

Constructing the American Understanding of Intellectual Property

When Thomas Attwood Digges was twenty-six years old, he sailed from the British colonies to Europe in hopes of gaining fame and fortune. Born in 1742, this son of one of Maryland's most prominent Catholic families thought he was destined for greatness. After some early troubles in his teen years—Digges was somewhat of a kleptomaniac—he moved to Europe in the late 1760s, settled in Portugal, and engaged in international trade. At the same time he began working on a novel. In 1774 Digges moved to London; legal troubles with Portuguese authorities provided the push and love for an Englishwoman provided the pull for the change of residence. The following year he published his largely autobiographical novel, the first ever written by an American, *Adventures of Alfonso*.

The literary career of this American expatriate took a political turn during the Revolution. His close relationship with George Washington—the Digges estate was located just across the Potomac from Mount Vernon—made him a natural choice for enlisting with the revolutionary effort in England, and he took part in illegal shipping of munitions to the America rebels. But Digges's involvement in the American cause was highly controversial. He aroused the

suspicion of almost all the American representatives in Europe, who believed he was a double agent. His reputation plummeted when it was discovered that he had embezzled charitable funds aimed at arranging the escape or ameliorating the conditions of American prisoners. Benjamin Franklin, for one, wrote that "If such a fellow is not damn'd it is not worth while to keep a devil."¹ Franklin's rival, John Adams, however, trusted the controversial Marylander. Digges arranged the publication of Adams's revolutionary propaganda in London and sent him numerous reports of British thinking about the war. The diplomatic stature Digges attained is evident by the fact that the British prime minister Lord North chose Digges to be the bearer of his 1782 peace overture.

With the war over, Digges turned to technology piracy. In the decade following American independence he traveled through England and Ireland in search of artisans willing to violate British laws and migrate to America with their advanced machinery. By taking such personal risks in violation of English law Digges hoped to profit handsomely while rehabilitating his patriotic credentials. His most successful recruit was William Pearce, a mechanic from Yorkshire who settled in Belfast in 1790. The ambitious Marylander called his prized recruit a "second Archimedes" and claimed Pearce "was the inventor of Arkwright's famous Spinning and Weaving Machinery, but was robbed of his invention by Mr. Arkwright." Pearce was also, according to Digges, the innovative force in the Cartwrights' mill, "which dresses the Wool, spins, and weaves Broad Cloth by force of Water, steam, or by a horse." After Pearce failed to get premiums from the Irish Parliament for a variety of mechanical innovations, he warned up to Digges's overtures and agreed to emigrate to the United States. Digges proudly reported to Secretary of State Jefferson that "a box containing the materials and specifications for a new Invented double Loom" was about to depart for America and that Pearce and two of his able assistants would follow it there, reassemble