

patent reward in prospect neither the first inventor nor any of his rivals would mightily strive and spend to create the invention, which therefore would not be made. I.e., conceding that the invention does not depend on the particular inventor, still it is due to the *class* of inventors, who must be rewarded to function. Also, since the patent reward is most uncertain, there must be large, excessive prizes to make up for the numerous failures. Furthermore, there is value in procuring ideas now rather than some years hence, and the patentee is the one who gets and gives the idea soonest.

[150] These points we in turn concede, except for two: that the inventor's reward must be by patent, and that an inventor necessarily performs a considerable service by being the earliest with a good idea. But first a little story, a parable to lighten our ponderous argument and sharpen our perceptions. In disputes over logic, it may help to apply the same logical formula to entirely different subject matter, to bypass preconceptions.

[151] Having some little-used land in my back yard, I bought lumber and engaged a carpenter to build a garage thereon, promising to pay him what the job was worth. When he had built it, he announced that by way of payment he would take the whole net rentals of the garage for the next 17 years. I protested and he explained: "Before my coming hither only useless lumber lay upon idle land. I alone transformed these profitless things into a productive garage; so the garage is my creation and my natural right; but being magnanimous I will give it to you after 17 years." I replied, in speech ennobled by my choler, "Thou arrant four-flusher! Before thy coming I had provided vital elements for the garage, in the lumber and land. Thy contribution was only the missing labor and skill, which any carpenter could provide; so thy proper fee and thy only recompense shall be a carpenter's hire for the time such a job requireth; take thy guerdon and begone!"

[152] Evidently the case hangs upon the *degree of certainty* that a carpenter (*sc.* inventor) will perform within the expected time the constructive work he is hired to do. Or in other words, are his services personally unique, irreplaceable; is there no labor market from which a substitute could be hired? Or is the inventor a standard professional man, usually a chemist or engineer, or one of the technologists familiar with a certain branch of industry, who can be counted on to turn out some sort of useful invention, and who can be hired in sufficient numbers by rewards sufficiently high, just like the designers and draftsmen who are likewise indispensable for invention, as a class, but none of them indispensable individually? Without food we should die; a waiter brings us food, so how much should we tip him? If he was indispensable for our life, \$1,000 would still be stingy; but if there are other waiters and ways to get food, we reason that he is a worker of a certain grade and scarcity value, so deserves a living suitable to his class and no more, and by economic law must under competition get that much and no more. Similarly with garage carpenters, draftsmen, and inventors—if our philosophy can rise to as much sense as our everyday observation and action, we must agree that all of those doers alike are individually dispensable although necessary as a class, that each takes materials supplied him and works them up into a