

**Lieutenant-Colonel REID**

( 27 mai 1851 )



*Brought from the Lords, 4 July 1851.*

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**R E P O R T**

AND

**MINUTES OF EVIDENCE**

TAKEN BEFORE THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO CONSIDER OF

**T H E B I L L,**

INTITULED,

“ AN ACT further to amend the Law touching LETTERS  
PATENT for INVENTIONS;”

AND ALSO OF

**T H E B I L L,**

INTITULED,

“ AN ACT for the further Amendment of the Law  
touching LETTERS PATENT for INVENTIONS;”

AND TO REPORT THEREON TO THE HOUSE.

Session 1851.

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*Ordered, by The House of Commons, to be Printed,*

*4 July 1851.*

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Lieutenant-Colonel REID is called in, and examined as follows

2259. ARE you Lieutenant-Colonel of the Royal Engineers?

I am.

2260. I believe you have served also in the colonies?

Yes, for about 10 years.

2261. As Governor of what colony?

Of Bermuda about eight years, and two years of the Windward Islands.

2262. At present you are Chairman of the Executive Committee of the Exhibition?

I am.

2263. Are you the author of any scientific work?

A work on the Law of Storms.

2264. Do you generally agree with the opinions of a member of your committee, Mr. Cole, as to the expediency of cheapening and facilitating the granting of patents to the greatest extent?

A year ago I took very much the same view as he did, and feeling an interest in the subject, from hearing the patent laws discussed, and having a desire to inform myself upon the subject, and being convinced that the laws, as they at present stand, are very bad, I read what fell in my way upon the subject; I also endeavoured to obtain a knowledge as to the patent laws of the United States. Among other persons, I wrote to my correspondent, Mr. Redfield, with whom I have been in communication for many years, begging him to send me the laws of the United States, and anything he could upon this subject.

2265. Who is Mr. Redfield?

Mr. Redfield is a gentleman of much knowledge of mechanics, who was appointed many years ago agent to the Hudson's River Steam Company, from his knowledge of steam machinery; he has devoted nearly all his life to mechanical subjects. I have been many years in communication with him on the subject of the law of storms. When I began to read on the subject of the patent laws a year ago, I was of opinion that cheap patents would be a great improvement; but in the course of my reading I came to an opposite conclusion. I was very much struck on receiving Mr. Redfield's replies, with the information which I asked him for, when, without my having stated to him my own opinion on the subject, I found we precisely agreed. He thought the principle of granting patents a great evil to the State; and that though public opinion is at present very much in favour of granting patents, the time would come when a contrary opinion would prevail, and there would be no patents.

2266. Your opinion is against the granting of all patents?

That is my opinion. I think the time is not come now, but that the time will come when the sentiment will generally prevail. From reading attentively, particularly the Report of the Committee of the House of Commons in 1829, which is nearly all in favour of the present views as to the expediency of cheap patents, I confess I came to a diametrically opposite view to most of the evidence given there. I was very much struck at finding that Mr. Redfield, who is a man of high reputation in the United States, entirely coincides with the opinion I had formed in the interval between writing to him and receiving his answer.

2267. In his letter to you did he state his reasons for forming the opinion which you say he entertains?

Not in detail; his statements were very short; I have mislaid them, but I will look for them. I shall be happy to forward them to your Lordships if I find them.

2268. Have you paid any attention to the subject of whether, supposing the existing patent law to continue in its present or an amended state, it would be desirable that patents taken out for the United Kingdom should extend to the colonies?

On that subject I naturally thought a great deal. My opinion is, that it would

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be well to leave it to the colonial legislatures to adopt any improved patent law or not, or to modify it, as they may think best suits the colonies which they belong to.

2269. Are they subjected to any inconvenience at present in consequence of the law of patents extending to them?

Yes, I think they are. I may take, as an example, the centrifugal machine lately used in the sugar manufacture. The planters in the West Indies are obliged to pay a royalty of sixpence a hundred weight upon all sugar which is made, besides paying for the patent. Colonies of foreign countries which may have no patent laws, by importing those machines from the United States, would have a great advantage in competing with us. If Barbadoes, or any of our West Indian colonies, were unshackled by the patent laws passed in this country, they would be able more cheaply to import this machine, and compete with the more advantage with slave islands. I would, therefore, recommend, that any patent law now to be passed, should not extend to the colonies; but that the colonies should be all left to adopt any system enacted for the United Kingdom, or to modify it, or to have no patent law, as they might think best suited to themselves.

2270. Should you have any objection to deliver in to the Committee Mr. Redfield's letter, if you find it among your papers?

Not if I find it. I have with me the patent laws of the United States, up to the present time. When I applied to Mr. Redfield, I applied also to Mr. Abbott Lawrence, who was good enough to procure for me the present law of the United States—[*The Witness delivers in the same.*]—I have also a list of patents granted in the United States in every year from the year 1790 down to the year 1849.

The Witness delivers in the same, which is as follows :

“ NUMBER of PATENTS issued from the UNITED STATES' PATENT OFFICE,  
in each Year from 1790 to 1850.

1790	-	-	-	1	1820	-	-	-	159
1791	-	-	-	31	1821	-	-	-	167
1792	-	-	-	11	1822	-	-	-	203
1793	-	-	-	21	1823	-	-	-	117
1794	-	-	-	21	1824	-	-	-	224
1795	-	-	-	13	1825	-	-	-	300
1796	-	-	-	41	1826	-	-	-	327
1797	-	-	-	51	1827	-	-	-	334
1798	-	-	-	29	1828	-	-	-	366
1799	-	-	-	44	1829	-	-	-	439
1800	-	-	-	39	1830	-	-	-	551
1801	-	-	-	46	1831	-	-	-	575
1802	-	-	-	64	1832	-	-	-	473
1803	-	-	-	94	1833	-	-	-	579
1804	-	-	-	83	1834	-	-	-	608
1805	-	-	-	54	1835	-	-	-	746
1806	-	-	-	64	1836	-	-	-	677
1807	-	-	-	98	1837	-	-	-	429
1808	-	-	-	160	1838	-	-	-	509
1809	-	-	-	199	1839	-	-	-	410
1810	-	-	-	222	1840	-	-	-	452
1811	-	-	-	218	1841	-	-	-	494
1812	-	-	-	245	1842	-	-	-	517
1813	-	-	-	167	1843	-	-	-	553
1814	-	-	-	206	1844	-	-	-	502
1815	-	-	-	178	1845	-	-	-	502
1816	-	-	-	209	1846	-	-	-	619
1817	-	-	-	173	1847	-	-	-	572
1818	-	-	-	227	1848	-	-	-	660
1819	-	-	-	157	1849	-	-	-	1,076”

2271. Holding the opinions you have stated to the Committee, you probably think

think it is not desirable to grant patents to those persons who merely import inventions which are in use, and published abroad?

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That would be in accordance with the opinion I hold. I would not grant patents in this country for inventions published abroad.

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2272. Have you looked at the Bills which have been referred to this Committee?

No, I have not seen them.

2273. Will you be so good as to state what are the principal reasons which influence you in stating that you think patents are not for the public advantage?

I think, in the present advanced state of our mechanical knowledge, and considering that there are always many men thinking of the same thing at the same time in a community such as ours, a man who is active enough to obtain an exclusive right to a patent unfairly, shuts out the others. I think, taking a general view of the whole subject, the interest of the country would be more advanced by leaving the ingenuity of the country entirely unshackled.

2274. Do you think that the prospect of obtaining a patent has nothing to do with promoting invention?

I very much doubt it.

2275. Do not you suppose that the hope of obtaining the exclusive enjoyment of the profits of the invention is an inducement to those who are prosecuting discovery?

I am inclined to think that active minds would work with equal energy without that prospect.

2276. Have you any knowledge of the classes from whom inventions commonly proceed in this country?

No; I have not been in the way of knowing anything in detail of the working of patents; my ideas on the subject are general opinions.

2277. Supposing it to be the case that in this country the great majority of inventions are known to proceed from persons who are without the means of bringing them into use, should not you say that the acquisition of a patent right would give to such persons the means of obtaining better terms from men of capital?

It may, no doubt, in some instances, do so; perhaps in many instances; but I am only prepared to speak of the general impression upon my mind, formed by an attentive perusal of what has come in my way; I think that in the present state of our nation, and with our mechanical knowledge, the country would advance best without a patent system.

2278. You speak of mechanical inventions; do you suppose that the effect would be the same in the case of chemical invention?

That is a much more difficult subject; I have not thought so much of it.

2279. Have you ever considered the probable effect of an entire abolition of the system of patents as respects the communication of inventions to the public; would it not tend to encourage mystery and concealment more than the present system does?

I believe the present system of publication is very imperfect; the specifications are not all published; but there might be a great advantage in having them published.

2280. Supposing the law were so modified as to make the acquisition of a patent easy and simple, and to provide for the publication at the earliest possible period, do not you think there would be more inducement to the disclosure of the secret under such a system than if all privileges of the kind were abolished?

I am inclined to think that the advance in improvement in all our arts would be greater by leaving them entirely unshackled.

2281. Do you think, as respects the greater proportion of inventions, it is possible to keep them secret if they are used at all?

It must be very difficult indeed; it is more easy in chemical inventions.

2282. Your views upon the subject of the patent laws are founded not so much upon tracing the effects, or the supposed effects, of the patent laws in particular



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ticular cases, as upon general considerations with regard to the principles of the human mind, and of the present existing condition of society?

Exactly so.

2283. You look upon the present condition of society as one eminently of a competitive character?

Certainly.

2284. And you think that that competitive character affords a sufficient security for fertility of invention?

Entirely so.

2285. You think that patent rights would not materially augment our security for fertility of invention, but would materially impede the free agency of that inventive tendency, by raising various obstructions through the exclusive rights?

I think persons in trade and manufacture would embarrass each other by the number of existing rights; it was impossible for me, in reading upon the subject, not to feel that there must be greatly increased litigation by the multiplication of patents.

2286. Might not that be obviated in some measure by other regulations, such, for instance, as a more open and correct registration of specifications?

No doubt that might mitigate the evil, but not remove it.

2287. Is not the infringement of a patent very often accompanied with full knowledge on the part of the person so infringing it?

It is.

2288. Your attention has been drawn to the distinction between mechanical inventions and scientific inventions, especially chemical inventions; is not it the fact that by far the most important chemical discoveries have been made without patent rights being obtained for them?

I am not sufficiently acquainted with the subject to say.

2289. Do not you think that the principal mechanical improvements now being made in the present state of mechanical invention consist rather in minute details, or in the skilful application of the details of machinery, rather than in great new inventions?

I believe that is the case; a great number of men, particularly poorer mechanics, occupy themselves over what they conceive to be new inventions, which have been tried many times over before; they lose their time upon them in the hopes of coming to great gain.

2290. Do you see any security against their doing that, after the abolition of the existing patent system?

At present the hope of a patent gives them a false stimulus, and excites them to spend their time in seeking to make inventions, but I do not think the country benefits from it. I think that by throwing the whole free, the general result to the country would be benefit, rather than otherwise.

2291. Supposing the whole system of patents were abolished, would there be less inducement to a mechanic to spend his time in pursuing useless inventions than there is now; would he have greater means of ascertaining whether an invention had been tried and exploded?

I am unable to say.

2292. Would not one advantage be, that, instead of working in secret in his own room, he would have no reason for not consulting those who know more upon the subject than himself?

He would work then openly.

2293. Are not there two forms of invention which may arise from an ordinary mechanic, one the endeavouring to facilitate his own daily process by some more clever adaptation of the machines he is actually using, and the other by directing his mind to some supposed new and great discovery?

No doubt that is so.

2294. Is not the former form of invention the one most desirable to encourage, and from which there is the most reasonable ground to anticipate useful practical

practical results, while the latter is a form of discovery upon which a mechanic in all probability will spend his time unprofitably?

Yes.

2295. Is not the tendency of the patent laws to distract the mechanic's attention from the true field of invention, and direct it more exclusively to the less desirable one?

I think it is. I have not had an opportunity to think very much upon patent subjects. I have never been engaged myself in a patent. It was only from hearing the subject so much discussed last year, and taking a natural interest in the subject, that I was induced to read the papers which I have collected, and to send to the United States. That which struck me most of all, was finding a person of the ability of Mr. Redfield coming to the same conclusion which I have done, and that opinion being at variance with the prevailing opinion of the public, both here and in the United States.

2296. I understand you to say, that you were led to your present conclusions by an attentive study of the evidence taken before the Committee of the House of Commons in the year 1829?

Yes. I have had no practical knowledge myself of the working of patents.

2297. What were the circumstances which struck you most in that evidence as tending to show the inexpediency of the present patent system?

I think I can only express myself in general terms, that, after reading attentively the whole Report, I was not convinced by the arguments which the advocates for the patent laws put forward. I certainly began reading with a conviction favourable to cheap patents; but before I read to the end of that volume, I had come to an opposite conclusion.

2298. Did not reading that evidence strongly impress your mind with the multiplicity, the extent, and the unavoidable character of the various difficulties and inconveniences which attend the existing patent laws?

There is no doubt of that.

2299. Did not it also impress you with the conviction of the impossibility of making any effectual struggle towards overcoming those difficulties?

I think so.

2300. Was not the result which you came to derived from the fact of having your mind, by that evidence, directed to these two considerations, namely, the undoubted extent of the existing evil connected with the patent laws, and the apparent impossibility, so far as you can see, of remedying that evil?

Yes, I came to the conclusion that it would be better to have no patent rights whatever.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till Friday next,  
Twelve o'clock.

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