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before spansousers well.

The following is the decision rendered by Judge
Grier on the twenty second (22) day of Reptember,
1886, in the United States Circuit Court at Philadephia. The case was argued three days by Charles
M. Keller of New York, B. F. Lucas and S. A. Purviance of Pittsburgh, for defendants, and George
Harding of Philadelphia, and George H. Christy, of
Pittsburgh, for planning.

OPINION OF JUDGE GRIER.

OPINION OF JUDGE GRIER.

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

The complainant has exhibited a patent dated site of April, 1885. This is prima facte evidence of a good title, and puts on the respondents the burden of proof that the patent is void or worthices.

I nees not repeat my remarks in the case of Goodyser vs. Day (2 Wall, C. C. Rej; 289.) but now 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 complainants patent of April 25, 1858.

"It was after apprehation had been reduced to practice," and after repeated experiments, that the complainant succeeded in overcoming the projudice and ignorance of the people on the subject, and after he had established its great utility and value, and when his genus and patient perseverance, in apile of succers and scolls," were completely successful, that Reed, who had defore made experiments on the ame subject, and was macucessful, imagined that he had the best right to the invention, and after purchasing one or more complainant's terpedoes, he applied on the list of November. 1867, for a patent for substantistly the same month the respondents formed themselves into a company or corporation exited. "The Reed Torpedo Company," for the purpose of pixting the complainant's terpedoes, see a first the respondents formed themselves into a company or corporation stiled. "The Reed Torpedo Company," for the purpose of pixting the complainant's terpedoes, were ster the preliminary injunction very property granted by the District Judge.

Let a decree be entered a complainant for a perpetual signention, and a seaster appointed to take an account according to the prayer of the bill.

R. C. GRIEB, Judge.

permanant of a permanant of a permanant of a permanan occurring to the prayer of the bill.

**R. C. GHEER, Judge.

**R. C. GHEER, Judge.

**Nore.—The passage referred to by Judge Grier in his former decis' on, 3 Wailase, p. 209. adopted as app icable to this case was as follows:

"It is usually the case, when any vehiable discovery is wade, or any new machine of great utility is invented, that the attention of the public has been turned to that subject prayeonally, and that many persons have been making researches and experiments. Pulosepars and mechanicians may have its some measure anticipated in their speculations the possibility of probability of such discovery or invention; many experiments have been successfully tried, coming very near, yet failing short of the desired result. They have produced noishing beneficial. The invention whe perfected may truly be said to be the culminating point of many experiments and failures of others, but it gives them no right to case a share of the hernor of the profit of its successful inventor. It is when speculation has been reduced to practice, when experiments has reculted in discovery and when that discovery has been perfected by patient mat continued experiments when some new compound, art, manufacture, or machine has been thus produced which is useful to the public, that the party making it becomes a public benefactor and entitled to a parent.

"And yet when genins, and patient perseverance have at longth succeeded, in spite of sine era and scoffs, some valuable invention or discovery, how solidom is it followed by reward! Envy robs birm of the honor, while specultors, swindle s, and plates to him of the profits. Every whos him of the honor, while specultors, swindle s, and plates to him of the profits of him of the party who h

CAUPION.

CAUPION.

The public is authorized Agents of the Company, since the Roberts Patent cover the use of the Topedo and all explosive materials for oil wells, and the nee of such materials by other parties is a direct tailingement of their rights. Any parties in direct tailingement of their rights. Any parties in fringing any of the ROBENTS PATERITS will be leak with according to law, and as acting willfully and throwingly in deflance of law and the decisions of the Courts.

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TY—STEPHEN ... O.F. Office, Hamilton's Cigar Store, addr.ss Titusville, Pa Assistant John Van Sc. Iver.

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