

(owing to the large and increasing demand for the Roberts' Torpedoes, and the late decision of the Commissioner of Patents in refusing to Wm. Wallace a patent, and the decision of Judge P. C. Grier in sustaining the Roberts' patent they have LOWAIED the price of their Torpedoes

TWENTY PER CENT.

so that every Operator can afford to try a Torpedo before abandoning a Well.

The following is the decision rendered by Judge Grier on the twenty-second (22) day of September, 1879, in the United States Circuit Court at Philadelphia. The case was argued three days by Charles M. Keller of New York, B. E. Lucas and S. A. Fawcett of Pittsburgh, for defendants, and George Harding of Philadelphia, and George H. Christy of Pittsburgh, for plaintiff.

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 defendant has exhibited a patent dated 25th of April, 1875. 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 *Year vs Day* (2 Wall, C. C. Rep. 229) but I adopt them as affording a rule of decision with respect to the present case.

As the infringement of the patent is admitted, the only question will be as to the validity of the plaintiffs patent of April 25, 1875.

"I was after speculation had been reduced to practice," and after repeated experiments, the complainant succeeded in overcoming the prejudice and ignorance of the people on the subject, and convincing the public that his invention was useful after he had established its great utility and value.

"When his claims and patent were examined, in spite of sneers and scoffs," were completely successful, that he, who had before made experiments on the same subject and was unsuccessful, and after purchasing one or more complainant's torpedoes, he applied on the 1st of November, 1875, for a patent for substantially the same combination of devices and machinery as defined in complainant's patent. On the 15th of the same month the respondents filed the uses in a complaint in cooperation called "The Red Torpedo Company" for the purpose of printing the complainant's invention, and supporting the expense of litigation, and thus defrauding him of his fruits. They have served, even after the preliminary injunction was properly granted by the district Judge.

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

M. C. GIERER, Judge.

NOTE.—The passage referred to by Judge Grier in his former decision, 3 Wallace, p. 229, 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 has been 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 or probability of such discovery or invention; many experiments have been successfully tried, coming very near, yet falling short of the desired result. They have produced nothing but failure. The invention which perfected may truly be said to be the culminating 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 he gives them no right to claim a share of the honor or the profit of the successful inventor. It is this speculation which has resulted in discovery, and which discovery has been perfected by patient and continued experiments, when some new compound, or manufacture, or machine has been the product which is useful to the public; that the party making becomes a public benefactor and entitled to a patent."

"And yet when genius and patient perseverance have at length succeeded, in spite of sneers and scoffs, some valuable invention or discovery has been made, it is followed by the usual history of the honor, while speculators, swindlers, and pretenses rob him of the profits. Every unsuccessful experimenter who did or did not do come very near making a discovery now claims it. Every one who can invent an improvement or vary its form, claims a right to pirate the original discovery. We need not summons scores, or Blanchard, or Woodworth 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. 222.

CAUTION.

The public is cautioned against employing any of the regular, authorized Agents of the Company, since the Roberts' Patent cover the use of all torpedoes and all explosive materials for all wells, and the use of such materials by other parties is a violation of the Roberts' Patent, which will be dealt with according to law, and as acting unlawfully and knowingly in defiance of law and the decision 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, who can be procured for the business. Each Torpedo is labelled with date of patent, together with the price of the Torpedo, and signed by an officer of the Company, so every Operator wishing a Torpedo may know its price and whether it came from our office.

Operators will confer a favor by reporting to this 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 COFF, Office, Hamilton's Store, address Titusville, Pa.; Assistant John W. Beriver.

TITUSVILLE, CHURCH RUN AND VICTORY—H. H. THOMAS, Office and address, Madison House, Titusville, Pa.

SHAMBURG AND VICINITY—GEORGE W. VINE, Office, Shamburg; residence, Titusville, Pa. Assistant, W. W. MASON.

ENTERPRISE PLEASANTVILLE, HEAD FARM AND PINEGLEN, W. GEO. VAN VLIET, Office and address, Chase House, Pleasantville, Assistant, H. C. Huntington.

TIDIOUT AND WEST HICKORY—CHARLES CLARK, Office and address, Express Office, Tidiout, Pa. Assistant, E. C. Boardman.

PETROLEUM CENTRE AND VICINITY—LEVI MASON, Office and address, Petroleum Centre, Pa. Assistant, Charles Blackford.

TARR AND BLOOD FARMS and District Light on Oil Creek and Cherry Run, from Store, 100 Clintonville—JAMES S. SUNDEN, Office, Tarr Farm, Pa. Assistant, Luther B. Sandick.

CHARLES E. COCHRAN and WILLIAM HOYT, McCLINTOCKVILLE, OIL CITY AND HEAD FARM—A. S. WEST, Address, Oil City or Reno, Pa. Assistant, S. Mend.

FRANKLIN, ALONG THE ALLEGHENY RIVER—Z. WILBER, Office and address, Franklin, Pa. Assistant, W. W. MASON.

SCRIBING ASS, FOSTER FARM & PARKERSLANDING—RICHARD W. REED, Office, Scrubbing Ass, Foster Farm, Pa. Assistant, W. W. MASON.

WEST VIRGINIA—C. D. ANGEL and T. F. COOK, Address, Parkersburg, West Virginia.

Roberts Petroleum Torpedo Co. may 25-79.



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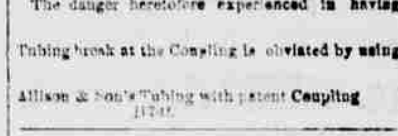
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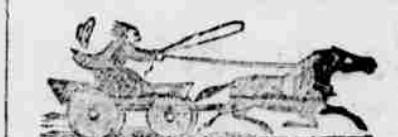
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