

# Daily Record

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AND

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PETROLEUM CENTRE.

ELONG WELL, Proprietor

New York, Philadelphia, and Pittsburgh, while together with Editorial and Local matters, make it one of the most desirable newspapers published in the U.S. Region. At \$2

Advertising Medium,

The RECORD has no superior, as it circulates wherever an Oil Operator or Dealer can be found.

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We have a large and well selected assortment of Jobbing Materials, embracing the very best quality. We are therefore enabled to execute the work of every variety in a satisfactory manner when desired; jobs will be neatly printed in Colors.

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In Fancy Styles, neatly and promptly executed, embracing

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act, every variety a style of work in letter press printing.

Mechanics, Lawyers, Justices of the Peace, Land Agents, Oil Dealers, and Agents, Insurance Agents, Steamship and Other parties in want, send forms of contracts business or legal, required. In this company, nothing patronage respectively selected.

W. H. LONGWELL.

ROBERTS' PETROLEUM TORPEDO.

## TORPEDOES.

THE ROBERTS

PETROLEUM TORPEDO CO.

Office at the

RED PLANING MILL,

Corner of Pine and Second Streets,

Titusville, Pa.

TWENTY PER CENT.

so that every Owner can afford to fit a Torpedo before equipping a Well.

The following is the decision rendered by Judge Order on the twenty-second day of December, 1869, in the United States Circuit Court of Appeals this case was argued three days by Charles M. Kelly of New York, S. P. Loring and S. A. Purvis of Philadelphia for defendants, and George Headley of Philadelphia, and George H. Cheyney of Pittsburgh, for plaintiff.

OPINION OF JUDGE CLEVELAND:

As I write with diffidence I can only state the conclusions to which my mind has come after a careful examination of this case.

The copy I am now exhibiting is a copy dated 25th of April, 1868. This is in fact a statement of a good title, and puts on the respondents the burden of proof that the patent is valid and new.

I need not repeat my comments in the case of *Lyon vs. Day*, 12 Wall. C. C. Rep. 222, we may adopt them as affording a rule of decision which applies clearly to the present case.

As the infringement of the patent is admitted, the only question will be as to the validity of complainant's patent of April 25, 1868.

"It was often speculated had been reduced to practice" and after several experiments, that the complainant succeeded in overcoming the ingenuity and ignorance of the people on the subject, and perceived the truth that the invention was not new after he had established its great utility and value, and when his gains and patient perseverance, in spite of snubs and rebuffs, were completely successful; that Reed, who had made many experiments on the same subject, and was unsuccessful, imagined that he had the best right to the invention, and after purchasing one of these complainant's torpedoes, he handled on the 1st of November, 1867, for a patent for substantially the same combination of devices and arrangements contained in complainant's patent. On the 1st of the same month the respondents formed themselves a company or corporation called "The Rock Petroleum Company" for the purpose of patenting the complainant's invention, and supporting the expenses of litigation, and thus defend him of the fees. They have persevered, even after the preliminary valuation very properly granted by the District Judge,

Let a decree be entered in favor of the complainant defendant, and a Master appointed to take an account according to the power of the court. H. C. GRIMM, Judge.

NOTE.—The passage referred to by Judge Crittenden in his former decision, 12 Wall. C. C. Rep. 222, is quoted as applicable to this case as follows:

"It is nearly the case when a valuable discovery is made, of any new machine or contrivance, that the attention of the public has been turned to that subject; and, that many persons give up their time to invent and experiment. It is long before such an arrangement comes into general adoption, or becomes known, that the possibility of producing it is discovered, or that any inventor succeeds in getting it adopted. By trial, error, and experience, the inventors succeed in the invention. The inventors succeed in the invention, and to the establishment, more or less, of their rights, and to the exclusion, more or less, of many others, who may have had similar ideas, or the same or similar experiments and collusions of others, but it gives them no right to claim the entire benefit of the profits of the invention. It is so long after the invention has been disclosed to the public, that the early inventor is forgotten, and the later ones are not even noticed, and, when they do get a patent, it is often so late, that the original inventor has died, or is dead, or is too old to sue for damages. This is the case in this country, who can invent an improvement, or vary the form, claims a right to share the benefit of the discovery. We need not enumera the case of Blanchard or Wood worth to prove that this is the usual history of every great discovery or invention."

"This present case would stand chapter in the long and uniform history."—2 Wallace, G. C. Reports 26, 324.

And yet when geologists and oil men, who possess great length of service, in spite of great heats and scorch, some valuable information of oil may be secured. If followed by several days of heavy rains, the surface may be covered with oil, and the oil may be secured by a process of washing and separating. When a man's compound interest of oil has been discovered, he may be induced to sell which is usually the result that the early inventor is forgotten, and the later ones are not even noticed, and when they do get a patent, it is often so late, that the original inventor has died, or is dead, or is too old to sue for damages. This is the case in this country, who can invent an improvement, or vary the form, claims a right to share the benefit of the discovery. We need not enumera the case of Blanchard or Wood worth to prove that this is the usual history of every great discovery or invention."

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Office at the

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TWENTY PER CENT.

Owing to the large and increasing demand for the Roberts' Torpedoes, and the sale having far exceeded the capacity of the factory, Mr. Reed, has a patent, and the decision of Congress to C. M. Kelly, retaining the Roberts' patent throughout the price of their Torpedoes.

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WINSOR BROS. COLUMN.

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DEALERS IN OIL WELL

TUBING AND CASING!

ALSO,

WORKING BARRELS & VALVES,

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