Circuit Court of the United States
Rhode Island District ss

Memorial Term 1839,

Pamela Lane of Pittsburgh in said District
Complaining of William C. Magee of Warwick
in said District Gentleman and Pamela Magee
of Pittsburgh in said District Manufacturers
Owners of Mills in said Warwick Summoned.
ed by the Marshal of said District in an
action of the case. For that the Plaintiff
was the original and first inventor of a
certain new and useful improvement in a
machine or manufacture in the letters Patent
hereinafter mentioned and fully described, the
same being "a new and useful improvement
or a thing not known or used before his
discovery, which consists in the communi-
cation of motion from the reed to the yarn
beam and in the connection of the one to the
other" — which was not known or used in
public use or on sale with his consent or allow-
ance at the time of his application for a
Patent as hereinafter mentioned. And the
Plaintiff being so aforesaid the inventor thereof
and being also a citizen of the United States
on the Twelfth day of April in the year of
our Lord One Thousand Eight Hundred
and Twenty Nine when he application
therefor did obtain certain letters Patent
therefor in due form of law under the
Seal of the United States signed by the
President of the United States and the

Secretary of State and certified by the Attorney General of the United States. bearing date the day and year aforesaid. whereby there was secured to him his heirs administrators executors or assigns from and after the date of the Patent the full and exclusive right and liberty of making constructing and vending to others to be used the said improvement as by said Letters Patent in Court to be produced will fully appear.* And the Plaintiff further says that from the time of granting to him of said Letters Patent hitherto, he has made and used & vended to others to be used the said improvement to his great advantage and profit. Yet the said Defendant well knowing the premises. but contriving to injure the Plaintiff did on the first day of January 1809 and at divers times before and afterwards during said term of fourteen years mentioned in said Letters Patent and before the purchase of the Plaintiff's writ at said Warwick unlawfully and wrongfully and without the consent and allowance of the Plaintiff and against his will did make or caused to be made and did use said improvement in violation and infringement of the exclusive right so secured to the Plaintiff by said Letters Patent as aforesaid and contrary to the form of the Statute of the United States in such case made and provided; whereby the Plaintiff has been greatly injured and deprived of great profits and advantages. which he might and would otherwise have derived from said improvement.

* a certified copy is hereto annexed

2 And also for that the Plaintiff was the orig-

inal and first inventor of a certain new & useful improvement of a machine, to wit an improvement on the Power Loom, which can also be applied to other looms & which was not at the time of his application for Letters Patent as aforesaid in public use or on sale with his consent or allowance & on the day and year aforesaid obtained Letters Patent therefor, which were signed by the President of the United States & certified & issued in due form of Law, whereby there was secured to him his heirs administrators or assigns for the term of fourteen years from and after the date of of the Patent the full and exclusive right and liberty of making constructing using and vending to others to be used the said improvement as by said Letters Patent in Court to be produced will fully appear. And the Plaintiff says that from the time of granting to him said Letters Patent hitherto he has used made and vended to others to be used the said improvement, whereby the exclusive right secured to him has been and now is of great value to him to wit of the value of One Hundred Thousand Dollars Yet the said Defendant well knowing the premises but contriving and wrongfully intending to injure the Plaintiff and to deprive him of the profits benefits and advantages which he might and would have otherwise have derived and acquired from the making and using and vending said invention, after the making of said Letters Patent and within said Term of Fourteen years in said Letters patent mentioned and before the purchase of the writ to wit on the first day of January AD 1859

and at divers other times before and since at said ~~Dorchester~~ Warwick in certain Mills by them run unlawfully and without the consent and allowance and against the will of the Plaintiff did use the said improvement on a great Number of Same Looms to wit Five Hundred in violation and infringement of the exclusive right so secured by the Plaintiff by said Letters Patent as aforesaid and contrary to the form of the Statute of the United States in such case made and provided. whereby the Plaintiff has been greatly injured and deprived of great profits and advantages which he might and would otherwise have derived from said invention

9 And the said Plaintiff further says that he being such inventor and said Letters Patent having been so made as aforesaid and the said invention or improvement having been so made used and vended by him. yet the defendants well knowing the premises but further contriving and intending as aforesaid after the making of said Letters Patent and within said term of fourteen years to wit at said Warwick in a certain Cotton Mill by them run on the first day of January A.D. 1839 and on divers other days and times between that day & the day of the issuing of the Plaintiffs writ unlawfully & unjustly and without the leave or license & against the will of the Plaintiff having previously made or cause to be made did use ~~in divers~~ divers to wit Five Hundred Same Looms with the improvement of the Plf's thereon and

in imitation and counterfeit of said Plaintiff's invention - being a change of form only thereof - in breach of said Letters Patent whereby the Plaintiff has been greatly injured and deprived of great profits - which he would have otherwise have acquired By reason of all of which the Pff has sustained the actual damage of Five Thousand Dollars and by the force of the Statute aforesaid an action has accrued to him to recover the said damage and such additional amount not exceeding in the whole three times the amount of such actual damage as the Court may see fit to order to order and adjudge yet the Dft though requested has never paid the same or any part thereof to the Pff - but hath refused and yet refuses so to do.

To the damage of the Pff as laid in his writ dated the 18th day of October A1839. Five Thousand Dollars

Wherefore he sues by his Pff

Eaton & Pinsmay

And the Deft. come into Court when &c. and defend the wrong & injury when &c. and say they are not guilty in manner and form as the Plff. in his Declaration hath thereof complained against them. And of this &c they put themselves on the Country, By their Attorn.

R. W. Greene & P. Pratt

N.B. Notice of special matter is hereafter to be given by Agreement of Parties.

Dec'n

Seneca C. Term

vs

Wm & Amasa Sprague

Case & Trover

Plea for Def

Filed Nov 1st 1839

Summons Nov. 9. 1839 by R. W. Greene & P. Pratt

Sd to Nov 13. 1841

Recorded in Court Book Vol 1 (from Jan 1841) Book 13 page 288.

27

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four — days and travelled ninety five miles. Summoned on the part of the Defts

4 days attendance,

95 miles travel.

5	
9	50

14. 50

George Brownell

George Brownell

13

CIRCUIT COURT, Jun - Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague —

I certify that I have attended as a witness in said case four — days and travelled Eighty miles. Summoned on the part of the Defts

4 days attendance,

80 miles travel.

5	
8	00
13	00

Josiah Beard

Sarah Barrd

1

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm. & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty four miles. Summoned on the part of the Deft's

4 days attendance,	5		
34 miles travel.	3	40	
	8	40	

Harrison G Williams

Harriscen Williams

16

CIRCUIT COURT, Pun Term, 18 40

In the case Amasa Stone

versus Wm G A Sprague

I certify that I have attended as a witness in said case Pun days and travelled none miles. Summoned on the part of the Defts

4 days attendance,

9 miles travel.

5	
	90
590	

John Slocum

John Slocum

18

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case two — days and travelled ——— miles. Summoned on the part of the Defts

2 days attendance,	2	50
0 miles travel.		
	2-50	

William Pennigen

Wm Pennegom

19

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case two days and travelled [illegible] miles. Summoned on the part of the Defts

2 days attendance,	2	50	
miles travel.			
	2	50	

Samuel Westcott

Samuel Westcott

20

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm G A Sprague

I certify that I have attended as a witness in said case four days and travelled twenty two miles. Summoned on the part of the Deft

4 days attendance,	5	
22 miles travel.	2	20
	7-20	

Charles Anthony

Charles Anthony

22

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled one hundred & seventy miles. Summoned on the part of the Defts

4 days attendance,

170 miles travel.

5		
17	00	
22	00	

John Chase

John Chace

23

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague.

I certify that I have attended as a witness in said case four days and travelled one hundred & seventy miles. Summoned on the part of the Defts

4 days attendance,

190 miles travel.

5	
17	00
22	00

Samuel Flint

Samuel Flinn

24.

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm G A Sprague

I certify that I have attended as a witness in said case four days and travelled one hundred thirty nine miles. Summoned on the part of the Defts

4 days attendance,		5	
139 miles travel.		13	90
	18	90	

John Burns

John Barry

28

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled one hundred sixty seven miles. Summoned on the part of the Deft

4 days attendance,	5	
167 miles travel.	16	70
	21.70	

Jon.a C. Fiske

Jonathan Fish

25

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled ninety miles. Summoned on the part of the Defts

4 days attendance,

90 miles travel.

5	
9	
14	

William Sprague

William Finge

25

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & a Sprague

I certify that I have attended as a witness in said case four days ~~Defts~~

and travelled ninety Eight miles. Summoned on the part of the Defts

4 days attendance,

98 miles travel.

5	
9	80

1480

Edward Brown

Edward Brown

This may Certify that 460 miles is in my opinion the Shortest distance of Publick Conveyance that I could travel to summon the witnesses by me summoned in the Case of Amasa Stone Vs. Wm. & Amasa Sprague tried at the June term of the Circuit Court U.S. A.D. 1840.

And I further make affadavit and say that I travelled to Pawtucket 34 miles from Newport and summoned Harrison Williams and from Pawtucket to Waltham 54 miles & summoned Josiah Beard and from Waltham to Lowell 25 miles & summoned George Brownell and from Lowell to Andover 20 miles & summoned William Gay and from Andover, Mass. to Dover, N.H. 45 miles & summoned John Burns and from Dover, to Springfield 137 miles & summoned John Chace & Samuel Flint and from Springfield to Richmond 100 miles & summoned Charles Anthony and from Richmond to South Kingston 12 miles & summoned John Hoxsie And I also make affidavit that I summoned Jonathan Fiske of Kennebunk, Maine, which is 30 miles from Dover, also Edward Brown 3 miles from Lowell also ~~Charles Anthony~~ & William Pinnegar of and Samuel Westcott, of Newport

Sworn to before me this 12th day of November A.D. 1841

James M. Clarke
Justice of the Peace.

Providence fs On the 19th day of November A.D. 1841. personally appeared Geo W. Potter and made oath that the facts and statements contained in the foregoing Certificate are true

Before me James M. Clarke
Justice of the Peace.

To Otis W. Potter Esq of Cranston

Greeting.

I Benjamin Anthony Marshal of the United States for the District of Rhode Island do by these Presents appoint you a special deputy Marshal & empower you to make service of this summons giving you as full power as I myself might lawfully have. Given under my hand this 11th day of June A.D. 1840

B Anthony

U. S. Marshal

I made service of the within Writ by reading the within in the presence and hearing of all the within named witnesses and have paid each of them the sum of money against to their names respectively it being for one days attendance and their traveling fees

George Brownell	10-75 —
John Chace	18-25 —
Samuel Flint	18-25 —
John Burns	15-15 —
William Frye	10 25 —
Charles Anthony	3-45
Samuel Westcott	1-25
William Pinnegar	1-25
Josiah Beard	9-25 —
Harrison Williams	4-65
Edward Brown	11-05 —
Jonathan Fisk	17-95 —
Travel 576 m	57 60
8 days — 50 cts	4 00

O W Potter Dept Marshall

I made use of the other usual witnesses not charged by Mr Potter

16 days - 3 00
60 m 16 00
$19 00

B Anthony

RHODE-ISLAND DISTRICT, sc. } **To** George Brownell, John Chace, Samuel Flinn, John Burns, William Fry, Charles Anthony, Samuel Westcott, William Pinnegar, Joseph Beard, Harrison Williams, Edward Brown **Greeting.**

YOU are hereby required, in the name of the President of the United States, to make your appearance before the United States Circuit Court, to be holden at Newport within and for Rhode-Island District, on the fifteenth day of June next to give evidence of what you know relating to an action of the case then and there to be heard and tried, between Amasa Stone Pltff and William & Amasa Sprague Defts

Hereof fail not as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Providence *the* eleventh *day of* June *A. D.* 1840

John T. Pitman *Clerk.*

Deft's Summons
" "
Simons Return
vs
McClaim Jurors

United States of America D. J.
District Le June 13th 1840

Made service of this precept by reading the within or by leaving a true copy thereof at the last and usual place of abode and have paid each of them the sums of money opposite to their names respectively except John H. Clarke who refused to accept the money tendered and John T. Walker who was not by me to be found

B Anthony
Marshal

James F Simmons	4.75
George Waterman	4.85
Charles H Franklin	4.55
Nathaniel Brown	4.55
Robert W Potter	5.45
David Whitman	5.45
Hazeia Holden	5.85
Smith Kelly	4.85
Benjamin Peck	4.85
George B Hodges	4.25
Cyrus Babcock	4.25
Job Menchester	4.75
Charles Jackson	4.25
John H. Clarke	4.25
William B Battermarsh	5.45
Nicholas G Potter	5.45
Lemuel Stetson	4.65
James [illegible] Brown	4.65
John [illegible] Walker	—
Asher [illegible]	5.25
Palemon Walcott	4.85
	$97.20

Tendered but he refused to accept

not to be found

	$9.720
21 services $10.50 21 copies 1.050	21.00
Travel 150 miles	15.
	$133.20

B Anthony Jr Marshal

RHODE-ISLAND DISTRICT, sc. } **To** James P. Simmons, George Waterman, Charles H. Franklin, Nathaniel Bowen, Reuben W. Potter, David Whitman, Hamilton Holden, Smith Kelley, Benjamin Peck, George R. Holmes, Lionel Babcock, Pot Manchester, Charles Jackson, John H. Clarke, William R. Butterworth, Nicholas Potter, Lamed Pitcher, James S. Brown, John T. Archer, Orlon Alan, Benner J. Hill

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the United States Circuit Court, to be holden at Newport within and for Rhode-Island District, on the fifteenth day of June next to give evidence of what you know relating to an action of the case then and there to be heard and tried, in which Amasa Stone is Plff and William & Amasa Sprague are Defts

Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated at Providence *the* thirteenth *day of* June *A. D.* 1840

John T. Pitman *Clerk.*

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled forty two miles. Summoned on the part of the Defts

4 days attendance,	5	
42 miles travel.	4	20
	9	20

Nicholas G. Cotton

Nicholas G Potter

4

CIRCUIT COURT, June Term, 1840

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled forty two miles. Summoned on the part of the Defts

4 days attendance,

42 miles travel.

5	
4	20

9 20

Lyne R Butterworth

William R Butterworth

7

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days

and travelled thirty three miles. Summoned on the part of the Defts

4 days attendance,	5	
33 miles travel.	3	30
	8	30

Charles H Franklin

Charles H Franklin

5

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty three miles. Summoned on the part of the Deft

Nathaniel Bowen

4 days attendance,	5	
33 miles travel.	3	30
	8	30

Nathaniel Bowen

8

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty five miles. Summoned on the part of the Defts

4 days attendance,	5	
35 miles travel.	3	50
	8	50

Ed: Waterman

George Waterman

9

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & a Sprague

I certify that I have attended as a witness in said case four days and travelled thirty four miles. Summoned on the part of the Defts

Jonathan S Killey

4 days attendance,	5	
34 miles travel.	3	40
	8	40

Jonathan S Kelly

3

CIRCUIT COURT, June Term, 1840

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled forty six — miles. Summoned on the part of the Deft

4 days attendance,

46 miles travel.

5	
4	60

9 60

Hamilton Holden

Havilah Holden

10

CIRCUIT COURT, June Term, 1840

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty six miles. Summoned on the part of the Deft.

4 days attendance,	5		
36 miles travel.	3	60	
	$8 60		

Calvin Walcott

Porlemon Walcott

CIRCUIT COURT, Jan Term, 18 41

11. In the case

versus

I certify that I have attended as a witness in said case four days and travelled thirty — miles. Summoned on the part of the Deft

4 days attendance, | 5 | — |

30 miles travel. | 3 | |

8 —

Geo. B. Wilmes

Geo B Holmes

CIRCUIT COURT, June Term, 1840

12 In the case Amara Stone

versus Wm & Amara Sprague

I certify that I have attended as a witness in said case Four ——— days and travelled thirty miles. Summoned on the part of the Defts

4	days attendance,	5	—
30	miles travel.	3	—
		$ 8	11

Cyril Babcock

Cyril Orbeck

14

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & a Sprague

I certify that I have attended as a witness in said case four days and travelled thirty miles. Summoned on the part of the Defts

4 days attendance,

30 miles travel.

5		
3	00	
8.00		

John H Clarke

John H Clark

15

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & a Sprague

I certify that I have attended as a witness in said case four days and travelled thirty five miles. Summoned on the part of the Defts

W B Manchester

4 days attendance,	5	
35 miles travel.	3	50
	8	50

Job Manchester

21

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled forty miles. Summoned on the part of the Deft

4 days attendance,
40 miles travel.

5	
4	00
9	00

David Whitman

Daniel Whitman

32

CIRCUIT COURT, June Term, 18 40.

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty miles. Summoned on the part of the Defts

4 days attendance, 5

30 miles travel. 3

8.00

Chas Lawson

Charles Jackson

3

CIRCUIT COURT, Jun - Term, 18 40

In the case Amesa Stone

versus Wm & A Shaw

I certify that I have attended as a witness in said case four days and travelled 40 — — miles. Summoned on the part of the Plt

4 days attendance,

40 miles travel.

5	
4	
9	00

Ex Anton Man

B Anthony

balance due A Man

$3.75

Orlon Allen

29

CIRCUIT COURT, Term, 18

In the case Amasa Stone versus Wm A Sprague

I certify that I have attended as a witness in said case Sum days and travelled Thirty Eight miles. Summoned on the part of the Defts

14 days attendance,	5	
38 miles travel.	3	80
	8	80

Benjn Peck

Benjamin Peck

17

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four — days and travelled forty two miles. Summoned on the part of the Defts

4 days attendance,

42 miles travel.

5	
4	20

9 20

Robert W. Potter

Robert W Trotter

2

CIRCUIT COURT, June Term, 18 40

In the case Amasa Stone

versus Wm & A Sprague

I certify that I have attended as a witness in said case four days and travelled thirty four miles. Summoned on the part of the Defts

4 days attendance,

34 miles travel.

5	
3	40

8 40

James S Brown

Jonnies Brown.

Joseph Hale
Caution
Bond
Dec 3 1
1840

United States of America
Boston June 1840

made service of this summons
by delivering an attested copy hereof
to Hale for the use of Joseph
& have paid him $8,25

paid $8,25
Jurors 50
Cons 59
travel 7
$16,25

RHODE-ISLAND DISTRICT, sc. } **To** Joseph Hallsey of Boston in the State of Massachusetts

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Newport within and for Rhode-Island District, on the 15th day of June 1840 to give evidence of what you know relating to an action of the case then and there to be heard and tried, Amasa Stone Plaintiff and William Magee & Amasa Magee Defendants

Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

~~Act.~~

Dated Newport *the* 15 *day of* June *A. D.* 1840.

John T. Pitman *Clerk.*

RHODE-ISLAND DISTRICT, sc. } **To** William Logan of Wm Logan, Lowell in the commonwealth of Massachusetts

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Providence within and for Rhode-Island District, on the 15th day of June 1840 to give evidence of what you know relating to an action of the case then and there to be heard and tried, between Amasa Stone plaintiff and William & Amasa Magee defendants

Hereof fail not as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Newport *the* 9 *day of* June *A. D.* 1840.

John T. Pitman *Clerk.*

Commonwealth of Massachusetts

Middlesex ss. June 11th. 1840. I then at Thirty Minutes past eight of the Clock in the forenoon read this Subpoena to the within named William Logan in his presence and hearing and at the same time gave him eleven dollars in hand as his fee which he accepted

Jefferson Bancroft
Deputy Sheriff

Fees Service 10
60 miles Travel 2.10
to the State line
12.20

Middlesex ss. June 11. 1840. Personally appeared Jefferson Bancroft and made oath that the foregoing return by him subscribed is true before me

Thos. Atkinson
Jus. Peace

RHODE-ISLAND DISTRICT, sc. } **To** Silas H. Kimball & Benjamin Greene Brenden in the State of Massachusetts & Joseph E. Dolly of Smithfield in the R. I. District **Greeting.**

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Newport within and for Rhode-Island District, on the 1st day of June next to give evidence of what you know relating to an action on the case then and there to be heard and tried, Amasa Stone Plaintiff and William Sprague & Amasa Sprague Defendants

Hereof fail not as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Newport *the* 10 *day of* June *A. D.* 18 40

John T. Putman *Clerk.*

United States of America D. 2
Detroit Sc. Jan 13th 1840

Made oath of this specific
debing in Land of the
within name witness and
then gave them the amount
of money opposite to their names
respectively -

B Anthony
Master

for Price -

Benjamin Yee	6,,25
Giles H Humbel	6 25
~~[illegible]~~	
James E Doty	4 75
Sam —	1 50
Chris —	1 50
Travel 50 m	5 00
	$25,,25

RHODE-ISLAND DISTRICT, sc. } **To** Spragne Barker & Cullen Whipple of Providence. ~~Joseph Hall & Wife in the commonwealth of Massachusetts~~

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Newport within and for Rhode-Island District, on the 15th day of June next, to give evidence of what you know relating to an action on the case then and there to be heard and tried, Amara Hall Plaintiff and William Spragne & Amara Spragne Defendants

Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Newport the 10 *day of* June *A. D.* 1840.

John T. Putnam *Clerk.*

United States of America R. I.
District to wit Jan 13th 1840

Made service of this Precept by delivering in hand of each of the within named witnesses & have paid each the sum of money opposite to their names respectively —

B Anthony
Marshal

paid C Whipple 4.25
" S Barber 4.25
Fees — 1.00
Cars — 1 —
30 m — 3.00
$13.50

United States of America R. Island
District Sc June 10th 12th & 13.
made sum of this precept by delivering
in hand of each of the within named
witnesses or by leaving a true and attested
copy hereof at the last and usual
place of their abode & have
paid each the amount of money
opposite to their names respectively.

Philip C Remington	$4,55
John Waterman	4 55
William Sherr	4 55
Daniel Green	4,,65
Olney Shippee	4,,65
Alonzo T Paley	4,,85
Robert Shippee	4 85
George Davis	5,,45
Henry J Talbot	5,,05
Philip Allen	4,,25
Zachariah Allen	4,,25
William Allen	4,25
Benjamin Peck	5,,05
John Fiske	4,85
Benjamin Gee	6,25
Silas W Hemenway	6,25
James E Doty	4 75
~~Hezekiah Boon~~	$93 55 — $93,,55

19 miles — at 50 cts 9,50
19 miles — at 50 9,50
Travel 100 miles — 10,,00

2910

B Anthony
U S Marshal

$122 55

RHODE-ISLAND DISTRICT, sc. } **To** Peleg C Remington of Johnston John Patterman of Johnston William Rey & Daniel Green & Olney Whipple of North Providence Alanzo A Tiley & Robert Whipple of Smithfield George Davis and Henry E Talbot of Philip Allen, Zachariah Allen Jr & Jr. Hile of Providence William Aplin of Providence & Samuel Green of Smithfield & Benjamin Peck of Seekonk & John Tenner of Smithfield.

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Newport within and for Rhode-Island District, on the 15th day of June 1840 to give evidence of what you know relating to an action & the case then and there to be heard and tried, Amasa Stone Plaintiff and William Sprague & Amasa Sprague case 14 pts

Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Newport the 10 *day of* June *A. D.* 1840

John T. Pitman *Clerk.*

RHODE-ISLAND DISTRICT, sc. } **To** William S. Bowen of Smithfield - Joseph B. Walker of North Providence James M. Shaw of Providence

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, to be holden at Newport within and for Rhode-Island District, on the fifteenth day of June to give evidence of what you know relating to an action then and there to be heard and tried, between Lemira Stone Plaintiff and Wm & Lemira Sprague Defendants

Plff -

~~Def~~

Hereof fail not, as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated Providence the 13th day of April A.D. 1840

John T. Putnam Clerk.

United ~~States of America~~
~~South Carolina~~ 13th 1840
R J District

Received service of this process by delivering reading the same to the within named William Sloan Joseph Leathe James McSheen I have paid each the sums of money opposite to their names respectively

Paid	Wm Sloan	4.05
"	Joseph Leathe	4.05
	James McSheen	4.25
Service		1.00
Travel 56 miles		3.00
		$16.55

Thos Simons
Deputy Marshal

RHODE-ISLAND DISTRICT, sc. } **To** Reserved Briggs of Warwick
Allen Briggs of Warwick

Greeting.

YOU are hereby required, in the name of the President of the United States, to make your appearance before the Circuit Court, holden at Newport within and for Rhode-Island District, on the 15 day of June to give evidence of what you know relating to an action of the case then and there to be heard and tried, between Ancasta Paul Plaintiff and William & Amasa Sprague defendants

Hereof fail not as you will answer your default under the penalty of the law, in that behalf made and provided.

Dated 9 th day ~~the~~ of June on ~~day of~~ September *A. D.* 1840.

John T. Putnam *Clerk.*

$3.00 each for travel &
$1.25 for one day attendance
$4.25
2
$8.50

Pittsfield June 10th 1840

I have this day Summoned the within named Preserved & Allen Briggs by Reading the within Summons in their presence & heard ing & paying each of them four dollars & twenty five Cents and Received fifty Cents

$4.25 Travelling Charges
4.25
$8.50
50
$9 00 Read

C. H Cogeshall Sheriff

Fees Travel $1.60
2 days " 24
$1 84

Rhode Island District &c

Circuit Court of the
United States
In the action
Amasa Stone
vs
Wm L Amasa Sprague

To the Hon. John Pitman
Judge of the United States District Court for the
District of Rhode Island

The said Amasa Stone respectfully
represents that at the last June Term
of said Circuit Court judgment was rendered
against him in favour of the Defendants
in said case upon the verdict of the
Jury thereon — That the ~~Deft~~ Plff excepted
to certain points of law ruled by the Court
and also excepted to the charge of the said
Court to the jury as ~~fully~~ appears in the
Bill of exceptions filed in said case
Wherefore he prays that a writ of Error
may be allowed in said case returnable
to the next term of the Supreme Court of
the United States which commences on the
2nd Monday of January AD 1841

By his Attorneys
Eaton & Simmons

Respectfully Service of the above & have
no claim to them ~~costs~~ against the allowance of the

writ of error upon ~~satisfactory~~ bond being given to the satisfaction of the District Judge

R. Greene & P. Pratt
Atty's for Northrup & Thayer

At Chambers July 6 1840

Writ of Error

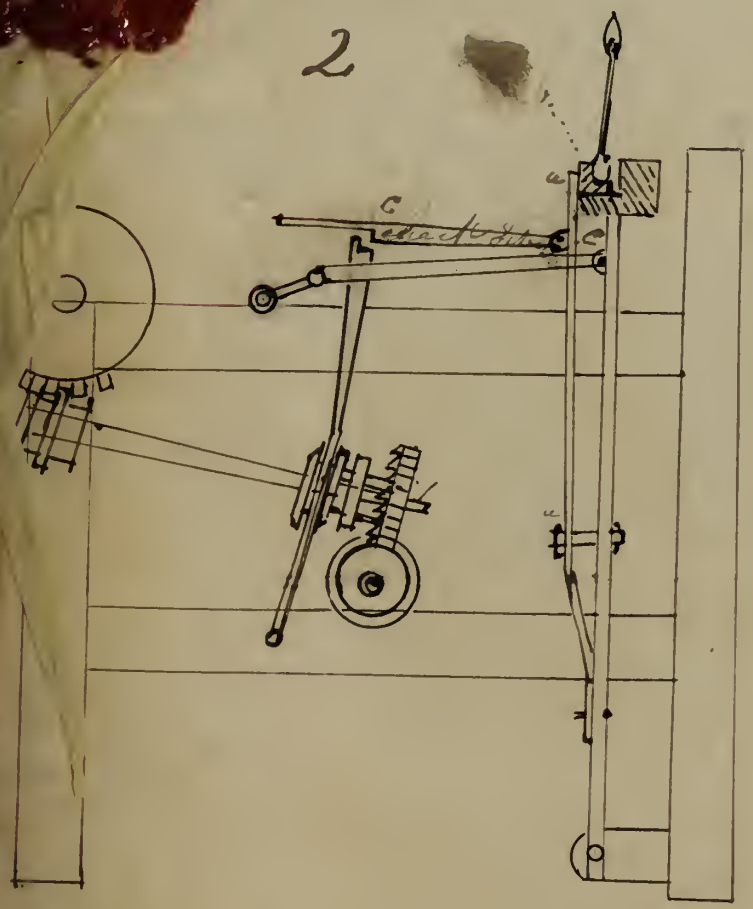
The ~~appeal~~ prayed for in the above case is hereby allowed on the condition that a bond be given in the usual form in the sum of five hundred dollars for the prosecution of the said writ of Error with surety satisfactory to the said District Judge and that the same be done on or before the first Monday in August next

John Pitman
District Judge U.S.
for R. I. Dist.

Petition for
Writ of Error

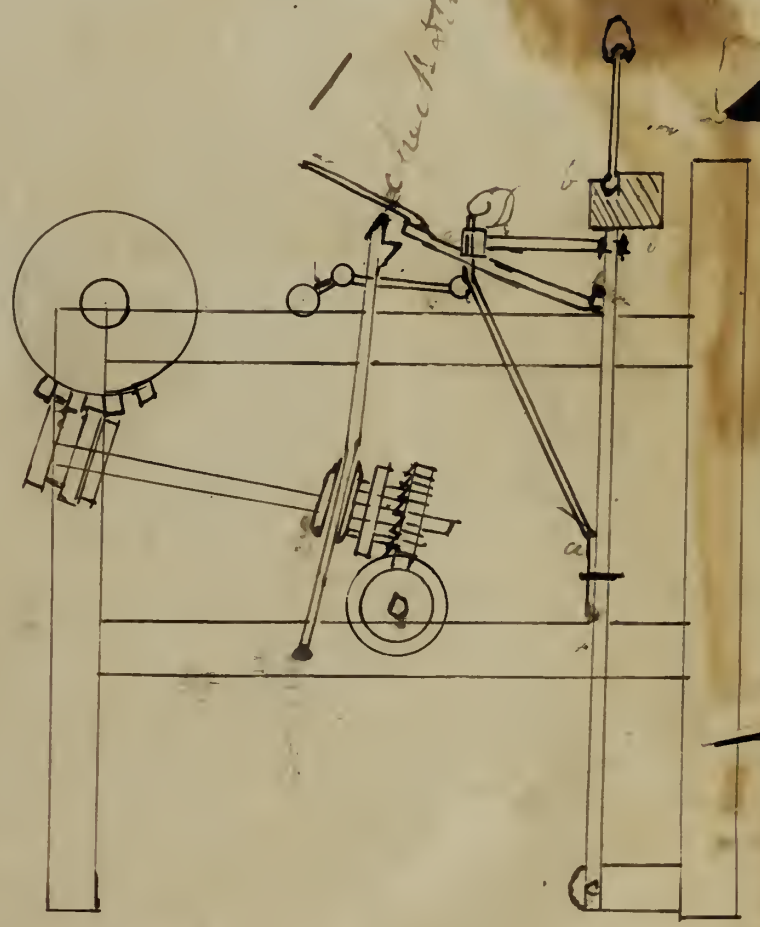
Amasa Stone
vs
Wm. & Amasa Sprague

2



a - a = Spring
b = back piece of lea which presses against the end
c. - c. = Check stick

1



a - a = Spring attached to the Lathe
b - b = Lathe

John Burns

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

By same 3. How long have you had charge of [illegible]?

Ans. [illegible]

By same 4. During this time did you ever see [illegible] connection between the [illegible] and reels?

Ans. I did.

By same 5. Was the motion communicated from the reel to the beam?

Ans. It was.

By same 6. Was it the presence of the reel or [illegible] that produced the motion of the yarn beam?

Ans. It was.

By same 7. How long since you first became acquainted with a brown or brass [illegible] connection?

Ans. All the power looms that I have worked had it, some one way or another.

By same 8. Did you ever know a [illegible] connection

Ans. No.

By Same 9. How many different ways have you known?

Ans. Three.

By Same 10. In all these ways is there a connexion of the reed with the yarn beam and the communication of motion from one to the other?

Ans. There is not any further than the warp. There is not a gearing but only the pressure of the reed against the cloth

By Same 11. Is there a connexion between the yarn beam & the reed of the loom where gearing is not used but in a different way for the yarn beam?

Ans. There is when the warp is in.

By Same (Objected to by Ply. atty.) 12. Do you say that this connexion must be formed in some way from the reed to the beam and motion must be communicated from the one to the other on all power looms in order to weave?

Ans. Yes. It must be connected in some shape or other

By Same 13. Are you acquainted with a connexion that is formed by gearing?

Ans. Yes.

By Same 14. How long back was you acquainted with such a connexion?

Ans. As early as 1825

By Same 15 ~~Do you~~ ~~[illegible]~~ ~~[illegible]~~ Did this connexion exist be[illegible] of the flighter or spring rod and was the motion communicated from the flighter or spring rod to the yarn beam

Ans. In this machine that I speak of 1825 the whole latte acted as a flighter.

By Same 16. Did the position of the rod govern the movement of the yarn beam?

Ans. It did

By Same 17. Did you know of any prior time the latte did not operate as a flighter

Ans I did

By Same 18. At what time did you first know it?

Ans. I think in June 1825

By Same 19. Do you know that it was in the year 1825?

Ans. I do.

By Same 20. By what do you know this?

Ans. By the time work that kept in the [illegible] at that time

By same 20a. Did the reed regulate the movement of the yarn beam as it did when the whole lathe acted as a slighter?

Ans. It did only more perfectly

By same 21. Was the weight of the lathe the only probable reason why the yarn beam was not moved as perfectly when the whole lathe operated as a slighter as it did afterwards.

Ans. That was the principal reason

By same 22. Would not the loom make heavy goods as well when the whole lathe operated as a slighter as afterwards?

Ans. I rather think it would not

By same 23 Do you think there was much difference?

Ans. There was some, but not so much as on light goods though,

By same 24. Had you ever seen the slighter a spring reed in operation before June 1827?

Ans. I did not on power looms.

By same 25. Had you seen it in other looms?

Ans. I did.

By same 26. Was you the first or one of the first that suggested the idea of using a reed or applied to the power loom?

2d Sheet

Ans. I believe it was.

By Same. 27 How early did you first suggest this idea?

Ans. I suggested the idea to the Senate in 1824 or thereabouts.

Question by L. C. Eaton Atty for def.

1. How long have you known the fulminate used?

Ans. I have known them since 1813.

2. By same. Do you know of the fulminate being used in Glasgow, Scotland previous to your obtaining that patent?

Ans. I have

3. By same. Did you see it there?

Ans. I did and I had with it there.

4. By same. Did you hear of any of the fulminate being used there for power looms?

Ans. I think I heard of it. I must say positive

5. By same. In what way will it be used?

Ans. I think I heard it being used in the manufacture of the river Clyde near Glasgow bridge.

6. By same. Did you hear ~~[illegible]~~ that matter ever communicated to the parties from the fulminate or fulminate used in that matter?

Ans. I don't know as I ever did though I still not but I am not certain

7. By Adams. Did they manufacture any different fabric at those mills from any other place?

Ans. I think I have heard that they did, that they manufactured four-leaf twill

8. By Adams. Have you the machinery that would differ from that you use now?

Ans. I do not know

9. By Adams. Did you ever hear that there was any difference

Ans. I think I have heard said that there was some difference in the looms

10. By Adams. Did that difference consist

Ans. I have stated before all that I know about it

11. By Adams. Was the only difference in the slights used?

Ans. The only that we call the slices I know except the double harp.

12. By Adams. What is a slight or a harness frame?

Ans. It is a spring, which in a hand loom is place of the lathe, bears out and, two wooden springs are attached to each end & fastened to the upper part of the sword of the lathe.

In the paper annexed to this deposition marked 1 & 2 are [illegible]

two pieces [illegible], in No. 1. [illegible]
same acts as a flighter. a–a represent-
ing the spring attached to the [illegible]
[illegible] b–b [illegible] representing the cutter,

In No. 2. a–a represents the spring
and b. represents the back piece of
the cutter which presses against the
reed and together these constitute
the flighter in this [illegible].

13. By same. What is a flighter reed?
Ans. I have just given a statement with
regard to that, a reed is one thing
and a flighter is another

14. By same. What is a reed put into a frame
with springs attached at each end,
named
Ans. I should name it a reed in a
flighter.

15. By same. Is not the apparatus called a
flighter when put on a [illegible]?
Ans. It would go under the name of a
flighter as laid down in the paper
[illegible] annexed marked No 1 & 2.

16 By same. Is a spring which is positive in its
motion, moving equally as past [illegible]
each time [illegible] flighter?
Ans. That is a question [illegible]
[illegible]
[illegible]
applied to various purposes to a weaver
[illegible] would not be called a flighter

17. Question. Can you consider the spring ~~cattle~~ represented as in No. 1, a flexible?

Ans. No as such, I consider it a pendulum spring.

18. Question. Has not the spring expired to a point [illegible] time?

Ans. It does not [illegible] with so far each time.

19. Question. Is not said spring attached to the crank of the lever?

Ans. No not, it is attached to the arm [illegible] the arm is ~~to~~ attached to the [illegible] I am mistaken, the spring is attached ~~to the~~ piston rod, one end of the piston rod is attached to the spring [illegible] a - a and the other end is attached to a pin in the wheel

20. By same. Does not the piston rod in the construction of the [illegible] vibrate the spring just so far each way?

Ans. It does not. It varies.

21. Question. Do you mean to say that the piston rod [illegible] the same distance from the [illegible] of the shaft where [illegible] the piston?

Ans. If is meant the piston attached to the end of the wheel I should say the piston would traverse [illegible] distance from that stuck to the [illegible] varies.

22 Q. Above. Does not the spring attached as referred, make the part the part on?

Ans. Yes. the spring of itself does, but the spring of the lathe together does not.

23. By same. In figure No. 1 in the annexed draft what do you consider the slight?

Ans. The lathe

24. By same. When were the alterations made in the forms in Mill No. 4. as done?

Ans. The alteration was made in the year 1827 and I think sometime in the month of June.

25. By same. In what did those alterations consist?

Ans. They consisted in alterations as laid down in figure No. 2. in the annexed draft. The change was altering the lathe beam. cutting a piece out of the back side of it, attaching two springs one to each end, fastening these springs by a bolt and screw through each end of the lathe, and to the [illegible] attaching the check stick c.c. [illegible]

26. By same. [illegible] alteration in the [illegible] of the lathe?

Ans. [illegible]

27. By same. Was in the position of a pendulum [illegible] alteration was made?

Ans. There was an alteration made in the [illegible] of the lever.

~~[illegible]~~. Did by this alteration the arm have been vibrated each time an equal distance

28 By same. Did gave to the lever a positive motion or made this equal vibration after this alteration?

Ans. Because the lever was directly attached by [illegible] the arm to the crank ~~shaft~~, whereas before it was attached to the spring

29. By same. After [illegible] the shaft was [illegible] with a [illegible] to [illegible] the lever was attached to the [illegible] or made a positive directly motion?

Ans. It was done at the same time.

30. By same. B. This alteration that was made did not the pivot of a spring reed become connected by [illegible] with the [illegible]

Ans. It did.

31. By same. Whose invention was this?

Ans. I believe I was the first one that suggested it.

32 By same. To whom did you first suggest it?

Ans. To [illegible] I believe

33. By same. Did you ever hear that the motion was communicated to the yarn beam by the flights reed in Glasgow or any other place in Europe?

Ans. I did not.

34. By same. At the time you made these improvements did you know of any similar operations in the United States?

Ans. I did not

35. By same. ~~Did there have any previous knowledge to your knowledge?~~

Did you ever hear or know before 1827 of the flights or spring reed or frame 1 & 2 in the connexion of 1 being connected by reaching to the yarn beam?

Ans. I did not

36. By same. Did you consider your improvements to new & important?

Ans. I did.

37. By same. What effect did these have upon the fabric?

Ans. If made the cloth of more even texture. Could not alter in the speed.

38. By same. Did Mr Fiske never suggest these improvements to you?

Ans. He did not

39. By same. Did you suggest them to him?

Ans. I don't recollect.

40 By same. Do you recollect at what time Joseph Hall was here, or if he was here after the improvements were made.

Ans. I don't recollect when he was here but I have every reason to believe that he was here after the improvements were made

41. By same. Did said Hall go in to Mill No 4 when he came here?

Ans. I heard that he did.

42 By same. Did you know the fact yourself?

Ans. I did not

43. By same. Did you have any conversation with Mr Hall yourself.

Ans. I did not

44 By same. Did you know he was here and for what purpose?

Ans. I did not at that time

45 By same. Were these improvements spoken of to Mr Hall to your knowledge or from any information from any other person?

Ans. I don't know as they were.

46. By same. Is the wet a part of the machine?

Ans. In some cases you might consider it was, in others not. I should consider it no part of the machine.

47 By same At the time those improvements were made ~~[illegible]~~ Mill.

4th Sheet.

No 4. or at any other time did you state in presence of Mack Hall of & or any other person that you bought those improvements from Tillotson?

Ans. I did not

48. By same. Did any one in your presence state that you brought these improvements from Europe?

Ans. I never heard a thing of it before to day.

49. By same. Does not the weft pass through the reed?

Ans. The warp does pass through.

50. By same. Is the warp connected to the reed?

Ans. I should not think it was.

51 By same. Have you ever given your deposition before in an action now or in Omaha Stone concerning this same matter?

Ans. I have.

52. By same. ~~Did you then state what~~ At the time these improvements were made was any thing said about Rhode Island?

Ans. Nothing that I recollect of

Questions By O. W. Potter for the Defendants
Resumed

1. Was the latte considered a flexible lever of the spring's being attached to it, as in figure No 1.?

Ans. It was.

2. By same. Is the reed case whether it be the back piece & top connected or the whole latte ~~when~~ ~~under~~ in connection with the springs a flexible?

Ans. I do not comprehend the question exactly.

3. By same. In the reed case ~~having the spring attached to~~ which constitutes a flexible in figure No 2?

Ans. The spring a-a and b. the back piece

4. By same. Does not the top of the springs in figure No. 1. which is applied to the rim from the crank move just to and, while the bottom bears in proportion to the pressure of the filling against the reed?

Ans. Yes sir

5. By same. Was there no alteration in the motion or movement of the latte at the time of the alterations in the loom as testified to by you in your answer to

the 25th Cross Interrogatory?

Ans. There was. I wished correct my answer to the 26th Cross Interrogatory.
The slots in the arm of the lathe marked D - 1 - Figure No 1 where the spring came passed through were stopped up by putting a piece of wood in and thus making it a crank loom and giving it a positive motion.

6. By same. Is you not mean to say in your answer to Cross Interrogatory No 24, that you never knew of yarn beams being connected with the bed by gearing until 1827, or do you mean to say it connected with a weighter or spring reel when the main bed of the lathe had a positive motion?

Ans. I mean that I never saw it before 1827 when the main bed of the lathe had a positive motion.

7. By same. Had you seen yarn beams connected by gearing to the reel, prior to 1827.

Ans. I have.

8. By same. Under what circumstances did you give your first deposition before the matter you have stated?

Ans. I made no statement to the examiners without reference to any dates or writings, & gave merely the

opinion.

9. By Same. Do you say that when the filling is put into the warp, and the warp & filling constitutes a web the reed comes up ~~against it~~ against it and makes a center in by way of the warp from the reed to the lay beam?

objected to by Pltff.

Ans. I do when there is a position strap on the beam.

10. By Same. Does the reed communicate motion to the lay beam. By the way of this connection?

objected to by Pltff.)

Ans. It does.

Cross Interrogatories resumed by Pltff

1. After your said first deposition had been taken was you asked if you wish to make any alteration?

Ans. When they came back the second time. They asked me if I could say any thing different with the reference to the time when the alteration was made. I told them I did not know as I could except to put it a little earlier. There was not much more said & they did not take my deposition over.

5th Sheet By same

2. Did they ask you generally if you [illegible] to make any alterations

Ans. I believe not.

3. By same. In answer to the interrogatory No 7 in Defendants reexamination, you say "I have". Did you then refer to the motion at in Figure No. 1.

Ans. I did

4. By same. In Figure No. 1 Was not the rod fastened in the frame and was [illegible] connected by [illegible] the [illegible] beam?

Ans. It was.

5. By same. Did or did not the alteration made in in figure No 2. connect by [illegible] the [illegible] beam with the [illegible] rod?

Ans. I did.

Questions by Mr. Potter for the Defendants re-examined

Was there not a connection by [illegible] between the rod and [illegible] beam in figure No. 1.?

Ans. Of course there was

Cross Interrogatory By Pltfs. atty resumed

Did you mention the machinery in fig. No. 1. in your first deposition

Ans. I think I did not but it is to

long ago that I do not recollect.

By same. Do you mean to say that the connexion by gearing between the yarn beam & lathe as in fig. No 1. and the connexion by gearing between the yarn beam & the flight or spring reed as in fig. No. 2 is the same thing?

Ans. I mean to say that the principle is the same

Deponents fees, 48¢

[illegible]

Hartford Ct. June 4. 1840 Subscribed and sworn to before me

Edw W Woodman

Jus. Peace

Joseph Merrill of Dover in the State of New Hampshire deposes and says in answer to interrogatories as follows

Questions by O.W. Potter, on behalf of defendants

1. How long have you been acquainted with the power loom?

Ans. I went into the weave room in 1827 and since then have operated on power looms at Dover Mills

2. By same. Was there a connexion by gearing from the reed to the yarn beam on the looms when you first went into the mills?

Ans. There was

3. By same. Was the motion of the yarn beams produced by the reed?

Ans. It was.

4. By same. How many looms were in said mills on this plan in operation?

Ans. I cannot say – there were not far from fifty in the room in which I worked in No. 4 mill.

5. By same. Were there springs or flights attached to these looms?

Ans. Yes.

6. By same. Was the reed cased in the lathe in any looms in operation at said mills in 1827?

Ans. It was. By the reed being cased I understand its being placed as fixed as in figure no. 1. annexed to the deposition of John Burns.

7. By same. Was the reed case attached to the

Objected to by Pltf. to the main body of the lathe, so that by the pressure of the web it would give out from the main body of the lathe, in Mill No. 4 in 1827?

Ans. The reed case was attached to the spring and the spring was attached to the reed of the lathe. I should consider therefore the reed case attached to the lathe, and it will give out from the main body of the lathe by the pressure of the web.

8. By same. Was the movement of the yarn beam governed by the pressure of the web against the reed?

Ans. It was

?

Question By L. C. Eaton Atty for Pltf. cross interrogatory

1. Objected to by Defts. What difference is there between figure No. 1 and No. 2 in draft annexed to said Burns deposition, or what alterations were made in the looms in No. 4 Mill = 1800?

Ans. The difference is that in No 2. the back piece to which the spring in the lathe is attached is loose and in No. 1 it is cased.

2. By same. What change was there in the manner of putting on the gearing?

Ans. The alteration in the gearing is laid down in reg No. 2 aforesaid.

3. By Same. Was or was not the gearing in fig. No 1. from the yarn beam attached to the sword of the lathe?

Ans. Yes.

4. By Same. Was or was not the gearing from the yarn beam in fig. No 2. attached to the slighter or spring reed?

Ans. It was

5. By Same. Was not the yarn beam in fig. No 1 regulated by the vibration of the lathe?

Ans. In No 1. the whole lathe operated as a slighter, and it is [illegible] the lathe [illegible] yarn beam.

6. By Same, Is or is not in fig. No 2 the yarn beam regulated by the spring or slighter reed?

Ans. It is

7. By Same, Is or is not in fig. No 1 the reed attached to the sword, the lathe?

Ans. It is

8. By Same. Is or is not in fig. No 2. the reed still attached to the spring or slighter reed?

Ans. It is.

9. By Same. Do or do you not consider the spring or slighter reed to be different than from a vibrating lathe?

Ans. Both answer one purpose, but there is a difference in them

10. By Same Do they answer the purpose equally well?

Ans. They do not. The spring or slighter reed

operates best.

11. By same. What do you consider a weaver's phrase to be a flight?

Ans. We call it a flying that goes down on to the shed of the lathe and comes against the back piece of the reed.

12. By same. Is the vibrating lathe in fig No. 1. a flight in weavers phrase?

Ans. It acts as a flight.

13. By same. Do you know who introduced these improvements at Dover?

Ans. I do not know except what I heard from others.

14 By same. Did you hear John Burns say at the time that it was his invention?

Ans. I heard John Burns say, that No. 4. was the first he ever saw on a power loom.

~~15~~ By Mr. W. Potter for Defendants

Resumed

1. Does not the reed regulate the vibrating lathe & by this means regulate the movement of the yarn beam as in fig. No. 1.?

Ans. It does

2. By same. Is there not a connexion in fig No. 1. by gearing between the reed and yarn beam?

Objected to by Mr. Pl.

Ans. There is a connexion to the lathe, but there is

a connexion to the whole or the whole is connected.

3. By same. Do you mean to include the seed in this connexion?

Ans. I state that there was a connexion in the whole, the seed is connected with the father and in the father with the same [illegible]

4. By same. Would there be much difference in the effect upon [illegible] of the attention of the jury, if [illegible] your answers to No. 1 & 2

Ans. I would say that the [illegible] [illegible]

5. By same. Do you consider the [illegible] as a [illegible] by reason of the [illegible] being attached to the [illegible] No. 1?

Ans. I do consider the letter as being the principal part of the [illegible]

6. By same. Do this in means of the presence of the seed against the [illegible]?

Ans. Yes.

Questions by L.C. Eaton Atty for Plff

1. Was the gearing of No. 1 attached to the [illegible] of the letter

A. Yes.

2. By same. If the gearing is attached to the letter, does it not [illegible] them?

Ans. I should say it [illegible] that is the [illegible] of the [illegible].

3. By same. Does not the gearing in fig. No 2 from the yarn beam to the spring or flighter rod stop at the spring or flighter rod?

Ans. It does.

4. By same. Does not the last one mentioned make a more perfect operation?

Ans. It does.

Questions by C W Potter for Defendants

1. Is not the gearing on beam No 2 attached to the spring the same that it is attached to the lathe in No 1.

Ans. One is attached to the lathe and the other to the spring.

2. Is not the gearing of the yarn beam attached to the spring in fig. No. 2

Ans. It is.

3. By same. Is not this the end of that gearing?

Ans. I should say it was.

4. By same. Is not the rod in fig. No. 1 attached to the lathe?

Ans. I could not say that it was attached. I consider to be attached, is fastened in, the rod was kept in or laid in.

5. By same. Is it not connected to the lathe?

Ans. Yes

6. By same. Does not the rod by way of the the course into the yarn beam?

Ans. It does [illegible] rod.

T. B. Jarvis. Does not a connection exist ~~betw~~ in sts. 1. & 2 between the reed and yard beam?

Ans. Yes, but there is a difference in them, one is by way of the spring ~~[illegible]~~ and one by way of the lathe.

T. B. Jarvis. Is the check stick fastened to the spring arm beam to the reed beam or one which is fastened to the lathe?

Ans. The distance is about the same.

Deponents fees 88¢ Joseph D. Marvin

Hartford Ct. June 5. 1840 Subscribed and sworn to before me

Lyd Woodman Jus. Peace

I Daniel Dwight of Dover in New Hampshire deposes and says his answer to interrogatories as follows

Questions. by Mr. Potter for Defendants

1 Will you state what you know relative to the alteration of the looms in Nos 4 Dover Mills in 1827 and wherein that alteration consisted?

Ans. The alteration was made in June - 1827; it was the changing ~~from~~ the loom from fig No. 1. in the plan annexed to John Harris's position to fig No. 2 & took the lathe out myself & and ~~[illegible]~~ James Top and Samuel Brown assisted in making the alteration in the wood work - putting the lathe together - I have made three different kinds of looms since ~~in~~ ~~Dover~~ ~~[illegible]~~ and have worked in the factories - also I cannot therefore state do not all the particulars. There was an alteration in the check stick. In fig. No. 2 it is attached to the spring a in No. 1. to the lathe - Mr. John Chase & Mr. Andrew Steele ~~[illegible]~~ directed me to proceed on this work. I do not recollect of hearing said Burns claim said alteration as his invention, or of

Dis. or indeed hearing that said Burns claimed it.

Deponents fees 48

Stafford N. June 5. 1840 Subscribed and
Sworn to before me
Eb W Woodman
Jus. Peace

J. Moses Paul of Dover in the County of Strafford deposes and says in answer to interrogatories as follows.

Questions by O.W. Peaslee for defendant

1 Will you state what you know about the alterations in the looms in mill No. 4 in Dover in 1827?

Ans. I was not there in 1827, and I don't know any thing about the alterations. I came here early in 1828, and the looms in No. 4 then had the flying shuttle on them as it is called, as it is represented on fig. 2, in a plan annexed to the deposition of John Burns. I am not a mechanic nor sufficiently acquainted to state the different principles in the different modes of operations of machinery. In 1828 I was superintendent or a manufacturing agent and since Dec 1834 I have been agent of the Cocheco Manufacturing Company at Dover.

In answer to Cross Interrogatories by L.S. Talbot Esq. I further depose that I did not in 1827 see looms in Mill No. 4 with the flying shuttle used, for the reason that I was not in the employ of the company at that time, I was in Gen Miller's above the village.

I saw Mr. Joseph Hall when he came here, in 1828 or 29 I believe, he was employed on the lower weave room getting looms ready to go to the loom to ~~commence~~ weaving. Mr. Hall was manager for the Printing Co. for two or three days, but he did not stay long. I did not know or if I did I have forgotten. I believe Mr. Matthew Pridee was at that time acting agent of the company. I think Mr. Hall came here in the summer of the year that I came in the spring. I do not recollect stating to Mr. Hall the alterations in the looms in No. 4 Mill, nor that he ~~said~~ spoke to me of any improvements on the looms in Rhode Island which he had seen or was going to see. It might have been made but I do not recollect any thing about it. In conversation with Jonathan Pierce I have heard him say that he got the idea of the improvement on looms from a Mr Marland who worked in No. 2 lower weave room as was stated. He died before I came here. Mr. Burns's name was also mentioned in connection with Mr. Marland's.

Moses Poole

Deponents ages, 48 yrs

Sworn June 5. 1840 Subscribed and sworn to before me Chas H Woodman
Pas. Peace

[illegible] Hall [illegible] Hall [illegible]

[illegible] E. [illegible] [illegible]

[illegible]

[illegible] company [illegible] [illegible] put into operation?

Ans. I was in England when [illegible] was put in operation.

By same. What was your employment?

Ans. I worked in the Blacksmith Shop.

By same. In which mill was the spring or flight reed first introduced in the power loom?

Ans. I understood in No. 4.

By same. Was it introduced as a discovery then recently made by any one at Dover?

Ans. It was talked of at that time as an invention which the Burns brought from England, this was the talk in the Blacksmith Shop. I did not know any thing about it except what I heard talked over among the men in the shop.

By same. Did John Burns at that time to your knowledge pretend to be the inventor of the connection of the flight or spring reed with the power loom?

Ans. It is my impression that the talk in the Blacksmith's Shop was that the parts of the machinery was brought over with the reed from England by Burns and I think [illegible] said Burns talked

[illegible] in the shop.

By same. Did said Burns direct you to do any part of the building or alteration of the forge in 1864?

Ans. He did not give me any directions. I did not take charge of the forge.

By same. Was you in the room when he gave any directions?

Ans. I was when he brought in work to have done.

By same. What did Mr. Burns then say with respect to this alteration or improvement that was then to be made?

Ans. I don't recollect now.

By same. Did he then said about its being [illegible] in the shop?

Ans. There was that talk among the hands.

By same. Was Rhode Island with the best of your recollection mentioned in connexion with this subject?

Ans. I think there was something of that kind.

By same. Was Rhode Island mentioned by Mr. Burns?

Ans. I could not say that it was by him more than that rest, as he was giving each a piece of what they were talking about this forge.

Ques. by R. W. Potter for the Defendants.
Was you the foreman of the blacksmiths shop?

Ans. No

By Same. Were you present when the Shooting was done?

Ans. I was in second hand - a Volunteer -

By Same. Should you know the flying artillery if you saw the flying?

Ans. I think I should know it - believe I have seen some of them.

By Same. Can you describe the flight of flying Knight?

Ans. I could if I was in the hall and saw one of them again.

By Same. To what part of the Room is the flying applied?

Ans. It is the well of a Stone called a Crop piece

By Same. Where is the crop piece of the Room situated to which the flying is applied?

Ans. I cannot tell now.

By Same. Are you acquainted with the Power Loom?

Ans. I have seen that which they said was a power loom

By Same. How did you know the Work that was being put into the Shop to be that which belonged to that loom?

Ans. By the hands in the Shop taking observed it.

By Same. Did you know it to belong to that loom?

Ans. No. I did not otherwise than from what they said

By Same. At what time was the last work done in that loom.

Ans. I don't recollect now I could not tell.

By same. Did you then know what these springs were for?

Ans. ~~they~~ They said, for these looms.

By same. Did you know for what purpose they were to be applied to the looms?

Ans. No.

By same. Do you now know?

Ans. I don't.

By same. Do you know that the spring or flighter was first used in the No. 4 mill of the Dover Manufacturing Company?

Ans. That was the talk in the shop, I don't know any further.

By same. Do you understand the flighter & spring to be one & the same thing?

Ans. I do, sir. I believe they used to call them springs.

By same. Did Mr. Burns give to this movement for which purpose the springs were made at that time?

Ans. I couldn't say any other ways than what I have heard, which was, that it was Mr Burns's improvement at that time.

By same. Can you state what this improvement was which they said Mr Burns made at that time?

Ans. No. I couldn't. I don't recollect exactly about it.

By same. Are you positive that Mr. Burns said any thing about the loom in

By Allen. At how many different times have you worked in said Mills?

Ans. I believe I worn a five times in the Roll Mill and all.

By Same Did you ever work in the Cotton Mills

Ans. No.

By Same Was your occupation the same at the several times you worked there?

Ans. It was about the same except when I worked in the Roll Mill.

By Same Was you ever employed on stone and on rock work?

Ans. No. I have dressed a few rocks for rock work, but believe I never worked out stone.

By Same. At which of your several times of working in said Mills did you hear the conversation of said Burns in said improvements of the loom, and do the work upon the same as above testified to?

Ans. I believe it was the second time.

By Same Was this time as early as 1823?

Ans. I couldn't tell

By Same Do you think or could have been as early as 1825?

Ans. I couldn't tell.

By Same. Did you take place in the conversation when you were in the mills

Do you know?

Ans. I think it was I believe it was the last time that I visited under them.

By Same. Did you see Mr Bishop there at that time?

Ans. I believe he was.

By Same. Can you tell at what date Mr Bishop or Mr Gleason were here?

Ans. I can not, nor when they left.

By Same

By Same. Was the machinery the same you looked upon at the time of the above conversation of Mr Burns relative to the improvement of the town, that, it had closest to a connexion between the yarn beam and reed and all that was applied to the town's advantage?

Ans. I don't recollect about it. I do not say that that was for the connexion between the yarn beam and reed.

his

Dennis Jones 64 yrs, Mark ✗ Hall

mark

Stafford June 4. 1840 Subscribed and sworn to before me Lit Woodman

L. Peace

[illegible]

Examiner defense counsel is instructed to the questions at page 1.

Q. Are you in Mr. Calvin Pratt's employ? Are you now in his employ? Are you employed in the Lowell Machine Shop?

Ans. Since 1826

Q. Where was you employed?

A. Ans. In the Machine shop. Was there any years at first I was an apprentice in the Iron Machine shop.

Q. Were the construction of the Boiler in Mill No 4, until a few years past different from their construction in any of the other mills?

Ans. There was

Q. In what did that difference consist?

Ans. I don't know when the alterations had been previous to 1840, there was a difference at that time.

Q. Did you ever know that John Burns or Jonathan Tyler or any other person at Lowell had made any invention or improvement in increasing power the opening a lighter feed to the power steam of power looms?

Ans. I don't know.

Q. Have you been acquainted with Mr. Burns and Tyler?

A. I was [illegible] years, in the [illegible]

more I have known said Burns, or I ought to have an acquaintance with them till within a few years past, as I was very young or paid little knowing them. I can say the same with regard to my knowledge of said Fisher

Question By Otis W. Potter for the Defendants

Can you or can you recollect the cleaning of the gears?

Ans. Yes, as far as 1830.

By same. Did the appear to have been in operation some years prior to appearance of the machinery?

Ans. Yes

By same. Was the motion of the geared gear seen affected by the wear?

Ans. It was in 1830

By same. Was the connexion of the gear bear and axel appear the old as the gears of the year 1830?

Ans. I should not think there was any difference. I never thought to see if there was any particular difference, it all looked alike.

By same. In 1830 did the connexion between the gear bear and axel appear to be old?

Ans. I should think it did, somewhat

old, a loom was out which
or rather I should say some
part of the loom

Question by Plaintiffs atty

Have you any recollection of examining the looms in 1830 to see if any one part was older than another part or had been in use longer

Ans. no

Wm Walker June 4th 1840

Deponents fees 48 cts

Hartford N. June 4th 1840 Subscribed and sworn to before me Chas N. Woodman
Jus. Peace

State of New Hampshire

Strafford ss.

At my office in Dover in said County at ten O'Clock in the forenoon on the fourth day of June 1840 being the time and place appointed by me for that purpose. The within named Mark Hall and William Melcher and John Burns, and at the same place on the fifth day of said June the within named Daniel Dugin Joseph Merrill and Moses Paul, having been duly cautioned, examined, and sworn to testify the whole truth and nothing but the truth, relative to the causes for which their depositions herein annexed were taken, did testify and subscribe in my presence said depositions which are reduced to writing by me, The depositions of Mark Hall and William Melcher were taken at the request of the Pltf and the depositions of John Burns, Daniel Dugin Joseph Merrill and Moses Paul were taken by request of the defendants, named in the Commission hereto annexed to be used at the Circuit Court of the United States for the District of Rhode Island to be held at Newport in and for said District on the fifteenth day of June instant, in certain causes there pending and named in said Commission. The said Parties being duly notified were present and did not object. The defendants appeared only by Otis H Potter their agent, the Plaintiff attended personally and with L. C. Eaton his attorney - and it was mutually agreed that on the trial of said actions

each party may use any or all of the above depositions. The deponents living more than one hundred miles from Newport the place of trial is the cause of this caption

Costs
Paid Clerk for Certificate 25 cts

Pltfs costs
Mark Ball fees 64 cts
Wm Melcher " 48
Subpoena & Sum 9 1.04
Justices fees taking Depositions of Ball & Melcher 3 3.00
5.16

Defts costs
John Burns fees 48 cts
Geo C Durgin 48
Joseph L Morrill 88
Moses Paul " 88
Subpoena & Sum 9 1.04
Justices fees taking Depositions of Burns, Durgin, Morrill & Paul &c 8.00
11.50

$16.91

Chas W. Woodman
Jus. of the Peace

State of New Hampshire

Strafford County ss.

I Francis Cogswell Clerk of the Superior Court of Judicature for said County hereby certify that Charles W. Woodman, Esquire, is a Justice of the Peace within and for said County of Strafford duly commissioned and qualified and that the foregoing signature purporting to his is genuine. In testimony whereof I have hereto set my hand and affixed the Seal of said Court this fifth day of June A.D. 1840.

F. Cogswell, Clerk.

United States of America.

Rhode-Island District, ss.

The Circuit Court of the United States,
within and for the Rhode-Island District

TO Thomas E Sawyer of Dover in the State of New Hampshire Esq or any Justice of the Peace in the said State of New Hampshire, Maine or Massachusetts

KNOW YE, That, reposing confidence in your wisdom, prudence and fidelity, we have appointed, and by these presents do authorize and empower you to take the ~~answers to the interrogatories hereunto annexed of~~ Depositions of Mark Hall of said Dover and others interested to be produced by either Party without Interrogatories

to be used in a certain cause now pending in said Court, wherein Amasa Stone is Plaintiff, and Benjamin Potter is Defendant. Same vs Wm & Amasa Sprague. Same vs Crawford Allen et al

And to this end, at certain days to be by you appointed for that purpose, to cause said witnesses, as aforesaid, to be brought before you, and each witness, while present before you, to examine carefully on oath touching the premises. And when you shall have taken the examination as aforesaid, to reduce or cause the same to be reduced to writing, and to be subscribed by each of said witnesses in your presence. And the same, so taken and subscribed, to return, together with this COMMISSION and your doings herein enclosed, sealed and directed to the Circuit Court aforesaid, next to be holden at Newport on the fifteenth day of June next.

In Testimony Whereof, We have caused the seal of the said Circuit Court to be hereunto affixed.

Witness, the Honorable Roger B Taney at Providence this Second day of June in the year of our Lord one thousand eight hundred and forty

John T. Putnam CLERK.

June Term 1840 1st day,
Opened in Court
J. T. P. Clerk

Ins.

Amasa Stone

vs

Wm. & Amasa Spaulding

& Curtis Eaton Smith

Eaton & Simmons
[illegible] for
[illegible]

Amasa Stone
vs
Wm. & Amasa Spaulding
Curtis Eaton Smith

Rhode-Island District, sc.

THE PRESIDENT OF THE  UNITED STATES OF AMERICA,

TO THE MARSHAL OF SAID DISTRICT, OR TO HIS DEPUTY—GREETING.

WE command you to ~~arrest the body of~~ summons William Sprague of Warwick in said District & Gorham & Amasa Sprague of Cranston in said District manufacturers Owners of Mills in said Warwick

~~if they~~ may ~~be found in your District, and~~ for want of body, to attach goods and chattels, to the value of dollars, and or in safe custody keep, to answer the complaint of Amasa Stone of Providence in said District

at the next Circuit Court, to be holden at Providence within and for the Rhode-Island District, on the fifteenth day of September next ensuing the date hereof, in an action of the case For that the Pltf in their said Cotton Mills at Said Warwick on the first day of January AD 1839 & on divers other days between said day & the day of the date hereof having knowingly without the consent & against the will of the Pltf made or caused to be made & did use without the consent & against the will of the Pltf the new & useful improvements on Power looms which can be used for the sole & exclusive right & liberty of making & using which had granted to the Pltf by Letters Patent under the Seal of the United States of America, & signed by the President thereof in a true claim date the 30th of April 1839 for the term of 14 years against the Statute of the United States in such case made & provided

as by the declaration to be filed in Court will be fully set forth, to the damage of the Plaintiff One Thousand dollars. Hereof fail not, and make true return of this Writ, with your doings thereon. Witness the Hon. ROGER B. TANEY, our Chief Justice, at Providence this 11th day of October Anno Domini, 18[illegible]

John T. Pitman CLERK.

United States of America N. D. District So.

October 11 and 14th 1889 made service of this writ by reading the within in the presence & hearing of William Sheriguen & Amesa Sheriguen and here also delivering a true copy thereof to each of said Debtors as commanded

Fees 4.00

B. Anthony
U.S. Marshal

Rhode Island District } In the Case.
Circuit Court of the U States } Amara Stone against
Wm & Amasa Sprague.

Notice of Points of defence by Defendants.

The said Defendants, pursuant to the law in such case provided hereby give notice to the Plaintiffs, that under the general issue pleaded by the Defendants in the above case, they intend to give in evidence on the trial, among other things, the following special matter, to wit;

That the Plaintiff is not the original and first inventor, or discoverer of the supposed invention, in the Plaintiffs Declaration mentioned, or of any substantial, or material part thereof (claimed as new) and that the same invention or discovery was publicly known and in public use in divers parts of the United States, as well as elsewhere, long before the time of the supposed invention and discovery thereof by the Plaintiff; and that the same was so publicly known and in public use particularly in the States of Massachusetts, Rhode Island, Connecticut and New Hampshire; to wit, at Lowel, Waltham, Dedham, Pawtucket, Fall River, Dorchester, Rehoboth, Newton and Mendon, in the State of Massachusetts; at Manchester, Sterling, Thompson, Killingly, Plainfield and Ashford, in the State of Connecticut; at Johnston, Warwick, Cranston, East Greenwich, Providence, North Providence and Scituate in the State of Rhode Island; at Dover, Peterborough and Mason, in the State of New Hampshire, and at several other places in the States aforesaid, as well as elsewhere in the United States, long before the time of the supposed invention and discovery thereof by the Plaintiff; and that the same was so publicly known by George Brownell, William Logan, Sherman of Lowell, James Downing and Ezra Taft of Dedham, Ebenezer Hobbes and Isaac Bayard of Waltham, John Chaw of Springfield and Benjamin Peck of Rehoboth, all of Massachusetts; Job Manchester, David Whitman, Robert Potter, Elisha

Bacon and Emanuel Rice of Warwick; Benjamin Potter, Benjamin Arnold and Cyril Babcock of Providence; William R Butterworth of Coventry, Charles Anthony of Richmond, Samuel Mann and William Pinniger of Newport, William Kerr of North Providence, ~~all of~~ Charles H. Franklin, Nathaniel Bowen, George Waterman and Smith Kelley of Johnston all of the State of Rhode Island; Asa Potter of Sterling and Daniel P. Arnold of Ashford, in the State of Connecticut; John Burns John Marland, Moses Paul, Francis O'Neal and Leonard Darkin of Dover, Phineas Adams of Nashua, all of the State of New Hampshire; and also by many other persons, by whom the same was known and in use as aforesaid, in the aforesaid States and elsewhere in the United States

And that the description and specification of the said Plaintiff annexed to his said Letters Patent, does not contain the whole truth, relative to his said supposed invention or discovery.

And also, that in the opinion of Experts, the specification of said Plaintiff annexed to his Letters Patent aforesaid, is vague ambiguous and uncertain, and does not with sufficient certainty and distinctness describe the supposed invention of the Plaintiff, and does not specify and point out the improvement, or part of it which he claims as his invention or discovery

Peter Pratt
and
R. W. Greene
Attys for Defendants

3

Notice of Points of Defence

In case of

Amasa Stone

vs

Wm & Amasa Sprague

Filed May 16th 1840

Service on Saturday, 16th May 1840

Eaton & Simmons

Pltffs Attorneys

Copy

Decton

Amasa Stone

v

Wm & Amasa Sprague

Eaton & Summons Atty for Plfs

Circuit Court of the United States

Rhode Island District fc November Term A D 1839

Amasa Stone of Johnston in said District complains of William Sprague of Warwick in said District and Amasa Sprague of Cranston in said District Manufacturers, Owners of Mills in said Warwick summoned by the Marshal of said District in an Action of the Case - For that the Plaintiff was the original and first inventor of a certain new and useful improvement on a Machine or manufacture in the Letters Patent hereinafter mentioned and fully described, the same being "A new and useful improvement on Looms not known or used before his discovery, which "consists in the communication of motion from the reed to "the yarn beam and in the connection of the one to the "other" - which was not known or used in public use or on sale with his consent or allowance at the time of his application for a Patent as hereinafter mentioned, And the Plaintiff being so aforesaid the inventor thereof and being

Also

also a citizen of the United States, on the Thirtieth day of April in the year of our Lord One Thousand Eight hundred and Twenty nine, upon due application therefor did obtain certain Letters Patent therefor in due form of Law under the seal of the United States signed by the President of the United States and the Secretary of State and certified by the Attorney General of the United States, bearing date the day and year aforesaid - whereby there was secured to him his heirs administrators, executors or assigns from and after the date of the Patent the full and exclusive right and liberty of making, constructing and vending to others to be used the said improvement as by said Letters Patent in Court to be produced will fully appear, a certified Copy is hereto annexed - And the Plaintiff further says that from the time of granting to him of said Letters Patent hitherto he has made and used & vended to others to be used, the said improvement to his great advantage and profit - Yet the said Defendant well knowing the premises, but contriving to injure the Plaintiff did on the First day of January A D 1839 and at divers times before and afterwards during said term of fourteen years mentioned in said Letters Patent and before the purchase of the Plaintiffs' writ at said Warwick unlawfully and wrongfully and without the consent and allowance of the Plfs' and against

against his will did make or caused to be made and did use said improvement in violation and infringement of the exclusive right so secured to the Plaintiff by said Letters Patent as aforesaid and contrary to the form of the Statute of the United States in such case made and provided: whereby the Plaintiff has been greatly injured and deprived of great profits and advantages, which he might and would otherwise have derived from said improvement. —

And also for that the Plaintiff was the original and first inventor of a certain new and useful improvement of a machine, to wit, an improvement on the Power Loom which can also be applied to other Looms & which was not at the time of his application for Letters Patent as aforesaid in public use or on sale with his consent or allowance & on the day and year aforesaid obtained Letters Patent therefor, which were signed by the President of the United States & certified sealed in due form of Law, whereby there was secured to him his heirs administrators or assigns for the term of fourteen years from and after the date of the Patent, the full and exclusive right and liberty of making constructing, using and vending to others to be used the said improvement as by said Letters Patent in Court to be produced will fully appear. — And the Plaintiff says that from the time of granting to him said Letters Patent hitherto he

he has used made and vended to others to be used the said improvement — whereby the exclusive right secured to him, has been and now is of great value to him to wit of the value of one Hundred Thousand Dollars — Yet the said Defendants well knowing the premises but contriving and wrongfully intending to injure the Plaintiff and to deprive him of the profits, benefits and advantages which he might and would have otherwise have derived and acquired from the making and using and vending said invention after the making of said Letters Patent and within said Term of Fourteen years in said Letters Patent mentioned and before the purchase of the Plf's writ to wit on the first day of January A.D. 1839 and at divers other times before and since at said Warwick in certain Mills by them run unlawfully and without the consent and allowance and against the will of the Plaintiff did use the said improvement on a great Number of Power Looms to wit Five hundred in violation and infringement of the exclusive right so secured by the Plaintiff by said Letters Patent as aforesaid and contrary to the form of the Statute of the United States in such case made and provided — Whereby the Plaintiff has been greatly injured and deprived of great profits and advantages which he might and would otherwise have derived from said invention. —

And the said Plaintiff further says that he being

being such inventor and said Letters Patent having been so made as aforesaid; and the said invention or improvement having been so made used and vended by him - Yet the Defendants well knowing the premises but further contriving and intending as aforesaid after the making of said Letters Patent and within said term of Fourteen years to wit at said Warwick in certain Cotton Mills by them run on the first day of January A D 1839 and on divers other days and times between that day and the day of the filing of the Plaintiff's writ unlawfully unjustly and without the leave or license against the will of the Plaintiff having previously made or caused to be made, did use divers, to wit: Five Hundred Power Looms with the improvements of the Plaintiffs thereon and in imitation and counterfeit of said Plaintiff's invention, being a change of form only thereof - in breach of said Letters Patent.- Whereby the Plaintiff has been greatly injured and deprived of great profits, which he would have otherwise have acquired - By reason of all of which the Plf has sustained the actual damage of Five Thousand Dollars and by the force of the Statute aforesaid an action has accrued to him to recover the said Damage and such additional amount not exceeding in the whole three times the amount of such actual damage as the Court may see fit to order, to order and adjudge. Yet the Dfts though requested has never paid the same or any part thereof to the Plff, but hath refused and yet refuses so to do.-

To

To the Damage of the Plf as laid in his Writ dated the 15th day of October A.D. 1839 Five Thousand Dollars.—

Wherefore he sues by his Atty

Eaton & Simmons.—

Copy annexed

The United States of America

To all to whom these Letters Patent shall come

Whereas Amasa Stone a citizen of the United States hath alledged that he has invented a new and useful improvement on Power Looms, & which can also be applied to other Looms, which improvement he states has not been known or used before his application, hath made oath that he does verily believe that he is the true inventor or discoverer of the said improvement, hath paid into the Treasury of the United States the sum of Thirty Dollars, delivered a receipt for the same and presented a petition to the Secretary of State signifying a desire of obtaining an exclusive property in the said improvement and praying that a patent may be granted for that purpose — These are therefore to grant according to law to the said Amasa Stone his heirs, administrators or assigns for the term of fourteen years from the thirtieth day of April One thousand Eight hundred and twenty nine, the full and exclusive right and liberty of making constructing, using and vending to others to be used, the said improvement a description whereof is given in the words of the said Amasa Stone himself in the Schedule hereto annexed and is made a part of these presents.—

In Testimony whereof I have caused these

Letters

Letters ~~Patent~~ to be made Patents and the seal of the United States to be hereunto affixed.—

Given under my hand at the City of Washington this thirtieth day of April in the year of our Lord one thousand eight hundred and twenty nine and of the Independence of the United States of America the Fifty third

Andrew Jackson

{L.S.}

By the President

M Van Buren Secretary of State

City of Washington to wit.—

I do hereby certify. That the foregoing Letters Patent were delivered to me on the thirtieth day of April in the year of our Lord one Thousand eight hundred and twenty nine, to be examined. That I have examined the same. and find them conformable to law: and I do hereby return the same to the Secretary of State. within fifteen days from the date aforesaid to wit. on this thirtieth day of April in the year aforesaid

Ro Macpherson Berrien

Attorney General of the United States

The Schedule referred to in these Letters Patent and making part of the same containing a description in the words of the said Amasa Stone himself of his improvement on Power Looms which can also be applied to other Looms.—

Now be it known. that I Amasa Stone of Johnston in the County of Providence. State of Rhode Island have

have invented a new & useful improvement on Looms, not known or used before my discovery, which consists in the communication of motion from the reed to the yarn beam and in the connexion of the one to the other which is produced and described as follows.—

The reed which is the same as the one in common use is encompassed with a frame in each side of which is a groove just large enough to receive the rims of the reed, and hold the reed fast— The reed frame and reed are inserted in a lathe similar to the one now in use, and are held fast by a spring or flighter at each end— The springs or flighters are fastened at one end to the back part of the lathe; and the other ends of the springs or flighters project by the lathes against the back part of the reed frame— On the back part of the reed frame is attached one end of a strap, which strap passes through the lower part of the race board or bed of the lathe, the other end of the strap is fastened to a loop in a wire, at the lower end of this wire is another loop, by which it is connected with another wire, having a swivel loop at its top— The lower end of the second wire passes through a lever at a point a little below the stud on which it moves, and is fastened by a screw with a nut on each side of the lever, by means of which the wire can be lengthened at pleasure.— The lever moves on a stud projecting from a girt, which extends from the upper to the lower girt of the Loom at its end. At the upper end of the lever are two catches moving on a stud projecting from the lever, which give motion to a ratchet wheel

wheel — This wheel, revolves on the same stud with the lever — The other end of the lever extends downwards beyond the edge of the wheel, and is brought in contact with the swords of the lathe when the shuttle passes through the warp — A friction pulley is raised on one side of the ratchet wheel over which passes another strap, with one end fastened to the forementioned girt and the other to a weight to steady the wheel, On the other side of the ratchet wheel is a bevelled cog-wheel, which plays into and gives motion to a smaller bevelled cog wheel on the end of a horizontal shaft. — The shaft turns on two stands one attached to the girt afore described, and the other to the loom frame — At the other end of the shaft is an endless screw, which plays into and gives motion to a cog wheel fastened to the end of the yarn beam. —

In operating a loom with this improvement attached to it when the lathe is thrown forward, the reed is pressed against the weft of the cloth, and the lathe proceeds on three eighths of an inch more or less. This retarded motion of the reed, draws upward the strap and wires attached to them and the lever, so that the catches on the upper end of the lever gain a tooth on the ratchet wheel — The sword of the lathe in returning strikes down the lower end of the lever, and gives motion to the ratchet wheel. — By this means the ratchet wheel the large bevelled cog-wheel, the smaller bevelled cog wheel the shaft, the endless screw, and the yarn beam are all caused to move. —

The Advantages of the improvement are that a greater quantity

quantity of work can be done with the same labour, than without it, that the warp is equally delivered from the yarn beam at all times without reference to its size, that the weft is equally distributed through the whole length of the warp, and cloth can be woven close or open at the option of the Manufacturer and finally that the yarn beam will cease to move and deliver the warp whenever the weft is broken or out. The weight and thickness of the cloth depend wholly on the stiffness of the springs or flighlers.-

I claim as my invention the connexion of the reed with the yarn beam, and the communication of motion from the one to the other which may be done as is above specified

Amasa Stone

Witnesses
John Graves
Wm R Staples

I certify that the above and foregoing is a true copy
Providence May 10th 1837.- Witness
Wm Olney Jr Public Notary

United States of America
Rhode Island District fc
Clerks Office Circuit Court
At Providence Nov 8th AD 1839

I hereby certify that the above foregoing Ten pages contain a true copy of the Declaration of Amasa Stone against Wm & Amasa Sprague filed of record in this office for November Term AD 1839 and of the Copy annexed to said Decln duly compared by me

$3.25

John T. Putnam Clerk

Copy

Dec^on

Amasa Stone

v

Wm & Amasa Sprague

Baldwin & Lawrence
Attys for Plff.

Filed Nov 1st 1839

To ~~Judge Potter~~ John Potter Judge of U.S.C.C

Please grant a joint commission to ~~take~~

Thomas E Sawyer or any Justice of the Peace in the State of New Hampshire ~~Maine~~ or Massachusetts ~~in Dover N.H.~~ to take the depositions of Mark Hall of said Dover and others to be produced by either Party & without interrogatories filed to be used in the Cause of Amasa Stone vs & against Benjn Potter & against Crawford Allen et al Wm & Amasa Sprague at Newport U.S.C.C

~~to be taken June 3d at 3 o'clock P.M. at said Sawyers~~ Sawyers office

Eaton & Summons
attys for a Stone

R. W. Greene & S. Pratt Attorn
~~for Defts~~

June 2. 1840

Let a Commission issue to Thomas E. Sawyer of Dover New Hampshire or any justice of the peace in ~~New Hampshire~~ R. Dover in accordance to the within request & agreement

John Putnam
District Judge

To the Clerk
of the Circuit Court R. I. District

R. I. District

Commission granted & issued June 2 1840

To the Hon Judge Pitman.
Judge of the District Court within
and for Rhode Island District &c.

Amasa Stone respectfully requests
your Honor to grant a commission
to put further Cross Interrogatories
to John Young & Moses Paul of
Dover in the State of New Hamp-
shire - directed to Charles H Hardman
or any Justice of the Peace in Dover
Interrogatories to be filed with the
Clerk

By his Atty
L C Easton

June 11th 1840

Let a Commission issue as above requested

John Pitman
Dist. Judge

To the Clerk of the
Circuit Court

Petition & order
for
Commissioner
to
Store
William Potter et al

I agree that the cases in favor of Stone & Carter & Allen ~~[illegible]~~ & others shall be entered on the next June Term 1841 — Judgt for Defts

L. C. Eastman Atty
for A. Stone

July 3. 1841

Cross Interrogatory put by Mr Sabin counsel for Plff to John Barry

1st Did you not state in your deposition given in the case Amasa Stone against H. J. Franklin in or about the year 1832. "That you had heard that motion was communicated to the yarn beam from the slighter reed in Chantlerville & Co's Mill on the river Blackstone - England Bridge Scotland"?

2d What did you state in regard to Chantlerville or Mercerville & Co's Mill in connection with this subject?

Cross Interrogatories put by Mr Sabin counsel for Plff - to Moses Paul

1st Did you not state in your deposition given in or about the year 1832. in the case of Amasa Stone against H. J. Franklin & ali that you knew that the slighter reed was connected to the yarn beam in Mill No 4 in 1827.?

2nd Did you not state in your deposition in 1832. referred to above. that Mr Joseph Hale at the time he was in Dover or at some previous time mentioned to you a loom with an improvement which he had seen or was going to see in Rhode Island. or any thing to that effect.?

Cross Interrogatories

Stone

v

Mary Potter dec'

In cases, Amesa Stone v Wm Amesa Sprague
Same v Crawford Allen & others
Same v Benj. Cutler

It is agreed by the parties that commissions to take depositions may issue at the request of either party upon application to the District Judge. that depositions may be taken over or within **the** hundred miles. the opposite party having reasonable notice of the taking thereof & that said depositions may be used in either and all of said cases

In the case Amara Stone vs William & Amara S Page The Jury find that the Defendants are not guilty in manner and form as the Plff. in his Declaration has alledged.

Thomas Lindsey for man

Verdict 4

Stone

v

Sprague

To the Circuit Court of the United States
~~with~~ to be held at Newport within & for the
District of Rhode Island on the 15th day of
June A.D. 1840 - The within deposition was
taken and sealed up by me - to be used in
action Amasa Stone vs Wm & Amasa Sprague
& als

Chas. W. Woodman Jus Peace

Circuit Court of U. States
Rhode Island D.

In the cause

Susan Stone Jeff

against

William D. Brown Sprague

In the above entitled cause which was tried at the June Term AD 1840 of said Court a verdict rendered for the Defts, the Jeff excepted to the charge of the Court, and a bill of exceptions was allowed by the Court; ~~between~~ writ of error has been prayed for, allowed, issued in ~~the~~ said cause; Now the said Jeff doth hereby agree

to waive hereby said writ of error and waive all right to sue out or prosecute said writ of error, or in any manner to reverse or annul said verdict and the judgment rendered thereon — no execution to be taken out till June Term returnable as the regular November Term

Levi C Eaton Atty
for Pltff

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Amasa Stone
vs
William Amasa Sprague

Circuit Court of the United States
R.I. District June Term 1840

Be it remembered that on the trial of the aforesaid Cause the Plff produced evidence to prove and insisted that he had proved the allegations in his declaration set forth and maintained the issue on his part. And the defts thereupon introduced evidence to prove and insisted that they had proved the allegations in their said plea and notice and maintained the issue on their part.

And the Plff further insisted before said Court & jury that the discovery, invention and improvement by him made & set forth and claimed in his aforesaid Patent consisted in the connection of the motion from the Reed stand and with the yarn beam and in the connection of the one with the other so that a certain motion of the reed described in the Patent when communicated to the yarn-beam would produce the results in said Patent described, without being limited or confined to the particular mode or description of machinery in the said Patent stated & described, and that his discovery, invention and improvement, having been by him reduced to practice in the manner set forth in his said Patent, consisted in the communication and application of said motion to said yarn beam in the manner set forth in said Patent and not in the particular machinery or gearing set forth in said Patent by which the communication was made, and that he was entitled to the application of said motion to said yarn beam for the purpose aforesaid however communicated and by whatever other machinery or other mode than by the particular machinery set forth in the specification, the same might be communicated: and requested said Court so to instruct said Jury. But said Court instructed said Jury that according to the true construction of said Patent, the Plaintiff's invention by him therein claimed and described was limited and confined to the mode of communication of the said motion specifically set forth and embodied in the particular machinery set forth in the specification, and did not consist in the communication and application of said motion to said yarn

beam by other machinery or in any other mode as insisted upon by the Plaintiffs and that the Patentee had patented a precise mode of communicating said motion and that unless the Defendants had adopted the mode of communication described by the Pltffs, or one substantially the same, in communicating the motion of the Reed to the yarn beam, that on that ground, the verdict must be for the Defts

And the Court further instructed the jury that if the Pltffs did claim under his said Specification a patent right for the communication of motion from the reed to the yarn beam and in the connection of the one with the other, generally, without limiting the claim to the particular machinery or apparatus set forth in the Specification, so as to include all other modes and machinery or apparatus whatever which might be invented by others to accomplish the like communication of motion from the reed to the yarn beam, such a claim was a claim for an abstract principle & too broad and general to support a Patent right therefor under the acts of Congress

And thereupon a verdict was found for the Defts. To which opinion of said Court the Counsel for the Pltffs then and there excepted and prays that this his Bill of Exceptions may be allowed by said Court

The foregoing Bill being found conformable to the the Truth of the Case is hereby allowed by the undersigned, who sat at the Trial & ordered to be filed of record accordingly - Witness our hands & seals -

Joseph Story One of the Justices of the Supreme Court of the U.S. assigned to the first Circuit

John Pitman
District Judge of the U.S.
for the Rhode Island Dist.

Know all Men by these Presents that We Amasa Stone of Johnston in the District of Rhode Island and Levi C Eaton of North Providence in said District are held and firmly bound unto William Sprague of Warwick and Amasa Sprague of Cranston in said District Manufacturers in the sum of Five Hundred Dollars to be paid to the said William & Amasa Sprague their Executors Administrators or Assigns, to which payment well and truly to be made We bind ourselves our heirs, executors and Administrators jointly and severally firmly by these Presents — Sealed with our Seals and dated at Providence the twenty ninth day of July in the year of our Lord One thousand eight hundred and forty —

The Condition of this Obligation is such that whereas the said Amasa Stone has prayed for a Writ of Error to carry up to the Supreme Court of the United States a certain cause which was determined at the Circuit Court of the United States holden at Newport within & for the District of Rhode Island on the fifteenth day of June last wherein he is Plaintiff & said William & Amasa Sprague are Defendants

Now if the said Amasa Stone the Plaintiff in said case shall prosecute said Writ of Error to effect before said Supreme Court of the United States next to be holden at the City of Washington on the second Monday of January A D 1841. or in default

thereof shall pay all costs that he shall be adjudged to pay in the premises, then this obligation to be void —

Signed sealed & delivered in presence of us

John T. Pitman

Levi C Eaton

Amasa Stone

I have no demand to the above name

Nic J Jeffs atty

July 29 1840

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Bond

Amasa Stone

v

Wm L Amasa Sprague

Filed July 29 1840