-settling function, of Local Headmen, by Constitutional Code, ix. 621-623.
- Tread-mill—Use of, in prison discipline, considered; has the effect of compelling the unwilling to labour, as well as the willing, iv. 147.  
 — — Use of, recommended as a means of exercising convicts, iv. 157-160.
- Treason—Extent of the criminality of, considered, vii. 412-413.  
 — Criminality of, and application of forfeiture as a protection, i. 481-482.  
 — Requisition of two witnesses to prove, considered, vii. 526-527.  
 — System of evidence for, invented to shield the traitors of William III.'s reign, vii. 528.  
 — Self-defence in connexion with the punishment of, i. 392.  
 — Punishment of, casually noticed, i. 443, 461 n †; vii. 527.  
 — by insurance of enemies' property, &c., i. 547  
 — against associates, &c. Infamy attached to, n. 224.
- Treason-Bill—Observations on, addressed to the Morning Herald—absurd nomenclature: compassing and imagining, x. 320-322  
 — — Farther remarks on, x. 335-336.
- Treason-law—The severities of, a fruit of the monarchical system, ix. 38.  
 — — Tyranny of the, viii. 472-473.
- Treasure—Public. Offences against the—Their classification in the Penal Code, iii. 170.
- Treasury—The. Burke's reform of the payment of salaries in, n. 198.
- Treaties—Publicity as to, urged, ii. 554-560.  
 — Commercial, not accordant with the interests of Britain, n. 549.  
 — Principles on which the observance of should be founded, and on which they are observed in practice, ii. 403-404.  
 — Disarming. Proposal of, as preparatory to a plan of perpetual peace, n. 550-552.
- Treby—Chief-Justice, noticed, vii. 428.
- Tree—Encyclopedical or Ramean—Instruc-

- tions for planting on any given part of the field of art and science, viii. 118-121.
- Tree—Encyclopedical. *See* Bifurcate division.
- Trent—Council of, noticed, vi. 11.
- Trespass—a term invented by the Court of King's Bench for getting jurisdiction, v. 494.
- Treux—visited by Bentham on his way to Russia, x. 150
- Trial—Whether labour should be exacted from accused person before, iv. 59-60.
- criminal—Form of, vi. 473-474
- New, on the ground of insufficient evidence, vii. 164.
- New, evils of having none in criminal cases, vi. 378.
- by Jury. *See* Jury.
- Trials—Publication of, vi. 377.
- English and French—superiority of the former in point of dramatic interest, vi. 441.
- Tribunal—Reasons why there should only be a single judge to each, ix. 325-328; ix. 470-473. *See* Single-seated.
- Tribunal—The Public-opinion—speed and certainty of its operations, i. 458.
- — — and the official compared, viii. 561-572. *See* Public Opinion.
- Tribunals—Essay on the method of parceling out the jurisdiction of, iv. 328-338. *See* Jurisdiction.
- Provision for, in the Constitutional Code, ix. 454-541. *See* Judiciary.
- Long intervals between the sittings of, condemned, vii. 241-245.
- Uninterrupted sittings of, recommended, vii. 371-373.
- within reach, recommended, vii. 371.
- out of reach—Evils of, vii. 234-236, 352-353.
- Exclusion of parties from, vii. 226-233. *See* Parties.
- of Appeal—Essay on, iv. 338-353. *See* Appeal.
- *See* Courts; Judge.
- Tribune—Propriety of a, in Legislative Assemblies, ii. 322.
- of the people, was generally chosen from the aristocracy, iii. 469-470.
- in the French Chamber of Deputies—absurdity of, iv. 423.
- Tried men—Means of obtaining what are commonly called, as representatives, ix. 176.
- Triennial Parliaments—The inadequacy of, as compared with annual, iii. 521-525.
- as a compromise, iii. 599-600.
- Trigonometrical survey—Allusion to the, in reference to a plan for a map to accompany a Real property register, v. 429
- Tripoli in Barbary—Securities against misrule, with special reference to, viii. 555-600.
- Tripolizza—Bentham chosen a member of the Philosophical Society of, iv. 589.
- Troops—Treaties limiting the numbers of, as preparatory to a perpetual peace, ii. 550-552
- Trouville—M. de—The project of, x. 253
- Trover—Nature of the action of, vii. 278, 287 n. 550.
- Trowbridge—Sir Thomas—Letter to, x. 400-401.
- Trust—Nature and constitution of a, ii. 35-37.
- The Franchise a, i. 484 n.
- Considerations as to disclosure of, vi. 100 n.
- Suits as to, ranked as continuous, ii. 85.
- Inability of the common-law courts to superintend, vii. 293.
- Offences against, i. 98, 105-113, 134. Definition of trust, 105-106. Mutual position of parties, 106-107. Whether this kind of offence could come under the designation of offences against condition, 107; or against property, 108. Property and condition distinguished, 109-110. Divided into such as concern existence, and such as concern exercise of trust, 110-113. Former distinguished into what may fall on the person who should hold the trust, and what may fall on others, 110-112. Breach, abuse, and disturbance of trust, distinguished, 112-113. Bribery, 113.
- Characteristics of the class of offences against, i. 141-142.
- Trusts—The absence of provisions relating to, in common law, shows the need of codification, v. 486.
- Trust funds—Utility of circulating Annuity notes as an investment for, iii. 144.
- Trust management compared with contract, ii. 249-251.
- — inferiority of to contract, especially where the trust is to a board, iv. 125-134.
- Trustee—Pleasures derived from condition of, with respect to forfeiture as a punishment, i. 472.
- Litigation through a, ii. 35-36.
- Trustees and Benefitees—List of the kinds of, iii. 410.
- and *cestuy que trust*—communications between should not be excluded from evidence, vii. 480.
- Trustworthiness of evidence—Causes of, vi. 18-21—intellectual, 18. Moral, (*viz.* the physical, the popular, the political, and the religious sanctions,) 18-21.
- Moral causes of, vi. 18-19, 256-276. *See* Motives; Sanctions.
- — Securities for, generally stated, vi. 21-28, 282-286. Internal enumerated, 283. External enumerated, 22, 284. The securities grouped, 285-286. Punishment, or the political sanction, 22-23.

Shame, 24. Interrogation and counter-interrogation, 24-25. Counter-evidence, 25. Writing, 25-26. Publicity, 26-27. Privacy preferable in some cases, 27-28.

Trustworthiness of evidence—Securities for—statements of a party exempt from, vii. 262-263. *See* Mendacity-license.

— — Securities for—how applied to the extraction of evidence, vi. 30-34.

— — External securities for. *See* Cross-examination; Counter-evidence; Interrogation; Publicity; Punishment; Sanctions; Shame; Writing.

— — Internal securities for, vi. 286-291

Particularity, 286-287. Speciality and circumstantiality, *ib.* Recollectedness and unpremeditatedness, 287-288. Suggestedness to good—unsuggestedness to bad effect, 288-289. Interrogatedness, *ib.* Distinctness, *ib.* Permanence, 289-291.

— — Psychological causes of, vi. 247-250

Uses of the inquiry—service to the legislator, 247. Exclusion, 247-248. The intellectual and moral faculties as concerned in evidence, 248-249. When mendacity has place, 249. When verity, *ib.* When falsehood, *ib.* Bias, 249-250.

— — False securities for, iv. 28-30. Oaths, 28-29. Exclusions, 29-30. *See* Oath; Exclusion.

— — Intellectual causes of, vi. 250-256.

Deception confined to the judgment, 250-251. Illustrations, 251. Insanity, *ib.* Failure of memory, *ib.* Vivacity of the conception as distinct from correctness, 251-252. Vivacity dependent on importance, 251. Erroneous and dubious recollection, 252. Refreshing the memory, 253. Inaptitude of expression, 253-254. Timidity, 254. Imagination, 255-256. Object of the analysis, 256.

— — Constituted of correctness and completeness, vi. 211.

— — Scale of, vi. 167-168.

— — Practical scale of in English law, vi. 175.

— — Compared with probative force, vi. 17 n\*.

— — How to be estimated and secured, in official evidence, or registers, vi. 72-76, 559-561.

— — And untrustworthiness as attributes, compared with credibility and incredibility, vii. 77 n.

— — And untrustworthiness with regard to official evidence, vi. 556-561. Impartiality and responsibility, 556. Responsibility to be effective must be burthen-some, 557. Dangerous irresponsibility of public boards, 557-558. Rules for estimating and securing trustworthiness, 559-561.

TRUTH—Estimate of the uses of an adherence to, i. 78.

Truth—Prejudices to be encountered in following, i. 49.

— Injured by rewards for supporting opinions, ii. 211

— The hand-maid of justice, v. 6.

— cannot be served by rewards for particular opinions, x. 116.

— Securities for, in proposed Dispatch Court, iii. 416-417.

— of an irrational proposition—Occasions in which it is assumed in the use of language, vi. 240.

— Our belief that men speak the, founded on experience, vi. 242.

— Human testimony generally conformable to, vi. 247.

— Love of ease favourable to, vi. 262.

— Dependence of all mankind on a regard to in others, vi. 264. *See* Sanctions.

— Publicity a means of enforcing, on witnesses, vi. 358.

— All men inclined to, if they have no motive to the contrary, vi. 401.

— The interests which bind a witness to the observance of, vii. 569.

— Can never be helped by hurlings, ix. 93.

— The merit of exertions in favour of, not to be estimated without a knowledge of the errors dispersed, x. 85.

— Departure from. *See* Falsehood.

*Truth versus Ashhurst, or Law as it is, contrasted with what it is said to be*, v. 231-237.

— — Romilly's opinion against the printing of, x. 288.

Tubal Can—A projector, iii. 27.

Tubes—Conversation—proposed for Panopticon, iv. 41.

— — The extent to which they may be made use of in large buildings, &c., considered, iv. 84.

— — Plan for employing, in the Public offices, ix. 327.

Tucker—Dean. His views on the American war, ii. 312.

— — noticed, ii. 546 n; x. 128.

Tucker—Thomas—Secretary to the Mutual Improvement Society—Letters to, x. 483-489, 505-506.

Tumult and turbulence—Vagueness of, as articles of charge in indictments for sedition, v. 256-257.

Tumults—Popular. Arrangements for protecting prisons from the effects of, iv. 105-109.

Turbulent disposition—a man's possessing, charged in an indictment as if it were an offence, v. 255.

Turgot—Paper on the state of French politics addressed to, by Benjamin Vaughan, x. 217-219.

— noticed, i. 163; ii. 492; x. 93.

Turkey—Policy of the Government of, i. 310.

Turkey—Bentham's passage through, on his way to Russia, x. 150-158.  
 Turkish vessel—Anecdote of the master of, vii. 94.  
 Turnbull on the Philadelphia Penitentiary quoted, iv. 213, 216, 235-237, 238-240, 242, 243.  
 Turnbull—Colonel, an American—Mention of, x. 302.  
 Turner—Sir Barnard—His Reforms as Sheriff of London, v. 118-119.  
 Tuscany—Experience against death punishment in, i. 531.  
 Tutelary motives distinguished from seducing, i. 65.  
 Tutors—Scholars acting as, a part of the management of the Chrestomathic school, viii. 47.  
 Tweeddale—Marquis of (George Hay, 8th)—Mill made tutor to, x. 483.  
 Twelve tables—Laws of, vii. 251.  
 Twelve—Prejudices in favour of the number, ii. 129.  
 Twiss—Mr Horace—Non-attendance of, as Commissioner for proof of debts, v. 364-365.  
 Type and archetype, or sign and thing signified—Relation between, viii. 331-333.  
 Type—Use of a peculiar kind of, as a means of abbreviation, iii. 595.  
 Tyranny—Nature of, i. 53.  
 — Despotism, &c., as designative of motives, i. 199.  
 — Death-punishment an instrument in the hands of, i. 448.  
 — Danger of—Circumstances in which it had merged into that of anarchy, iii. 146.  
 — The remedy against, in 219.  
 — exhibited in the administration of the law in England, vi. 150.  
 — The power of pardoning criminals capriciously one of the instruments of, ix. 36-37.  
 — The power of pardon maintained to predicate, ix. 606.  
 Tyrrell—Mr—His suggestions to the Real property commissioners commended and quoted, v. 419-420, 432-433.

## U

Udall—Trial of, noticed, vii. 460.  
 Ulterior safeguards against the inconveniences that may arise from dispensing with the exclusionary rules of evidence, vii. 593-597.  
 Unanimity of juries—Operation of, in weakening the power of Government, ii. 119-122, 125-126.  
 — — Extent to which it should exist, ii. 128.  
 — — General considerations and remarks on the effects of, ii. 41, 134-136; vi. 273, 274, 275.

Unanimity of Juries—How it increases the corruptive power in the case of special juries, v. 84-86.  
 — — How it gives temptation and means of corruption, the gaining one firm man being sufficient, v. 174-175.  
 — — Forced, a grievance complained of in Petition for justice, v. 462-467.  
 — — See Jury.  
 Unbelievers—The effect of refusing the evidence of, x. 582.  
 Uncertainty in punishments—Effect of, i. 401-402.  
 — of the law, nourished by lawyers, ii. 75, vi. 551-552.  
 — — Interest of lawyers in, vii. 206-207, 310.  
 — — aided by the system of nullification, on grounds of informality, vii. 256  
 — — Renders necessary the opinion trade, vii. 315-318.  
 Uncivilized people—How far the laws of civilized adapted to, i. 189-192.  
 Uncle and Niece—Reasons for prohibiting marriage between, i. 350.  
 Uncognoscibility as a vice in legislation, iii. 242-243 *Ab extrâ* from want of promulgation—*ab intrâ* from bad drawing, ib.  
 Uncommissioned - Prehension - Approving function of the Local Headman, by the Constitutional Code, ix. 617-618.  
 Unconstitutional and illegal—Distinction between, iii. 359 n \*.  
 Understanding—State of, as affecting intention, i. 35-36.  
 — Relation of, to acts, i. 43-46. See Consciousness.  
 — Motives to the, distinguished from motives to the will, i. 208.  
 — Vitation of, by demanding declarations to opinion, ii. 266.  
 — Influence of, on understanding, as distinguished from that of will on will, ii. 439.  
 — Influence of, in relation to jurymen, v. 68.  
 — Corruption of the, jointly with morals, through university oaths, v. 209-219.  
 Undisguised exclusions of evidence, vi. 110-113.  
 Unhappiness—what the term is employed to designate, iii. 214.  
 Uniforms—Professional. Application of, i. 557.  
 Uniformity—Act of, characterized, ii. 405.  
 Unilateral and Plurilateral—Suits divided into, ii. 82-84.  
 Uninterrogated testimony, vi. 458-465. See Spontaneous.  
 Uninterrupted-action principle—in the management of the Chrestomathic school, viii. 53.  
 Union with Ireland—Reflections on the forcible continuance of the, xi. 64-66.

- Union of England and Scotland—Considerations as to legislation inconsistent with, i. 290-291 n.
- — — considered in connexion with irrevocable laws, ii. 405-407. Gave an excuse for peculiar securities for the Church of England, 405-406. Blackstone's use of this, 406. The immutable principle not applied to the administration of justice in Scotland, and why? 406-407.
- Unions—Political—Letter to Mr Tait on, xi. 67-68
- United Irishmen—Danger to the peace of New South Wales felt from, iv. 205.
- Unity in operations of government—Advantages of, i. 571.
- Universal—Limits of application of the term, with respect to the laws, iii. 217.
- Universal Grammar—Hints towards an elementary treatise on, for the Chrestomathic system of Education, viii. 185-191.
- — — Fragments on, viii. 339-357. *See* Grammar.
- Universality of suffrage—as an element of Radical Reform, iii. 558.
- — — Virtual, nature of, and exceptions it presumes, iii. 559-560
- — — Virtual, urged and distinguished from absolute, iii. 452
- — — Considered in detail, iii. 459-476. General interest for general advantage, 459-460. Early history of the suffrage, 459-461 n. Enjoyment of power, 461. Propagation of habits of courtesy, 461-462. Exceptions, 462-465—Minors, 462-463; Females, 463-464; Non-readers, 464. Principle of simplicity, 464-465. Objections on ground of anarchy, &c., answered, 465-466. Partiality in popular elections for the aristocracy, with illustrations, 467-470. Would prefer absolute universality to existing system, 470. Comparison with householder, ib. Objection from danger of levelling answered, 471. Education of the people would improve—opposed by those who complain of their ignorance, 471-472. America and the Westminster election Practical illustrations, 472-474. Recommended spread of political information, 474-475. Not anarchy, but good government, that is dreaded, 475-476.
- — — Effect of, if without the ballot, iii. 488.
- — — Nature of, explained in the Constitutional Code, ix. 107-109.
- — — Illustrated in the Irish Volunteer Association, iii. 614, 616-617.
- Universities—The English—Incomes of officials in, compared with those in the Church, ii. 216.
- — — Morality of, as constituted by the oaths and laws, ii. 261-262.
- Universities—The English—should be held as obstacles, instead of assistants, to useful learning, ii. 468.
- — — Relation of the, to the proposed Chrestomathic school, viii. 21-22.
- — — Though unorthodoxy will exclude from, vice never does, ix. 453.
- University oaths—Falsity of, an illustration of the mischievous tendency of oaths, v. 195; vi. 29.
- — — Corruption of national morals and understanding from, exposed in *Swear not at all*, v. 209-219.
- — — illustrative of the feebleness of the religious sanction, vi. 274.
- Unnatural—Unmeaning uses made of the word, i. 9 n.
- Unoriginal evidence—Modifications of, vi. 59
- — — in general, vii. 129-132. Divided into cases where persons the media, and cases where signs, 129-130. Trustworthiness decreasing with increase of media, 131. Modifications enumerated, ib. Characteristics as distinguishing them from original evidence, 131-132.
- — — Makeshift, vi. 57.
- Unpaid judges—The evils of the system of, do not arise from the simple fact of their being unpaid, ix. 524.
- Unpopular tribunals—The practice of, used as an excuse for the exclusion of self-accriminative evidence, vii. 455-458.
- Unpopularity—Bad effect of a punishment being subject to, i. 94-95.
- — — a disadvantage in the case of a judge, though undeserved, iv. 359.
- — — How far an argument against a measure, x. 146-147.
- Unpreappointed evidence—Difference of, from preappointed, vi. 68-71.
- Unpremeditatedness, a security for evidence, vi. 283, 287-288.
- Unprofitableness—renders punishment unmeet, i. 397.
- Unreiterated spelling principle—in the management of the Chrestomathic school, viii. 53.
- Unsuggestedness—a security for evidence, vi. 283, 288-289.
- Untrustworthiness in evidence—wherein it consists, vi. 15 n †.
- — — Interest in general considered as a ground of, vii. 567-573.
- — — Pecuniary interest as a ground of, vii. 573-575.
- — — Interest derived from social connexion as a ground of, vii. 575-577.
- — — Interest derived from the sexual connexions as a ground of, vii. 577-581.
- — — Interest derived from connexion with the suit, as a ground of, vii. 581-584.
- — — Improbability as a ground of, vii. 585-591. *See* Improbability

- Untrustworthiness in transcripts—Sources of, vii. 141-143.
- of the evidence on which facts disconformable to the course of nature have been supported, vii. 105-106.
- — See Trustworthiness.
- Unwilling witness—Cross-examination of, on the side on which he is called, vi. 244, 381 note 1, 402-403.
- Unwritten evidence—Precedence given to, over written, by lawyers, vi. 143-145.
- Unwritten Law—Promulgation would convert into real, l. 157.
- — Evils of, iii. 206; vi. 65.
- — Should not only be cut off, but prohibited, iii. 209-210.
- — See Common Law; Judge-made Law.
- Uranological chronology—Defined and located in the Chrestomathic system of Instruction, viii. 38.
- Uranological geography—Defined and located in the Chrestomathic system of Instruction, viii. 38.
- Uranoscopic physiurgics, or astronomy—its position in the Encyclopedical Sketch of Art and Science, viii. 86
- Urbanity—Falsehoods of, what? vi. 267
- Principles of, in relation to topics of conversation, x. 518-519, 531-532.
- Usage—Reference to, as a means of persuading those who will not hear reason, iii. 513.
- As a source of instruction in political speculations, iii. 515-516.
- Usages—Matters to be considered in the abrogation of, i. 180-184.
- Use. Fallacy of the injunction not to argue against the, from the abuse, ii. 469.
- Usury—Defence of, showing the impolicy of legal restraints on the terms of pecuniary bargains, iii. 1-29.
- — Notices of Preparation of in Russia, x. 167, 170.
- — Sent from Russia, with instructions for printing, x. 174, 175-176
- — Proposed Dedication to, x. 174-175.
- — Character of, and extent to which its principles have been put in practice, x. 176.
- — Dr Reid's opinion of, x. 176-177.
- — Premium offered by the Emperor of Germany for answers to questions founded on, x. 177.
- Usury Laws—Editorial notice of alterations in the, iii. 2.
- — The general policy of, as limitation on the terms of pecuniary bargains, iii. 3-5. The limiting law must be founded on custom, 3-4. Custom of his neighbours thus forced on the lender, ib. Instances of variety, ib. Convenience the rule in fixing the line should be applied to individual cases, ib. People allowed their own prices for other things, ib. Why should it not be penal to take *less* than the legal rate? 4-5.
- Usury Laws—Prevention of prodigality used as an argument for, iii. 5-7.
- — Protection of indigence used as an argument for, iii. 7-8.
- — Protection of simplicity used as an argument for, iii. 8-9. Would apply with greater force to prices, which not so well known in the market as interest, ib.
- — Mischiefs of The, iii. 9-11 Precluding people from the money they require, 9. Recourse to selling instead of borrowing, ib. Necessity of selling mortgaged land at a period of depreciation, 9-10. Insurance for the danger of breaking the law, ib. Evasion, ib. Loss of reputation to infringers, 10-11. Corruption by fostering treachery and ingratitude, 11.
- — Efficacy of, iii. 11-12. Examination of Dr Smith's position, that no laws can force interest below the lowest market rate, ib.
- — Instances of virtual infringements of, by law, iii. 13-14. Drawing and redrawing, 13. Selling bills, ib. Pawn-broking, ib. Bottonury and Respondentia, 14.
- — Blackstone on, criticised, iii. 14-15
- — Grounds of the prejudices on which they rest, iii. 15-18 Influence of authority, 15-16. A Christian and anti-jewish notion, 16. Aristotle's opinion, ib. Money-lenders unpopular among spendthritts, 17. All favour of the law to the borrower, 17-18.
- — Compound interest involved in the prejudice in favour, iii. 18-19.
- — Prejudicial to the progress of arts and manufactures, iii. 20-29.
- — create an Income Tax on lenders in favour of borrowers, iii. 47.
- — A bounty on the exportation of money to countries where it can be more profitably used, iii. 47.
- — Publicity the best remedy for the evils sought to be overcome by, i. 554.
- UTILITY—The principle of, i. 1-4 Influence of pains and pleasures, l. Principle of Utility explained, ib. Later substitution of the term, Greatest Happiness, ib. n \*. Utility defined, 1-2. Interest of community, 2; of individuals, ib. An action conformable to the principle of utility, ib. Measure of Government conformable, ib. Laws or dictates of utility, ib. Who a partisan of, ib. Meaning of ought and ought not, right and wrong, ib. Superfluity and impracticability of proof for the principle, ib. Not adopted in practice, ib. Attacks on it, 2-3. *Argumenta ad hominem* in favour of, 3-4.
- Wedderburn's opinion, that the principle of dangerous, i. 3 n, 245-246; ii. 463 n.
- Principles adverse to that of, i. 4-11 n.

- Asceticism, 4-6. (*See* Asceticism.) Sympathy and antipathy, 6-10. (*See* Sympathy.) Why no mention of the Theological principle, 10-11.
- Utility—Objections to the principle of, answered by Dumont, i. 11-13.
- Motives as conformable or repugnant to, i. 56-59.
  - should be the base of reasons attached to Codes of Law, i. 163.
  - as a presiding principle, first noticed, i. 237.
  - Principle of—the term suggested from Hume, i. 242.
  - The term, Greatest-happiness principle preferred to, i. 271 n.
  - Test for discovering whether all notions of government are not founded on, i. 271.
  - Propriety of resting all disputes regarding the power of Government upon, i. 291.
  - Principle of, to be kept in view in all legislation, i. 324.
  - The theory of obligations founded on, i. 321.
  - Extent to which it rules popular opinions on punishments in Britain, i. 411.
  - Attempts made to pit religion against, i. 412.
  - How reconcilable with the exercise of benevolence, i. 563 n.
  - The criterion of obedience or resistance, i. 287-288.
  - The direction given to the religious sanction should be conformable to, i. 564.
  - Authority aimed against, ii. 401.
  - Dangerousness of, a fallacy, ii. 463.
  - Custom substituted to, by the supporters of abuse, ii. 477.
  - General, of the world. Should be kept in view by diplomatists, that it may give a direction to her proceedings, ii. 537.
  - Characteristic of laws not according to, iii. 180-181.
  - Import given to, by considerations regarding pleasure and pain, iii. 286.
  - How a reference to, should rule the Rationale, or series of reasons that accompany a code of laws, iv. 540-543.
  - as affording the only test of moral right and wrong, vi. 238.
  - Extent to which reasons are grounded on, in legislative argumentation, vii. 481, 485.
  - rejection of the term by lawyers, vii. 310 n †.
  - professed to be followed in Roman law, vi. 492 n.
  - Considerations as to keeping more fully in view, in mathematical instruction, viii. 161-164.
  - Logic only worthy of study as conducive to, viii. 220.
  - Application of the test of, to punishment, in a passage from the Common-Place Book, x. 141-142.

- Utility—Relation to, as a bond of connexion for the arts and sciences, viii. 241.
- Maxims of—their nature, x. 142.
  - The principle of—A call on the opponents of, to answer with reason and not with ribaldry, x. 142.
  - a vague word, x. 582.
- Utopian—Abusive and fallacious use of the expression, ii. 459.
- Utrecht—Treaty of, noticed, ii. 555 n.
- Utterance—Facility of, as a property desirable in language, viii. 305.

## V

- Vacation of seats in the Commons—Provisions regarding, in Radical Reform Bill, iii. 589-591.
- — — Practice regarding, criticised, iii. 589-590 n.
- Vacations in Courts of Justice—Evil effects of, iv. 378.
- as a source of delay of justice, v. 516.
  - Mischief of, in cessation of justice, iii. 406; vii. 241-245.
- Vacation-days—What to be counted, by Constitutional Code, ix. 163.
- Vaccination—Discovery of, and disinterested adoption by physicians, ii. 212 n.
- Vagrancy—Statutory evidence of, vii. 558 n.
- Inefficacy of existing laws to put down—should be made collateral to a system of Poor-laws, viii. 402-403.
- Vagrants—Coercive powers over, that should be vested in administrators of Poor-law, viii. 370, 401-406.
- Vague Generalities—The employment of, in political discussion, viewed as fallacies, ii. 440-448.
- Valentinian I.—Illustration of effect of prejudices on punishments from, i. 412.
- Valeria Lex, concerning infamy, i. 459 n †.
- Valle—José Del, Correspondence with, on tactics of political assemblies, iv. 592-593.
- — — Letters from, x. 558-559; xi. 17-18, 48-49, 71.
  - — — Letter to, xi. 18-19.
- Value of pleasure and pain—how to estimate, i. 15-17.
- Error regarding, as invalidating contracts, i. 332.
  - of punishment—how to be estimated, i. 398-399.
  - Intrinsic, and in affection distinguished, i. 310, 321-322.
  - in affection. Principles of restitution in the case of, i. 374-375.
  - Use of finding the elements of, in regard to pleasures and pains, iii. 286-287.
- Vampires, among the delusions fostered by ignorance, viii. 13.

- Vane**—Sir Harry—Bill of exceptions refused to, vi. 419.
- Vanity, ostentation, &c.**, as designative of motives, i. 201.
- Vansittart**—Nicholas, Lord Bexley—Correspondence and controversy with, on the Annuity-note project, x. 364-373.
- Letters to, on Sir F. Eden and the Globe Insurance Company, x. 375-376.
- Conduct of, in relation to the Panopticon Penitentiary, xi. 125-126
- Letter to Sir Samuel Romilly on his conduct regarding the Panopticon Penitentiary, x. 162-164.
- casually noticed, x. 362, 396 ; xi. 119.
- Variability**—as a property of punishments, i. 402-403.
- Vattel**—Estimate of, x. 584.
- noticed, i. 341.
- Vaughan**—Benjamin—A paper by, on the Position of the National Assembly, and the state of French Politics, addressed to Turgot, and submitted to Bentham, x. 217-219.
- Letters from, x. 247, 248, 249, 255-256, 264-265, 267.
- casually noticed, x. 228, 274, 280.
- Vaux r. Waltham**—Case of, cited, vi. 455.
- Vegetable Chemistry**—defined and located in the Chrestomathic system of Instruction, viii. 31-32.
- Vegetables**—Expansion in the growth of, as a cause of motion, viii. 142-143.
- Plan for preserving, in ice, x. 346-350
- Vegetation**—Theory of. Place of, in the Chrestomathic system of Instruction, viii. 34-35.
- Venality**—always to be presumed where it can be safely accomplished, iv. 375.
- Fallacies as to, in the case of the sale of offices for the public behoof, iv. 374-375.
- Venditive Function of local Headman in Constitutional Code**, ix. 619.
- Vendue master, or Venditor**, as a Judiciary officer by the Constitutional Code, ix. 466.
- Venezuela**—Proposal by Bentham to emigrate to, x. 457-458.
- Vengeance**—Punishment suggested by, i. 391.
- Private, superseded by legal redress, i. 542.
- The avoidance of the principle of, in punishment, ix. 23.
- Extent of the evil to society, of crimes occasioned by, i. 75.
- Vence**—Secrecy of legislative proceedings in, vi. 79.
- Secret accusations and convictions in, considered, i. 573.
- Ventilation**—Dislike of the uneducated to, and necessity of its being urged on them, iv. 96.
- Ventilation**—Considerations as to, with reference to dungeons, iv. 10.
- Arrangements conducive to, in the Panopticon Penitentiary, iv. 43, 162.
- Considerations as to the shape of building best suited for, iv. 61-62.
- Union of, with warmth, by introduction and diffusion of heated air, iv. 110-118.
- Means of, for industry-houses, viii. 375.
- Veracity**—Importance of inculcating, ii. 210.
- Evil effects of undermining the principle of, ii. 263.
- Dependence of, on motives, vi. 258
- Any motive may serve as a cause of, vi. 259-260.
- crimes that may render that of a witness questionable, viii. 60-61.
- Verb**—Not the same as a copula in a logical proposition, viii. 189.
- Substantive—Invention of the, a high effort of abstraction, viii. 326
- Substantive—Omission of, in Legislative Composition, iii. 330 n \*.
- Verbs as a branch of Universal Grammar**, viii. 348-355 :—
- Nature of, viii. 348-349. Definition, 348. All verbs except the substantive verb are complex, involving the signification of an adjective, ib. Modifications—difference in respect of time, and between absoluteness and conditionality, 348-349. Modified and unmodified, 349.
- Person, in the grammar of—Meaning of the term, viii. 349.
- Number, in the grammar of—Meaning of the term, viii. 349
- Tenses or designations of time in, viii. 349-353. Description how out of the three simple tenses, present, past, and future, ten compound arise, 349-350. Absoluteness and conditionality double the number, 350. Continuance of action, of which the English language susceptible, while the French is not, ib. Division of the future into the simply predicative, and the domnutive—will and shall, 350-351. Results to be expressed are, either that the future is dependent on the will of the speaker or is not so, 351. Thus the necessity for both futures expressible in each person, ib. Different signs, however, to different persons, ib. Case where dependent on speakers' will, examined, 351-352. Case where not dependent on will, 352. Should and would, 353.
- Moods of, viii. 353-355. Absolute or conditional—corresponding to indicative and potential, ib. Modes of conditionality enumerated, ib. The imperative or optative, and in some languages, the casual, reckoned as moods, 354. Are states of the will, and improperly ranked with the moods, 354-355.
- Voices of, viii. 355. Applicable to transitive verbs and complex propositions, ib.



- Verbs—Participles of, are adjectives, viii. 355.
- No determinate information conveyable without the use of, viii. 81
  - Every one but that of existence (to be) conveys the name of some quality, viii. 97 n.
  - Principle of the division of, into transitive and intransitive, viii. 228 n.
  - How far an exposition of, capable of being given by representation, between parties having no common language, viii. 244.
  - Rules for avoiding ambiguity in the use of, viii. 313-316.
  - Verbal substantives with auxiliaries preferred to, by the Author, as clearer, viii. 315-316; x. 569; xi. 72.
  - Preference of substantives with auxiliaries to, in legislative composition, iii. 267-268.
  - Inflections expressive of gender an encumbrance to, viii. 323
  - Account of the operations in regard to the modifications of, which are expressed by the term conjugate, viii. 323-324.
  - Whether prior or posterior to nouns in the order of invention? viii. 327
  - Irregular Fragments of language anterior to the use of systematic inflection, viii. 327.
  - Time, and absoluteness or conditionality, essential to the nature of, viii. 343
  - Auxiliary. Proposed addition to, xi. 72.
  - Auxiliary, that may be used with substantives—Employment of, iii. 268
- Verbal contradictions distinguished from impossible facts, viii. 79
- evidence excluded in the proof of certain contracts, vi. 128-134. *See* Oral evidence: Exclusion.
  - substantives—Preference of, to verbs, as a less ambiguous medium, viii. 315-316.
- Verdict of jury—Its being the opinion of the jury, dependent on the clearness of the law, ii. 125.
- almost always involves a decision on points of law, v. 462.
  - influenced by judge's charge, vi. 418
  - Forced unanimity in, vi. 273-275, 314.
  - in criminal cases—not admitted as evidence in civil, vi. 170.
  - of *non liquet* unknown in England, ii. 157
  - Special. Application of unanimity to, ii. 157.
  - *See* Jury.
- Vergennes—Viscount de—Notice of, x. 125-126.
- Verification to transcript—what authentication is to original, viii. 141
- Verity—Definition of, vi. 249.
- confounded with authenticity by Gilbert, vi. 184.
- Vernon—Mr—a visiter in Bentham's family, x. 17
- Vernon—Mrs—an acquaintance of Bentham's family, x. 46.
- Vertue—George—Authentication of a portrait of Milton, by, x. 52-53
- Ves-pasian—Miraculous cures attributed to, vii. 93.
- Vested rights—Rationale of, in the Non-disappointment principle, iii. 388 n\*.
- — Whatever rationality there is in, better expressed by fixed expectancy, v. 277.
- Vesture—Incongruity of, as one of the predicaments, viii. 235-236
- Veterinary surgery—Professorship of, in central towns, ii. 257
- — Peculiar source of instruction on, in a system of Pauper management, viii. 427-428
  - — School for. Principle of the Institution of, iii. 41 n.
- Veto—Royal, on legislative measures Not a direct veto on the will of the people, iv. 308-309.
- The Irish Catholic—Letter to Sir J. C. Hobhouse on, x. 523-525
- Vexation—Amount and nature of, in Penal procedure, ii. 17
- *See* Collateral Evils.
  - Avoidance of, an alleged ground for exclusion of evidence, vii. 337-338
  - Exclusion of evidence on the ground of, considered, vi. 92-98; vii. 345-353 Modification of which it is susceptible, ib.
  - as a ground of exclusion of evidence—Arrangements of English law connected with, vii. 352-353
  - merely arising from the tendency of the testimony to impose an obligation, how far ground of exclusion, vii. 347-350
  - by self-inculpation—Avoidance of, no good ground for excluding testimony, vi. 106-109; vii. 441-444
  - by self-inculpation—Enumeration of the sorts of evidence improperly excluded on the ground of, vii. 444-445.
  - to judge—how far ground for exclusion of evidence, vii. 350-352.
  - and danger of deception united—View of the cases in which evidence has been improperly excluded on the ground of, vii. 487 *et seq.* (viz. Book IX, Part V. of Rationale of Evidence.)
  - distinguished from oppression, viii. 558.
  - Juridical. Punishment of, in Constitutional Code, ix. 491.
- Vibration of causes from court to court, vii. 236-239.
- — — a grievance charged in the Petition for justice, v. 473-476.
- Vicarious punishments, i. 479-480.
- Vice—Dependence of the idea of, on pains and pleasures, i. 211.
- The English system of judicature, a school of, vii. 339

- Vices introduced into the Technical system by the fee-gathering principle, vii. 214-225. *See* Fee-gathering
- Vice-Chancellor's Court—On the proposed absorption of, in the Chancery, v. 553-563.
- Vicinage of a jury—Proper kind of, x. 71
- Vicious—Proper use of, as an attributive, i. 216-217.
- View—General, of a complete Code of Laws, iii. 155-210.
- View—Summary, of the topics that might be expected to be handled in a work on evidence, vi. 213-214.
- Vilification—Nature of, i. 115-116.
- Villains—Inquiry whether they ever held the Franchise, iii. 460 n.
- Villanova—Jacobo The Panopticon translated into Spanish by, xi. 19-20.
- Vilhon—Francis—Bentham's intercourse with, x. 131-133.
- Vincent Dr. noticed, x. 412
- Vindictive principle—Origin of the, in punishment, x. 69-70.
- Vindictive satisfaction—Nature and operation of, i. 372. 382-383
- Vindictiveness as designative of a motive, i. 203.
- Viner—Charles, noticed, vii. 458.
- Violation of reputation—How far danger of, justifies restriction of judicial publicity, vi. 364-367.
- Violence—Effect of, in destroying industry, i. 310-311
- Violence—Popular, means of protecting prisons and other buildings from, by their locality and construction, iv. 105-109.
- Virginia—(the State)—Declaration of Rights of, unadverted on, i. 154
- Illegality of the Charter to, by James I., iv. 260.
- Adoption of the Penitentiary system in, iv. 213.
- Virtual universality of suffrage distinguished from actual, iii. 452, 459-476. *See* Universality.
- Virtue—National. Opulence of the clergy an impediment to, ii. 468-469.
- Dependence of the idea of, on pains and pleasures, i. 211.
- Notice of ascetic doubts of the existence of, ii. 230.
- How far it can be made the object of distinct reward, ii. 230-233.
- Public, the kind of that is to be expected in the body of the people, x. 72.
- Virtues—Classification of the, x. 585.
- Virtuous—Proper use of the term as an appellative, i. 216-217.
- Vis inertiae*—Question, whether it be not active resistance created by elasticity? viii. 129
- Visible-signal principle—In the management of the Chrestomathic school, viii. 53
- Visionary—Causes of employment of the expression against radical reform, iii. 601
- Visitation—A barbarous expression when used in reference to punishment, ix. 24
- Visitation system—The adoption of in the Chrestomathic school, viii. 47-48
- Visitative or Inspective function of Ministers in the Constitutional Code, ix. 257-260. *See* Ministers.
- of Justice Minister in the Constitutional Code, ix. 598-599. *See* Justice Minister
- Visitors—Rules for admission of, to legislative bodies, ii. 326-327.
- of prisons—Rotation of, and other beneficiary arrangements, iv. 25
- of prisons—Reduction of trouble to, in the Panopticon system, iv. 45-46
- Visitors' gallery in courts of justice, ii. 34.
- Vital statistics—Importance of, as data for remedial measures in favour of the working classes, viii. 410-411
- Uses to be served by registers of, ix. 627.
- Vitiating of contracts. Proper causes of, i. 331-333.
- Rules for preventing and discovering, in records, vi. 74-75.
- Vituperation of public functionaries—No punishment for, ii. 279.
- should be distinguished from defamation in Libel law, viii. 510-511.
- employed against Reformers to protect abuses, v. 96.
- Vituperative Personalities—Fallacies of, ii. 413-418 Enumeration, 413-414. Design—to draw attention from the measure to the man, 414. Irrelevance and inconclusiveness, ib. Imputations of bad design, 414-415 Of bad character, 415. Of bad motive, 415-416. Of inconsistency, 416 Of suspicious connexions, ib. Of having the same denunciation as men supposed at some time to have done evil, 416-417 Causes of the prevalence of these fallacies—ignorance, imbecility, and indolence, 417-418.
- Viva voce* testimony. *See* Oral
- Vivacity of a conception, as distinct from its correctness, vi. 251-252.
- Vocabulary—Technical. Necessity of adapting, to the progress of discovery, iii. 271.
- Voice, in the Grammar of verbs, analyzed, viii. 355.
- Void—Declarations that certain acts of the Legislature shall be, considered, i. 154.
- Inapplicability of the term to the proceedings of a Legislature, i. 288-289.
- Use of the term, to characterize laws altering previous laws, ii. 403.
- Voiding contracts for want of formalities, vi. 517-525. *See* Formalities.
- Vone dire*—Examination on, viii. 404.

Voltaire—Perusal of the works of, by Bentham when a boy, x. 11.  
 — his White Bull—Statements as to translation of, x. 82-83.  
 — Memoirs of—Correspondence as to, x. 136.  
 — noticed or quoted, i. 148 n \*, 316, 562; n. 197, 218; iv. 431; vi. 253 n; viii. 313; x. 443, 454  
 Voluntary and involuntary—Ambiguity of the words, i. 40 n\*.  
 — evidence distinguished from involuntary, vi. 218.  
 — prosecutors. Provision for, in the Plan of Judicial Establishment proposed for France, iv. 385-387. *See* Prosecutors.  
 Volunteer Association—The Irish. Advantages of democratic ascendancy illustrated in the history of, iii. 613-629  
 Volunteers, or radical branch of the Defensive force—Provisions as to, in Constitutional Code, ix. 343-348. *See* Defensive Force.  
 Voracity, voraciousness, &c.—Motives of, i. 197.  
 Votes in Legislative Assemblies—Publicity as to, ii. 314.  
 — — — Reasons why they should not be taken till after the debate, ii. 342-346  
 — — — Reasons for taking them simultaneously, ii. 349-350.  
 — — — Rules as to, ii. 334.  
 — — — Method of taking, in the Provincial Assemblies of France, censured, ii. 337-341.  
 — — — General observations on, ii. 367.  
 — — — Open and secret, considered, ii. 367-370. Reasons for publicity in the general case, 367-368. Effect of the influence of individuals justificative of secrecy, 368-370.  
 — — — Summary, and Distinct, considered, ii. 368-372.  
 — — — Neuter, proposed, ii. 372.  
 Votes in Parliament—Publication of the, ii. 316.  
 — — — Proposal to exclude placemen from the privilege of giving, iii. 490-495, 541-542.  
 — — — Ready means of taking, iii. 545.  
 Vote-making certificate. Form of, and Provisions as to, in Radical Reform Bill, iii. 564-565.  
 Voter—form of attesting his qualification as a reader, iii. 565.  
 Voters—Analysis of the corrupting influences that may be brought to bear on, iii. 476-482.  
 — Method of certifying and registering, for the purposes of Radical Reform Bill, iii. 575-577.  
 Voting—Secret—A Plan for, applicable to a board, or other small body, ix. 274-275  
 — — Method of, in terms of Radical Reform Bill, iii. 577-579.

Voting—Freedom of, including secrecy, as an element of reform, iii. 453-454.  
 — at Elections—Apparatus for, in Radical Reform Bill, iii. 571-574.  
 Voting—Secret, at Elections. *See* Ballot : Secrecy of Suffrage.  
 Voucher—Nature of a, ii. 182.  
 Vouchers—Discussion of, in account-taking judicatories, ii. 182.  
 Vows—Enforcement of, one of the forms of priestcraft, v. 222-223.  
 — or Promissory oaths—The Abuses supported through, ii. 408-410.  
 Vrillon—Pierre—a foreign merchant—Bentham's acquaintance with, x. 53.  
 Vulgar Errors—Relation of Fallacies to, ii. 380.  
 — — Sir Thomas Browne's noticed, ii. 380 n.

## W

Wager—how far the law should interfere with, when it gives an interest in crime, i. 547-548.  
 — How it may be the means of converting a benefit to a criminal purpose, ix. 19-20.  
 — shows that persuasion admits of degrees, vi. 223.  
 — might be made the means of vexatiously exposing secrets, were there no restriction on enforcement of evidence, vii. 348.  
 — witness not excluded by laying, on the cause, vii. 403-404.  
 — Fictitious, for the purpose of obtaining decision on point of fact, vi. 5 n, 488.  
 Wager of Law—nature of the proceeding, vi. 286; vii. 70, 549-551.  
 — — Abolished, vi. 381 note 3, 462; vii. 70 n +.  
 — — — Illustration of barbarous opinions on the efficacy of an oath, v. 515-516.  
 Wages (of service)—Nature of, ii. 233-234.  
 — Perpetration of injury for, an aggravation, i. 165-168.  
 — Considerations as to the possibility of hoarding out of, and the utility of savings' banks, viii. 407-417.  
 — fixed by relation of capital to number of labourers, iii. 61.  
 — Inefficacy of attempts to fix a rate of, by law, iii. 66.  
 — The fixing of, is equivalent to a prohibition on employing those whose labour is not worth the sum fixed, viii. 442.  
 — Beneficial influence on, of a central system for communication between employers and employed, viii. 399-400.  
 — Effects of machinery on, iii. 39, 67-68.  
 — Inadequacy of a system of poor-relief by supplementary allowance to, viii. 441-444. Pitt's proposed plan, 441-442.

- Would include all agricultural wages, 442. Not so maleficent as fixation of wages, *ib.* But puts the idle on a par with the industrious, 442-443. Impossible to act on distinctions in favour of meritorious efforts, 443. Impossibility of defining a full rate of wages, 443-444.
- Wagons ascending and descending—Application to, of economy of the sources of motion, viii. 144.
- Waiting boxes, in the architectural arrangements of the Constitutional Code, for enabling the public to have audience with officials—Description of, ix. 328-329.
- Wakefield—His notice of the author, iii. 481 n.
- Walcheren Expedition—The, alluded to, v. 154 n, 306.
- Waldegrave—Lord—Notice of, x. 116.
- Waldegrave—The Ladies—Notice of, x. 116.
- Waldo—Mrs—A visiter of the Bentham's, x. 14.
- Wales—New South. *See* New South Wales.
- Walker—Peter—Communicates vote of thanks of Householders of Westminster, x. 499.
- Wallace—James, Attorney-general—notice of, x. 131.
- Walpole—Sir Robert—unpopularity of, for keeping the peace, ii. 555 n, 559.
- Walpole—Horace The Political exposures in the Memoirs of, alluded to, i. 240.
- Want—Synonyms to the word, i. 208.
- War—Motives leading to, i. 52.
- The uses and just principles of, ii. 538-539.
- The Fine Arts opposed to, ii. 254.
- Considered as Adjective International law, ii. 539.
- Enumeration of cautionary means of preventing, ii. 540.
- Considered in respect of its causes and consequences, ii. 544-546. Mischiefs on a large scale, 544. Inducements enumerated, *ib.* Absence of a controlling power over nations, *ib.* Enumeration of principal occasions of war, and means of prevention, 544-545 Wars divided into *bonâ fide* wars of passion, and wars of ambition, rapine, &c., 545. Remedies, *ib.* In what cases the recourse to hostilities justifiable, *ib.* Appointment of war-residents as a palliative, suggested, 545-546.
- The greatest crime of a minister, ii. 556.
- Means of avoidance of, in a Plan for a universal and perpetual peace, ii. 546-560.
- Facility which ministers have for creating without being punishable, ii. 555-556.
- for the purpose of conquest. Of use only to despots—prejudicial to a free people, ii. 557.
- Popularity of, ii. 559.
- Effect of colonies in creating, ii. 547-548.
- Tendency which secrecy in negotiations has to promote, ii. 554-560. *See* Secrecy.
- War for the sake of trade—Absurdity of, ii. 557-558
- Money spent on luxuries the resource for, iii. 37-38 and n.
- Compensation to individuals for the injuries occasioned by, iii. 44 n.
- Pressure of Taxation, and other evils caused by, in Britain, iii. 100
- Viewed as a species of procedure, iii. 200-201.
- The national debt a preservative against, iii. 611.
- a matter in which monarchs have not enmity, but rivalry, their people being the victims in the game, ix. 129-130.
- Influence of, in preventing nations from establishing good systems of government, ix. 58.
- Untenability of the Quakers' objection to, x. 581.
- "Honour," and "Glory." How employed in discussions as to, ii. 437, iv. 439.
- an instrument of corruption, ix. 71
- Sinister interests in favour of, i. 547; ii. 139, 209, 556; iii. 439, 611; v. 280; vi. 41 n, 78 n, 496-497.
- Sinister interest created in favour of, by the Droits of the Admiralty, ix. 21.
- The American. Effect of, on the value of land, iii. 9-10.
- Civil. Difference between the manner in which it is carried on in a monarchy, and in a democracy, ix. 38.
- Civil, The occasioning, among the most mischievous of offences, vii. 116.
- Art of. Why necessarily excluded from the Chrestomathic system of Education, viii. 43.
- Laws of, as a division of the International Code, iii. 200-201.
- War Loans—Advantage of the project of Annuity notes in regard to, iii. 131-132.
- "War in Disguise"—reference to a pamphlet so named, vi. 496-497.
- Wars—Causes of, in the *bonâ fide* offences of sovereigns, ii. 539-540.
- Unjust. The expense of, part of the profuseness incident to a monarchy, ix. 32.
- Warburton—Bishop, elevating reason above authority, ii. 391 n.
- — noticed, x. 65, 143, 412.
- Ward—Responsibility of Guardian for, in regard to reparation for offences, i. 385.
- Wards—Principles of the Guardianship of, i. 347-348.
- Conduct of Guardians to, in litigation, to be under inspection of Eleemosynary Advocate, by Constitutional Code, ix. 578-579.
- of Chancery—Practice as to, annulment on, iii. 386-387 n.
- Wardship—Nature of, i. 124-126.
- Offences to which the condition of, is exposed, i. 126-127.

- Warming**—Plan of, for Panopticon Penitentiary House, iv. 96.  
 — Method of uniting with ventilation, in a Penitentiary, iv. 110-118.
- Warnings** to prevent under and over valuation of circumstantial evidence, vii. 67.
- Warrant of arre-tation**—Conditions necessary to justify the issuing of, ii. 117.
- Criminal, circumstances in which granted, vi. 471.
- of attorney, in effect and substance a mere contract, vi. 480-481.
- from Master in Chancery—Imposition of fees by means of, vii. 217.
- Warrington**—Visit to, by Bentham in his youth, x. 46.
- Warsaw**—Bentham's visit to, on his return from Russia, x. 180.
- Convict system in, i. 439.
- Warwick**—Lord—Case of, vii. 435 n \*.
- Warwick-hire**—Address to the Jurymen of, in the King against Edmonds, v. 250.
- Washington** made a citizen of France, x. 281.
- noticed, ix. 361 n, x. 108, 316.
- Waste**—Detrimental use of the expression in English law, v. 404.
- Injurious—Specimen of a section as to, in the Penal Code, iii. 175-176.
- of public money, peculiar to limited monarchies, ix. 28-29.
- Liberality at the public expense is, ix. 267.
- Waste-book**—an incongruous term in account-keeping, substitutes proposed, v. 385.
- Water** as a source of motion, viii. 132-133.
- Means of supplying the Panopticon Penitentiary with, iv. 110.
- How the land left bare by the retreat of, to be appropriated, i. 328.
- Authority of the Health Minister as to supply of, in the Constitutional Code, ix. 444.
- Waterloo**—Effects of the battle of, on the liberties of Europe, iii. 436.
- Watkins**—The Rev. Mr—notice of, x. 124.
- Watts**—Isaac—Character of his work on Logic, viii. 113.
- — His logic characterized as old women's logic, x. 37.
- — His vague notions on logical division, viii. 114-115.
- — Illustration from, showing that he did not understand the nature of exhaustive division, viii. 108 n.
- Watts**—Dr Robert—Letter to, and information from, as to prices of domestic articles, x. 377-378.
- Way**—Suits as to rights of, reckoned as complex, ii. 81.
- Weakness**—Intellectual. A cause of mis-judgment, &c., i. 217-218.
- Wealth**—The pleasures of, i. 18.
- Wealth**—Influence of, on sensibility, i. 25-26.
- Motive corresponding to the pleasures of, i. 50.
- Genera of offences against; i. 133-134 n.
- pleasures and pains of, with the correspondent interest and motives, i. 198.
- Love of—Character given to the motive, i. 213-219.
- Motives which tend to the increase of, i. 304.
- Acquisition of, productive of more happiness than mere possession, i. 305.
- The proportion which happiness bears to the extent of possessed, considered, i. 304-305.
- Proportion between the happiness by the gain of, and the pain by the loss, i. 305-307.
- created by the security afforded by the laws, i. 309.
- Sensibility to the punishment of the moral sanction, as affected by, i. 457.
- Costs to be measured by the extent of, ii. 112-113.
- Ratio of felicity to the amount of, ii. 271-272.
- Influence of on elections, ii. 312.
- Sieyes' doctrine of the liberty to dispose of, criticised, ii. 532-533.
- The causes of, iii. 36.
- Subjects comprehended under the term, iii. 37-38. Articles of subsistence, instruments of defence, and instruments of enjoyment, ib. A modification found in that one of the heads, to which it is in the greatest degree conducive, ib. Operation of Exchange in converting one to another, ib. Stock of enjoyment presupposes subsistence, ib. Degree of wealth as degree of this stock, ib. Means of defence as the amount of this stock, 38. Luxury a concomitant of opulence, ib.
- Sources of the matter of, iii. 38.
- Method of increasing the matter of, iii. 38-39. Discovery of raw material or places producing it, 38. Extraction, 38-39. Considerations as to labour, ib. Effects of machinery, ib.
- Circumstances which increase or decrease the quantity of, iii. 39-40.
- Labour the source of, iii. 45.
- Relation of money to, iii. 45 n \*.
- Means of augmenting the amount of, iii. 66-72. Augmenting efficacy of labour, 66-68. Increasing number of labourers, 68. More advantageous employment of capital, 68-69. Increasing the mass of capital, 69-70. Trade, 70-72.
- Operation of a sinking fund on the production of, iii. 80-82.
- Reference of increase of, to that of the currency, iii. 141.
- Examination of the relation of happiness

- to, in connexion with the amount possessed, parted with, or gained, *m.* 228-230
- Wealth—How far it reduces the inducements to perseverance, *iv.* 374-375
- as disprobative of fraudulent offences, *vii.* 62
  - Universality of the desire for, *vii.* 54.
  - Existence of in a country, dependent on security for life and property, *viii.* 597-598
  - The amount of felicity does not rise with the arithmetical ratio of, *ix.* 15-17
  - Connexion between power and, *ix.* 48
  - Aptitude for political power sinks instead of rising with, *ix.* 110-113, 193, 292-293
- Wealth—National and public—Offence against the, *i.* 101-103
- — Offences against—Classification of, in Penal Code, *m.* 170
  - — Efforts of individuals more conducive to, than those of the Legislature, *m.* 33-34
  - — Wherein it consists, and effect of the voluntary operations of individuals on it, *iii.* 40-41.
  - — Impolicy of Government attempting to increase, by interference with trade, *m.* 43-44
  - — Manner in which Government justifiable in interfering with the natural course of, *m.* 41-42 Facilities *c. q.*, corporations, *Ac.*, 41
  - — Conversions of what would be used as enjoyment to subsistence or defence, 11-42. Navigation act, and bounty on fisheries, examples, 42
- Wealthy—Imperfect incidence of a pecuniary punishment on the, *i.* 167
- Weapons—How far the sale of, might be regulated, *i.* 560
- Grounds on which the sale of, prohibited, *i.* 332-333
- Weight—St Clement, noticed, *iv.* 267
- Wedderburn—Alexander, Earl of Roslyn
- Opinion of, on the greatest-happiness principle, *i.* 3 *n.* 245-246
  - — His opinion on the greatest-happiness principle accounted for, *i.* 246, *n.* 463 *n.*
  - — Author's interview with, *i.* 246
  - — Description of, and account of his attack on Franklin at the Council-board, *x.* 59-60
  - — casually noticed, *iv.* 488; *vi.* 390; *x.* 94, 295, 564.
- Wedgewood—Copying machine of, *vi.* 576 *n.*
- Weighing of evidence—Code of instructions as to, *vi.* 118-119, 151-175, *vii.* 563-591. See Cautionary Instructions.
- Weight—Utility of establishing standards of, *i.* 555
- of circumstantial evidence—Considerations as to, *vii.* 66-67.
- Weights—False. Guarding the people against, *i.* 553.
- Weights and measures—Regulations regarding, as a branch of the Civil Code, *m.* 177.
- Wellbeing—the object of every branch of art, and the subject of every branch of science, *vii.* 82-83 See Eudæmonics.
- The common tie between art and art, which Cicero sought for, *viii.* 98-99 *n.*
  - the object both of Logic and of Ethics, *viii.* 222, 231-232.
  - Relation to, as a bond of connexion for the Arts and Sciences, *viii.* 241.
- Wellesley—The Marquis Attempt of, to form an administration, *x.* 468
- Wellesley—The Hon W. L. The case of, *m.* 337 *n.*, 387 *n.*
- Wellington—Duke of Tendency to despotism of the services of, *m.* 436
- — Letter to, urging the patronage of Law Reform—examples of brevity and efficacy alluded to in the Military Code, *xi.* 9-12
  - — Letters to, on his duel with Lord Wmhel-*ea.* *xi.* 12-15
  - — Casual notices of, *iv.* 432, *v.* 586, *x.* 484, 465, *xi.* 23, 49.
- Welsh circuits—Delays in the, *vii.* 220-221.
- judges—The emoluments and work of, compared, *iv.* 379 *n. †.*
- Werner—an observer and inventive methodizer, *viii.* 76.
- West India slaves—Barbarous punishment of, *i.* 443-444.
- Western Fisheries—Letter to Dr Anderson on his projects regarding the, *x.* 127-129
- Westminster—Householders of—Vote of thanks from, to Bentham, *x.* 499.
- Election in, an illustration of the practicability of virtually Universal suffrage, *m.* 472-474 *n.*
  - Plan for new modelling the magistracy of, *x.* 336-338.
- Westminster school—Bentham's experience of, *x.* 27, 30.
- — Flogging system at, censured, *x.* 34.
  - — Accommodation and expense of, *viii.* 56.
- Westminster Review—Article in, by Bentham, on Humphrey's Real Property Code, extracted, *v.* 387-416
- — Note by Editor of, on the Commentary on Mr Humphrey's Outline of a Real Property Code, *v.* 388.
- Westmoreland—Earl of, (the tenth) mentioned in the Panopticon controversy, *xi.* 104.
- — Mention of, *v.* 315
- Wharton—Philip, Duke of, noticed, *iv.* 373.
- Wheatley—Mr—The Political economy of, characterized, *x.* 413.
- Wheaton—Henry—Notice of, *xi.* 36.
- Whetford—Case of, cited, *vii.* 431

- Whigs—their invention of “The original contract,” i 242-243.
- Special Juries introduced by, ii. 133.
  - in what they differ from the Tories, ii. 443.
  - Their motives in producing the Revolution, ii. 447.
  - Their employment of the expression, “measures not men,” ii. 470.
  - Anticipation of the tactic of, as to Parliamentary Reform, iii 486
  - Influencing motives of the, in regard to Reform, iii. 527.
  - Characteristics of the, iii 527.
  - The—Examination of the interests and corresponding motives of, in respect to Reform, iii 528-529.
  - The opposition of, to the exclusion of placemen's votes, and to constancy of attendance in Parliament, iii. 531-532.
  - Consideration as to the position of, and whether they may be driven to the support of the universal interest, iii. 535.
  - Shape that the arguments of, against Reform assume, iii. 600.
  - assault the Tories with ammunition borrowed from the Radicals, iv. 423-424.
  - The nature of the reforms patronised by, and their reasons for disliking the ballot, in a letter to O'Connell, x. 598-599.
  - Casual allusions to, ii 443, 562-563, 590 n; viii 469; ix. 139, x. 120, 187, 549, 567; xi. 61.
- Whig Reform—Characteristic of, iii. 582 n.
- Whippers-in—Operations of, in Parliament, iii. 501-502.
- Whipping as a punishment, i. 413, 414-415.
- Whishaw—James—Letter from, on reversals on appeal in the House of Lords, x. 431.
- — Allusion to, x. 533.
- Whishaw—John, arbiter on the compensation to Bentham for his losses by the Panopticon, xi. 164.
- Whitbread—Samuel, noticed, v. 80.
- — His remarks on the system of packing special juries, v. 157 n, 158 n, 160-162
  - — Allusion to, as a supporter of Queen Caroline, x. 474.
  - — Opinions of, on Parliamentary Reform, iii 450 n.
- White—Mr, Solicitor of the Treasury—Notice of, x. 51.
- White—Mr—mention of, xi. 114, 138.
- White—Blanco—Correspondence with, on the Liberty of the Press, and the affairs of Spain, x 456-457.
- White—Mrs—A visiter of the Benthams, x. 14.
- White Bull—Statement as to translation of the, x. 82-83.
- White Conduit House—Bentham's visit to, when a boy, x 34-35.
- Whitehead—Paul—Editor of the Life of Constantia Philips, x. 35.
- Whitgift—His claim of infallibility for the Church, v. 228
- Whitmore—Commissioner—Non attendance of, v. 364-365.
- Why—Meaning of the adverb, vi. 237 n †.
- Wickham—Under secretary—notice of, x. 285.
- Widows—System of Parochial relief to, according to the number of children—Difficulties in the way of, viii 444-446.
- Means of laying up provision for, among the working classes, viii. 409-417. *See* Frugality Banks.
  - Suggestions for boarding the children of, in Industry-houses, viii. 423.
- Wife—Origin of husband's authority over, i. 121 n †, 129.
- Offences which may affect the condition of, i 131.
  - Condition of—Forfeiture of as a punishment, i. 471-472
  - Responsibility of husband for, in regard to reparation for offences, i. 386.
  - Absence of remedy by, for husband's cruelty, ii. 178.
  - Examination of, on alienating land with concurrence of her husband, vi. 375
  - Evidence of, not taken in prosecution for bigamy, vii. 483 n.
  - Influence which the position of, in relation to her husband, may have on testimony, vii. 577-581.
  - and husband—the exclusion of the testimony of, in regard to each other, considered, vii. 480-486. *See* Husband.
  - and husband. Principles of the Civil Code regarding, i. 349-358. *See* Marriage.
- Wigs— Formerly a sign of the distinction of ranks, x. 15.
- Wilberforce—William—Circumstances under which he lost his seat for Yorkshire, iii. 480 n.
- — Letter from Bentham to, recommending him to offer himself as a pacific ambassador to France, with the answer, x. 315-319.
  - — Letter to, on the Globe Insurance Company, x. 335.
  - — Letter from, on Bentham's disappointments in regard to the Panopticon, and the proposal of an exposure of the ministerial conduct as to it, x. 391-395.
  - — His support of Bentham's views as to the Panopticon, xi. 105-106.
  - — Letters to, on the Panopticon, xi. 113-114, 118, 145-146.
  - — Letters from, on the Panopticon, xi. 115-116, 146-147.
  - — casually noticed, iii. 495; v. 189; x. 41, 281, 293, 385, 571; xi. 125, 140, 142.
- Wild—Causes of the employment of the word, to characterize Radical Reform, iii. 601.

- Wilkes—John—The expulsion of, considered, iii. 591 n 7.  
 — r. Eames—Case of, cited, v. 141 n.  
 — The verdict obtained by, against Lord Halifax, alluded to, i. 394 n.  
 — Notices of, and of his dispute with George III., x. 65-66.  
 — Outlawry of, noticed, vii. 254 n.  
 — Charge of altering the record in the case of, vii. 260.  
 — Casual allusions to, iii. 468 n, 517; v. 299; x. 121, 313.
- Wilkins—Bishop. His Essay towards a real character and a philosophical language—Character of, and quotation from, as a specimen of Technology, viii. 150-155.
- Will—Motives to the, distinguished from those to the Understanding, i. 208.  
 — Indirect means of preventing the, to commit offences, i. 538-561. Problems enumerated, 538-539. To divert it from dangerous desires to those more useful, 539-541. Arrangements for desires being satisfied with least prejudice, 541-546. Avoid furnishing encouragements to crimes, 546-548. To augment the responsibility with the amount of temptation, 548. To diminish sensibility with regard to temptation, 548-549. To strengthen the impression of punishment on the imagination, 549-550. To facilitate the discovery of offences committed, 550-556. To prevent, by giving many individuals an interest in prevention, 556. To facilitate the recognition, &c., of individuals, 557. Increasing difficulties of escape, 558. Diminishing uncertainty with regard to procedure and punishment, 558-559. To prohibit accessory offences for prevention of their principals, 559-561.  
 — Appropriate—Uses of consideration of, as distinguished from appropriate power, iii. 293.  
 — A logic of the, a desideratum, v. 270.  
 — The power of, over opinion, vii. 108.  
 — Connexion of, with mendacity and veracity, vi. 248-249.  
 — The, as a source of muscular motion, viii. 134.  
 — General—Fallacy of saying that the Law is the expression of, ii. 507.  
 — Influence of, on will, as distinguished from that of understanding on understanding, ii. 439.  
 — Influence of, on will, in relation to the case of jurymen, v. 68.
- Will and shall—Inquiry into the reciprocal use of, viii. 350-353. See Verbs.
- Wills (or Testaments)—Equality promotable by legal limitation of distributions, iii. 312-313.  
 — Advantage of the power of making, as supplementary to legislation, i. 336-338.
- Wills—Grounds of nullity of, i. 338.  
 — Deathbed—Grounds for supporting, i. 338.  
 — Inability to make, involved in excommunication, i. 515.  
 — to be allowed latitude in regard to solemnities, i. 551.  
 — should be registered, i. 552  
 — Suits as to, ranked as complex, ii. 81  
 — Distributive seeking suits arising out of, ii. 86  
 — Description of promulgation paper applicable to, vi. 67.  
 — comprisable under the term contract, vi. 62 n.  
 — Effect of nullification of, for want of formalities, vi. 65.  
 — Nature of the documents called, vi. 66-67, 508  
 — Last—the sort of deed to which an act of recognition peculiarly applies, vi. 516 n 7.
- Wills—Formalities of, vi. 530-551;—  
 — — — their utility, vi. 530-532. Points of difference from other deeds, 530-531. Reasons why there should be no disqualification to make will on death-bed, 531-232.  
 — — — Mischiefs of peremptory formalities in the case of, vi. 532-555. Give facilities to force and fraud, from the ease with which formalities may be interfered with, 532. Absurdity of one sort of formality for real, another for personal property, 533. Alteration in the law, 533 n 7. Genuine wills often minimal, spurious ones made formal, 534. Frustration of fair will more mischievous than giving effect to spurious, 534-555.  
 — — — Use of autography in, and recommendations in relation to it, vi. 535-537.  
 — — — attestation, vi. 537-541. Advantages of autography—cases in which it is not practicable, rendering recourse to other methods necessary, 537-538. Use of two witnesses as an impediment to forgery, 538-539. Absurdity of excluding evidence of witnesses merely percipient, 539-540. How far it should be requisite that the attestation should be simultaneous, 540-541.  
 — — — in wills of necessity as distinguished from regular, vi. 541-542. Enumeration of circumstances which may explain absence of formalities, ib.  
 — — — Aberrations of English law in regard to, and examination of statute of frauds, vi. 542-543. Comparison with what required as to other deeds, 542-543. Factitious distinctions between real and personal, 543-545. Nullification instead of suspicion, 545. Examination of the



- rule—as to nuncupative, 546-547. Witnesses excluded on score of interest, 547. Recourse to the removal of legatee's interest, 548. Open a door to forgery, 548-549. Unapt nomenclature, delivery, publication, execution, 549-551.
- Wille—Mr Justice, noticed, i. 248; v. 90 n \*; ix. 473.
- William the Conqueror, noticed, vii. 196
- William II. of England—Illustrations of intentionality from the death of, i. 42, 43-44.
- William III.—Opinion of the character of, vii. 527.
- Act of Parliament of, against treason, made for the protection of the traitors of his reign, vii. 527-528
- — casually noticed, v. 286 n; viii. 557.
- William IV. Testimony to the character of, iv. 449-450
- Williams—J.—Prosecution of, for libel, i. 466 n.
- Williams—David, made citizen of France, x. 281
- Wilmot—Sir John Eardley, noticed, x. 117, 186.
- Wilson—George—Letters from, x. 131, 135-136, 171, 212, 387.
- — Account of, x. 133-134
- — Letter from, to Bentham in Russia
- — Public news, Eden's defection, Treaty with France, &c., Remarks on Paley's Moral and Political Philosophy, and its coincidence with Bentham's unpublished work, x. 163-164.
- — Letter from, to Bentham, in Russia
- — difficulty of publishing works while the author at a distance, active state of the nation, progress of political economy, poor-laws, customs' consolidation, grievances of Dissenters, Adam Smith, x. 172-174.
- — Letter from, on the Introduction to the Penal Code, x. 194-195
- — Letter from, with opinion on the work on Political Tactics, x. 199-200
- — Letter from, on Gregory's book on Liberty and Necessity, and Mirabeau's Letters to his Committeans, x. 215-216.
- — Death of, x. 487.
- — Letters to, x. 89-96, 98-110, 112-114, 165-171, 174, 175-177, 200-201, 246-247, 387.
- — Notices of, i. 247; x. 127, 186, 249, 263, 287, 362, 429, 440; xi. 81.
- Wilson—Judge, of Pennsylvania, iv. 469.
- Wilson—Robert—Case of, cited, vii. 55.
- Wilson—Sir Robert, noticed, i. 250.
- Winchelsea—Lord—Letters to the Duke of Wellington on his duel with, xi. 12-15.
- Windham—Sir William (jun.)—His argument against Reform, ii. 453 n.
- — — noticed, ii. 582.
- Windsor—Mr—Omission of cost of pipes in his estimate of the cost of gas, v. 422-423.
- Wine—Prohibition of by Mahomet, noticed, i. 535.
- Wire—Mr—Mention of, xi. 136.
- Wisdom—Character of, obtained through fallacies confidently asserted, ii. 480-481.
- Wisdom of our ancestors—What would be the effect of complete obedience to, ii. 392-393.
- — — The fallacy of, ii. 398-401. Substitutes inexperience to experience, 398. Arises from a confusion as to ideas of age, 398-399. Reverence for the dead, 399. Superstitions in high quarters as illustrations, 400. True estimate of the merits of our ancestors, 401. Causes of propensity to be influenced by the fallacy, ib. Legal abuses, ib.
- — — The principle of irrevocable laws an instance of, ii. 402.
- — — Maintenance and champerty, an illustration of, iii. 19-20.
- — — Fallacy of, exemplified in adherence to old law nomenclature, iii. 273.
- — — founded on, against the ballot, iii. 548.
- — — Allusions to the fallacy of, i. 230, 323-324; ii. 442; vii. 90, 598; x. 69.
- Witchcraft—part of the wisdom of our ancestors, ii. 400
- Laws as to, vii. 101 n \*
- Confessions of, cited as instances of false confession, vii. 37.
- Hale's condemning for, ii. 400; v. 493; vii. 97.
- the state of intellect in which it was believed, vii. 101.
- Witness—Importance of the distinction between percipient and narrating, ii. 26.
- In what cases evidence as to character of, should be received, ii. 61-62.
- Extraction of testimony of, when parties distant from each other, ii. 101-102.
- Transmission of Process to Judiciary of, for examination of, ii. 115-116.
- Effect he may produce by misrepresentation to party's solicitor, iii. 365 n, 421 n
- Use of publicity as a check on the veracity of, iv. 317.
- The difference between a narrating and a deposing propounded in the Plan of Judicial Establishment for France, iv. 396 n.
- Means of knowing whether his deposition coincides with his previous statements, vi. 90.
- Vexation and inconvenience attending the attestation of, vi. 93, 95.
- Special commission to examine, vi. 95.
- The theory, that one must not discredit his own, criticised, iii. 365 n; vi. 117-118.
- Impossibility of making line of demarcation between species and species of, vi. 173.
- Strength of persuasion of, (if genuine,) will measure that of judge, vi. 224.

Witness—Elements by which the strength of persuasion of, may be affected, vi 224.

- Application of a scale of persuasion to, vi 225
- Difference between effect of distinct and dubious testimony of, vi 227-228.
- How conscious of differences in extent of his own persuasion, vi 232-233.
- Mendacity, verity, and falsehood in, respectively defined, vi 249
- Effect of refreshing the memory of, vi 252.
- and party—False distinction created between, in some cases, ii 26: vi 261 n
- Difficulty of extorting truth from, when unwilling, vi 344 n.
- Application of friendly and hostile interrogation to, vi 347-349.
- prevention of mendacity-serving information to, justifies restriction of publicity, vi 361-362.
- Questioned for purpose of discrediting him, vi 400-406. *See* Dis-creditive Interrogation
- Means for his testing the accuracy of the minutes of his evidence, vi 416-417
- Presumption of English law that he will perjure himself for the side on which he is called, vi 396.
- Crimes that may have a tendency to render veracity of, questionable, vi 60-61.
- How far apparently supernatural facts to be believed on testimony of, vii 106
- Strength of impression on, depends on state of mind during the mendant, vii 139.
- How far vexation arising from the nature of his testimony is ground for exclusion, vii 347-359.
- Absence of, how far a ground for delay, vii 356-362.
- Absence of at trial—Effect of, in English practice, vii 361.
- Absent—writing necessary to existence of evidence from, vi 328.
- Competency and credibility of; the terms discussed, vi 147.
- Credibility and incredibility considered as attributes of, vii 77 n
- Deposing and percipient distinguished, vi 15 n. 219; vii 150
- Exclusion of evidence of. *See* Exclusion.
- Extraction of evidence from. *See* Extraction.
- Form of swearing in trial by jury, vi 323.
- Form of swearing in Scotland, vi 423-424 n.
- Improbability of as a ground of untrustworthiness, vii 585-591
- Inconvenience, trouble, &c to—how far a suitable ground for the exclusion of evidence. *See* Vexation.

Witness—The various grounds of untrustworthiness in. *See* Untrustworthiness

- Effect of an interest in the suit on the testimony of, vii 581-584.
- Leading a, vi 393. *See* Suggestive Interrogation
- *Mala fide*—impossible to keep from mendacious invention from the moment of his expecting to be called on, vi 447.
- Publicity a means of keeping to the truth, vi 558
- Quality and condition of—effect of on probative force, vi 221.
- Reexamination of, vi. 451-458. *See* Reexamination.
- Restoratives to competency of, vii 433-440. *See* Restoratives.
- Rules for producing evidence for or against the character of, vii 60
- Scientific—Attestation of Landwriting by, vii 177.
- Situation of as affecting his evidence, vi 160-164
- Veracious—natural course of conduct of, vi 448

Witnesses—writs for bringing into court in Principles of Procedure, ii 64.

- The means of communication with, enumerated, ii 79.
- Indifference on the part of, no more to be depended on than in case of parties, ii 102
- Examination of, in proposed Dispatch Court, iii 415
- The obligation of, to attend, a necessary duty to society, however important to them their time, iv 321.
- Prevention of undue influence on in the method of their remuneration, iii 421.
- Evidence of as to appropriation of private property for public works, iv 11
- Means of certaining the expense occasioned by the production of, iv 345
- are the best informers and prosecutors, iv 394-396.
- Examination of, vi 30-34. *See* Extraction.
- Cross-examination of. *See* Cross-examination.
- brought forward to prove alibi—Proposal for their being accompanied by testimonies to character, vii 113
- Attesting, to deeds—Use of, and manner in which they should act, i 551: vi 516, 525-526
- Attesting, Infamy of, makes then hands proveable, vii 190.
- Attesting Absmity of excluding merely percipient, vi 529-540
- Attesting, to wills, vi 537-541. *See* Wills.
- Attesting—Use of two, an impediment to perjury by rendering an accomplice necessary, vi 533.

Witnesses—Non-attesting, excluded for authentication of writs, vii. 190-192.

- Authentication of deeds by, vii. 176-177.
- Browbeating of, vi. 338, 406-408.
- Retaliation by, to browbeating, vi. 408 n.
- Exclusion of evidence—how occasioned by uncompensated vexation to, vi. 95
- Exclusion by limitation put on the number of, vii. 531-537. *See* Limitation.
- Exclusion of evidence for want of a particular number of, vii. 529-531. *See* Multiplicity.
- not allowed to bear evidence to a contract except through a certain written form, vi. 70.
- Distinction between willing and unwilling, in English law, considered, vi. 162-163 n.
- Number of—Effect of, on probative force, vi. 221.
- should be allowed to interrogate parties and witnesses in a cause, vi. 336, 339-341. Entitled to attend to their own collateral interest, 339. To defend their character, 339-340. Admission should be committed to discretion of judge, 340. Objections on ground of sinister interest answered, *ib.* On grounds of tutelary interest, 341.
- Partiality of, to the party by whom they are called, vi. 346 n.
- How far their affections or partialities can be calculated upon, vi. 346-347.
- That they might enter into a confederacy, employed as an argument against publicity, vi. 357-358.
- That fear of displeasure of party might operate on them, used as an argument against publicity, vi. 358.
- Seclusion of—when expedient? vi. 362.
- How far it is justifiable to seclude, to prevent tampering, vi. 450-451.
- Difficulty of their conspiring together increased by their number, vii. 74.
- Exclusion of parties as, vii. 226-233. *See* Parties.
- Illustration of the expense that may be occasioned by producing, vii. 356 n.
- Proposal to collect their names and designations by an anticipative survey, vii. 370.
- List of, excluded and admitted in corresponding cases in criminal practice, vii. 405 n.
- View of the cases in which certain parties are exempt from being against others, vii. 473-486.
- Two sets of, bearing contrary testimony, exemplified, vii. 521.
- Testimony of, should be judged of by weight, not number, vii. 521.
- The requisition of two, by Roman and in some cases English law, considered, vii. 525-531.
- Too great a number of, an evil, vii. 531.

Witnesses—Secrecy of examination of, according to the Roman system, vii. 540-542.

- Arrangements for accommodation of, in Justice Chambers, by the Constitutional Code, ix. 539.

Witt—De. Appreciation of the character of, ii. 553-554.

Wolodomirow—a Russian merchant—Account of, x. 160.

Wolseley—Sir Charles—Remarks tending to show the untenability of the Indictment in the case of, v. 253-261.

Woman—Position of, with regard to marriage, i. 352.

- Considerations as to suitable employments for, i. 543.
- The instrument of military rewards in barbarous countries, ii. 197.
- Extension of the suffrage to, considered, iii. 463, 541, 559, 567 n; iv. 567-568.
- Opinion that they should be entitled to exercise the constitutive, but not other acts of government, ix. 108-109.
- Suggestions for admission of, to juries, ix. 566-567.

Wooden horse—The—a punishment, i. 413.

Woodfall—The case of, cited, v. 97 n.

Woodward—The publisher—a connexion of the Bentham family, x. 3-4.

Woolaston—His theory that falsehood the only crime, i. 9 n.

Wooler—Mr, publishes a version of the Reform Catechism, x. 490.

Woolwich—Method of appointing to commissions at, ix. 275 n †.

- Reason for having the Panopticon Penitentiary in the neighbourhood of, xi. 114-115

Word-of-command principle—in the management of the Chestomathic school, viii. 53.

Words—Advantage to nomenclature from the union of, i. 49 n ‡.

- Importance of questions that turn on the meaning of, i. 192.
- Rules for the avoidance of obscurity, ambiguity, and debility in, viii. 313-316.
- Despotism of, through popular use, iii. 28.
- The same, to be used for the same ideas, iii. 209.
- Redundancy of, a defect in laws, iii. 247-248.
- Difficulty of separating, from real entities, vi. 237.
- employed in evidence—Importance of certainty as to, vi. 290.
- Questions concerning the import of, confounded with facts, in reasonings on impossibility, vii. 79-82.
- Coming of, defended, ii. 383; iii. 271-274; vii. 130.
- Purport of—Precariousness of testimony to, vii. 136

Words are to Propositions, what letters are to words, viii. 188.

— That they are but the arbitrary signs of things, accounts for the failure of the Aristotelian logic in making discoveries, viii. 238.

— as the signs of thought—the subject of exposition, viii. 242-243.

— Interchange of, between language and language—its advantage, viii. 319-320

— Impossibility of freeing entirely from ambiguity, and illustration of the uses to which the defect is applied, in the particular case of the word Church, viii. 249-251.

— Single, should be used in nomenclature, viii. 65.

— Single—Propositions involved in, when language in its infancy, viii. 322.

— divided into principal and accessory—or such as have a meaning alone, and such as have meaning only when along with others, viii. 324-325.

— Importance of having them set down as a means of fixing ideas, x. 73.

— useful not only as communicating ideas to others, but as fixing them to the thinker himself, x. 74.

Work—Useful. Employment of convicts in, iv. 27-28.

— for convicts—Arrangements as to, under the Panopticon Plan, iv. 41-53. *See* Panopticon.

— Adaptation of, to Pauper management, viii. 381-385. *See* Pauper Management.

Works—Public. Principle of establishing, iii. 41 n.

— Method of Book-keeping in regard to, for the preservation of economy, ix. 237

— proposed for the employment of pauper manufacturers, x. 85

Working—Compulsory, as a punishment, i. 437-441.

Working Classes—The, would be the chief sufferers by a general partition, iii. 608.

— Jealousy, by the higher, of the extension of instruction to, viii. 19-21

— The utility of an acquaintance with the natural sciences to, viii. 24

— How far their wages and position admit of the practice of frugality, with considerations as to the utility of Savings' Banks, viii. 407-417

Workhouses—Application of the Panopticon system to, iv. 37-243

Workhouses, or Industry-houses—system of, viii. 371-439. *See* Pauper Management.

Workmen—Effect of machinery on the position of, iii. 39, 67-68.

— How the efficacy of the labour of, augmented, iii. 67-68.

— Usefulness of the Panopticon plan for superintending, iv. 60.

Workmen and Employers—Plan for a general system of communication between, and its anticipated advantages, viii. 398-400.

— and Employers—Effect of the relationship between, on evidence, viii. 575-576

— often sufferers from new inventions, viii. 576

— Foreign—Encouragement to, may be advantageously adopted by individuals—not by Government, iii. 65-66

Woronzoff—Count, x. 117, 295, 399

Worship—application of to prison discipline, iv. 18-19, 78-79

— Providing for the exercise of, in prisons, according to the religion of the convict, iv. 23-24.

— Public. Provisions for the support of, i. 316-317.

Wounds—Military smart-money for—Exposition of principles applicable to, ix. 377.

Wrath—nature of, i. 53.

Wright—Mr—an acquaintance of Bentham, x. 361.

Wright—Miss Frances—Letter of, from Paris, and anecdotes reported by, x. 526-527.

— casually noticed, viii. 515, 551, x. 583

Writ at commencement of a suit—Vagueness of, v. 450.

— The, in a common law suit, characterized, ii. 170.

Writs against person and property, in judicial procedure, ii. 116-117.

— Various kinds of, necessary for judicial communication, on elicitation of defence, ii. 78-80.

— Securing means of serving and communicating, ii. 52-57.

— necessary for bringing parties into court when a pursuer is constituted, ii. 63-64.

— issued in continuance of a suit, ii. 89-90.

— Ancient Parliamentary—Terms of, with reference to the Franchise, iii. 459-460 n.

— to judges to try causes—Origin of, v. 446.

— distinguished from unappointed evidence in being anterior, and nearer in date to the facts they testify, vi. 68-69.

— Authentication of, viii. 176-180

— Formalities of. *See* Formalities.

Writs of error—Sham—Profit to judges from, v. 93-94 n.

— Sham, as a source of delay, &c., vii. 214-216

— and appeals—their operation in producing judicial delay, examined, v. 518-520.

Writer of a contract—Name and description of, should be embodied in it, vi. 525 n.

Writing described as an application of drawing, viii. 29.

— The art of, necessary to the formation of grammar, and therefore writing of

- rectly must have preceded speaking correctly, viii. 92 n.
- Writing—Superiority of, over speaking, for political purposes, iii. 466.
- not so safe for employment of paradox as speeches, ii. 465.
- The necessity of putting motions in political assemblies in, n. 336.
- Its value as an assistant to the Arts and Sciences, vi. 285-286.
- as a security for the trustworthiness of testimony, vi. 25-26, 327-332. Its important bearing on the subject, 327-328. Distinctness, 328. Use for purpose of recollection, ib. For permanence, ib. Necessary to existence of evidence in case of absent witness, ib. Simple causes may proceed without, 329. But unless in the general case the grounds of decision were known, judges would be despots, ib. Registration of judicial proceedings proposed, 330. Disadvantages writing is liable to, 26. Capable of abuse—increase of irrelevant matter, time for mendacious invention and information, collateral evils of delay, &c., 331-332.
- in what contracts it ought to be required, vi. 525.
- Exclusion of evidence of contracts not committed to, vi. 132-134. *See* Exclusion.
- Exclusion of evidence by prescribing a particular form for, vi. 132-134.
- nullification of informal when super-added to formal, vi. 134-135.
- Autograph—Advantages of, especially for wills, vi. 535-537.
- Manifold system of, described and compared with the other attempts made to secure accurate duplicates, v. 406 n, 432-435; x. 576-581.
- Writings—Machines for multiplication of, vi. 576-577.
- Cases in, and conditions on which transcripts of, may be received, vii. 143-149. *See* Transcripts.
- Private—Securities against the seizure, injury, or inspection of, adapted to a Mahomedan state, viii. 592.
- Written Discourses—Exclusion of, in debates in Legislative assemblies, ii. 361-362.
- document. *See* Script.
- Written evidence compared with unwritten, vi. 71.
- — Precedence of over unwritten, vi. 143-145.
- — Compared with oral, vi. 170-171.
- — More liable to evasion than oral, vii. 29.
- — Less liable to incorrectness of expression than oral, vi. 254.
- — Nature of authentication with regard to, vii. 174-175.
- — Modes of authentication in case of, vii. 175-181.
- Written evidence—Modes of deauthentication in case of, vii. 181-183.
- — Subjection of, to the docimastic process, vi. 172.
- — Casually. *See* Casually written.
- — Criminative—effect of possession of, considered, vii. 12-13.
- — Ex-parte preappointed, vii. 126-127.
- — Extrajudicially. *See* Extrajudicially written.
- — Official, and casually written evidence—modes of authentication in case of, vii. 180-181.
- — Supposed, transmitted through oral, vi. 137-138.
- — Supposed—Oral evidence transmitted through, vii. 138-139.
- — Supposed, transmitted through written, or transcription, vii. 139-152.
- Written pleadings considered, vii. 270-279. *See* Pleading.
- Written instruments—Accumulation of, in suits, complained of in Petition for justice, as a device of the Technical system, v. 449-451, 509-510.
- Written Pleadings—The abundance of, in Processes before the Court of Session in Scotland, v. 27-29.
- — Superabundance of in England, ii. 175.
- Wrongs—Not likely to be the subject of preappointed evidence, vi. 508.
- Wyat's Practical Register, quoted, vi. 490.
- Wycombe—Lord—Letter from Bentham to, x. 196-197.
- — Letter from Bentham introducing him to Sir Samuel Bentham, x. 217.
- — Letter from, on Russian and Turkish politics, x. 219.
- — Letter from, to Bentham in 1795. The state of Italy—Neapolitan Politics—the Danish and Russian ambassadors—the Court—Lady Hamilton, &c., x. 309-312.
- — Casual notices of, x. 225, 235, 239, 264.
- Wymondham Penitentiary—Practice of, in regard to solitary confinement, iv. 72-73.
- — Windows of, iv. 96.
- — Dietary of, censured, iv. 154.
- — Method of airing in, criticised, iv. 158 n.
- Wynford—Lord. *See* Best.
- Wynn—Mr Williams—Letter from Sir A Johnston to, on Jury-trial in Ceylon, ii. 185-188.
- Wynne—Mr—Son-in-law to Dr Parr, noticed, x. 62.
- Wyse's History of the Catholic Association—O'Connell's account of, xi. 21.

## X

Xenophon, noticed or quoted, i. 175, 321; x. 16.

## Y

- Yards for the airing and exercise of prisoners under the Panopticon plan, iv. 98-105.
- Yeomen and Gentlemen—Distinction between, n. 140-141.
- Proposal to mix Gentlemen with, on common juries, for the increase of intellectual aptitude, v. 164-165.
- Yewhurst—The residence of Mr Mackreth—Bentham's visits to, x. 48-50.
- York—Duke of—Allusion to the proceedings against, in House of Commons, vi. 43 n\*.
- — Dictum by Canning at proceedings against, criticised, n. 429.
- — and the Scheldt Expedition animadverted on, ix. 361-362 n; x. 399.
- — Inspection by, of Sir Samuel Bentham's Inventions and the Panopticon, x. 307.
- York and Lancaster—Effect of wars of, on the liberties of Parliament, iii. 514.
- Yorkshire—Register in, an example of preappointed transcriptitious evidence, vi. 508, 575 n.
- Young—Arthur—Account of, x. 285.
- — Correspondence with, as to a calculation of the amount of real and personal property in Britain, and the population, x. 302-303.
- — Answers of, to queries regarding profit of agricultural capital, x. 373-374.
- — His Annals of Agriculture—Contributions to, on Poor-Laws and Pauper management, viii. 361-439.

- Young—Arthur, noticed, iii. 481 n; iv. 52, 54, 120; xi. 102
- Young—Colonel—Letter to, x. 576-578
- — Letter from, on India affairs—Rammohun Roy, Lord Wilham Bentinck's government, &c., xi. 7-9.
- — noticed, x. 589-590; xi. 2.
- Youth—Enfeeblement of the mind in, by intercourse with uneducated persons, viii. 12.
- more self-devoted than age, ix. 116.

## Z

- Zadobras in Russia—Bentham's residence in, x. 161-180.
- Zaleucus—Allusion to Laws of, i. 459 n †, 467.
- Zeal—Nature of, i. 53.
- in the performance of official duties—Means of producing, n. 236
- eulogistically applied to religious persecution, n. 438.
- Zinzendorf—Count, noticed, iv. 373.
- Zoology—defined and located as a branch of instruction in the Chrestomathic school, viii. 28-29.
- Connexion of the science of, with the concerns of the working classes, viii. 24
- Zoophygiatics—or Physiology applied to the inferior animals—its place in the Chrestomathic system of Instruction, viii. 36.
- Zooscopic Embioscopes—or Zoology—Position of, in the Encyclopedical Sketch of Art and Science, viii. 87.