

over material things—changes which have been wrought by two potent agencies wielded by human intellect—Science and Invention.

Inventions are the offspring of reason, and as man's thoughts are his own, so an invention before being put into use exists only in the mind of its author; but so soon as his secret is disclosed to the public, the latter have a right to make use of it in any manner they please, without incurring any liability to the inventor.

As society is composed of many members, and makes rules and regulations for the protection and guidance of each, so the author of an invention is encouraged to carry on and disclose to the public the manner of constructing such invention on terms of mutual benefit, which it will be my object to explain.

The inducement given to inventors to complete their inventions consists of a species of monopoly, whereby the author of an invention is enabled to reap a reward according to the importance of his product, and when it sometimes happens that inventions are useless, the monopoly granted to the inventor for such invention is valueless, the value of the monopoly being proportionate to the value of the invention.

This monopoly or exclusive right to use an invention is a matter of favor rather than of right, and is a privilege granted by the Crown to the subject.

Although the origin cannot be traced, yet there is little doubt that England first adopted this system of rewarding inventors, and there is reason to believe that this prerogative of the Crown is a very ancient one. Hindmarch, in his treatise on Patent Law, alluding to this, says:—"Thus in a case decided in the reign of Edward III., it is said that arts and sciences which are for the public good are greatly favored in law, and the King, as chief guardian of the common weal, has power and authority by his prerogative to grant many privileges for the sake of the public good, although *prima facie* they appear to be clearly against common right."

The same author also mentions that during the reign of the same monarch, Edward III., "some alchemists persuaded the King that a philosopher's stone might be made, and that the King granted a commission to two friars and two aldermen to enquire if it was feasible, who certified that it was, and that the King granted to the two aldermen a patent of privilege."

Monopolies, therefore, were granted in the early periods of the mother country, consisting of privileges procured by purchase or by favor from the reigning sovereign. These were, to a certain extent, equivalent to our Letters Patent, conferring upon the recipient exclusive privileges, differing, how-

ever, from those granted at the present time, in that they included not only manufactures, but even branches of trade.

The power to grant patents and the privileges to which this power gives rise are regulated by the common law, by statute law, and by the decisions of the courts. At first these grants had but little reference to the encouragement of inventive powers, but consisted more of trading privileges granted to a number or numbers of towns confederated together, the first of which was the Hanseatic League, to which England was to a certain degree indebted for her commercial importance, London being the only English town admitted into that great confederacy.

King John was the first to grant privileges and franchises to the metropolis and other English towns, and as far back as that period can be traced the existence of several London companies. Little change occurred in the commercial system of England from the death of King John, which occurred in the year 1216, to the reign of Queen Elizabeth, who succeeded to the throne of England in 1558. Though shackled with monopolies, with which the ignorance and bad faith of successive governments had oppressed it, commerce slowly but continuously gained ground. Monopoly was the great grievance of Elizabeth's reign. When an individual by talent, industry and research, makes a useful discovery, there is every reason for granting him an exclusive right of using it for a limited time as a reward for his ingenuity. This principle was early understood, but Elizabeth perverted it into the granting of patents for ordinary manufactures, or for the importation of foreign articles, either as gifts to her courtiers or as a means for raising money without the necessity of appealing to Parliament. Against this injustice the people cried out so loudly that Elizabeth had the grace or the good policy to admit she had been misled, protesting solemnly, however, that she had never granted one patent which she did not believe to be conducive to the public good. Some of the patents were then remitted to the courts of law, and were by them condemned as illegal. It should, however, be allowed that all the commercial monopolies granted in this reign were not detrimental to the English nation, for by her was the first charter granted to the East India Company, a monopoly which has served in no small degree to raise England in the scale of nations.

During the reign of Elizabeth's successor, James, Sixth of Scotland and First of England, monopolies were carried to such an extent, that instead of being productive of benefit, they, on the contrary, only gave rise to great dissatisfaction, until at length the people called so loudly for redress that the Legislature deemed it expedient to listen to the remon-