

Patent of new Invention not
to be established with^t a Verdict
at Law.

(61) *Stamforth*
vs. *ag^t*

Steel & ab. 20 Def^ts. Harrows in G. Counties
of York, Derby & Nottingham.

Bill set forth that G. Pitt. was a patentee of a new
Invention for making of plows & that G. Def^ts in violation
of G. patent granted 4^o G. 2. grounded on G. powers
reserved to G. Crown G. 21. Stat. 1. c. 3, 5, 6. had without
Licences used G. new invented plows and therefore
prayed a perpetual Injunction & a Satisfaction for G.
Damages sustained

On G. Side of G. pl^t. it was insisted that G. plow
in strong Sands or stiff Clay Lands wd. plow 3 Acres
sooner & with 2 Horses only, than 6 Horses & 2 Oxen
wd. two Acres, and that G. Invention was not only new
but better grounded than G. patents for Guns & Wheel
Carriages v. *frs* *Equius*.

For the Def^t. it was insisted that G. Legality of
G. patent sho^d be tried at Law before a perpetual Injunction
ought to be granted, and Wilbraham cited G. Case of Bell
and Heath ab. 1737. when Bell of Newcastle got a patent
for G. sole making of mixed & coloured earthen Ware in
imitation of China and brought a Bill in Chancery for a
perpetual Injunction ag^t G. Burslem people, and
Hardwicke L. Chancellor declared that as these Monopolies
were easily obtained on G. sole oath of G. petitioner & scarce

