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NOTE.—The passage referred to by Judge Grier in his former decision, J. 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 invention of the public has been turned to that 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 discovery; many experiments have been successfully tried, coming very near, yet falling short of the desired result. They have produced nothing beneficial. The invention when 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 profited indirectly by the unsuccessful experiments and failures of others, but it gives them no right to claim a share of the honor 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, article, manufacture, or machine has been thus produced 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, in spite of sheer misfortune, were completely suc-

cessful, that Reed, who had before made experiments on the same subject, and was unsuccessful, and after purchasing one or more complainants' specie, he applied for a patent for substantially the same combination of device 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 New Torpedo Company," for the purpose of putting the complainant's invention, and supporting the expenses of litigation, and thus defrauded him of the fruits. They have deserved, even after the preliminary injunction was properly granted by the Justice Judge.

Let a degree be entered for complainant for a perpetual injunction; and Master, appear to take an account according to the power of the bill.

K. C. GIGEE, Judge.

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"The present case adds another chapter to this long and uniform history."—J. Wallace, C. U. Reports p. 229.

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