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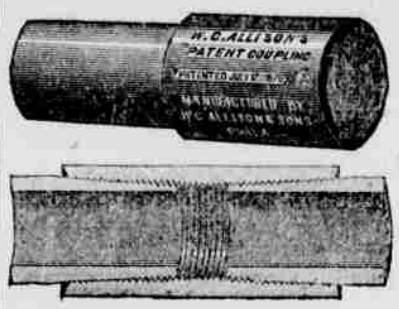

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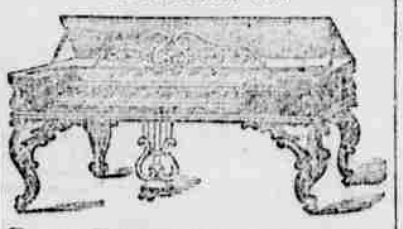

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The RECORD has no superior, as it circulates wherever an Oil Operator or Dealer can be found.

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Owing to the large and increasing demand for the Roberts' Torpedoes, and the late decision of the Commissioner of Patents in refusing to Wm. Bell a patent, and the decision of Judge Grier refusing the Roberts' patent they have LOWERED 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-seventh day of September, 1869, in the United States Circuit Court Philadelphia. The case was argued three days by Chas. M. Keller of New York, B. F. Lacey and S. A. Purviance of Pittsburgh, for defendants, and Geo. 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 complainant has exhibited a patent dated 25th of April, 1865. 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 Gray vs. Day (2 Wall. C. C. Rep. 283,) but will 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, 1865.

"I was after speculation had been reduced to practice," and after repeated experiments, the complainant succeeded in overcoming the popular and ignorance of the people on the subject surrounding the public that his invention was a success, had established its great utility and value, when his genius and patient perseverance, after a series of *ifs* and *scoffs*, were completely crowned, that fraud, who had before made experiments on the same subject, and was unsuccessful, and after hurriedly getting out more comprehensive, he applied on the 1st of November, 1865, for a patent for substantially the same combination of devices and machine contained in complainant's patent. On the 18th of the same month respondents formed themselves into a company or organization called "the Reed Torpedo Company," for the purpose of pirating the complainant's invention, and supporting the expense of litigation and thus defraud him of the fruits. They have succeeded, even after the preliminary injunction was properly granted by the District Judge.

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

R. C. GRIER, Jus.

NOTE.—The passage referred to by Judge Grier in his former decision, 3 Wallace, p. 280, adopted and 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 invented, that the attention of the public has been turned to that subject previously, and that several persons have been making researches and experiments. Philosophers and mechanicians may have in some measure anticipated in their speculations the possibility or probability of such discovery or invention; many experiments have been exposed by fraud, coming very near, yet falling short of the desired result. They have produced nothing perfect final. The invention when perfected may appear to be the culminating point of many experiments, not only by the inventor, but by many others. He may have profited and really be indebted to successful experiments and failures of others, but this gives the latter no right to claim a share of the honors or profit of the successful inventor. It is said that speculation has been reduced to practice, when experiment has resulted in discovery and when such discovery has been perfected by patient and well directed experiments, when some new composition of matter, or machine has been the product, which is useful to the public, that the party inventing becomes a public benefactor and entitled to a patent.

"And yet when genius and patient research have at length succeeded, in spite of sneers and scoffs, some valuable invention or discovery, it seldom fails to be followed by reward! Forty pirates of the honor, while speculators, swindlers and pirates rob him of the profits. Every unsuccessful experimenter who did or did not come very near making a discovery now claims to be the first who can invent an improvement or vary its form, and claims a right to pirate the original discovery. He need not subpœna Morse, or Blanchard, or Whitney, worth to prove that this is the usual history of every great discovery or invention.

"The present case spoils another chapter in the long and uniform history."—2 Wallace, U. C. Reports p. 292

CAUTION.

The public is cautioned against employing at the regular authorized Agents of the Company, since the Roberts Patent covers the use of Torpedo 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 bringing any of the ROBERTS PATENTS will be dealt with according to law, and as acting wilfully and knowingly in defiance of law and the decisions of the Courts.

The Company have re-organized their forces 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 the price and whether it came from our office.

Operators will confer a favor by reporting to the Office any negligence of Agents.

The following named persons have been appointed Agents and Assistant Agents for the Oil Regions of Pennsylvania and West Virginia.

LIST OF AGENTS.

TITUSVILLE, CHURCH RUN AND VICINITY—STEPHEN COOK, Office, Hamilton's Grocery Store, address Titusville, Pa. Assistant John M. Scriver.

TITUSVILLE, CHURCH RUN AND VICINITY—H. B. THOMAS. Office and address, Mansion House, Titusville, Pa.

SHAMBURG AND VICINITY—GEORGE BEVIN. Office, Shamburg; residence, Titusville. Assistant, A. A. West.

ENTERPRISE PLEASANTVILLE, EDWARD FARM AND PITHOLE—W. GEO. VANVLEET. Office and address, Crowe House, Pleasantville. Assistant, H. C. Huntington.

TIDIOUTE AND WEST TIONESTA—CHARLES CLARK. Office and address, Exchange Office Tidioute, Pa. Assistant, E. C. Beardsley.

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

TARR AND BLOOD FARMS and District from Oil Creek and Cherry Run, from Story Farm to Oil Centre—A. ESSAUNDERS. Address, Oil Centre. McClintockville—A. ESSAUNDERS. Address, Tarr Farm, Pa. Assistants, Luther B. Saunders, Charles E. Cochran and William Hoyt.

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FRANKLIN, ALONG THE ALLEGHENY RIVER—Z. WILBER. Office and address, Franklin.

SCRUBGRASS, FOSTER FARM & FARMLANDING—RICHARD W. REDFIELD, Office and address Scrubgrass, Pa. Assistant, B. W. Penfield, address Emlenton, Pa.

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