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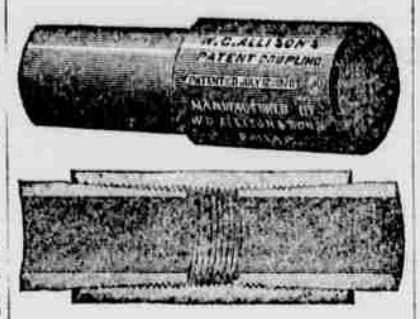

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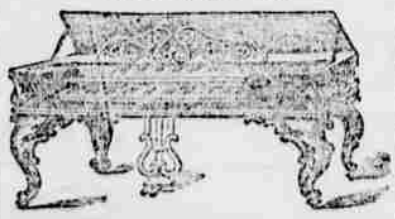

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The RECORD has no superior, as it circulates wherever an Oil Operator or Dealer can be found.

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

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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 1868, in the United States Circuit Court at Philadelphia. The case was argued three days by Chas. M. Keller of New York, S. F. Lucas and S. A. Duvance 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 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 of the 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 wanting in novelty.

I need not repeat my remarks in the case of Day vs. Day (2 Wall, C. C. Rep. 229,) 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, 1858.

"Long after speculation had been refuted by practice," and after repeated experiments the complainant succeeded in over coming the prejudice and ignorance of the people on the subject, convincing the public that his invention was useful, after he had established its great utility and value, "when his genius and patient perseverance, in spite of sneers and scoffs," were completely successful, that Reed, who had before made experiments on the same subject, and was unsuccessful, and after purchasing one or more complainant's patents, he applied on the 1st of November for a patent for substantially the same combinations 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 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 served, even after the preliminary injunction 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 payer of the profits.

R. C. GRIER, Judge.

NOTE.—The passage referred to by Judge Grier in his former decision, 3 Wallace, p. 230, and which 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 in some measure anticipated in their speculations the possibility or probability of such discoveries or inventions; many experiments have been successfully tried, coming very near, yet failing short of the desired result. They have produced nothing beneficial. 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 benefit of the profit of the successful inventor. It is speculation has been reduced to practice, when experiment has resulted in discovery and when discovery has been perfected by patient and continued experiments, when some new component, manufacture, or machine has been the product which is useful to the public, that the party who first 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, how seldom is it followed by reward! Envy robs him of the honor, white speculators, swindlers, and pirates rob him of the profits. Every unsuccessful experimenter who did or did or did not come near making a discovery now claims it. Everybody who can invent an improvement or vary in some form claims a right to pirate the original discovery. We need not summons Morse, or Blanchard, or Howe 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, U. C. Reports p. 224

CAUTION.

The public is cautioned against employing or trusting the regularly authorized Agents of the Company, since the Roberts Patent cover 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. All persons infringing 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 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 patents, together with the price of the Torpedo, and signed by an officer of the Company. Any 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 Region of Pennsylvania and West Virginia.

LIST OF AGENTS.

TITUSVILLE, CHURCH RUN AND VICINITY—STEPHEN COFF. Office, Hamilton's store, address Titusville, Pa. Assistant John Seiver.

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

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

ENTERPRISE PLEASANTVILLE, FARM AND PITHOLE W. GEO. VLIET. Office and address, Conse House, Pleasantville. Assistant, H. C. Huntington.

TIDIOUT AND WEST HICKORY—H. CLARK. Office and address, Exposition Office, Tidioute, Pa. Assistant, E. C. Beardsley.

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

TARR AND BLOOD FARMS and District on Oil Creek and Cherry Run, from Story Farm to McClintockville—JAMES BAUNDER S. Assistant Farm, Pa. Assistants, Luther B. Smith, Charles E. Cochran and William Hoyt.

McCLINTOCKVILLE, OIL CITY AND VICINITY—A. S. WEST. Address, Oil City or Reno. Assistant J. Mead

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