

Burr Vs. Duryee

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Court : US Supreme Court

Decided On : 1863

Appeal No. : 68 U.S. 578

Appellant : Burr

Respondent : Duryee

Judgement :

BURR v. DURYEE - 68 U.S. 578 (1863)

U.S. Supreme Court BURR v. DURYEE, 68 U.S. 578 (1863)

68 U.S. 578 (Wall.)

BURR

v.

DURYEE.

December Term, 1863

At the same time with the preceding cases, or rather immediately afterwards, two other cases, appeals from the New Jersey district, between the same parties and relating to the same general subject of hat-bodies, were heard; the same counsel who had argued the first and principal case, arguing these two also; though not at length, as from the fact already mentioned, to wit, that the principles involved were

the same, it was understood that the decision of these two would follow the decision of the first and principal case. The first of these two cases decided simply a point of fact, to wit, that the machine known as the 'Boyden machine,' and so largely discussed in the principal case, was not an infringement of a patent granted in the same department of manufacture to a certain Hopkins: no reasons being assigned; GRIER, J., who delivered the opinion of the court, remarking that, while their honors had come to a conclusion satisfactory to their own minds, it was impracticable to 'vindicate' it without the use of the 'large museum of exhibits in the shape of machines and models' which had been presented on the argument of all these three cases, and which 'were absolutely necessary to give the court a proper understanding of the merits of the controversy.' The result, therefore, was stated; the curious being referred for reasons to those given by the defendant's witness, Mr. Tredwell, examined in the case. This decree, too, was affirmed with costs.

The other of the two cases admits of a certain kind of report, now given, as on the three pages which follow.

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