

# The Daguerreotype Patent, The British Government, and The Royal Society

by R. Derek Wood

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It has often been held that Daguerre obtained a patent in England because he hoped either the British Government or the Royal Society would subsequently purchase it. Why Daguerre should single out England in this way is difficult to guess (or perhaps he really did intend to do the same in other countries), but certainly the way in which Daguerre had his discovery announced in Paris, through ‘establishment’ members of the Academy of Sciences, makes it plausible that he thought the same approach would work in England. However, such an idea by Daguerre would have been mistaken because no relationship existed between the Royal Society and the British Government, a situation unlike the highly structured, centralized and integrated patronage of science and technology in France. No definite evidence of any such intention of Daguerre or his representatives to ask the British Government to by the patent has been available.

Surprisingly, even the contract made by Daguerre with E. D. Letault on 19th February 1840<sup>1</sup> to go to England to sell the patent does not specifically mention the British Government, the Royal Society or, indeed, any public organization. However, satisfactory contemporary evidence is available from one document preserved at the Public Record Office in London. It is a six–page ‘memorial’ dated 30th March 1840, written by Miles Berry ‘on behalf of Daguerre’ to the Board of the Treasury, and asks if the government would purchase the rights of the daguerreotype ‘for the purpose of throwing it open in England for the benefit of the public and preventing this important discovery being fettered or limited by individual interest or exertion’. The decision reached at the Treasury the following day was ‘Inform party that Parliament has placed no funds at the disposal of the Treasury from which a purchase of this description could be made’.<sup>2</sup>

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1. Contract between Daguerre, Niépce and E. D. Letault made on 19th February 1840, translated into English in G. Pottoni e’s ‘Two unpublished documents concerning the history of daguerreotype’, *Photographic Journal*, Vol. 78 (January 1938), pp. 28–35.
  2. Treasury Board Papers 1840, Public Record Office, London (at Kew): T1/4429/7150.

It is conceivable that a letter written to Daguerre by Sir John Herschel on 1st August 1839<sup>3</sup> could have at least encouraged Daguerre to think that the Royal Society was positively interested in his technique. Even so, this letter would not have been the prime stimulus for Daguerre to seek a patent in England because he had certainly approached Miles Berry before that date. Along with other Fellows of the Royal Society, Herschel was then busy (his own research on photographic chemistry thereby suffering) in providing guidance on scientific studies to be carried out on the voyage of exploration and research to the Antarctic, lead by Captain J. C. Ross. Herschel's letter to Daguerre was written in the name of the Royal Society. It asks if sealed instructions on the daguerreotype technique, at that time still Daguerre's secret, could be supplied to the Antarctic expedition. The two ships, *Erebus* and *Terror*, were due to leave England within a few weeks and were to be away for more than three years. The idea expressed in Herschel's letter was that instructions would not be opened until after the ships had sailed. Unfortunately, a reply by Daguerre is not known. It is also worth noting here that there were thoughts of using not only the daguerreotype but also photography on paper during the Antarctic voyage.

Miles Berry, in his 'memorial' of 30th March 1840, suggested to the Treasury Board that they might refer the matter of the daguerreotype patent 'to the consideration of the Royal Society or any other learned or scientific body or persons as your lordship may think fit to report thereon'. A preliminary search of official correspondence and committee minutes of the Royal Society has not revealed any approach by either Miles Berry or Daguerre's special envoy, E. D. Letault, around the period of February and March 1840, when they were first trying to sell the patent. However, a letter amongst the personal correspondence of Sir John W. Lubbock, who was the Treasurer and the Vice-President of the Royal Society, has survived which concerns the sale of the daguerreotype patent, but was written by Antoine Claudet.

In March 1840, at his shop for glassware at 89 High Holborn, Claudet had a display of daguerreotype views obtained from Paris (they were for sale for one to four guineas or more). A Colonel Bonner (probably John A. Bonner,

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3. Letter dated 1st August 1839 from Sir John Herschel to L. J. M. Daguerre. Autograph letter collection, Wellcome Institute of the History of Medicine, London. By a coincidence, the journals of Robert McCormick, surgeon (and naturalist) of the Antarctic expedition, also exist (MSS 3365–3370) amongst the manuscript collections at the Wellcome Institute. McCormick was interested in using the photographic drawing technique during the voyage and visited W. H. F. Talbot about it; Talbot was not keen to be involved.

who was at that time seeking — successfully — to become a Fellow of the Royal Society) who came to the shop to look at the daguerreotypes told Claudet that a soirée was being held a few days later by the Marquis of Northampton, the President of the Royal Society, and that it would be nice if he could provide a selection of these pictures to be exhibited there. Bonner told Claudet to write to Sir John Lubbock, and Claudet did this on Thursday, 12th March 1840,<sup>4</sup> offering to make available daguerreotype views of Italy (obviously Lerebours' pictures) for the soirée to be held on the following Saturday, 14th March 1840. It does not seem likely that Claudet was privately acquainted with Lubbock but, since he added in his letter 'We want also to thank you for recommending us to many of your friends who have honoured us with their visits', it is obvious that Lubbock's name was at least familiar to him. Lubbock's reply is not known, but two days later Claudet wrote again. This second letter is of particular interest because it concerns the sale of the daguerreotype patent and is dated 14th March 1840.<sup>5</sup> It was written on a Saturday, on the same day as the Marquis of Northampton's soirée, and would surely have accompanied the delivery of the daguerreotype views to Lubbock for display that evening. Like Claudet's earlier letter, it was written in French. Claudet set out his ideas on the advantages to the country if the use of the daguerreotype technique was not hindered by the existence of the patent. He suggested to Lubbock that, as £3000 was the price asked for the rights to the patent, it would be possible to make the technique available to everybody in England if 300 people could be found who were willing to subscribe £10 each. Lubbock's reply to Claudet is not known, nor is there any evidence that Lubbock mentioned the idea to fellow guests at the soirée that evening. Claudet was obviously an optimist in supposing that 300 of 'les hautes classes de la Société Anglaise' could be found who were willing to give up £10 for such a purpose. Within two weeks of writing to Lubbock, Claudet signed an Indenture on the 25th March 1840,<sup>6</sup> not to purchase the patent, but only to

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4. Letter (in French) dated 12th March 1840, A. Claudet to J. W. Lubbock. Letter C286, Lubbock Correspondence, Royal Society, London.

5. Letter (in French) dated 14th March 1840, A. Claudet to J. W. Lubbock. Letter C287, Lubbock Correspondence, Royal Society, London.

6. Beard v. Claudet, Chancery Proceedings, C13/435/B19, Public Record Office, London. It has often been presumed that Claudet obtained a licence late in 1839, but this unreliable assumption must originate only [despite comments of J. Johnson, *Photographic News* (1868), pp. 404–5] from Claudet's reminiscences of a quarter of a century later (in a letter of 1865), published after he died, in the *British Journal of Photography* (21st February 1868), p. 90. As is so common with this type of reminiscence, it shows ample internal evidence of a rough and ready recall of the sequence and dating of much earlier events. It is an example of how undue emphasis should not be given to this type of source, unless supported by some contemporary evidence as well.

obtain a licence from Miles Berry to use the daguerreotype technique. This cost him £200, and it is worth noting that the document was signed five days before Miles Berry asked the Treasury and Government to buy the patent. It was probably not a wise idea to sell a licence before the patent was sold. Perhaps Miles Berry and his partner, William Newton, had realized that the patent would not be easy to sell and that £200 would be worth having meanwhile. Almost inevitably the existence of Claudet's licence made the sale of the patent even less straightforward in the future.<sup>7</sup>

Claudet's letter to Lubbock suggesting a subscription fund to purchase the daguerreotype patent now has a particularly tantalizing aspect. This is not so much because of the part played by him (although the letter does add a little to our knowledge of Claudet's well-known<sup>8</sup> role as an early daguerreotypist in London), but because the letter was written to Sir John Lubbock; tantalizing, because for more than 10 years Lubbock had had some type of business involvement with Miles Berry.

J. W. Lubbock (1803–1865)<sup>9</sup> was of considerable prominence not only in the Royal Society<sup>10</sup> but also in the British Association for the Advancement of Science, the administration of the University of London, and in the Society for the Diffusion of Useful Knowledge. His statistical analysis of tides became accepted as an important advance in the field, and he wrote 73 scientific papers, mainly on mathematical aspects of meteorology and astronomy. But he was also a man of commerce, insurance and banking and, quite obviously, a man of great energy. However, it is said that he 'never liked business'.

A letter written to Lubbock in 1830 by the London patent agent Miles Berry shows that they entered into an agreement (but its exact nature was not

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7. Affidavits of the case *Beard v. Claudet* filed in July 1841 (C31/618 part 2, Public Record Office, London) provide an interesting glimpse of negotiations that took place in May 1841 regarding Beard's purchase of the patent. Newton and Berry were aware that Claudet's licence could cause problems to the new owner, but Beard was not. Obviously Beard would not have wanted Claudet's established studio to continue as a rival in London. Within only a few weeks of purchasing the patent on 23rd June 1841 Beard was complaining that he would not have paid as much as £1050 if he had known of the existence of doubts that Claudet's licence could not easily be terminated.
  8. Joseph Ellis, 'Claudet; a memoir' reprinted from the *Scientific Review* in *The Photographic Journal*, Vol. 13 (August 1868), pp. 101–108; A. T. Gill, *The Photographic Journal*, Vol. 107 (December 1967), pp. 405–409.
  9. Brief accounts of J. W. Lubbock's life are in the *Dictionary of National Biography*, Vol. 34 (1893), pp. 227–228, and *Proceedings of the Royal Society, London*, Vol. 15 (1866–1867), p. xxxii.
  10. He became Treasurer of the Society in 1830, and immediately set the financial affairs on a firmer base, a need long overdue. He also became very influential in the Society's general affairs throughout the 1830s, and is now counted amongst those reformers who, like Sir John Herschel and William Grove, were then aiming for greater professionalism within the Society.

discussed there) which almost certainly involved Lubbock being kept quite generally informed of promising inventions. Miles Berry supplied such information to him, for example, in 1836 and 1840.<sup>11</sup> It is often difficult to distinguish official business from his own personal affairs in Lubbock's correspondence, but it is extremely unlikely that Berry's letters were related to any duty undertaken by Lubbock either on behalf of the British Association for the Advancement of Science (although that is just conceivable) or on behalf of the Royal Society. The very regrettable situation at this time was exactly that the Royal Society played such a small part, and had no funds available (nor was granted any by the Government) for the encouragement of research and development of inventions. Lubbock would have been very well aware of this situation, and it is entirely fitting that he would be personally interested in organizing financial support for such purposes. Perhaps some private speculation was also involved.

Antoine Claudet would surely have been intrigued to have known that Lubbock had private business dealings with Miles Berry. Unfortunately, this is the limit of our knowledge also because we do not, in fact, have any evidence that Berry ever discussed the daguerreotype patent with Lubbock. Ample evidence exists for Lubbock's interest in the whole range of photographic activities during 1839 and 1840, and for his personal contact with several of photography's inventors and scientists. Bearing in mind his administrative abilities, along with his knowledge of science, it may be a matter of regret that Lubbock did not appear subsequently to become involved in the commercial development of photography. His extensive correspondence has survived and, in 1962, was presented as a permanent loan to the Royal Society in London. It is worthy of study, for Sir John Lubbock provides yet another avenue of information requiring exploration in the history of the earliest photographic invention and its development.

In February 1840 Lubbock obtained a price list (see Figure 5) of daguerreotype apparatus, and one of the cameras seems to have been delivered<sup>12</sup> while he (with his wife and children were staying at his parents' home at

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11. Three letters dated 29th January 1830, 4th March 1836 and 6th May 1840, Miles Berry to J. W. Lubbock: Letters B232–B234, Lubbock Correspondence, Royal Society, London. There is also one letter of 1847 and three of 1855 (N255–N258) concerning patents being prepared for Lubbock by William Newton and Company, which had been Newton and Berry before Berry became ill in the early 1840s.
  12. By the time J. W. Lubbock's son, Lord Avebury, died in 1913 there was a rather quaint family recollection that the five-year old boy assisted (or rather, as at the end of his life he thought likely, 'impeded') the taking of the first picture. Horace G. Hutchinson, *Life of Sir John Lubbock: Lord Avebury* [1834–1913], Macmillan: London (1914), p. 7.

Mitcham before his father died later in the year. Apart from J. W. Lubbock's personal interest in the daguerreotype, it must be concluded that here was little official stimulus from any person associated with the Royal Society to encourage and exploit the use of the daguerreotype technique. Nevertheless, the Royal Society has a very considerable importance in the earliest growth of photographic science. This is not because the Society had any intimate involvement with W. H. F. Talbot in 1839; on the contrary, Talbot's wish to publish in the journals of the Royal Society and his eagerness to obtain priority of publication caused unhappiness and difficulties for the administrators of the Society.<sup>13</sup> Talbot was a Fellow of the Royal Society, but he almost never became involved in any duty or support of their affairs, or indeed in work for other learned societies; he was too preoccupied with his own self-promotion. The importance of the Royal Society for the advancement of early photography is connected with the fact that a platform was provided for Sir John Herschel's researches and publications. Herschel devoted his wide knowledge to research into photographic chemistry, unhampered by any selfish concern. Indeed, if anything hindered Herschel's research it was his readiness to support others and to further the causes of the scientific community. 14th March 1839, when Herschel's first stimulating and influential paper<sup>14</sup> was read at the Royal Society, was an auspicious date for photography, and so was the time when his fine work on photographic chemistry was presented in the course of three meetings held at the Royal Society in the last two weeks of February and the first week of March 1840.<sup>15</sup> Indeed, February and March 1840 was also a period of great significance for the daguerreotype patent in England, as can be seen from the information provided in another article.<sup>16</sup>

In the autumn of 1840, officials of the Royal Society had the task of awarding medals of the Society for outstanding scientific work. Two Royal Medals were presented each year, and the Rumford Medal 'for the most important discovery on Heat or Light' was awarded every second year.

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13. Unhappiness at the Royal Society over Talbot is documented in footnote 62 on p. 33, R. D. Wood, 'J. B. Reade, F. R. S., and the Early History of Photography', *Annals of Science*, Vol. 27 (March 1971), pp. 13–83.
14. John F. W. Herschel, Note on the art of photography, *The Athenæum* (23 March 1839), p.223; *Philosophical Magazine*, Vol. 14 (May 1839), pp. 365–367; *Proceedings of the Royal Society*, Vol. 4 (1839), pp. 131–133.
15. J. F. W. Herschel, On the chemical action of ... some photographic processes, *Philosophical Transactions*, Vol. 130 (1840), pp. 1–59. The manuscript of this paper which exists in the archives of the Royal Society (PT. 23.1) is marked with the days on which it was read.
16. R. D. Wood, The daguerreotype in England: some primary material relating to Beard's lawsuits, *History of Photography*, Vol. 3, No. 4 (October 1979), p. 305

Subcommittees discussed the matter first and made recommendations to the main Council of the Royal Society. Daguerre's name was brought forward in 1840. On the 27th October 1840 a combined meeting of the Chemistry and Physics Committees, with nine members<sup>17</sup> present, met to discuss the question and reported as follows:

Took into consideration the reference of the council of the 15th October respecting the award of the Rumford Medal. Resolved that by circumstances M. Daguerre's eminent discoveries in Photography being in the opinion of this committee excluded from the award of the Rumford Medal, the committee decline recommending his paper on that subject for the present biennial award. The following names were proposed: Sir John Herschel, Mr Fox Talbot, M. [J. B.] Biot, M. [H. V.] Regnault. The committee having proceeded to ballot, it was found no name had a majority of the whole committee. That this result be communicated to the council.<sup>18</sup>

Four members of this committee (Michael Faraday, James Forbes, Charles Wheatstone and W. H. Christie) were also members of the Society's Physic Committee. In this capacity they again considered the matter, indeed on the same day, and were able to reach a decision. They also recommended the award of the Royal Medal to Sir John Herschel 'for his photographic researches'.<sup>19</sup> They also recommended the Rumford Medal be given to J. B. Biot for 'his researches in the circular polarization of light', not for his papers on photography that had been published by the Paris Academy of Sciences. The Council of the Royal Society considered the proposals on the 19th November 1840<sup>20</sup> and agreed to present the medals as suggested to Biot and Herschel. Two years later W. H. F. Talbot was awarded the next Rumford Medal 'for his discoveries and improvements in photography'. It was a just situation because Talbot's early photogenic drawing technique of 1839 was by no means a particularly significant discovery, and the progress of photography would not have suffered if it had never been published, whereas Talbot's later calotype process certainly deserved a medal.

It would have been interesting to have known the Chemistry Committee's reasons on the 27th October 1849 for the 'circumstances' that excluded Daguerre's eminent discoveries from receiving the Royal Society award. The

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17. The chemistry Committee and Physics Committee had 15 appointed members each, but usually only half the members attended meetings. The nine present at the combined meeting of 27th October 1840 were Faraday (the chairman), Forbes, Wheatstone, Christie, J. G. Children, J. F. Daniell, Charles Daubeny, T. Graham and P. M. Roget.

18. 'Minutes of the Committee of Chemistry 1838-1843', joint meeting held 27th October 1840. Royal Society, London.

19. 'Minutes of the Committee of Physics 1839-1845', meeting held 27th October 1840. Royal Society, London.

20. *Royal Society Minutes of Council, 1832-1846*, Vol. 1 (1832-1846), p. 302.

daguerreotype technique did, of course, feature at their meetings even though no official commitment had been made regarding the patent. The daguerreotype process could lead no further and, looking back over 140 years of photographic discoveries, one must conclude that the two awards in 1840 and 1842 were well judged.

### Acknowledgements

The author is grateful to the Royal Society for allowing him to study their Archive collections (and thanks are especially due to Leslie P. Townsend, Esq., the Society's archivist, for his interest) and for permission to publish Figures 1, 4 and 5. It is also a particular pleasure to thank the Hon. Mrs Maurice Lubbock for her kindness and for permission to photograph and publish daguerreotypes and photographs in her possession (Figures 2, 3, 6 and 7).

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[This PDF file (and the associated webpage on R. D. Wood's website, <http://www.midley.co.uk/>) contains the text only without the illustrations (figs. 1-3, 5-7) printed in the original article in *History of Photography*. However here made available on the following pages is a previously unpublished Addenda of three parts to provide the full texts of Miles Berry's 'Memorial' to the Treasury and Sir John Herschel's letter to Daguerre]

Figure 1. Opening paragraph (a) and central section (b) of a letter concerning the daguerreotype patent, from Antoine Claudet to Sir John Lubbock, dated 14th March 1840.<sup>5</sup> (By courtesy of the Royal Society.)

Figure 2. Antoine Claudet: coloured daguerreotype portrait (11.3 x 8.8 cm) of Sir John Lubbock and his wife. From evidence illustrated in Figures 3 and 4, this daguerreotype can be dated to January or February 1851. (By courtesy of the Hon. Mrs Maurice Lubbock.)

Figure 3. Gilt embossed emblem (on leather case lid of the daguerreotype portrait in Figure 2) of Claudet's studio at the Adelaide Gallery, off 18 King Street, Strand, London. Claudet moved to a new studio in Regent Street in 1851. (By courtesy of the Hon. Mrs M. Lubbock.)



18 King William Street  
Strand

Feb<sup>r</sup> 1851  
A. Claudet

Sir,

I have received your cheque for £8.14 amount of the Daguerreotype I have had the honour to take for you.

I regret very much they were not better specimens of the art, & I would have been very glad to be favoured with another opportunity of trying the groups again if Lady Lubbock & yourself would have taken the trouble of submitting to a new sitting. I am very sorry that the portrait I tried of you for my collection has been a complete failure. I would feel very much

obliged if you would allow me to make another attempt, & in this case I might try the group also.

With my thanks for your favour & kindness.

I have the honour to be,

Sir John

Your obn<sup>t</sup> Serv<sup>t</sup>

A. Claudet

To Sir John W. Lubbock Bar<sup>t</sup>, & &.

Figure 4. [Transcript of ] Letter dated February 1851, from Antoine Claudet to Sir J. W. Lubbock, regarding his daguerreotype portrait. (Letter C288, Lubbock Correspondence, Royal Society, London.)

Figure 5. Price list of daguerreotype equipment of an unnamed French firm, sent to Sir J. B.[sic] Lubbock in February 1840. Not sent in an envelope, the address and original postmark have been partly cut away, probably when the letter was unsealed. A London postmark on the back of the folded sheet remains to date this list close to 7th February 1840 (Lubbock Correspondence, Misc. Loose Papers Box. By courtesy of the Royal Society.)

Figure 6. Unknown photographer: whole plate daguerreotype (15.4 x 20cm) of 'High Elms' near Farnborough, Kent, the home rebuilt for Sir John W. Lubbock in 1841. Taken probably only one or two years later. If J. W. Lubbock brought the second item on the list of cameras reproduced in Figure 5, it is not inconceivable that he could have taken this view himself. Uncorrected lateral reversal of the image obtained in the camera on the direct-positive plate can be seen by comparison with the photograph in Figure 7.

Figure 7. Photographic print of 'High Elms', probably in the 1880s, when occupied by J. W. Lubbock's son, who became Lord Avebury. Taken by R. V. Harman (1838–1921), whose studio was at 75 High Street, Bromley, Kent, from 1869–1901. (By courtesy of the Hon. Mrs M. Lubbock.)

## Addenda (Unpublished — Midley website presentation only)

### Addendum I. Herschel's Letter to Daguerre

In the article on 'The daguerreotype patent, the British Government, and the Royal Society' published in *History of Photography*, January 1980, Vol.4, pp.53–59, attention was drawn to significant documents relating to the patent for the Daguerreotype taken out in England in 1839 by a London patent agent, Miles Berry, on behalf of Daguerre. As some interest has been shown in these documents during the twenty years since the appearance of the article, publication of the full texts would obviously be a welcome addition to the literature on the early history of photography.

The first item is a letter now in the Autograph Letter Collection of the Wellcome Institute of the History of Medicine, London. It was purchased in Paris in June 1930.<sup>#</sup> This letter to L. J. M. Daguerre was written on 1 August 1839 by Sir John Herschel on behalf of the Royal Society. Daguerre's discovery had been publicised since January of that year and Daguerre had displayed daguerreotypes to many people in Paris. Herschel himself had been shown some during a visit to Paris in May ( ). But until Daguerre obtained a pension from the French Government, no details of the technique were released until 19th August 1839. No reply from Daguerre is known.

[Addressed to] A Monsr  
Monsr. Daguerre  
17 Boulevard St Martin  
Paris

August 1, 1839.

Royal Society  
Somerset House  
London

Dear Sir,

As I see by the public papers that your beautiful process for the photographic representation of objects is speedily about to be made public in consequence of the vote of the Chamber of Deputies equally honorable to that body and to yourself permit me to apply to you in the name of the Council of the Royal Society for the

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# Autograph letter from W. H. F. Herschel to L. J. M. Daguerre dated 1 August 1839, Wellcome Institute of the History of Medicine, London, Accession No.67390 entry made in February 1935: one of "191 autograph letters addressed to F. Arago and J. DeLambre [secretaries of the Paris Academy of Sciences], Vendor, Degrange, Paris, -/6/30, Seine Stalls". Transcribed here by permission of the Governors of the Wellcome Trust. Most of this letter has since been quoted by Larry Schaaf, *Out of the Shadows: Herschel Talbot & the Invention of Photography*, New Haven and London: Yale University Press 1992, p.79.

purpose of procuring, if possible, an apparatus with the proper Camera Obscura and 100 plates properly prepared to receive impressions, and with instructions for its use and for executing the singular and extraordinary process by which you have been able to effect such wonders — If the request appears to you extraordinary, the circumstances of the case will explain it. — Captain Ross (the discoverer of the Northern Magnetic Pole) is about to proceed on a Voyage of Discovery and circumnavigation of the Antarctic Pole, in command of two Ships, the Terror and Erebus, admirably equipped and every way furnished with instruments of Science and Art. Now the Council of the Royal Society are earnestly desirous that the Expedition should sail provided with the invaluable resources furnished by the Daguerrotype process — for depicting the scenes they may visit — and as it will be yet 3 weeks before the sailing of the Ships, and it has been stated that within that time your process will probably be divulged — they consider that the importance of the occasion justifies this direct application to you.

I shall hope for your early reply, and that it will be such as to enable me to announce to the Council that the apparatus and instructions will be forwarded in time (ie to arrive before the 20th August, inst.) Should you wish that the instructions should yet remain for some time secret you may send them sealed and may rely on them not being opened till the Ships shall have passed the Cape of Good Hope — In that case you will have the goodness expressly to write to that effect.

I have the honor to be  
 Sir, Your very obedient  
 J. F. W. Herschel.

PS. I would beg leave to refer to M. Arago for any explanations should you think them needed. In case of your reply being in the affirmative, I would request you to state the probable cost of the apparatus

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## Addendum II

### British Treasury response to the Daguerreotype Patent.

In the article on ‘The daguerreotype patent, the British Government, and the Royal Society’ published in *History of Photography* in January 1980, the most significant document discussed regarding the patent for the Daguerreotype taken out in England in 1839 by the London patent agent, Miles Berry, on behalf of Daguerre was a six page ‘Memorial’ dated 30 March 1840, written by Berry to the Board of the Treasury.<sup>†</sup> A proposal was put forward that the British Government purchase the rights of the Daguerreotype ‘for the purpose of throwing it open in England for the benefit of the public.’ The answer given the following day was that ‘Parliament has placed no funds at the disposal of the Treasury from which a purchase of this description could be made’.

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<sup>†</sup>. Public Record Office, London: Treasury Board Papers: T 1/4429/7150 (Crown Copyright record in the Public Record Office, London, transcribed here by permission of the Controller of Her Majesty's Stationary Office).

*To the Right Honorable the Lords Commissioners of Her Majesty's Treasury*

*The Humble Memorial of Miles Berry of the Office for Patents 66 Chancery Lane London acting for and on behalf of Louis Jacques Mande Daguerre and Joseph Isidore Niepce both of Paris*

*Sheweth*

*That the said M Daguerre and M Niepce are the Inventors of the extraordinary process or discovery known as the Daguerreotype or the means by which Images or Reflections from Nature passing through a Lens (as the Camera Obscura) are permanently retained as Tracings or Pictures upon surfaces of Metal without the aid or skill of an artist — This effect being produced by the action of Light itself upon Iodine on a Silver surface. these pictures representations or tracings being true copies of Nature however wide the field of view or minute the details of the objects and can be examined and looked into with a Magnifying Lens as we look into distant nature with a Telescope or near objects with a Microscope*

*That the government of France considering the importance of this discovery and the great advantage it would be to Science the Arts and Manufactures determined to reward the Inventors thereof and throw the discovery open to the People of France by purchasing the right thereto, so that it should be unfettered by individual interest or confined to individual exertions and after due consideration granted to the said M Daguerre an annual pension of 6000 Francs (£250 Sterling) and to M Niepce the annual sum of 4000 Francs (£166. 13 [shillings]. 4 [pence]. Sterling) for their lives with a reversion of one half to such annuity to their Widows and their Property in this Invention was consequently transferred to the government of France for the benefit of the French People*

*That previous to the Sale or Exposition of this Invention to the French Government the said M Daguerre and M Niepce intended to have applied to the British Government for a reward or remuneration for a like purpose as regards this Country but were advised that they could not with propriety be in treaty with the Government of their own Country and a Foreign one at the same time and that their proper course was to seek protection under our Patent Laws as being a sure method of securing the benefit of their Discovery in England our Patent Laws wisely and liberally sanctioning this course of proceeding by protecting the right to Inventions first communicated from persons residing abroad.*

*That the said Invention or Discovery was duly communicated to your Memorialist before any exposition of the same was made in France with instructions to secure Her Majesty's Royal Letters Patent in his own name*

*That your Memorialist accordingly petitioned Her Majesty to grant the said Letters Patent and such Petition was referred to Her Majesty's then Solicitor General to report thereon and after hearing all parties who had any rights to oppose the same Mr Solicitor General was pleased to report to the crown in favor of the application and Her Majesty's Royal letters Patent securing the said Invention or Discovery was duly issued under the Great Seal of England bearing the 14th day of August 1839*

*That your Memorialist has caused a proper and sufficient Specification of the said Invention or Discovery to be inrolled in Her Majesty's High Court of Chancery in compliance with the Proviso contained in the said Letters Patent.*

*That the said Patent is in every respect a good and valid Patent the Invention or Discovery being perfectly unknown in this Country previous to the sealing of the said Letters Patent the exposition of the same in France not taking place until some days after your*

*Memorialist had advised his correspondents that the Patent was secured.*

*That since the sealing of the said Letters Patent your Memorialist has had many applications for Licences to exercise this Invention and has received numerous Letters from various part of the Kingdom on this subject; That many persons have purchased the Daguerreotype Apparatus and Instruments in France but are prevented using them in England as this would be infringing upon the said Patent right; That the application and usefulness of this Discovery to the Arts and Manufactures is unlimited but in order to gain for the Inventors a proper remuneration for the years of study labor and great expense they bestowed upon their Discovery and bringing it to its present state of perfection your Memorialist is obliged to ask so large a sum to Individuals for Licenses that few can afford to take them.*

*That your Memorialist is instructed & empowered by all parties interested in this matter to solicit Her Majesty or the Government of England to purchase the said Patent right for the purpose of throwing it open in England for the benefit of the Public and preventing this important Discovery being fettered or limited by individual interest or exertion*

*That the sum of money required for this purpose will be very small in comparison with its importance and the great advantage and usefulness it will be to our Country and the Arts Manufactures and Sciences.*

*Your Memorialist therefore humbly prays your Lordships to take this matter into consideration and direct such enquiry to be made as your Lordships may deem requisite and to advise your Memorialist thereon. That if necessary your Lordships will be pleased to refer this matter to the consideration of the Royal Society or any other Learned or Scientific Body or persons as you Lordships may think fit to report thereon and that your Memorialist will petition Parliament for the Grant of such sum, as may be thought proper for the purchase of the said Patent Right or do any other act or thing which your Lordships may deem requisite for attaining the object above named. That your Memorialist begs to apologize to your Lordships for the length of this Memorial but he feels that he could not do justice to this matter without laying the above statement before your Lordships. That your Memorialist has many specimens of this Invention or Process which he will submit for the inspection of your Lordships a few of which being herewith left at the Treasury Chambers*

*And your Memorialist as in Duty bound shall ever pray &<sup>c</sup>.*

*Miles Berry*

*March 30<sup>th</sup> 1840*

[A Treasury note appears on the reverse of last sheet of the above document as follows:]

*30th March 1840*

*M. Berry, on behalf of Messrs Daguerre & Isidore – [sic: Niepce omitted]*

*that Government may purchase*

*their Patent Right to the Invention known as*

*the “Daguerreotype”*

*No. 7150*

*Regd 30 March 1840*

*/30*

*Seven accompanying Specimens — & Two Magnifiers*

*Read 31 March 1840*

*/1*

*Inform party that*

*Parliament has placed no funds at the disposal of the Treasury  
from which a purchase of this description could be made*

*4*

[indecipherable signature]

The Treasury wrote to Miles Berry on 3 April to inform him of their decision:<sup>‡</sup>

[To] *Miles Berry Esq 66 Chancery Lane*

*Sir,*

*Having laid before the Lords &c your application on behalf of Messrs Daguerre & Niepce, that Government would purchase their Patent Right to the Invention known as the "Daguerreotype" I have it in command to acquaint you that Parliament has placed no Funds at the disposal of their Lordships from which a purchase of this description could be made*

*3rd April 1840* [signed] *A. Gordon*

/ [entry in margin] *Application Refused* /

### Addendum III (April 1992) Daguerreotype of High Elms house

The whole-plate daguerreotype of High Elms house illustrated in the article 'The daguerreotype patent, the British Government, and the Royal Society' in *History of Photography*, January 1980, figure 6 on p. 58 has no recorded date but is most likely August 1843.

One likely source of information about the High Elms daguerreotype is a Diary of Harriet Lubbock nee Hotham (1810–1873), wife of Sir J. W. Lubbock covering the years 1834 to 1854.<sup>\*</sup> However, no specific mention of that daguerreotype has been found in Harriet's diary. It may, of course, have been taken by a professional daguerreotypist (Claudet is likely candidate, well established in his Adelaide Gallery studio since June 1841), but, as we have seen from my article and an entry (see below) in the diary for 3 August 1840, J. W. Lubbock did actually use the daguerreotype technique.

‡. Public Record Office, London: Treasury Out-Letter Book: T 27/139, p 228. (Transcribed here by permission of the Controller of Her Majesty's Stationary Office)

\* Diary of Harriet Lubbock in the possession of the late Adelaide Lubbock (ie. the Hon. Mrs Maurice Lubbock, mother of the present Lord Avebury) at High Elms Clock-House near Farnborough, Kent) until she died in 1981, and in the 1990s held by Lyulph Lubbock, Orpington, Kent.

The building of the new house at High Elms began in March 1841 and the family moved in on 24th November 1842. As can be seen from the entry in Harriet's diary for 28th May 1843, J. W. Lubbock was doing some sort of photography when John (then aged nine) started at Abington school. When John came home for his first holiday from school on 31st July 1843, Harriet records that 'we found John very fond of cricket so dear Papa kindly brought him wickets &c'. In the whole-plate daguerreotype of High Elms the boy standing in front of the house is holding a cricket bat, which points to the possibility that it was taken in August 1843.

On 5 April 1992, I (RDW) again had a chance to examine the High Elms whole-plate as it is now in the possession of Lyulph Lubbock (a grandson of Adelaide who has an interest in the family history). I wanted to look at the back very closely to see if any words or date was incised and indeed on the top and bottom edges very faint and very difficult to decipher marks were found that had been covered by tape binding. The top marks were still obscured in part by the remains of paper binding but was something like 'Keller' or at least the first, third and fourth letters had high risers and so maybe could even be Lubbock?! The marking at the bottom edge is something like 'Sehn49', with the 4 being the most problematic and the S the clearest: and so could even have been Sept49?! The size of the plate measured eight and a half inches by six and three quarter inches, or measured in metric 17.2cm x 21.6cm. As it seems more likely that a plate would have been cut to a round figure number then the plate is likely to have been cut in England rather than France.

No entry has been found in the diary regarding the visit to Claudet's studio in London in February 1851 to sit for the portrait of Harriet and J. W. Lubbock as illustrated in figs 2-4.

### Extracts from Harriet Lubbock's diary.

- A. *'1840 Aug 3rd... we have been very happy here [at Mitcham Grove] & Papa & Madlle have done many Daguerreotypes Portraits and Landscapes'.*  
[Harriet and J. W. Lubbock and their children had been staying at his parent's home of Mitcham Grove, Mitcham, Surrey, since 3 July and then continued their holiday at Brighton on Wednesday 5 August 1840. Mademoiselle Schwyer was the governess for the Lubbock children and (according to Harriet's diary) was with them for little more than seven months from 12 June 1840 to January or February 1841]
- B. Some type of photography seems to have been carried out at Abington school by J. W. Lubbock on 28 May 1843 when he and Harriet took John to the school at Abington, Northampton:  
*'1843 [28th May] JW took two nice views of the [Abington] house for me'.*
- C. *'1849 On our dear Sir J's birthday 26th [March] early in the morning I gave him a Daguerreotype of M. D. & H.'.* [Mary? or Montague?, Diana and Henry]
- D. *'1850 ... On the 26th [March] the children sung his birthday to wake him & at Dessert we all sang his good health. the children gave him a Daguerreotype of Ross's Picture of me & I gave him one of B [Beaumont] Alfred & Fred. Beaumont is an extraordinary boy he is so fond of study he came to St. James's Pl where we were then for the day to have a picture taken'.*