Daily Record

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BOOK

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JOB PRINTING

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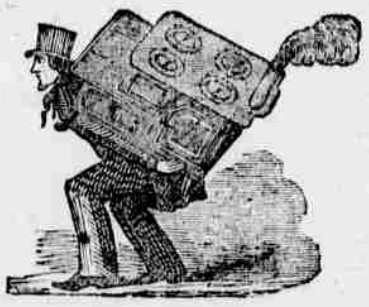

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American Cook Stove!

With reservoir and warming closet, a first class Stove for hard coal or wood.

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THE HELPER and GREAT HELPER—Cook, a cheap first class Stove with or without reservoir and warming closet, for hard or soft Coal.
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Iron Gate—Cook, a large heavy and durable Stove for soft coal.
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Black Swan—A parlor cook stove with oven, for coal.
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Repairing of all kinds done with neatness and dispatch.

GILBERT GORDON.

THE

TORPEDO PATENT SUI

Roberts vs. Nicholas Gey

The following is the decision rendered by J. McKennan, at May Term of the Circuit Court, above case:

In the Circuit Court of the United States, in and for the Western District of Pennsylvania.—E. A. Roberts vs. Nicholas Geyer.—No. 1.—May Term, 1873.—In Equity.

November 21, 1872. Bill filed and subpoena issued.

Subpoena and notice of application for preliminary injunction served.

December 18, 1872. Motion for preliminary injunction heard, and the Court being duly advised of the premises; the injunction awarded as prayed for and decree filed.

January 14, 1873. Injunction issued, and on the 20th day of January indictment served personally and by copy.

May 22, 1873. Rule issued for defendant to show cause why attachment should not issue for contempt in violating injunction and duly served.

June 2d, 1873. Rule for attachment in this case came on to be heard, and after argument of counsel pro and con, the Court being fully advised in the premises, the Rule is made absolute, and the sentence of the Court is, that the said defendant, Nicholas Geyer, be imprisoned in the common jail of Allegheny County for and during the term of ten days, and that he pay the costs of this proceeding.

June 2d, 1873. Commitment issued.

The injunction in this case was for infringement of the Roberts' patent of No.—(called the Roberts' Torpedo patent), for increasing the productiveness of oil wells. The act of infringement for which the defendant was committed for contempt, consisted in shooting Alexandra Hamar in (exploding torpedoes in) wells being the same act of infringement for which Hamar was also committed in the case No. 2, November Term, 1866, as before stated.

The Court McKennan, J., after delivering his opinion in the Hamar case, proceeded to sentence Nicholas Geyer for contempt, and delivered the following oral opinion:

"In the case of Nicholas Geyer charged with the same offense, I am entirely satisfied that there was fluid present, in the Beals well at least. As I intimated to the counsel in the course of the argument, the presence of fluid in the well, whether desired or not, is an infringement of the patent, and a breach of the injunction of the Court.

Mr Roberts, by his patent uses as one of the principal elements of his invention fluid tamping, and wherever there is fluid sufficient in a well, at the time of the explosion of a torpedo, to operate the tamping, whether it gets there naturally or is put there artificially, his patent is infringed. This is clearly the case in regard to the Beals well.

But Mr Geyer seems to have been misled by Hamar, who told him that he merely wanted to make an experiment; and I do not think this being the first time, that he ought to be very severely punished.

He also is adjudged guilty of contempt and ordered to pay the costs of this proceeding and to undergo an imprisonment in the county jail for ten days. I hope this will be the last of the several cases; because if the matter comes to our notice again, we will be constrained to impose such punishment as will be sufficient to make the decree of the Court effectual.

June 7-1m.

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