CARLISLE, PENN'A. THE PARKER WHEEL PATENT.

Parker vs. J. Brandt and several others on separate Bills.—In the Circuit Court of the United States in Equity before Kane, Judge. These were motions for special injunctions against the defendants, on bills charging them with infringing the Patent right claimed by complainant "to a new and useful improvement in the application of butterlies. provement in the application of hydraulic power by method of combining percussion and reaction" in vertical and Horizontal reaction wheels, as set out in the specification and alleged to have been invented by Austin and Zebulon Parker, in 1827, and patented to them in 1829, and renewed in 1843.

The defendants, it was proved did not use the reaction wheels of the complainant, but some of them used two vertical reaction wheels on the same horizontal shaft, according to the plan of one Morris Johnson, who had obtained a patent in 1837, under which from time to time, rights were sold in Ohio Pennsylvania, &c., to the number of two thousand and more, and that these wheels had been run and used without question, or disturbance, until within the last year, when Parker claimed that they were an infringe-

ment of his right.

The complainant charged in his bill, that the defendants intringed his patent, in setting up, running and using two percussion and reaction water wheels on the same horizontal shaft, and in using a cylinder surrounding the shalt, &c., and concentric therewith.

The delendants admitted the use by them

of two reaction wheels on the same horizon tal shaft, but they denied the use of the percussion and reaction wheels claimed by the complainant. The defendants admitted the use of senail shaped water chamber, between these wheels, but denied that they used the outer concentric cylinder claimed as the invention of Austin and Zebulon Par ker, and the defendants affirmed " that reaction wheels in pairs on a horizontal shaft and the water chamber around the shaft as used by them, were substantially the same, as those which were in use before the alleged discovery and improvement of Austin and Zebulon Parker."

The defendant also denied that the Parkers had invented the use of re-action wheels in pairs on the same horizontal shaft, or that they were inventors of the inner and outer cylinders for such wheels, or the spout, &c., to admit the water. The defendants affirmed that these and re-action wheels were known and used before the period, 1827, to which the complainant carried back the claim of his revention.

The complainant in the amendment to his

bills, claimed also, as the invention of the Parkers, "that they were the first persons to discover, and by mechanical devices to apply to use, in reaction wheels, the centrif-ugal force of water revolving vertically round the shaft, and passing into, and acting upon the wheels in the direction of their revolu-

The delendants denied that this principle was the subject of, or patented to the Parkers and agerred that it was known and applied to use in reaction wheels before the period claimed as the date of their invention.

The complainant in his amended bill averred that his right to this principal was established in the action of Parker vs. Hulm tried in this Court in Novemcer last.

The defendants admitted that it does ap pear that the jury found against the defendant in that case and "from the testimony adduced in the trial, and the law as laid down by the Court," that the Parkers were the first to invent the principal stated, and also, "that they were the first persons to invent and apply to we were the rest in the persons to invent and apply to we were the rest in the persons to invent and apply to we were the persons to invent and apply to use vertical reaction wheels, having two or more wheels arranged in pairs ou the same horizontal shaft."

But the defendants denied that anything decided in that case could be used to their prejudice, for the following reasons.

1. They were no parties to that suit, had no

notice of it, had no opportunity to array and produce testimony, and to cross-examine witnesses in it; and to give it effect against them would be depriving these defendants of their constitutional right of frial by Jury.

2. Because these defendants can produce evidence, as they believed with his was not given on the trial of that case, which would

on both points so found by the Jury, defeat the claim of the plaintiff.

3. Because the authority of that case is shaken, and its effect destroyed, so far as egards others, who were neither parties no privies to it, by two other cases tried very recently on the same title and patent, in the Circuit Court in the United States, one in the Circuit Court for the State of Ohio the case of Zebulon Parker vs. Stiles; the other in the Circuit Court of the State of Indiana, Parker vs. Moreland.

In the case of Parker, vs. Stiles, in Ohio, where it is alleged that Austin and Zebulon Parker made the invention and improve-ment for which the patent of the 19th of October, 1829, was issued, it was further proved that vertical reaction wheels in pairs were not invented by 'hem, but were known and used long before their patent, and the date of their alleged invention. And in that case it was proved that the fact of such antecedent use had been admit-

ed by Parker himself

And the plaintiff therein did not pretend to claim as the invention of the said Parkers, the discovery of the centrifugal force of water revolving vortically round the shaft, and the application thereof to use as a motive power in reaction wheels, but he confined in the state of the state fined his claim to the particular mechanical devices which he alleged to be his "ma-chine," and with which he affirmed that of the defendant conflicted.

And the evidence in that case showed conclusively that he could not have made such a claim, and sustained it, however successfully he could, on that evidence, maintain a claim for a superior mode of so applying the water, and the infringement by the

In the said case in Indiana, there was serious for the defendant of that particular mode.

In the said case in Indiana, there was serious for the defendant, deciding all the points against the claim of the plaintiff. And the detendants enbmitted, that if it was made to appear that the complainants claimed here in the case of Parker ve. Hulme, as the invention of the said Austin and Zebulon Parker, that they were the first persons to invent and apply to use vertical reaction wheels, having two or more reaction wheels arranged in pairs on the same horizontal shalt, and it is shown that in the case of Parker vs. Stiles, as aloresaid tried ins Ohio, at or about the same time, this claim was wholly abandoned and disproved that this should avoid and annul the effect of the case of Parker vs. Hulme, against persons who are strangers to it.

The detendants put in evidence a book called A New Century in Invention, by James White, Civil Engineer," published in 1822, containing a description of a horizontal water wheel, with the altidayit of Solo. Roberts, Esq.; that the wheel there described was identical in principle with the turbine of Fourneyion, "having the same vertical motion, the same centrifugal force and fixed

ourved guides. They also put in evidence the Journal des Mines, Fol. 33; published in 1818, describing D'Eolot turbine, being one of those called by Weisbach, in his work on mechanics, centrifugal turbines, the model of wheels in pairs, on a hotzontal shall, with cylindite water, change ber, with an internal curved suids cound the

if was in effect a demorrer to the result of the trial at law, in the Parker was Hulmo.

That while it denied the originality and affirmed the prior use of machines; it was too vague in not stating more particularly, than by referring States, the places where such machines were known & used. He objected, also, that the answer in its negation, was in the words of the bill, and therefore evasion. He contended that the complaint ant, on this motion, was only bound in a patent cause, and on the question of issuing an injunction, to show a fair and honest trial at law, and a verdict for the plaintiff. That this was sufficient for the present purpose, although the verdict was certainly not conclusive on the defendants, who were not parties to it, and who may take depositions, and have the case decided on its merits at the final hearing.

Penrose, with whom was Maltery, denied that the answers were objectionable, and said

the final hearing.

Penrose, with whom was Mallery, denied. Penrose, with whom was Maltery, denied, that the answers were objectionable, and said that the proper and only course, if the complainant alleged defects, was to except to it upon which, and a reference to a master for report, this question would be properly ettled. He said that he and his colleague had entire confidence in the justice of the defence made by the defendants, and that they would be able, if time were given, fully to maintain every fact alleged by the an-

He admitted however, that he entered on he argument with embarrassment. proceeding itself was anomalous. It was a proceeding uses was anomalous. It was a motion for a special injunction, which, if granted, would have the effect, perhaps of granted, would have the effect, perhaps of stopping the defendant's mills. It was the most formidable weapon in the hand of judicial power. It might strike down the defendant, by crushing the very means by by which he lived. Contrary, to principles of jurisprudence, considered sacred and of inestimable value in other and ordinary judicial proceedings, it is made to reach the defendant belore a trial on the merits, and seconding to the usual course of Courts of secording to the usual course of Courts of Equity, time is not given him to produce his evidence, and array it against the demands of the plaintiff. All the ordinary rules of evidence are disregarded—affidavits are reevidence are disregarded—amdavits are re-ceived, taken without notice and without cross-examination—affidavits, too. of persons who may be interested in the question or the cause; and a trial, verdict, and judgement in a case to which he was not a party, and of which he had no knowledge, is received in evidence against, and made to affect him.— Thus on a question among the gravet. Thus, on a question among the gravest, most deeply affecting the defendant, the frailest of ill evidence (which would be scouted in ordinary judicial proceedings) is received.— But the defendants are now in different circumstances from those in which they stood when these injunctions were moved for and ejected. They are now before the Court on full answers; and on such a question, where such fruit evidence was received for the complainant, it was just that full effect should e given to these answers, at all events, unevidence, of which they had information, from the most respectable sources, in Ohio, Indiana, in New York, and in our own State

ully to sustain their answers. To show the value of their answers, he otted Dreury; on Injunctions—278; Smyth vs. Smyth 1. Swan, 252; Elurn vs. Tindal—Web. Pat. Cases, 730; Brooks vs. Bucknet—3, MeLean, 250, 255,; Orr vs. Littlefield—2, N. 8, M. 12, 10 M., 13 19.

whether affidavits should be received to new, as his mode of producing an effect contradict the answer, but all agreed that which had been produced before.

a subject proper for consideration on this motion. And on the former occasion the President Judge of this Court commended this offer to the consideration of the counsel, that they might advise their clients to accept it. We know that this was kindly, meant by him. The counsel of the defent dants need not profess here the sentiment of great respect for this Court, but it is absence of that Judge they may be permitted to say they yield to none in their high regard for his learning and ability as a Judge, and his integrity as a man. We do not suppose that he designed that this advice should be published. But while we were prompted by our oath of allegiance, of fidelity to the Court, to regard with great respect the advice thus given, we are indebted to the complenents special read for commentants.

advice thus given, we are indebted to the taken down by one of his counsel, and pubbe put to enquiry as to our adelity to them. the wheel. Wetsbuch 229, 236, 237, 239 All this is certainly out of the ordinary 240, 245, 247, 549, 256, 267, 380, 281. course. But it has prompted us to a critical and careful examination of the subject, to the most laborious research, to the most extensive correspondence, and enquiry, and we now say that unless we have been mininformed, by men of the highest standing, professionally as well as personally, we believe we can prove all that is alleged in these answers; and that we would have

derstood taken down by one of complainants counsel, he was anxious to learn from him in what particular, in his judgment, the machine of the delendants intringed the patent of the complainants. For this purpose I called to see him. The Judge candidly replied that he had not time to study the mechanical question; that he did not understand it. That he had not designed to express may ominion. he had not designed to express may opinion upon it. That the remarks the had made were upon the legal effort of the case of Parcer vs. Hul me ; on the question of granting

special injunction, as it was then presented. To that extent his colleague and himself vere relieved from the weight of Judge Grier's authority on the mechanical question, and on the question now presented with new evidence, and under different circumstances. The complainant casts himself upon the stablishment of his legal till at law by the

it was in effect a demurrer to the result of vention of Parker, that it was admitted by

patent.

putent.

The new evidence furnished in the Ohio
dise proves this claim to have been false,
and ikit-liad been given in the case of Parker vs. Hulme the verdict and judgement

would have been the other way.

1. Because a talse claim, as to part of a machine, not disclaimed yuthin a reasonable machine, not disclaimed yithin a reasonable period, and nineteen years is not a reasonable period, as no period is, if the patentee knew his claim to be lated, renders invalid the whole patent. Curtis 182, 187, 188, 488.

2. On one point, placing wheels in pairs on the same horizontal shalt, the vender is clearly wrong said as the Court cannot declearly wrong, and as the Court cannot de termine how far the error influenced the general verdict, it should set it aside as par-

ticularly.

3. The evidence of the antecedent use of wheels in pairs on a horizontal shaft, would prove, also, that the verdict was wrong on the other point, as the use of a water chamber between the wheel must require that the water should be led on so as to move with the wheels, and by mechanical necessity verticle motion, and centrilugal force in such cases must be produced.

4. So much of the evidence as is given in he report of the case shows this to be true. In the case of Parker vs. Moreland, in the Circuit Court of Indiana, all the points were decided, and a verdict passed against the

All this is affirmed in the answers of the defendants. This was enough to stay the hand of a Court of Equity to withhold injunc tions until the defendate could produce the evidences given in those cases.

The complaisments here introduced affidavits, of Messrs. Cresson, Smith and Harding, taken since the argument commenced to prove that the wheel described in the book called a "New Century of Inventions," was

an impact wheel, &c.

Previous to proceeding Mr. Penrose urged on the Court that testimony so introduced, certainly ought to induce the Court to give the defendants time to meet it, and he asked for time for that purpose, proposing, however, to go on with the argument, and leave that question to be considered with the rest, The defendants certainly do not use the machine of the Parkers, but a very different machine. But it is because of the alleged appropriation by the complainant of the cen-trilugal force of water, revolving round the axis of the reaction wheel, that the defendants, it is said, have offended.

such machines, avoided the comprehensive M., 13 19.

There was a conflict of authority as to the plaintiff's claim, leaving thin only his peculiar mechanical devices, if

which had been produced before.

The new evidence is in part with that design. Weisbach in his work on mechanics after having considered a class of impact wheels, vol 2, page 236, and in which he for these detendants. of these defendants.

Offers of compromise are familiar to lawyers and judges. It is right they should be made; that if the party to whom they are made honestly believes that he is right, and rejects the offer, in ordinary cases is not permitted to be given in evidence against him and more or less radial. The peculiarity of and interest visited upon him in the shape mitted to be given in evidence against him:

nor is it ever visited upon him in the shape
of a penalty. It may be welt to argue that it
would be more convenient to yield to an unjust demand, than to contost it—better to buy
peace than to resist aggression; and yet
there is that sturdy spirit, which was in our
ancestors, and is in our fellow citizens, not
to compromise rights which they believe
they honestly posess, or to yield to unjust
demands.

and more or less radial. The peculiarity of
such turbines is that their motion depends
on the centrifugal force of the water so that
they might be termed centrifugal turbines."
And ne gives the formula for calculating the
effect of the water's centrifugal lorce "when
its motion is in a spiral line round a centre,
or when the motion is radial and rotary at
they ame time."

Of this class of "centrifugal turbines."
Weisbach enumerates Whitelow Turbine:

Here the complainant has boldly thrown before the Court his offer to compromise, as a subject proper for consideration on this contract of which here consider from here the contract of which here contract of which here contract of which here contracts of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here can be contracted by the contract of which here. Weisbach enumerates Whitelow Turbine;

The guide curves of Fourneyron, he concomplainants, special zeal for reminding our tended, were not introduced to produce but to curb and restrain the vertical motion of the water, so as to keep the buckets full; in order, were not introduced to produce but to curb and restrain the vertical motion of the water, so as to keep the buckets full; in order, we have not because of the new minds. that the whole vis viva of the water might be used, and exhausted in giving motion to

these answers; and that we would have of inventions bears a remarkable resembled manning in fidelity to our clients, if we, blance to Fourneyron's. It was published in been wanting in fidelity to our clients, if we had not advised them, that they, in our 1822. In both there is the inner and outer judgement, had an honest and just delence cylander. Both provide for a closing of the to the demand of the plaintiffs against them; by finder at top for high falls for water. In the said he might also state here, that allow both a lead or shute introduces the water at the said of the remarks made by Judge Grier not by him written out, but as he understood taken down by one of complainants the said of the cylinder. In White's wheel, by a flume or shute, with a contracting thousand the was anxious to learn from him eris might well say of it, that there, is the same vertical motion, the same centralugal force, and fixed curved guides in both, and that they are identical in principle. If White's wheel is an impact wheel, which is not admitted, we contended that the publication of its description is not less effective for the defendants. It is a series of the complainant did not claim in his patent, simply a new combination of old many

patent, simply a new combination of old ma-chinery, but a combination of machinery which he claims to be his own invention. If it is shown that much so claimed is not new, although the act of Congress may re-in this question competent evidence, but he him from for eiture of the parts really. on this question competent evidence, but he contended that it was met by two other cases treed in the same Court, for that the Circuit to fall back upon a ciaim lor, a combination of old machiney. So that if nothing mora combination of old machiney. So that if nothing mora is done, than to substitute for White's wheel it has considered as seitled, an it would be a still more startling anomally if this patent, struck down by the law and evidence in every other District, should be permitted in wheel, it has therrow floats or fineless.

Weisbach, in his work on mechanics, "centrifugat tribles," "self tribles," "self tribles," "self tribles, "self tribles, "self tribles, and horizontal shalt, which of the horizontal shalt, which of the horizontal shalt, which of the horizontal tribles, and used in the Sales is New York; several objects Parker? invention

The motions in the cases of Parker vs. Hulm, or the use and possession of his regions during the history of few evidences. Hulm, or the use and possession of his regions where new made of the patent.

The bills were so amended and the desenvers of the contribution of the patent.

Complete, to its whom core carbonled that the case of the horizont is sought of desendants by in full answers? and the contribution of the patent.

The bills were so amended and the desenvers of the contribution of the patent.

Complete, to its whom core carbonled that the contribution is possession of the self-desendants of the patent.

Complete, to its whom core carbonled that the contribution is possession of the desendants, which overlap such of the interest of the discovery of few evidences.

A (new tribution is the contribution in his bills the recovery at law, in the case of Parker vs. Hulm, or the use and possession of his fills the complete should apply with greater force, to a case to which any effort is sought of the patent.

The bills were so amended and the desenverse of the patent of the complete should apply with greater force, to a case to which any effort is sought of the patent.

Complete, to its which overlap such of the interior of the discovery of few veridence.

A (per tribution of the patent of the

Stores & Shops,

Parkers', and cannot be distinguished in principle from it.

There, is much other evidence of which the defendance have information, but they have not had fine to promise it.

But the complainants alleges a possession under his along the devidence to sustain his But the complainants alleges a possession under his patent, at syldence to sustain his motion for injunctions, and on this point he files the deposition of Zubulon Parker. It is confessed that for many years after the patent, and up to 1835, the patentees sumbered on their rights. After that time some hundred rights were sold, and principally in Ohio. But this possession, such as it was, was of their particular machine. The defendants do not use that machine, but the machine which they do use, was putended to chine which they do use, was patended to Johnson, in 1837, whose agents in Ohio, Pennsylvania, and elsewhere, publicly sold at different times more than two thousand rights. Under these mills were built, run, and used, without question or challenge of right by the Parkers, or any body else, until within the last year. There has, therefore, been, for the last twelve years, a pesceable possession of the defendants, public and noorious, certainly more public and notorious, han the use of reaction wheels in pairs on the horizontal shaft, of which Judge Leavitt than the use of reaction wheels in pairs on the horizontal shaft, of which Judge Leavitt said, "nor can it be presumed that these patentees were ignorant of it." If these wheels of the defendant, were so sold and used, and there was, all this time the stlent acquiescence of the Parker's, it is well settled that they can now make no claim against these defendants. Curtis, 395-6; Runnel vs. Murry Jacobs, 311, 346; Wyeth vs. Stone, 1 Story, R. 278; Sander's vs. Smith, Maytane vs. Craig. 711. 728. 730. 735. Certainly in Craig, 711, 728, 730, 735. Certainly in these circumstances, they have no claim to

very closely resembles the wheel of the

an injunction.

But what is the infringement.

Is it the outter cylinder?—That is charged in the bill. The defendants do not use it, but a scrowled shaped water chamber. The outer cylinder for reaction wheels is much older that the patent of the Parkers.

Is it the use of the old reaction wheels in pairs on a horizontal shaft? Although this is charged in the bill, it would be strange, when it was desired to be claimed in the case in Ohio and proved to be old there, to permit it seriously to be urged now.

to be urged now.
Is it the shute or water lend used by the de

Is it the shute or water lead used by the de-cendants? This is not charged in the bill.— But such a shute is old; it is in White's wheel, and a mechanical necessity where vertical wheels in pairs on a horizontal shaft are used. The question of infringement is always for a jury to decide. As to the machine of the de-fendants, it has never been tried. In Parker 18. Hulme, the machine used by the defendant was very different from that used by those de-tandants. On this point it should have no effect

om the defendants the threatened blow which tent to effect so many of the mill owners of ennsylvania, in their means of livelihood, he went to effect so many of the mill owners of Pennsylvania, in their means of livelihood, he said he might well say, at all events, that the case was one of doubt, upon which a chancel or should hesitate—The defendants asked only that the Court should delay until they could procure their testimony. If that testimony came and was not what it was represented to be, they would yield to the claim of the complainant, and their course! would cheerfully in advise them to that course. He thought in these circumstances, he might well invoke for the defendants the shield of the adjudicated principles, that permits a Court of Equity, on such a question, to weigh the disadvantage to the complainant of withholding, and the injury to the defendant, by granting an injuction; and when such injury would be great to put the defendants on terms, and hold up the injurction until the final hearing on their merits.

There is abundant authority for this:—Curtis, 376; Wallace Jr. Rep., 557; Wilson vs. Barnum.

The defendants here offer such terms—to.

The defendants here offer such terms—to

What other good can the complainant seck in these injunctions. His patent is about to expire, it is in its last year. They cannot settle the controversy. That must go on as there are suits pending not/only in this. District, but in the Western and Northern Districts of this State, in New York/Ohio and liddana.

It is not a case in which there may be danger of others who will invade a claimed right. It is not probable that any one will hereafter, in the face of this controversy, set up machines or purchase them until it is settled.

Set disposed of at the lowest rates.

Orders from a distance thankfully received and promptly attended to.

Carlisic, dec 12, 49.

PMONYER.

Pure Fresh Cod Liver Oil.

WHIS new and valuable Medicine, now such astonishing efficacy in the cure of Pulmary Company Commany Consumption, Serofula, Chronic Rheumatism, Gout, General Debility, Complaints of the Kidneys, &c. &c., is prepared from the lowest rates.

in the face of this controversy, set up machines or purchase them until it is settled.

To the complainant then, it can bring no legitimate advantage, while the defendant and to the community a great injury is wrought if injunctions should stop their Mills. No case can be imagined more proper for the application of the principle and practice for which the authority is cited.

It is true that the defendant and the defendant and to the community a great injury is cited.

authority is cited.

It is true that the defendants are men of influence and consideration. It is due their intelligence, integrity and popular positions. It is true that those proceedings are designed to reach a very large number of the mill owners of Pennsylvania. We know that the complainant professing to have established his exclusive right to a principal of hydraulic, has model. of Pennsylvania. We know that the complainant professing to have established his exclusive right to a principal of hydraulic, has made wide sprung claims against the owners of mills, having very different construction. We hear of many suits yet to be brought, and it is difficult to set limits to a claim so comprehensive.

"The offect of the Cod Liver Oli in most of But atthough the will dwhere of Pennsylvania." of many suits yet to be brought, and it is difficult to set limits to a claim so comprehensive.

The offset of the Cod Liver Oil in most of But although the mill owners of Pennsylvania are, no doubt, among the most intelligent, and the most influential of our fellow citizens, they would disdain to continue their influence to intelligent, and first injury upon the complainant. For those their injury upon the complainant. For those whom we represent, the defendants, before this Court we may well deny such combination that they have injured the formulation that they have injured the formulation their prompt to repair the injury.

in the treatment of Pulmonary Consumption to repair the injury.

But the spirit which prompts to repair injuries, ignorality inflicted, is the spirit to resist an unjust demand.

The Court declined hearing Mr. Cadwalader for the complement, and postponed delivecing an opinion mail a future day.

It is wonderful efficacy has induced a memorous

Iconographio Encyclopædia

Newville Saving Fund Society. THE Newville Saving Fund Society, is now tully organized and in operation under the management of the following Directors: John Waggener, Sam'i Jahl, Sam't W.Sharp, William Klink, James McCandlish, Joseph C. Williams, Brice U. Sterrett, John Work and Achison Lauehlin.

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CLOTHS AND CASSIMERES, satingts, velvet cords. Ky. jeans, scarlet, yellow, white and Canton Flannels, tickings, muslins, calico, cashmeres, de lance, alpacas, Cobyrg cloths, gloves; hosiery, Irish linen, comforts, &c.

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A large and splendid assortment of Long and Square Shawls, at all prices to suit the

BOOTS AND SHOES. Also, Boots and Shoes, which he is determined to sell low, at his stand, in North Hanofirst store below Haverstick's Drug Store, vor street, Oarlisle. J. G. CARMONY.

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LARGE and well selected assortment of BOOKS of all kinds constantly kept on and to suit the times, the following have just een received. †
Hume's History of England, two first Nos.

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Shakspeare's Works, 4 different editions.
Byron's Works, Burne' Works.
Scott's Poetical Works.
Lynch's Expedition to the Jordan and Dead
Sea. Montague's ditto.
Scott's Military Tactics, 3 vols.
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Philosophy of Religion, by Morrell.
Earnest Ministry, by James.
Bravo's Daughter, by Duganne.
Dowager, or New School for Scandal, by Mrs.
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Dowager, or New School Dowager, or New School Core.

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And all the new novels received as soon as published. All orders for Books, attended with dispatch. After all your disputes about Cheap Books, call around and examine for yourselves.
octive T. W. MARTIN.
WATCHES, JEWELRY, &c.

The machine used by the defendant was very different from that used by these defendants. On this point, it should have no effect against them.

He then showed, in the cases of several of the defendants, that they were charged with using, not vertical, but horizontal wheels. As to these a very different question was presented. They were not tried in the case of Parker son a horizontal shaft. The Court expressly declared in that case, that of the "three forms of machinery" mentioned in the patent, "the first only is involved in the present controversy the case of Parker vs. Hulme) it is a compound wertical percussion and reaction water wheel, "with the method of applying the water on the same."

This Court rejected the motion made for au injunction, on the ground that a statement of this case was not made part of the bill.

Thus affirming that there must have been a tripl at law, on which to ground so grave a motion, as that for a special injunction. That case had been shaken, and its effect met in the answer of the defendant. But in regard to horizontal wheels, there is no pretence to say that it is entitled to the slightest consideration on the motion.

In closing the argument intended to avert from the defendants the threatened blow which went to effect so many of the mill owners of Pennsylvania, in their means of livelihood, he

quality and price.

HO! FOR THE HOLIDAYS

Riss Kingle's Head-Quarters, Carlisle, Penn

Is the place where Country Merchants and the public in general, will find the largest and best assortment of the defendants asked only if that testimony at it was represented to the claim of the compounsel would cheerfully course. He thought in the might well invoke for incled of the adjudicated to he might well invoke for incled of the adjudicated to he might well invoke for incled of the adjudicated to helding, and the injury to his a Court of Equity, on high the disadvantage to holding, and the injury to anting an injustion; and uld be great to put the nd hold up the injunction on their merits.

Authority for this:—Currect of the merity of the merity of the merity of the complainants for any-divantage can the injunction is about the heavy he has just received a large assortment of English, French and American TOYS AND FANCY GOODS, consisting in part of fine French Card and Sewing Baskets of entirely may patterns, Pancy Baskets of entirely may patterns, Pancy and the public in general, will find the largest the place where Country Merchants and the public in general, will find the largest the place where Country Merchants and the public in general, will find the largest the place where Country Merchants and the public in general, will find the largest the public in general, will find the largest to public in general, will find the largest the public in general, will find the largest and the public in general, will find the largest and best assortment of Fruits and of the subscriber,

The defendants here oner such thing he can recoveft.

What legitimate advantage can the injunction be to the complainant.

The Court will not harbor the idea that it is one of its propor officers to compel the defendants to submit to demands which they and their counsel believe to be unjust, without giving them an opportunity to investigate the merits.

Such a purpose is inconsistent with the principles of justice and jurisprindence, property regarded as sacred in all free and civilized in these injunctions. His patent is about to expire, it is in its last year. They cannot settle the controversy. That must go on as there is in this District, but it is new and valuable Medicine, now in the disconting the principles of the laters of th

consumption, &c., says: I have prescribed the Oil in above four hundred cases of tuber-culous disease of the Lnngs, in different stages, which have been under my care the last two years and a half. In the large, number of cases, 206 out of 234, its use was followed by marked and unsequived in marked and unsequived.

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onabled me to get of my bed, where I had been confined
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of the bottle more affected a PERFECT QURE of
all the ulcers, and restored me to good health."

wp-Mand twee bottles more affected a PERFECT GURE of all the ulcers, and restored me to good hauth."

FOURTEEN WITNESSES!

Mr. HASKIN has sworn to the above facts, and the facts are winessed and certified to by Dr. T. WILLIAMS. Mr. G.R. BROWN, proprietor of the West Roses Hotel. Mosses.
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