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# ROBERTS PETROLEUM TORPEDO

# TORPEDO.

THE ROBERTS PETROLEUM TORPEDO CO. Office at the RED PLANING MILL, Cor. of Pine and Second Streets, (Near the Railroad), TITUSVILLE, PA.

Owing to the large and increasing demand for the Roberts' Torpedoes, and the late decision of the Commissioner of Patent Office relating to a new invention, and the decision of Judge Grier in the case of the Roberts' Torpedoes, the price of their Torpedoes is now

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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 Grier on the twenty-second (22) day of September, 1870, in the United States Circuit Court at Philadelphia. The case was argued three days by Charles M. Keller of New York, M. E. Lums and S. A. Purviance of Pittsburgh, for defendants, and George Harding of Philadelphia, and George M. Christy, of Pittsburgh, for plaintiff.

OPINION OF JUDGE GRIER

As I write with attention, I am only permitted to mention 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 Goddard vs. Day, (2 Wall. C. C. Rep. 327), but now adopt them as showing 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 complainant's patent of April 25, 1866.

It was first speculated it had been reduced to practice, and after repeated experiments, that the complainant succeeded in overcoming the prejudice and ignorance of the people on the subject, and in securing the public mind, his invention was well adapted to the purpose, and was of great utility and value, and when he commenced patent proceedings, 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 out of more complainant's process, he applied on the 1st of November, 1867, for a patent for a substantially the same combination of devices and machine contained in complainant's patent. On the 15th of the same month the respondents formed themselves into a company, or corporation, and they had their Torpedo Company, for the purpose of printing the complainant's invention, and of selling and using the same, and to use and defend him of the fruits. They have pursued, ever since the preliminary injunction, a very properly granted by the District Judge.

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

R. C. GRIER, Judge.

NOTE - The passage referred to by Judge Grier in the former decision, in Wallace, v. 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 directed to this subject previously, and that many 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 a discovery, or invention; many experiments have been successfully tried, coming very near, yet falling short of the desired result. They have produced nothing beneficial. 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. It may have produced indirectly by the successful experiments of others, but it gives them no right to own a share of the profit of the successful inventor. It is when speculation has been reduced to practice, when experiment has resulted in discovery, and when that discovery has been perfected by patient and continued experiments, when some new compound, art, manufacture, or machine has been thus produced which is useful and profitable, that the party making it becomes a public benefactor and entitled to a just reward. And yet when genius and patient perseverance have at length succeeded, in spite of sneers and scoffs, some valuable invention or discovery, how seldom is it followed by reward! Every rob him of the honor, while speculators, swindlers, and plunders rob him of the profits. Every unsuccessful experimenter who did or did not come very near making a discovery now claims it. Every one who can invent an improvement on any of its firm, claims a right to plume the original discovery. We need not summons Morse, or Blanchard, or Wood worth to prove that this is the usual history of every great discovery or invention.

The present case adds another chapter to this long and uniform history." - 2 Wallace, C. C. Rep. page 222

## CAUTION.

The public is cautioned against employing any of the regular, authorized Agents of the Company, since the Roberts' Patent covers the use of the 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 party infringing any of the ROBERTS' PATENTS will be dealt with according to law, and an action willfully 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 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 Assistants Agents for the Oil Region of Pennsylvania and West Virginia.

- ## LIST OF AGENTS.
- TITUSVILLE, CHURCH RUN AND VICINITY - STEPHEN COFF'S Office, Hamilton's Corner, address Titusville, Pa. Assistant John Van Services.
- TITUSVILLE, CHURCH RUN AND VICINITY - H. H. THOMAS, Office and address, Main Street, Titusville, Pa.
- SHENBURG AND VICINITY - GEORGE IRVING, Office, Shenburg; residence, Titusville, Pa. Assistant, A. A. West.
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- THURGOOD AND WEST HICKORY - CHAS. CLARK, Office and address, Erie Office, Tidjute, Pa. Assistant, E. C. Boardley.
- PETROLEUM CENTRE AND VICINITY - LEVI MASON, Office and address, Petroleum Centre, Pa. Assistant, Charles Blackford.
- TARR AND BLOOD FARMS and District lying between Creek and Cherry Run, from Storey Farm to Lockwoodville - JAMES W. ANDERSON, Address, Carr Farm, Pa. Assistants, Luther B. Seauder, Charles M. Cochran and William Hoyt.
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- WEST VIRGINIA - C. D. ANGEL, and T. F. OOK, Address, Parkersburg, West Virginia.
- Roberts Petroleum Torpedo Co. - Titusville, Pa.