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The following is the decision rendered by Judge Gries on the twonty-second (22) day of September, 1839, in the United States Circuit Court at Philadelphia. The case was around 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 plainteff.

OPINION OF JUDGE GRIER. As I write with difficulty I can only state the con-clusious to which my mind has come after a carein-examination of this case.

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

The complainant has exhibited a patent dated 25th of April, 1895. This is prima facie evidence of a good title, and puts on the respondents the burden of proof that the patent is void or worthiess.

I need not repeat my ismarks in the case of Goodyear vs. Day (2 Wall, C. C. Reig, 229.3 b.t. now adopt them as anioding a rule or decision which applies clearly to the present case.

As the infringencer of the patent is admitted, the only question will be as to the validity of complainants patent of April 23, 1838.

"It was after speculation had been reduced to practice," and after repeated experiments, that the complainants acceeded in overcoming the prejudice and ignorance of the people on the subject, and persuading the public that his invention was useing after he had established its great utility and value, and "when his gen us and pattent persaverance, in spite of sneers and ecoff," were completely successful, that I keed, who had before made experiments on the sume sudject, and was unsuccessful, imagined that he had the host light to inclineant store pedoes, he applied on the 1st of Abvember, 1847, for a patent for substantially the same condition and after purchasing one or more complainant store pedoes he applied on the 1st of Abvember, 1847, for a patent for substantially the same mounts the respondents formed themselves line a company of comporation called "The Result Torpedo Company," for the purpose of planting the complainants. In vention, and exporting the experiment of the same mounts and substantially the same condition and the substantially the same mounts the respondents formed themselves line a company." for the purpose of planting the complainants. In vention, and exporting the experiment of the same mount the respondents formed themselves line a company." for the purpose of planting the experiments of the same mount the respondents of the first of the complainants. In

petual injunction, and a Master appointed to take an account according to the praves of the bill.

R. C. GRIER, Judge.

Note.—The passage referred to by Judge Grier in his former decision, 3 Wallnes, p. 200 adopted as app icable to this case was as follows:

"It is usually the case, when any valuable discovery is unde, or any new machine of great utility is invented, that the attention of the public has been immed to that subject previously, and that many persons have been making researches and experiments. Philosophars and mechanicians may lave means. The invention where perfected in their potential the possibility of green distribution may experiments have been successfully in the case of the continuous means and failure of others, but it gives them no right to ca m a share of the hrmor of the profit of the successful inventor. It is when speculation has been reduced to practice, when 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 patent.

"And yet when genits and path in ner e-crance have at length succeeded, in spit of savers and scoffs, some visiable lavention or electory, how seldom is it followed by reveral? Envy robs blie of the honor, white special control discovery, how acid not summon Morse, or Blanchard or Woodworth to prove that this is the usual history of every great discovery or inventor.

"The present case adds another chapter to this long and uniform history,"—2 Wailace, C. C. Reports p. 222.

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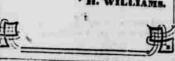
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