

In the initial stages of settlement the governments of Britain's North American colonies followed their European counterparts in trying to encourage the development of local manufacturing by a variety of legislative means. For the leaders of the Massachusetts Bay Colony the need for increased self-sufficiency became evident within the first two decades of its existence. The outbreak of a civil war in England in the 1640s consumed the metropolis and reduced interest in colonization. Some artisans who came over in the 1630s for ideological reasons returned to England to take part in the struggle. Alarmed by the seemingly bleak economic prospects of New England, the General Court undertook to develop the natural resources of the region, enacting measures to promote local industries. In 1640 it passed a program to encourage the manufacture of linen because it was an "absolute necessity" for the colony's welfare. The program called on those "skillful in that manufacture [to determine] what course may be taken to raise the materials & pduce the manufacture, & what course may be taken for teaching the boyes and girls in all townes the spinning of the yarne." The General Court concluded by requesting that localities report on the impact of the program during the court's following year's session. In 1641 the colony's "Bodies of Liberties" outlawed all monopolies with the exception of those aimed at encouraging "such new inventions that are profitable to the Country, and that for a short time." Other colonies enacted similar legal provisions. William Penn's original plan of government for the colony of Pennsylvania, for example, called on the colony's governor to "encourage and reward the authors of useful sciences and laudable Inventions."³

In emulation of Old World practices, colonial governments began to issue patents. In 1641 the General Court of Massachusetts issued the first patent of invention in English America to Samuel Winslow, who received a ten-year monopoly for manufacturing salt by a new method that was supposed to make salt cheaper and more

plentiful in the colony. The monopoly was restricted to the production process exclusively as other salt makers were not precluded from continuing to make salt in the old way. In 1645 the General Court gave an exclusive production monopoly for twenty-one years to a company sponsored by John Winthrop Jr., who brought over English workers and Scots prisoners of war to launch the ironworks venture at Saugus (near present day Lynn), Massachusetts, because it was for "the good of the country."⁴ Two years later the General Court gave Joseph Jenks, who worked at Saugus, a patent monopoly over a process of production, explaining that, moved by the "necessity of raising such manufactures," it had decided that a fourteen-year monopoly would conduce to the public good. Jenks's patent petition echoed the language of the English patent law, and the General Court's allocation of a monopoly for fourteen years was also in line with the British practice.

Colonial authorities did not distinguish between patents awarded on account of originality and those on account of introduction. While Jenks claimed he was an inventor, he was actually an immigrant who had learned the iron trade in England from a German migrant who specialized in making swords and was brought to develop the Massachusetts works. Similarly, in 1652 the Virginia House of Burgesses awarded George Fletcher and his heirs a fourteen-year monopoly of distilling and brewing in wooden vessels and threatened potential violators of this monopoly with a hundred-pound fine, even though Fletcher did not prove he was the original inventor and was most likely the introducer of the technology to the commonwealth.

Even if there had been a desire to make effective distinctions between emulation and invention, the minimal size of governmental bureaucracies in the seventeenth-century colonies rendered effective regulation impossible. Given the overwhelming need for the importation of skills, colonial authorities were disinclined to explore in depth the question of originality.