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Owing to the large and increasing demand for Roberts' Torpedoes, and the late decision of the Commissioner of Patents in refusing to W. H. Roberts' patent, and the decision of Judge W. C. Green, holding the Roberts' patent they have LOWED the price of their Torpedoes.

OPINION OF JUDGE GREEN

As I write with difficulty I can only state the reasons to which my mind has come after a careful examination of this case.
The complainant has exhibited a patent of the 20th of April, 1885. 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 the year vs. Day (2 Wall, C. C. Rep. 319), but I 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 the complainant's patent of April 25, 1885.
It was after speculation had been reduced to practice, and after repeated experiments, the complainant succeeded in overcoming the objections and objections of the people on the subject, terminating the public that his invention was not, after he had established its great utility and value, and when his genius and patient perseverance had led him to the discovery of a new and improved explosive device, and machine combined in a compound, called "The New Torpedo." This was the purpose of granting the complainant's patent, and supporting the expense of litigation and then defrauding him of the fruits. They have served, even after the preliminary injunction, to properly granted by the District Judge.
Let a degree be entered for complaint in felony, perjury and contempt, and a Master, appointed by an account according to the payer of the bill, R. C. Green, Judge.

NOTE

The passage referred to by Judge Green in his former decision on 5 Wallace, p. 299, applies to the case in this case as follows:
"It is usually the case, when any valuable discovery is made, or any new machine or instrument is invented, that the attention of the public has been attracted to that subject previously, and that numerous have been making reasonable and expensive. Philosophers and mechanicians may be in some measure anticipated in their speculations, the possibility or probability of such discoveries being many experiments have been made, which, coming every day, yet falling short of the desired result. They have produced nothing but failure. The inventor who persevered may find that he is the culmination point of many experiments, not only by the inventor, but by many others. He may have profited indirectly by the successful experiments and failures of others, but gives them no right to a share in the fruits of the invention of the successful inventor. It is in the preparation has been reduced to practice, which permanent law resulted in discovery, and which discovery has been perfected by patient and successful experiments, when some new compound or machine has been discovered, which is useful to the public, the party making becomes a public benefactor and entitled to a profit."
And yet when genius and patient perseverance have at length succeeded, in spite of losses and difficulties, some valuable invention or discovery, the seldom is it followed by a reward, and a share of the honor, while speculators, scientific and otherwise, appropriate the fruits of the discovery. Every experimenter should or did or did not come near making a discovery now claims it. Every one who can invent an improvement or vary its form claims a right to share the original discovery. We want to prove that this is the usual history of every great discovery or invention.
The present case adds another chapter to the long and uniform history.—2 Wallace, C. C. Rep. p. 292

CAUTION.

The public is cautioned against employing any but the regular, authorized Agents of the Company, since the Roberts' Patent cover the use of Torpedoes and all explosive materials for oil wells and the use of such materials by other parties is a direct infringement of their rights. Any parties infringing any of the ROBERTS' PATENTS will be dealt with according to law, and as acting without and knowingly in defiance of law and the decisions of the Courts.
The Company have re-organized their business with a view to accommodate Oil Men in every part of the Oil Region. They have employed the most efficient Agents and Assistants that can be procured for the business. Each Torpedo is labeled with date of patent, together with the price of the Torpedo, and signed by an officer of the Company. Every Operator wishing a Torpedo, may know its price and whether it came from our office.
Operators will confer a favor by reporting to our Office any negligence of Agents.
The following named persons have been appointed Agents and Assistant Agents for the Oil Region of Pennsylvania and West Virginia.

- ### LIST OF AGENTS.
- TITUSVILLE, CHURCH RUN AND VICTORY—STEPHEN MOFF, Office, Hamilton's Corner, address Titusville, Pa.—Assistant John W. Service.
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