Daily Record

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BOOK,

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JOB PRINTING

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[CHAS] C. WICKER, Proprietor.

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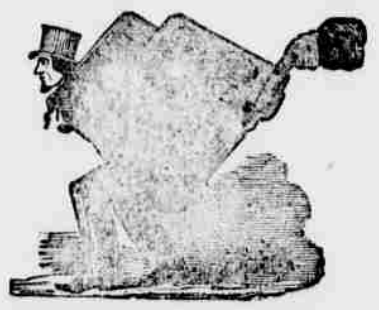

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With reservoir and warming closet, a first class Stove for hard coal or wood.

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The Diving Flue Light House of 1872—This is a beautiful self feeder Parlor Stove, with self regulating draft and patent clinker grate.
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THE TORPEDO PATENT SUITS.

Roberts vs. Nicholas Geyer.

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

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

November 21, 1870. Bill filed and subpœna issued.

Subpœna and notice of application for preliminary injunction served.

December 13, 1870. Motion for preliminary injunction heard, and the cause being only advised in the premises the injunction awarded as prayed for, and decree filed.

January 14, 1871. Injunction issued, and on the 26th day of January indictment served personally and by copy.

May 26, 1871. Rule issued for Defendant to show cause why attachment should not issue for contempt in violating injunction and duly served.

June 3d, 1871. 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 24, 1871. Commitment issued.

The injunction in this case was for infringement of the Roberts' patent of No. —(called the big fat end), for increasing the productiveness of oil wells. The act of infringement for which the defendant was committed for contempt, consisted in using Alexander Torpedo in exploding torpedoes in oil wells being the same act of infringement for which Farmer was also committed in the case No. 2, No number 1 case, 1871, as before stated.

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

In the case of Nicholas Geyer charged with the same offence, I am entirely satisfied that there was full proof of the facts made at bar. As I have before stated to the jury, the question of the infringement, by the operator of the well, whether defendant or Farmer, is not material to the question of the validity of the patent, under the law of the infringement of a right.

Mr. Roberts, in his patent sets forth one of the principal elements of his invention and improvement, and which is to fill an opening in a well, at the time of the explosion of a torpedo, to operate as tamping, whether it does this naturally or is put there artificially, his patent is infringed. This was clearly the case in regard to the Boyle well.

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

He also is guilty of contempt and ordered to pay the costs of this proceeding, and undergo an imprisonment in the county jail for ten days—I hope this will be the last of these cases before us, if the matter comes to our notice again we will be constrained to take such punishment as will tend to make the orders of the Court effectual.

June 15-1m.

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