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so that every Operator can afford to try a Torpedo before abandoning a Well. The following is the decision rendered by Judge Greer on the twenty-second (22) day of September, 1869, in the United States Circuit Court at Philadelphia.

OPINION OF JUDGE GIER. 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, 1866. 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 Greer vs. Day (2 Wall, C. C. Rep. 259) but will adopt them as affording a rule of decision which applies clearly to the present case.

Let a degree be entered for complainant for the patent in question, and a Master appointed to take an account according to the order of the court.

NOTE.—The passage referred to by Judge Gier in his former decision, of Wallace, p. 259, 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, in some measure anticipated in their speculations the possibility or probability of such discovery or invention; many experiments have been successively tried, coming very near, yet falling short of the desired result. They have produced nothing but failures. The invention when perfected may 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 gives them no right to claim a share of the labor or the profit of the successful inventor. It is when the invention has been reduced to practice, when the practical result is achieved, and when the discovery has been perfected by patient and successful experiments, when some new compound or machine is useful to the public, that the party making becomes a public benefactor and entitled to a patent."

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