

FACTS and OBSERVATIONS,

BRIEFLY STATED,

IN SUPPORT OF

AN INTENDED APPLICATION

TO

PARLIAMENT.

By EDWARD BANCROFT, M.D. F.R.S.

1798.

ADVERTISEMENT.

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F A C T S, &c. &c.

IN the year 1771, I returned the second time to Great Britain from North and South America, after having found out useful colouring properties in the Barks of three trees growing spontaneously and plentifully on that continent. Two of these were the Barks, which in the act of the 32d of his present Majesty, *cap.* xlix. have been since denominated Quercitron Bark, and Red Mangrove Bark; and the other was the Bark of the American Hicory. The Quercitron, seeming to be the most important of these Barks, I engaged my only Brother, then a student of Medicine at Edinburgh, to go over to North America, and extract the colouring matter thereof, in order to avoid the expence of importing the Bark itself into this kingdom.—But after various means had been employed for more than two years, it was found difficult to effect this without diminishing the beauty of its colours; and I therefore determined to import the Bark itself in a certain state of preparation. Accordingly, about the autumn of 1775, I received from my Brother, then at Philadelphia, about twenty Tons of this Bark; and I also obtained his Majesty's Letters Patent under the Great Seal of Great Britain, bearing date the 23d of October of that year, for my invention, “of using certain Vegetables growing spontaneously in his Majesty's American dominions, and their tingent or colouring parts, &c. in dying,” &c. for the term of fourteen years; which vegetables, as described in the specification, were the *three* Barks before mentioned.

Of the Quercitron Bark then imported, nearly the whole was sold to Mr. Arbuthnot, at that time the most eminent and ingenious Calico Printer in this kingdom; but he be-

came insolvent before any thing had been paid for it; and all that I ever obtained was a dividend of three shillings in the pound nine years afterwards: Consequently this importation, instead of profit, was attended with loss.—About three months after the date of the said Letters Patent, an act passed, (that of the 16th of his present Majesty, *cap. v.*) “to prohibit all trade and intercourse with “the Thirteen United Colonies,” since States of America; in consequence of which, and of the succeeding war, all importations of either of these Barks became impracticable, and I was deprived of all benefit from his Majesty’s Letters Patent in my favour, until the year 1785: for though a treaty of peace had been concluded between Great Britain and the United States of America in August 1783, that event did not find me in the situation which I was in when the prohibitory act passed.—I had then a Brother in America ready to supply me with the Quercitron and Hiccorry Barks, and he had actually procured, at my expence, a considerable quantity of the former, which was afterwards consumed as fuel by the British troops.—But during the war my Brother’s situation had been so often changed, that at the end of it I neither knew where to find him nor whether he was alive. It therefore became necessary for me to go to America to obtain supplies of the Barks in question; and I accordingly embarked for Philadelphia in the very month in which the treaty of peace was signed, though it was not until the month of May following that I was able to find out and obtain aⁿ meeting with my Brother; with whom I then concerted measures for procuring supplies of the Bark, which it had been impossible to collect during the winter; and returned to this kingdom in the month of August 1784. The ensuing session of Parliament did not begin until the 25th of January 1785; and in that session the act of the 25th of his present Majesty, *cap. xxxviii.* was passed, “for vesting in Edward Bancroft, Doctor in Physic, his executors, &c. the sole property of his invention or discovery of the use and application of certain Vegetables for dying, &c. throughout
“that

“ that part of his Majesty’s kingdom of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, for a limited time.”— By this act, the time which had fruitlessly elapsed, subseqently to the date of the said Letters Patent, was *restored* to me, and I was again *reinstated* in my *original* term of fourteen years, throughout England, Wales, &c. and at the same time I acquired a like *original term*, throughout Scotland, by his Majesty’s Letters Patent, under the seal appointed by the treaty of union to be kept and used there, instead of the great seal thereof. I was by these means placed exactly in the situation in which I should have been if the Letters Patent of the 23d of October 1775 had, like those for Scotland, only passed the proper seal in June 1785. I had not then derived the smallest benefit from the first original grant, and I was still liable to be impeded and frustrated in the enjoyment of my *restored* term in England, and of my *original* term in Scotland, by *all* the events, and in *all* the ways, by and in which other patentees of new inventions (who have obtained relief from Parliament) have been so impeded and frustrated; and I was, moreover, liable to a variety of other impediments and interruptions, arising out of the peculiarity of my invention, as depending upon the almost unknown productions of distant countries, which many occurrences might render it difficult and even impossible to obtain: and I therefore expected that if such interruptions and impediments should occur to me as had been deemed sufficient to entitle other patentees to prolongations of their respective terms, similar relief would not be denied to me: and it will shortly appear, that I have not only suffered interruptions and losses similar to those for which such relief has been granted in a *single* case, but that I have really suffered all those kinds of interruptions and losses which did occur in each and *all* of the other cases, taken *collectively*; besides others peculiar to my own case.

A few days before my departure from Philadelphia, in 1784, I was informed of the arrival there of Mr. Robert

E. Griffiths, a partner in or agent of the house of Peel, Yates and Co. of Manchester, and of his having brought over a sample of the Quercitron Bark, taken from that which I had sold to Mr. Arbuthnot, as before mentioned; and having, by the assistance of Warder, Parker, and Co. of Philadelphia, found out its proper name, &c. they formed an association to invade my property, into which Mr. Griffiths introduced the house of Peel, Yates, and Co. of Manchester.—Large quantities of the Quercitron Bark were accordingly sent by them at different times, partly to London, to the house of Warder and Dearman, and partly to Liverpool, subject to the orders of Peel, Yates, and Co.: of the latter, considerable quantities were used before I had obtained any knowledge of their arrival.—But being at length informed, and having complained thereof, Messrs. Peel, Yates, and Co. made the best excuses in their power; delivered up what remained in their possession, at a price which I consented to allow for it; and engaged not to receive or use any more, unless from me or my agents. Messrs. Warder and Dearman, however, declined all explanation; and as the act in my favour gave me no exclusive right of *importation*, I waited until there was good reason to believe that the Bark had been transferred to other hands, and *used*, contrary to my rights; and then I filed a bill in Chancery for a discovery of the fact. This was, however, resisted as long as possible, by general and partial demurrers; but an answer being at length obtained, it appeared that the defendants had by great exertion, and the assistance of Messrs. Peel, Yates, and Co. found means to sell the greatest part of the Bark in question, to the amount of several thousand pounds, and, with but few exceptions, to persons who were ignorant of my right over it. This, however, not appearing to be the case of Messrs. Livesay and Co. who had purchased of this Bark to the amount of 1116*l*. I required a compensation of them, which they promised to allow; but before the amount had been fixed they failed, and of course none was obtained from that, nor indeed from any other quarter.

I might,

I might, in some of these cases, have probably recovered damages from the persons who had actually *used* the Quercitron Bark for producing colour; but as, excepting Livesay and Co., they appeared almost all to have done it through ignorance, and had generally paid higher prices than were asked by me for the same article, I thought there would be so much of hardship and impolicy in doing this to persons who were to become my future customers, that I directed all my endeavours towards obtaining a satisfaction from those alone who, by these importations and sales, had gained so much at my expence. But after costs to the amount of about 130*l.* had been incurred on my part, I found my endeavours likely to be frustrated, those who had sent the Bark hither, and profited most by it, (to my injury,) being in America, and out of the reach of any process from hence; and those by whom it was chiefly received and sold here having declared upon oath, that they received and sold it as an article of merchandize, with no other benefit than a bare commission of two and a half *per cent.*: so that I ultimately found it best to content myself with an offer made by the defendants of delivering up to me, at a reasonable price, the Bark remaining in their hands, and of entering into an engagement for themselves, and those by whom the Bark had been sent hither, that no more should either directly or indirectly be imported by them without my consent.

Many other parcels of Quercitron Bark have been sent hither at different times, and by different persons from America. How many have escaped detection I know not; but those which were discovered have generally been delivered over to me, though at prices often disadvantageous, or inconvenient for me to give, (especially when previously overstocked,) but which I have thought it better to give, than run the risk of having such parcels of Bark clandestinely introduced and used to my injury. In these ways, however, my own sales of the Quercitron Bark were for several years nearly frustrated; indeed, almost all the im-
portations

portations which I made of it in 1785 and 1786 remained upon my hands until near the end of the year 1789, creating heavy expences in house room, salaries of agents, interest of money, &c. so as to absorb nearly all the profit of my labours and inconsiderable sales, during the first four years of the term *restored* to me.

THESE various losses seem peculiarly entitled to the favourable notice of Parliament, because I was chiefly made liable to and disabled from obviating them, by the plan which I had adopted for exercising my rights: not by confining the use of the Barks in question to a few particular Dyers and Calico Printers, but by allowing the use thereof freely to all, and contenting myself with a moderate profit from the importation and sale thereof; a plan which the principal Dyers and Calico Printers have declared, *as will hereafter appear*, to have been highly beneficial to the manufacturing and commercial interests of this kingdom. And indeed I not only permitted the free use of these Barks, but employed almost all my time in making farther experiments to facilitate and extend their use: I have had indeed many obstacles to encounter; but in a few years the merits of the Quercitron Bark were made known, so far at least as they relate to the business of Calico Printing: an important business, which has been greatly facilitated and promoted by the use of this Bark—more especially in Lancashire, Scotland, and other northern parts of the kingdom. There are indeed some purposes in Calico Printing which can only be well answered by the Quercitron Bark; and for the more general uses, its place can only be supplied by the Weld Plant (*Reseda Lutcola* of Linnæus)—a weed which does not grow in the northern parts of this kingdom, and which, even in the southern, is an undesirable object of agriculture, as it requires the growth of two summers before it becomes fit for use, and is liable to various injuries, besides a total failure by late vernal frosts. It moreover occupies at least one hundred times the space of as much Bark as will yield an equal portion of colour, and on that account cannot

not be conveyed to Lancashire, Scotland, &c. without great expence. During the year 1791, 230 tons of Quercitron Bark were used in Great Britain, and chiefly for purposes which, without it, could only have been answered by the Weld. These 230 tons may be deemed to have afforded as much colouring matter as could have been obtained from 2300 loads of Weld—a quantity seldom produced in this kingdom in any one year; and as, notwithstanding the aid of this quantity of Bark, Weld, even with considerable importations from France, constantly sold for at least 20*l.* per load at the places of its growth in this country, we may reasonably conclude, that, without the aid of the Bark, the price would have been at least doubled, and that there would still have been a deficiency of that species of colouring matter equal to the whole amount of the Bark so used, and that the business of Calico Printing would have been greatly obstructed thereby. But, supposing it had been possible to procure an additional quantity of 2300 loads of Weld, instead of 230 tons of Bark so used during that year, without any actual advance upon the price of 20*l.* per load, still that quantity of Weld at that price would have cost the sum of 46,000*l.* besides the expence of transportation; whereas the Bark, which supplied its place, and afforded an equal quantity of colouring matter, was sold ready ground, and at long credits, for no more than 7000*l.*: so that it produced by this difference of price, in the year 1791, a saving to the Public of 39,000*l.* besides other considerable savings in fuel, time, transportation, &c.: and it may be easily demonstrated, that advantages nearly as great have been derived in other years from the use of this Bark.

Of the Hicory (*Juglans Alba* of Linnæus) I must here observe, that it possesses properties exactly similar to those of the Quercitron Bark; but as it yields less colouring matter, and is more difficult to grind, the use of it has been hitherto superseded by the Quercitron Bark.

Of the Red Mangrove (*Rhizophora Mangle* of Linnæus) it is to be remarked, that so many difficulties and disap-

pointments attended all my endeavours to obtain supplies of its Bark, that I had been able to furnish but very little of it until the year 1792, when a considerable quantity was collected, for my account, at the Bay of Honduras, of which a part reached this kingdom in safety: another part was soon after taken and carried into France; and a much greater part, which *I long ago paid for*, was necessarily left near the place of its growth in consequence of the war, and is, doubtless, now *all spoiled*: and as I have had no prospect of obtaining farther supplies thereof during the present war, my endeavours to increase its consumption have been suspended; and I may safely add, that the profits arising from my very limited sales of this article have not as yet equalled the expences and losses incurred by it.

In the year 1792, the act of the 32d of his present Majesty, *cap. xlix.* was passed, “for allowing the importation of Quercitron or Black Oak Bark,” without regard to price of common Oak Bark, “and for lowering the duty payable on Red Mangrove Bark imported into this kingdom.” This act had been introduced under the sanction of his Majesty’s Ministers, in consequence of a report previously made from the Lords of the Committee of his Majesty’s Privy Council, for all matters relating to trade and foreign Plantations; in which the probable utility of the Red Mangrove, and the certain great utility of the Quercitron Bark, were recognized and stated by their Lordships.—On that occasion the following certificate was transmitted from Manchester, *viz.*:

(C O P Y.)

“ We whose names are hereunto subscribed, being Dyers and Calico Printers in the county palatine of Lancaster, do from our personal knowledge, certify and declare, that the Bark, known by the name of Quercitron Bark, which we believe was first made known and brought into use in this kingdom, for Dying, Calico Printing, &c. by Dr. *Bancroft*, has been *highly useful in those arts*, as well from the *properties which it possesses*, as from his
 “ not

“ *not having confined* the use thereof to a few particular
 “ persons ; which by the act of parliament made in the
 “ 25th year of his Majesty’s reign, we are informed he
 “ might have done, to the exclusion of others. And we
 “ believe, that if the said Barks were to be withheld
 “ from *general use* in this kingdom, either by shutting the
 “ ports against the importation thereof, in consequence
 “ of a diminution of the price of *British Oak Bark*, or by
 “ the exercise of any right vested in the said Dr. *Edward*
 “ *Bancroft* by the said act, *great inconvenience would arise,*
 “ and particularly to those concerned in the business of
 “ *Calico Printing.*”

Signed by PEEL, YATES, and Co.

and by eighteen of the most opulent and respectable houses in the Dying and Calico Printing business in that County, being all to whom it was there offered for signature.— Similar certificates were also signed, by all the Calico Printers in and near Carlisle, by those at Wigton in Cumberland, and by the house of William Sterling and Sons at Glasgow ; together with nine others of the most considerable Calico Printing Houses in that neighbourhood. And if similar certificates were not signed in other parts of the kingdom, it was only because no more were any where offered for signature, or thought necessary. It must, however, be observed, that these certificates were given principally with a view to the act of the 32d of his present Majesty just mentioned, and not to promote the success of an application, which I then contemplated, for an addition to my restored term. This application I had not thought proper to mention, until I could publish the grounds and motives of it. A statement of these was, however, soon after printed and dispersed, particularly in Lancashire, where I had reason to expect that an opposition would originate from the motives which had produced the former invasions of my property. The same Mr. Robert E. Griffiths having returned to this kingdom for a time, had some few months before applied to me in his own behalf, and that of Messrs. Peel, Yates, and Co. to purchase the whole or

a part of my rights under the act in my favour; and in doing so had fully convinced me, that he and others were very impatient to recommence the business of importing the Quercitron Bark: I therefore expected, that he and his associates would exert all their influence against my intended application; and indeed it was no sooner heard of, than a clamour against it was excited, and a general meeting of the Calico Printers called at Manchester; at which Mr. L. Peel thought proper to represent me as gaining *three hundred per cent.* and upwards, upon the cost of the Bark sold by me; though if he meant to have it understood, as I suppose, that three-fourths of the amount of my sales were a clear profit, it is difficult to suppose a more extravagant misrepresentation; because I can prove, that even at that time, when my imports were made with the least expence, I was so far from gaining 300 *per cent.* and upwards, that I did not gain 100; and, that since that time, or rather since the present war began, I have not gained 50 *per cent.* or in other words, that not one-third of the amount of my sales has been clear profit. I will add moreover, that, excepting by the transactions of this meeting, I never have heard, either before or since, of the smallest dissatisfaction at the prices paid by the consumers of the Quercitron Bark; but, on the contrary, have received strong written testimonies to the contrary even from the most considerable of them all, who indeed is not Mr. L. Peel, though an opponent as decided, and perhaps more formidable.—I may also observe, that such gross misrepresentations were the more inexcusable in Mr. L. Peel, because when his house had a share in the profits of those importations of Bark, by which my property was invaded, he did not scruple to recommend it as worth more than 100 *l. per ton*, and his house actually divided with Warder, Parker, and Co. the profits of their first importation, at the rate of 80 *l. per ton*; yet the same house of Peel, Yates, and Co. and other houses willing to purchase to the amount of *ten tons* at a time, were before, as they have been ever since this gross misrepresentation, supplied by me at the rate of only 26 *l. per ton*; payable at the end of four months.

months. Still, however, this misrepresentation was believed, an opposition concerted, and a petition signed against me to the House of Commons, together with a memorial to the Lords Commissioners of the Treasury; in which the same misrepresentation was adopted, with *others*, which at a proper time I shall meet, and repel by *Facts*.

Here it may be proper to consider my case as it stood in 1792, compared with the cases of others, who have obtained from Parliament that kind of relief which I now solicit.—In that very year, the act of the 32d of his present Majesty, *cap. lxxii.* passed, “for vesting in James Turner, his Executors, &c. the sole property of a certain yellow Colour of his invention,” &c.

Mr. Turner had previously obtained his Majesty's Letters Patent for this invention, bearing date the 26th of February 1781; consequently more than eleven years of his term had then elapsed. The preamble of the act states, that “he had been deprived of the benefit he expected to have received from his said invention, by the artifice of certain Chymists and Colourmen; who, taking advantage of his specification for preparing the said yellow Colour, and being in possession of the channels of the trade, had secretly invaded his Patent, and supplied the consumers with an inferior sort or an imitation of the said yellow Colour, without the consent of the said J. Turner; by which means the sale of the yellow Colour invented by him had been almost totally taken from him, particularly in the year 1787, 1788, and 1789; the whole of his receipts at those periods not amounting to the unavoidable expences incurred in the preparation of the said Colour: that he had instituted various actions and suits in law and equity,” had obtained a verdict, &c. “with much expence and loss of time;” but that “the damages awarded upon the said verdict, were only nominal.”—So, that, unless the term granted by the said Letters Patent (should) be prolonged, &c. he could not receive any adequate
recompence

recompence for his invention ; and *upon this foundation*, the act gave Mr. Turner a term of eleven years, making *eight additional years*, as a compensation for his losses by the invasion of his Patent:—And this was not done without a full consideration of the principle of the act, and of its particular application.

The Bill, after having passed the House of Commons in the preceding year, had been lost in the House of Peers by want of time ; and when, in 1792, after *again* passing the Commons, it reached the Lords, some of the Law and other distinguished Peers, who are considered as not inclined to suffer acts of this kind to pass without *very solid* grounds, took a part in the discussion thereof, and by a strict examination of all the circumstances, produced an amendment of the Bill, by which the term was reduced from fourteen to eleven years.

This, therefore, may be considered as a most *unexceptionable precedent*; and it is impossible that any precedent can apply more aptly and more strongly to any case than this does to that part of mine which respects the invasion of my property hereinbefore stated ; even the years in which Mr. Turner's losses occurred, are those in which I also suffered in the same way, with only this difference, that I *moreover* suffered greatly in the two preceding years.

Besides Mr. Turner's, there have been five prolongations of Patent terms by Parliament, since the year 1774. The first was by the act of the 15th of his present Majesty, *cap.* lxi. “ for vesting in James Watt, Engineer, his executor,” &c. the sole use and property of certain Steam Engines, &c. “ throughout his Majesty's dominions.” Mr. Watt had six years before obtained his Majesty's Letters Patent for this invention, under the seal of Great Britain only ; and by this act his term was extended to five and twenty years from the passing of the act itself ; and this not merely within the limits to which his Patent had been confined,

confined, but throughout Scotland and all his Majesty's dominions. And the foundation of this grant, stated in the act, is, that "as several years and repeated proofs will be
 " required before any considerable part of the Public can be
 " convinced of the utility of this invention, and of their
 " interest to adopt the same, the whole term granted by
 " the said Letters Patent may probable elapse before the
 " said James Watt can receive an advantage adequate to his
 " labour and invention." And certainly I may with peculiar propriety take the *same ground* to support my application for an addition to my *restored term*; both from the nature of my invention, and from the mode in which, to the great benefit of the Public, I have exercised it.

Inventions depending upon the introduction of new Dying Drugs to *general knowledge and use*, are probably those which of all others require the longest term, by reason of the intricacy and uncertainty attending the operations of Dying. The act of the 23d of Eliz. *cap. ix.* prohibited the use of Logwood, and even ordered it to be burnt wherever found; nor was this prohibition repealed until the act of the 13th and 14th Charles II. *cap. ij.* which states, that "the ingenious industry of *modern times* hath taught the Dyers of " England the art of fixing the colours made of Logwood," &c. The doing of this, however, required near *one hundred years*. Archil was also proscribed in this kingdom for a long time; and even the use of Indigo, the most valuable of all Dyes, was prohibited, or restrained in different countries, from an erroneous belief that its colour was fugitive: so difficult has it always been found to bring Dying Drugs into their *due degree of estimation*.

Upon nearly similar grounds the act of the 17th of his present Majesty, *cap. vi.* prolonged Mr. David Hartley's *Englisch Patent* (for securing buildings against the calamities of fire) during a term of thirty-one years, in addition to five years, which had then elapsed of his *original term*; and
 more-

moreover extended his rights throughout Scotland and the Plantations.

Mr. Liardet, also, had the year before, on grounds nearly similar, obtained by the act of the 16th of his present Majesty, *cap.* xxiv. a term of eighteen years; in addition to thirteen years, which had then elapsed of his *English* Patent term; and his rights were also extended to Scotland and the Plantations.

Field Marshal Conway, also, when thirteen years of his English Patent for a particular kiln or oven had expired, obtained an extension thereof, by the act of 35th of his present Majesty, *cap.* lxxviii. for twenty years, to commence from and after the expiration of the original fourteen years, making in all thirty-four years; because he had not been able to reimburse himself for the sums of money and considerable portions of time expended, "in bringing his said invention to perfection;" and "because several years more might elapse before the use thereof could become so general as to produce any considerable profit."

The only other act of this kind within my knowledge, is that in favour of Lord Dundonald, which passed the two Houses of Parliament at the same time, and received the Royal Assent *on the same day* with the act in my favour. It was for vesting in his Lordship, his executors, &c. the sole use and property of a method of extracting or making Tar, Pitch, Essential Oils, &c. from Pit Coal, throughout his Majesty's dominions, for the term of twenty years. And this grant was made, because the connexions which his Lordship had formed in consequence of former Patents had "*turned out unfortunately*, so that, when upwards of four years of the term had elapsed, he had reaped no benefit;" that "his paternal estate was involved in debt," and that "the remainder of the short term of exclusive privilege, granted in the said recited Patents, did not afford sufficient encouragement to people, otherwise willing, to support the said

Archibald Earl of Dundonald.” And here it requires but little penetration to discover a substantial difference between what I obtained, and that which was *at the same time* granted to Lord Dundonald, or that which had been granted by other extensive prolongations of terms before mentioned.

I approached the Legislature on grounds which I may, without fear of contradiction, state to have been the *strongest that ever were employed to support such an application*; and I obtained nothing but a *restitution* of that part of my Patent term, which, by an act of the Legislature, and an act of the Government, had been taken from, or rendered useless to me. The Earl of Dundonald, on the contrary, without any interruption in the enjoyment of his Patent Rights, either by public acts or private invasions, because the connexions which he had formed to exercise these rights “*turned out unfortunately,*” and the remainder of his term, without a prolongation, would not induce others to afford him assistance, obtained *six years over and beyond* what was granted to me; which *six years*, even now, will satisfy me, after all the subsequent invasions of my rights, and all the other grounds stated, and to be *yet stated* in support of my application: and having made this declaration, I flatter myself, no doubt will any where remain of the *extreme moderation* of my views and desires.—In thus comparing my case with that of Lord Dundonald, I have not the most distant idea of insinuating that his Lordship received any unmerited favour. I could with equal advantage have taken almost any other of the instances of extensive prolongations as objects of a similar comparison, his only occurring most obviously to me, as having taken place at the same time with mine. The liberality of Parliament in these instances, and in every other where useful discoveries are to be rewarded, is, I am persuaded, not more beneficial to those who are the objects of it, than it is, in its consequences, to the Public.

I do not mean, however, to express the slightest dissatisfaction at the shortness of the term granted by the act in my favour; on the contrary, I have ever felt that it was not only all that I asked, but all that *could have been granted* on the grounds of my application, which was specifically for the *restitution* of what had in effect been taken from me by the Legislature and Government.—I knew that, after such restitution, I should be still liable to the operation of all those adverse causes which had entitled and enabled others to obtain prolongations of their Patent Terms of fourteen years; and as my *restored* term could be considered in no other light, (having been given in place and stead thereof,) I fully expected, if these or other equivalent grounds of relief should occur to me, I should be able to obtain it; and if they did not occur, I neither expected or wished to obtain it. Had I thought otherwise, and had I chosen to solicit for any thing like a *gratuitous* extensive prolongation of time, sufficient to indemnify me for all future obstructions, losses, &c. and thereby *shut the door* against any future application; I surely might have done so, with at least as much reason as it had been done in *any other case*, both from the nature of those acts by which I had been, until that time, deprived of the benefits of my original term, and from the *nature* of my invention; which, depending on the slow introduction of new Dying Drugs into general use, certainly required the longest of *terms* to attain the full benefit thereof. So far, however, was I from soliciting any thing *gratuitous*, any thing beyond a simple act of *restitution*, that, though I wished to extend my rights to Scotland, (for which I had then no Patent,) and though my Solicitor proposed to have it done, by the Bill then preparing for my relief, (after the example of what had been done in the cases of Mr. Watt, Mr. Liardet, and Mr. Hartley,) I chose rather to incur an expence of near 100*l.* in obtaining distinct Letters Patent for Scotland, not because I could not have alleged reasons fully as good as those which had prevailed in the like instances, but because in doing so, I must have gone *beyond the plain strong grounds* which

which I had taken, and have asked for something which had not been *taken away from me—something more than a simple restitution*. When my opponents, therefore, represent me as having already obtained more than a restitution of my Patent Term, a *gratuitous extension*, similar to those which I have instanced, they must do it, because they cannot otherwise *elude the obvious, the strong justice* of my case; and in doing it, they must confound the most essential and important distinctions respecting the nature and duration of the term granted me, and contradict both the *declared purpose and letter of the act itself*:—viz. which expressly recognizes and states, that, “in consequence of an act of parliament, made “in the 16th year of the reign of his present Majesty, to “prohibit all trade and intercourse with” the then United Colonies, I had “*been deprived of the benefit*” of the Letters Patent therein beforementioned; and it then declares, that “*the end*” of its own enactment was, that I might “*be restored to the full benefit* of the said Letters Patent,” &c. which could not have been done without a *restitution* of the *full original term of fourteen years*; consequently such *restitution, and nothing more*, was made.

By a review of the several instances of prolongations before-mentioned, it will appear, that they have all been obtained, either because the patentees had been frustrated of their due profits by the invasion of their rights, or through particular disappointments, or else because, from the nature or circumstances of their respective inventions, an *extraordinary length of time* was necessary to enable them to obtain the full benefits thereof; and I flatter myself, that the facts which I have stated will abundantly prove, that *each and all* of these grounds are strongly united in my case:—But in addition to these, I have other *solid* grounds of support, *peculiar to myself*.

I have already brought down the history of my case to the year 1792.—Soon after that period, a scarcity and dearth of corn took place, first in France, and afterwards in every part of Europe; and from the great profits which, in

consequence thereof, were expected to be made by exportations of grain from America, it became difficult to get the Quercitron Bark brought hither on any terms; and impossible to do it without a very *great increase* in the price of freight; which, in consequence of the war, has ever since continued; and 'has amounted in *all cases* to more than double, and in some to nearly *four times* as much, as I had before that time *usually paid*.—The same scarcity in Europe having produced excessive exportations from America, and these co-operating with a great influx of foreigners into the United States, having immediately raised the prices of food, and therewith the price of labour in the United States; and the price of Quercitron Bark depending in a great degree on the price of the labour employed in collecting, preparing, and removing it, that article was, in consequence thereof, raised in price, upon the average, full *50 per cent.* beyond what had been the cost thereof, until the war began.—So that, by these two causes, the advance on the price of freight on one hand, and the additional cost of the Bark in America on the other, and while the consumers continued to be supplied with it by me at the *lowest price* at which it ever has been sold here, I have sustained a diminution of profit, and *in effect an absolute loss* of more than *six thousand pounds* upon the Bark which I have furnished to *consumers in this kingdom only* since the war began,—(all which they have saved or gained,)—besides a much *greater loss* by the diminution in the consumption of the article, (particularly in Lancashire,) occasioned in various ways, but principally by the war; and besides the loss of a considerable quantity of uninsured Mangrove Bark, taken and carried into France; and the loss of a much greater quantity necessarily abandoned at Honduras; together with the loss of near one hundred tons of uninsured Quercitron Bark, also captured and never recovered; and a salvage upon nearly as much of the Quercitron Bark taken and retaken:—For all which losses (independently of those by the former invasions of my property) the addition now solicited, *of six years* to my restored term, will afford but a very *scanty* indemnification,

Certainly

Certainly a sum of near seven thousand pounds, which I have lost by paying so much more than usual for the Quercitron Bark, and the freight thereof, since the beginning of the year 1793, without raising the price here, is a sum of such magnitude, that had I seen the full extent of this loss at the beginning, I should not have exposed myself to it. But being unwilling, after the misrepresentations of my opponents on this subject, to give them occasion to excite farther discontent, and hoping, year after year, that each *would* be the *last* year of the war, I avoided doing that which has been done by the holders of other Foreign Dying Drugs; many of which have risen, since the war, to four times as much as their former prices. And when I had gone on, in this way, till my loss became very considerable, I was unwilling to lose the merit of what I had done, by altering my conduct in this respect. And therefore I have persisted and still persist in it; *trusting* that when I should apply, as I have constantly intended to do, to the Legislature for relief, (on those grounds which have enabled others to obtain it,) my sacrifices in this way, and the great sums which the consumers of Quercitron Bark have thereby gained or saved at my expence, would operate most efficaciously in my favour.

Should any one disapprove of my present application, from an opinion that exclusive grants of this nature are burdensome to the Community, I hope that he will reconsider the grounds of his opinion. It cannot be expected, or desired, that any individual should employ his time and talents in making useful discoveries, with the *imminent danger of not succeeding*, unless he be assured of reaping an ample reward, in case his labours prove successful. And there appears no way of *measuring* out this reward with so much justice, and of conferring it with so little expence and so much benefit to the Public, as by giving the Inventor an exclusive right over his invention for a term of years, by which his profits will naturally *bear some proportion to the utility thereof*; which has never, I believe, been the case, where pecuniary rewards were granted at the public expence; be-

cause inventions which seem to promise the greatest benefits, in the condition in which they are held forth as objects of reward, are afterwards liable to fail, and generally have failed, through unforeseen defects or impediments, when actually and extensively applied or employed; and perhaps there is no one of the several discoveries, for which such rewards have been bestowed, that has not greatly disappointed the public expectation. Indeed, the event could hardly be otherwise, because an Inventor, thus rewarded, has no longer any interest in making the necessary efforts to promote the knowledge and use of his invention.

But few men have been fortunate enough to attain any inventions or discoveries of considerable utility to mankind; and even when attained, unless the advantages thereof be obvious, and the application easy, they will fall back into oblivion if the Inventor does not employ sufficient exertions and means to carry them into practical use; which he will hardly do, without being enabled to reap the benefit of his good fortune, labour, and expence. Had I made the properties of the Quercitron Bark public in this kingdom, without obtaining any exclusive privilege respecting it, and without any of those efforts which, in that case, I should have had no interest to employ, for bringing it into actual use, there is reason to believe, that it would have remained for ages neglected, as indeed it now is in a great degree in those parts of Europe in which I have no particular right over it, and where it is but very little used, even with some knowledge of the use made of it here. The grants, therefore, in my favour, instead of burdening, have hitherto proved beneficial in this kingdom, where the manufacturers have been aided by new Dying Drugs, which they have found cheaper and better than any thing else in use, and by which *great sums have been saved to the nation*; while the manufacturers of other countries have either not known these Drugs, or have only known by obtaining them from hence, loaded with considerable *additional charges*.

Mine,

Mine, therefore, is not a case in which it can be expedient for the Legislature of an *opulent* kingdom to measure out justice *parfimoniously* to an individual. Three hundred years had elapsed, after the discovery of America, before any one had thought of importing either the Quercitron, Hicory, or Mangrove Bark into Europe; and probably three hundred, perhaps three thousand more, would have elapsed without their importation, had it not been begun by me. By their introduction, and my discovery and publication of their properties, I may, without vanity, consider myself as having conferred important benefits, *immediate* as well as *future*, upon mankind; for even, during the continuance of my exclusive privilege, the Public have gained *ten times* more than I have done from my invention; and therefore, whatever addition may be made to my expiring term, it will, even while the addition lasts, be but the grant of a *small part* of that which my own ingenuity and industry may be said to *have created*; and, at the end of my term, the *whole benefit* of my discovery, like an unbought inheritance, will descend to the Public *for ever*.

With this conviction of my own deserts, I am compelled to recollect, that, after having relinquished the profession to which I was educated, and employed the greatest part of my time *during thirty years* in making and bringing into use a beneficial discovery, I have been, in a great degree, frustrated of the reasonable benefits thereof; and that, though my term is on the point of expiring, I have done little more than obtain a temporary subsistence for myself and family, without any adequate provision for futurity. But in recollecting this, I *also recollect* what has been wisely and equitably done for others, on grounds which, I certainly believe, were not more meritorious than mine; and I recur, *with full confidence* for relief, to the *protecting* and *remunerating* justice of a *truly GREAT, MUNIFICENT, and enlightened Nation*.

EDWARD BANCROFT.

Francis-street, Bedford-square,
November 30th, 1798.

