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FINE NEW HARNESSES, DOUBLE AND SINGLE, on hand at reasonable rates.
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Made, than the one made in my shop, and they will be sold at \$12 per hundred or 50 cents a set.
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Petroleum Centre, Pa., Nov. 17, 1894.

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The following is the decision rendered by Judge Grier on the twenty-second (22) day of September, 1893, in the United States Circuit Court at Philadelphia. 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 plaintiffs.

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 25th of April, 1886. This is prima facie evidence of a good title, and puts on the respondents the burden of proof that the patent is void or worthless.

I need not repeat my remarks in the case of Good-year vs. Day (2 Wall, C. C. Rep. 257) 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 complainant's patent of April 25, 1886.

"It was after speculation had been reduced to practice," and after repeated experiments, that the complainant succeeded in overcoming the prejudice and ignorance of the people on the subject, and persuading the public that his invention was useful after he had established its great utility and value, and "when his genius and patient perseverance, in spite of sneers and scoffs," were completely successful, that he, who had before made experiments on the same subject, and was unsuccessful, imputed that he had secured the best right to the invention, and after purchasing one or more complainant's torpedoes, he applied on the 1st of November, 1887, for a patent for substantially the same combination of devices and a machine contained in complainant's patent. On the 10th of the same month the respondents formed themselves into a company or corporation called "The Red Torpedo Company," for the purpose of pirating the complainant's invention, and supporting the expense of litigation, and thus defrauding him of the fruits. They have perjured, even after the preliminary injunction very properly granted by the District Judge.

Let a decree be entered for complainant for a perpetual injunction, and a Master appointed to take an account according to the terms of the bill.

R. C. GRIER, Judge.

NOTE.—The passage referred to by Judge Grier in his former decision, 3 Wallace, p. 239, adopted as applicable to this case was as follows:

"It is usually the case, when any valuable discovery is made, or any new machine of great utility is invented, that the attention of the public is attracted to that subject previously, and that many persons have been making researches and experiments. Philosophers and mechanics may have in some measure anticipated in their speculations the possibility of producing the desired result, but they have not produced it, and thus defraud him of the fruits. They have perjured, even after the preliminary injunction very properly granted by the District Judge.

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