

Daily Record

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AND

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STOVES!

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THE TORPEDO PATENT SUIT

Roberts vs. Nicholas Geyer

The following is the decision rendered by the Court, at May Term of the Circuit Court in the above case: In the Circuit Court of the United States, in the Western District of Pennsylvania—Roberts vs. Nicholas Geyer.—No. 1.—May Term, 1873.—In Equity. November 27, 1873. Bill filed and answered.

subpoena and notice of application for preliminary injunction served.

December 13, 1873. Motion for preliminary injunction heard, and the Court being duly advised the premises, the injunction awarded as prayed and decree flow.

January 14, 1873. Injunction issued, and on 25th day of January indictment served personally and by copy.

May 27, 1873. Rule issued for defendant to show cause why attachment should not issue for contempt in violating injunction and duly served.

June 24, 1873. Rule for attachment in this case on to be heard, and after argument of counsel pro and con, the Court being fully advised in 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 days, and that he pay the costs of this proceeding.

June 24, 1873. Commitment issued.

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

The Court McKean, J., after delivering the opinion in the Hamer case, proceeded to severally Nicholas as Geyer for contempt, and delivered the following oral opinion:

In the case of Nicholas Geyer charged with contempt, I am entirely satisfied that there was no fluid present in the wells at least. As the defendant introduced the novel in the course of the proceeding, the presence of fluid in the well, whether it occurred or not, is an infringement of the patent, and for each of the infringement 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 on tamping, whether it gets there naturally or is put there artificially, his patent is infringed. This is clearly the case in regard to the wells well.

But Mr Geyer seems to have been misled by Hamer, who told him that he merely wanted to make an experiment; and I do not think that 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 undergo an imprisonment in the county jail for ten days. I hope this will be the last of the case, because if the matter comes to our notice again, we will be constrained to impose such punishment as will tend to make the decree of the Court effectual.

John T. Reis.

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