

Letter from Alexander Graham Bell to Alexander Melville Bell, April 11, 1879

Letter written by Alexander Graham Bell to his Father. 1509 Rhode Island Avenue, Washington, D. C., April 11th, 1879. My dear Father:

I must ask Miss Sumner to write to you for me, respecting the Proof forwarded, as I shall have to go over to the Patent Office in a few minutes and will be detained there all the afternoon.

I do not like the idea of your assuming personally the responsibility of prosecuting infringers. It seems to me, that if the opposition were to think that they had only one man to deal with, they could afford to go to the expense of ruining you with law-suits. It seems to me it would have more weight with the public and with the opposition were the personal pronoun in the circular changed from the singular to the plural.

Why might not the Patentees call themselves by some name that might cover a multitude of millionaires? Say, for instance, "Dominion Telephone Company" or "The Bell Telephone Company of Canada", or if you cannot legally call yourselves a Company why not an Association? I am sure it would be much more of a guarantee to the lessees of the "Bell Telephone were a Company or Association or something of that kind were to undertake to become defenders in any suits.

It seems to me however an evidence of weakness to offer merely to become defenders in any suit. The Patentees should be the Agressors not merely defenders and should guarantee to protect 2 the lessees by offering to prosecute vigorously all Infringers of their patent. It does not seem to me to read well, that the "Dominion Telegraph Company" acts as agent of the patentees, and that you alone personally undertake the expenses in law-suits on behalf of the patentees.

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In regard to the various points of the circular, I would suggest the following points (1) no remark (2) After "Inventor" the patentees await the decision of the Courts of law. (3) omit (4) omit the final word "for" (5), (6), (7), (8) it does not seem to me right considering the unscrupulous nature of the opposition we have to contend with, that you should publish at the present time any facts known to you privately, and especially, that I had any ideas concerning the transmission of speech as early as 1873.

At present the opposition think that I had no ideas on the subject previously to 1876. All their defence is based upon this idea and if they find out before their evidence has all been taken that we can go as far back as 1873 they are quite capable of trumping up earlier evidence to suit their side.

Again, I think it weakens the effect of the Circular to bring forward facts confessedly based only on your private knowledge. It should be far better, it seems to me, to refer the public to information that any one can have access to. For instance; (A) The fact that persons are issuing infringements of our patent and denying that I am the inventor of the Speaking Telephone, on 3 the ground of a "Caveat" filed by Elisha Gray in the American Patent Office on the 14th of February, 1876. The protection of a "Caveat" was denied Mr. Gray because of a previous application by me, for a patent dated Boston, January 20, 1876 nearly a month before the preparation of Mr. Gray's "Caveat".

My Application was filed in the American Patent Office before Mr. Gray's "Caveat" made its appearance and was issued to me on the 7th day of March, 1876.

The distinction between a "Caveat" and a Patent might be explained to the public; as few people understand that a "Caveat" affords temporary protection for a confessedly incomplete invention, that has not been reduced to practice, whereas a patent is granted for a completed invention. The first patent ever granted for a Speaking Telephone was my United States Patent of March 7th, 1876. The second patent ever granted was also issued to me on the 20th day of January, 1877 by the United States Patent Office; and

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no application for a patent for Speaking Telephones was made by any other person, whatever, until months subsequently to the granting of my second patent.

(B) A. G. B. also patented the Speaking Telephone in Canada and the Canadian patents have been assigned to the Company, Association or (?), which will prosecute all infringers.

(C) Report of the Judges of the Centennial Exhibition to Elisha Gray and A. G. B.

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(D) Professor Watson's letter published in "Nature" — Elisha Gray's lecture in Chicago, published in "Chicago Times" March —, 1877, in which he gave me full credit for the invention of the Speaking Telephone.

(E) Elisha Gray's lecture in New York April 3rd, 1877, reported in the "New York Tribune" April 4, 1877, giving me full credit for the Speaking Telephone.

(F) I have written to Boston asking permission of our Counsel to publish Elisha Gray's letter to me, as it has now been produced in evidence and there is probably now no reason for keeping it quiet.

Poor Elisha Gray looked very much disconcerted when our Solicitors handed this letter to him and asked him whether he acknowledged it as his. He turned to his solicitor and said: "I will have to swear to it and you can swear at it."

I would not publish any reference to this letter without the permission of our Counsel. I will let you know the minute I receive a reply.

(9) No remark, (10) no remark, (11) strike out first line up to word object. I would say either "our object" or "the object."

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(12) I would change so as to bring in the plural “we” or the impersonal “Company” or Association. (13) No remark. (14) Why not “Bell Telephone in Canada” or Bell Telephone Company or Association.

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(15) Substitute something else for I.

These are all the points I see at the present moment. I hope that your arrangement with the Dominion Telegraph does not leave the burden of expense of law-suits, etc., on your hands solely. It seems to me that some other arrangement should be made by which The Dominion Company should be called upon to protect your interests. If such an arrangement has been made, it seems to me it would improve the position of the Patentees and inspire more confidence on the part of the public were this to be made know.

I find that I am called so much away from Washington, that I propose taking Mabel and baby to Boston in the course of two or three weeks. I fear it will be impossible for me to get away from our law-suits here for more than a day or two, until the autumn. I would hardly care to go to the expense of taking Mabel, baby and nurse to Canada, unless we had the prospect of remaining there some time. I think therefore we shall be obliged to postpone our family visit until the autumn; but it is my intention to run up to Canada, in the course of a few days, and spend a Saturday and Sunday at home, at all events.

I think I shall take a house or a portion of a house for the summer time by the seaside, somewhere near Boston; and perhaps then we could induce you all, or some of you to come and spend the summer with us.

Yours truly, Alexander Graham Bell. By N.J.S.