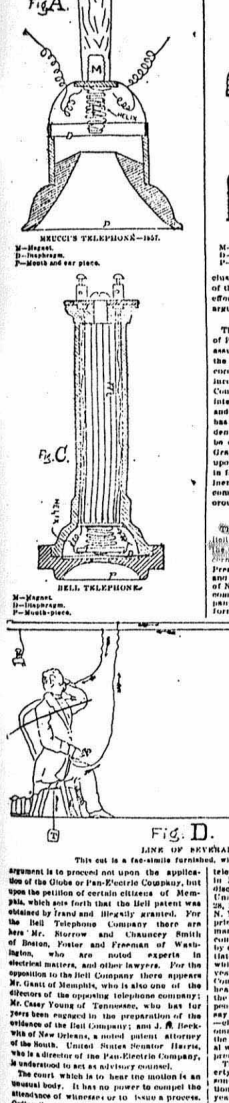
TELEPHONE PATENTS.

An Application to Use the Name of the United States in a Suit Against Bell.

Promising Movement to Annul the Patent and Break the Great Monopoly.

A Claim of Antonio Meucci—Sketches and Illustrations of the Inventor's Instruments.

WASHINGTON, D. C., Nov. 8.—[Special.]—The preliminary hearing in the matter of the application to the Interior Department for permission to use the name of the United States in a suit against the Bell Telephone Company was brought to Washington some of the most prominent patent lawyers in electrical cases, and political experts. After the action which resulted in the dismissal of the first application in the Government for permission to use the name of the United States in a suit to cancel a patent of the Bell Telephone Company, Mr. McCerry, United States District Attorney for Memphis, again appealed to the Department of Justice for the same permission. The second application was referred to the Interior Department for report. There is no erroneous impression as to the exact form in which the application has been made. The immediate



This cut is a fac-simile furnished, with caveat, December, 1871.

argument is to proceed not upon the application of the Globe or Pan-Electric Company, but upon the petition of certain citizens of Memphis, which sets forth that the Bell patent was obtained by fraud and illegally granted. For the Bell Telephone Company there are here Mr. Storrow and Chauncey Smith, of Boston, Foster and Freeman of Washington, who are noted experts in electrical matters, and other lawyers. For the opposition to the Bell Company there appear Mr. Gantt of Memphis, who is also one of the attorneys of the opposing telephone company; Mr. Casey Young of Tennessee, who has for years been engaged in the preparation of the evidence of the Bell Company; and J. R. Beck, who of New Orleans, a noted patent attorney for South. United States Senator Hearst, who is a director of the Pan-Electric Company, is understood to act as advisory counsel.

The court which is to hear the motion is as follows: Commissioner of Patents, appointed by the Commissioner of Patents will act as an Advisory Board the Secretary of the Interior and the two Assistant Secretaries, Messrs. Muldrow and Joyce. The latter is an eminent lawyer and will add great strength to the board. It had been expected that the motion in support of the petition would have been argued last week, but a postponement was granted at the request of the attorney of the Bell Company. Possibly the reason for this delay is as shown in the fact which is stated in a telegram received yesterday from New Orleans to the effect that a suit has yesterday brought by the Bell Telephone Company in the New Orleans United States Circuit Court to enjoin the use of rival telephones.

OPINIONS FROM INTERESTED PARTIES.

Mr. Casey Young, ex-Congressman from the Memphis district, attorney for the combined opposition, speaking on the subject, said: "Just undoubtedly is the reason why delay was asked last week. I was not myself quite ready to proceed, as neither Mr. Gantt nor Mr. Beckwith, the leading counsel in the case, owing to a misunderstanding, had arrived; and when the motion for postponement was made, the other side did not think I raised no objection. I have just received a telegram stating that they thought suit in the New Orleans Circuit Court. We have tried to have that done for a year. Their object undoubtedly will be to state in a suit has been brought in defendation of the petitioners there is no reason why the cases should be heard there."

"Will not this suit accomplish all that you desire, since it is brought in the southern jurisdiction convenient to you?"

"Not at all. There is but one object in endeavoring to secure the use of the name of the United States in a suit to cancel the patent, and that is to make the case a United States case, so that when it reaches the United States Supreme Court, as it must, it will, under the rules, secure an advanced position on the docket, and be certain of a hearing. That will enable us to get a decision within a year or two, whereas, a decision against defendants in a suit in a court without the aid of the Government, the Bell Company could easily interpose so many objections that there might be delay until the Bell patent had expired. To prevent this delay is practically the only object we seek in endeavoring to obtain permission to use the name of the United States. If the Bell Company shall resist the motion here and desire to take evidence, and the Interior Department grants the permission, we shall, of course, be prepared to proceed as in a case in court. That will be a long process."

Mr. Storrow, of counsel for the Bell Telephone Company, says that he does not expect the telephone hearing to last more than two days, and that he has no doubt that a decision will be rendered favorable to Bell. The attorneys on his side of the case will make no original motion or application. They have come prepared to present what they regard as conclusive arguments against the use of the name of the United States in a suit, and their efforts will be confined to meeting whatever arguments may be made in its favor.

PROF. ELISHA GRAY'S POSITION.

There is a misapprehension as to the attitude of Prof. Elisha Gray of Chicago. It has been assumed that he is working in this matter in the interest of the Bell Company. That, according to the best information here, is quite incorrect. The representatives of the Bell Company have no knowledge that he is in their interests. The attorneys of the Pan-Electric and of the opposition companies say that he has rendered them valuable aid, and they evidently rely upon him in case the matter is to be contested upon the merits. Prof. Gray himself does not talk for publication upon this subject. He is believed to have been in frequent consultation with one of the prominent capitalists who stand behind the combination which is now directing such vigorous blows against the Bell monopoly.

[From Sunday's Tribune.]

The most important movement against the Bell Telephone monopoly now in hand is that of the Globe Company of New York. This concern has a nominal capital of $10,000,000. Its President is W. W. Cudworth of Philadelphia, and its Secretary and Treasurer Amos Rodgers of New York City. Its existence grew out of complaints of the poor service of the Bell Company in Philadelphia. A syndicate was formed to secure, if possible, a competing telephone. The charter of a company in New York was bought, and investigation showed that a patent had been issued in the United States Patent-Office under date of Dec. 28, 1871, by Antonio Meucci of Staten Island, N. Y., who claimed to have discovered the principle of transmitting the sound of the human voice through instruments connected by continuous metallic conductors and operated by electro-magnetism. This claim, if substantiated, would, of course, upset the Bell patent, which was granted in March, 1876. On this account we have begun the process of force of the Globe Company to have the Bell patent annulled. A bracing letter to the Secretary of the Interior on the subject is now in process. The Globe people talk very confidently of their case, and say that such high authorities will be subpoenaed—either the Secretary of the Interior will recommend to the Commissioner of Patents that the patent be annulled, or the Attorney-General will bring a suit for that purpose in the Supreme Court of the United States.

The story of Meucci is the usual one of poverty, misfortune, and failure to interest persons having the means to push such an invention. Meucci lived on Staten Island for many years and was a friend of Garibaldi, the Italian patriot. As far back as 1849, when he was a young man, he had charge of the Tivoli Theatre at Havana, he experimented on the transmission of sound by electricity; in 1857 he made drawings of his telephone, showing persons communicating with each other telephonically; in 1858 he made models of his instruments were put in use; and in 1870 he had convinced his friends of the practicability of talking through a wire. He called his instrument a "telephone." After he had fled his native town, he had a shop in Havana and connected with a telegraph company in New York, with drawings and explanations, and this was presented to Parsons Brown for sale. Gold's of the invention. The story goes on to say that this "everyman" went putting Meucci off in various excuses for two years and finally when Meucci demanded that the papers be given back to him he was threatened that he had been beat. The theory of the Globe people is that Meucci's claim were shown to Bell and that he appropriated the ideas. The objection generally raised against the credibility of this story is that the inventor would have not allowed so important a matter to remain in obscurity so long, but the friends of his claim call attention to the fact that he was extremely poor—so poor that he was obliged at times to borrow pocket-money—that he could not speak English, and that just after the filing of his caveat he was seriously crippled by the explosion of the steamer Westfield. At that time, too, it was next to impossible to interest capitalists in anything of the sort, so far were such things from the existence of the people of those days. Frederick Gower, who undertook to get capital for Bell when his instrument first came to the notice of the public, resided in this city about two years ago that he worked four or five months trying to get financial backing before he met with any success. And that was at a period when the utility of the machine had been demonstrated in the presence of large audiences of public halls. So it is not very surprising that Meucci was so long in putting his invention in shape.

The Globe Company say they have abundant evidence to substantiate the claims of Meucci. They assert that he came to New York in the Patent-Office two years ago; that they have the instruments used by him in his experiments; and that it "have discovered on the books of a New York dealer in electrical supplies a charge of 'Bell's telephone' delivered to Meucci. In his caveat Meucci states: "That he verily believes himself to be the original and first inventor of an improved mode of sound telegraphs." He further says: "Each person holds to his mouth an instrument distinguished a speaking-trumpet, in which the words may easily be pronounced and the sound concentrated on the ear. The same instrument is also applied to the ear in order to receive the voice of the other person. All this to-wit: the mouth utensil and the ear instrument communicate to the wire." Further on he says: "Thus I have made it practicable to the hearing the words of the party at the opposite end of the line, and to make the voice of the party at the other end of the line may be warned by an electric telegraph signal." The operations are described as substantially prescriptive of the methods of telephoning at the present time. It is said that the drawings of the Bell instrument at Steinway Hall, New York, in 1876, a person who was present recollects that Bell professedly copied it "by old friend Meucci is the originator of this idea." The Globe people have found about seventy-five affidavits confirming the position they have taken in regard to this invention. Some of the affidavits state that they have conversed through the Meucci telephone.

The Globe People have done nothing in the business field, seeing how useless it would be to carry the decisions of the courts and preserving to the public the trade is due way of right to use, as its inventor, the best of all the transmitters of human voice over a wire by electricity. The man in a will, however, if successful in their efforts in Washington, begin business at once. The Pan-Electric and Washington Companies are combined with them in the prosecution of the legal contest, but will not necessarily be joined with them in the conduct of the business. The testimony is in the hands of the lawyers who are prosecuting the case. It is the impression of those interested in the Globe Company that a decision of the Supreme Court of the District of Columbia would be final, but a prominent patent lawyer of this city says that it can be carried from that court to a Federal Circuit Court and then to the Supreme Court of the United States. The Attorney-General can order the case transferred to the District Court, and of course, place it at the head of the docket, and would probably do so inasmuch as it is a matter of the first public importance. At the best, therefore, it is likely to be some months before any final decision will be reached. If they win the suit they will probably not make the mistake of antagonizing the public by extortions, as the Bell Company has, and the people will have cheaper telephone service.

UNCERTAIN TENURE.

There has long been a feeling among persons familiar with the affairs of the Bell Company that its tenure on the patent was an uncertain one, and some of the insiders have recently left it. Frederick Gower stated a year ago last winter that he had, largely on this account, left to his telephone stock and put his fortune into other securities. It is now generally conceded that Alexander Graham Bell's claim of transmitting the ordinary tones of the voice was an afterthought—that he did not in his original claim. His application filed Feb. 14, 1876, described an apparatus for producing musical tones by the action of undulatory or wave currents of electricity. June 30, 1875, he sat a patent for an instrument which he called an improvement in electrical telegraphy and electrical telephony. This is represented by the drawing of his position as really his first practical instrument, though he bases his legal fight on other one. This first patent was granted twenty-one days after the date of the application, which is an unusually short time, particularly for so important a matter, and is considered evidence of improper methods on the part of some person. It not infrequently happens that months or years elapse after the filing of an application for the issue of a patent. The fact that he had relatives in important positions at Washington is thought to have had some connection with the prompt action on his claim, and one of the officers in the Patent-Office has admitted that there was a little "irregularity" in the business. It is not believed that Mr. Bell owns, now, if, any, of the stock of the company, but he has accumulated a large fortune from his patent, and many likely receives a handsome income from it now, but in exactly what way is not generally known.

SOME PERTINENT QUESTIONS.

[Editor of the Washington Post.]—In the Republican of Monday, with reference to the telephone discussion before Secretary Lamar for the purpose of investigating the issue of the Bell Telephone patents, the following statement is made:

The case as viewed by counsel for the Bell Company is expressed in the following points:

First—That the Government has no power in any case to institute a suit setting aside a patent which has been issued by the Patent-Office authority.

Second—That the facts stated in this petition, even if such power did exist, do not make a case that comes within the usual judicial competency of the Government to bring such a suit.

Third—Even if they did, they do not make such a case as would justify the exercise of the discretion allowed.

Fourth—That the facts alleged in the petitions of the several telephone companies are proved by the examiners of the department to be destitute of foundation.

The first proposition is too silly for argument, particularly when the Government has repeatedly authorized one of the "Bell" attorneys (Mr. Roberts) to institute suits for the annulment of a patent for "mineral composition," on the ground of fraud, in Boston, and the court has already issued a restraining order against the patent. With regard to the second and third propositions, I desire to state that the facts and evidence presented are of such overwhelming and conclusive character that the eminent District-Attorney of Tennessee and the honorable Solicitor-General of the United States were convinced of the necessity of instituting a suit to annul said patents.

Now, with regard to the fourth proposition, I desire to propound the following interrogatories to the Bell Company:

Do you examiners dare to allow you to prove by the records of the Patent-Office that the charges against the Bell patents are downright forgeries? "When you have so arranged that the Patent-Office does not contain all the material facts?

Does the Patent-Office show that the interference cases were gotten up after you had secured one of your patents? Do they show the facts presented in these interference cases?

Does the Patent-Office show that these interference cases were gotten up without one witness or one fact? Do they show that it is proper for us if they were honestly considering for their rights to have the facts in these interference cases?

Does the Patent-Office show the contrasts made with the Western Union Telegraph Company, Dr. Cushman, and others, to prevent the public from the exercise of the rights of the public under the Bell patents?

Does the Patent-Office show that in 1880 the Bell Company feelingly knowing that their claim were not good, gave the Western Union Co. a free hand, but patents the broad claims that they now assert and have so vigorously enforced? Does it show that Mr. Bell's