

**William Glyde Wilkins, Charles Dickens in America (University Press of the Pacific, 1911)**  
[https://archive.org/stream/charlesdickensin00wilkuoft/charlesdickensin00wilkuoft\\_djvu.txt](https://archive.org/stream/charlesdickensin00wilkuoft/charlesdickensin00wilkuoft_djvu.txt)

CHAPTER XIII , str. 237 et seq.

## INTERNATIONAL COPYRIGHT

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There can be no doubt as to the abstract justice of an International Copyright Law, and that at the time of his first visit to America, Dickens himself believed he had suffered personally by reason of the piracy of his books by publishers in the United States, as he himself said, "Of all men living, I am the greatest loser by it." He wrote to Mrs. Pardoe referring to the "American robbers," as he called the publishers : "The existing law allows them to reprint any English book without any communication whatever with the author or anybody else. My books have all been reprinted on these agree-able terms." This statement was literally true, as all of Dickens's works were reprinted in the United States, most of them in monthly parts, just as soon after the arrival of the original numbers from England as possible, and some of these reprints sold at as low a price as six cents a copy. The writer believes that while this resulted in a temporary loss to the author, the final result, although he did not reap the benefit till 1868, was that his books were more widely read in the United States than in England, where the price of the monthly parts was one shilling, almost twenty-five cents, or five dollars for the bound volume. It is doubtful whether Dickens would have had so many readers in the United States if it had not been for those cheap reprints.

Horace Greeley said in the New York Tribune, during Dickens's visit in 1868: "The fame as a novelist which Mr. Dickens had already created in America, and which, at the best, has never yielded him anything particularly munificent or substantial, is become his capital stock in the present enterprise," a statement which his biographer Mr. Forster said was faithfully and truly put. This capital stock, as Greeley called it, earned Dickens such dividends that he was able to return to England after his second visit with about ,20,000 pounds (\$100,000) in his pockets as the result of his readings. This amount was considered at the time so enormous for a lecturer or reader to receive that some of the comic papers published cartoons showing Dickens carrying home his profits in a carpet bag.

Many American authors were also strongly in favour of an International Copyright for the reason that they believed it increased the number of pirated editions and, of course, the number of readers of the works of foreign authors, for as long as publishers would reprint the novels of such authors as Dickens, Charles Lever, Lytton Bulwer and others without paying any royalty, there was little show for the American authors' works being printed when the authors required a royalty. Mr. Cornelius Mathews, in his speech at the Dickens dinner in New York, said on this

phase of the subject \*1 What is the present condition of the Field of Letters in America? It is in a state of desperate anarchy without order, without system, without certainty. For several years past, it has been sown broadcast with foreign publications of every name and nature; what growth has ensued? No single work, so far as I can see, has sprung up as its legitimate result ; no addition to the stock of native poetry or fiction ; no tree has blossomed; no solitary blade struck through the hard and ungrateful turf. Whatever has been produced has been in spite of opposition from within and without ; has been the bright exception, not the rule. Instead of being fostered and promoted, as it should be, our domestic literature is borne down by an immethodical and unrestrained republication of every foreign work that will bear the charges of the compositor and paper-maker."

Several of Dickens's biographies written since his death have stated that the prime object of his visit in 1842 was to agitate the passage of an International Copyright Law. Some of the English critics, in reviewing the American Notes, made the same statement, and when the writer of a review of the book in the Edinburgh Review gave the same reason for the trip, Dickens not only asked the editor of that periodical to correct it, but he also wrote the following letter, published in The Times, January 16, 1843, emphatically denying the statement

"Devonshire Terrace, Sunday, January 15.

"To the Editor of THE TIMES.

"SIR,

"In your paper of Saturday you thought it worth while to refer to an article on my American Notes, published in the recent number of the Edinburgh Review, for the purpose of commenting on a statement of the reviewer's in reference to the English and American Press, with which I have no further concern than that I know it to be a very monstrous likening of unlike things.

"I am anxious to give to another misrepresentation made by the same writer, whoever he may be which is personal to myself the most public and positive contradiction in my power, and shall be really obliged to you if you will allow me to do this through the medium of your columns.

"He asserts ' That if he be rightly informed, I went to America as a kind of missionary in the cause of International Copyright.' He is wrongly informed, and reports without inquiry a piece of information which I could only characterize by using one of the shortest and strongest words in the language. Upon my honour, the assertion is destitute of any futile aspect or colouring of truth.

"It occurred to me to speak (as other English travellers connected with literature have done before me) of the existing laws or want of laws on the subject of international copyright, when I found myself in America, simply because, unexperienced at the time in the American public, I

believed they would listen to the truth, even from one presumed to have an interest in stating it, and would not long refuse to recognize a principle of common honesty, even though it happened to clash with a miserably short-sighted view of their own profit and advantage.

"I am, Sir, your obliged servant,

"CHARLES DICKENS."

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As an indication of how the better class of newspapers treated the subject, the following editorial from the New York Tribune, February 14, probably written by Horace Greeley himself, is given "We have heard rumours that Mr. Dickens has ventured to allude, in his replies to complimentary addresses, to the gross injustice and spoliation to which he and foreign authors are exposed in this country, from the absence of an International Copyright or some other law protecting the rights of literary property. We trust he will not be deterred from speaking the frank, round truth by any mistaken courtesy, diffidence or misapprehension of public sentiment. He ought to speak out on this matter, for who shall protest against robbery if those who are robbed may not? Here is a man who writes for a living, and writes nobly ; and we of this country greedily devour his writings, are entertained and instructed by them, yet refuse to protect his rights as an author that he may realize a single dollar from all their vast American sale and popularity. Is this right? Do we look well offering him toasts, compliments and other syllabub while we refuse him naked justice while we say that every man may take from him the fruits of his labours without recompense or redress ?

"It does very well in a dinner speech to say that fame and popularity and all that are more than sordid gold; but he has a wife and four children, whom his death may very possibly leave destitute perhaps dependent for their bread while publishers who have grown rich on his writings roll by in their carriages; and millions who have been instructed by them contribute not one farthing to their comfort. But suppose him rich, if you please, the justice of the case is unaltered. He is the just owner of his own productions as much as though he had made axes or horseshoes; and the people who refuse to protect his right ought not to insult him with the mockery of thriftless praise. Let us be just, and then generous. Good reader ! if you think our guest ought to be enabled to live by and enjoy the fruits of his talents and toil, just put your names to a petition for an International Copyright Law, and then you can take his hand heartily if he comes your way and say, if need be, ' I have done what is in my power to protect you from robbery ! ' The passage of this act of longdeferred justice will be a greater tribute to his worth and achievements than acres of inflated compliments soaked in champagne."

This editorial speaks entirely in favour of the copyright solely on the grounds of the personal injustice to Dickens, but a week later (February 21) the Tribune contained another editorial,

presumably written by Horace Greeley, the editor, arguing in favour of the law for a very different reason : that of the injustice to American authors.

"Justice to Authors. We publish on our last page the speech of Mr. Mathews in regard to International Copyright, for which we especially ask the consideration of our readers. The question is one of universal, and by no means trifling, interest, and is destined to attract attention more largely than hitherto. We must be permitted to add a few words in support of its positions.

"How shall it be contended by any unwarped, ingenuous mind that the author has not a clear, absolute, indefeasible right of property in his own productions in every part of the world? What possible act of human wit or effort shall give a clear title if his does not ? How shall it be maintained that the man, whether citizen or alien, who slays the deer in the common forest, who lures the fish from the wild mountain stream or tracks the bee to his secret hive, shall have exclusive property in the

spoils which he has appropriated from the common stores of the race, while the author who builds out into infinite space who peoples dreary chaos with the bright and beautiful creations of his genius, shall have none, but be left the prey of all who covet, and whose covetousness will, of course, be just in proportion to the value and productiveness of the fruit of his labours. The denial of protection to the rights of authors is not even impolitic and unjust, but a positive and flagrant robbery.

"More absurd is the cavil which affirms the intangibility of literary property, the impossibility of defining and securing it.

"Society submits to Law and Government mainly to ensure the protection of those rights which stretch out beyond reach of the individual's sword-arm beyond the range of his rifle. It is emphatically because the rights of the author are easily subverted that we invoke for him the protection of that shield which should be as broad as the domain of civilized existence. "We loathe to speak of this matter in the light of policy when the demand of justice is so clear and urgent. All who are in literary vocations well know that our robbery of the foreign author dooms the American to neglect and want; for what bookseller will buy his manuscript when he can reprint the last popular London novel from fair type and shining paper without even the ceremony of saying ' By your leave ' ? Thus ten British books to one American are read by our people, and the intellect and taste of the country kept interminably in colonial vassalage.

"The author should hold his book by the same tenure as his wheat, if he were a farmer, or his axes if a blacksmith. The copyright is at best a grudging restoration of part of what society has unjustly taken. Barnaby Rudge belongs to Boz, and Bracebridge Hall to Irving, just as clearly and perpetually as the Astor House to Mr. Astor or the ox to the grazier. If justice were done by our laws, Genius would no longer be forced by hunger to pander to the depravity of the age, to the narrow prejudice of a nation. We should no longer pamper Ainsworths and Marryats while

famishing Coleridges and Wordsworths. But we have not space to pursue this theme. People of the United States : We ask you to petition Congress for Justice to Authors. We appeal to you to urge upon our Government that true and lofty National Policy which aims to nerve the heart that beats, the arm that strikes for the Elevation of Man ! "

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The principal agitation against the Copyright Law came from the publishers who had been reprinting Dickens's works, and on April 26 a convention was held in Boston for the purpose of taking 1 action on a memorial to Congress asking that a duty be placed on foreign books, and also protesting against the passage of an International Copyright Law. The following extract from the Boston Mercantile Journal gives briefly an account of the action taken at this meeting, and a synopsis of the memorial "Convention of the Book Trade. The Convention of persons engaged in the manufacture of books was held, last evening, at the hall beneath the Boston Museum. There were printers, publishers, type-founders, paper-makers, book-binders, engravers, etc., present. The meeting was called to order by Charles A. Wells, and was subsequently organized by the choice of Samuel G. Goodrich, President, John Prentiss of Keene (N. H.), and Harrison Gray of Boston, Vice-Presidents, and Samuel D. Warren, Secretary.

"Mr. Goodrich, on taking the chair, said that the committee had taken pains to collect facts and obtain specific information on the subject referred to them, which they had incorporated in a general form into the Memorial, which he then accordingly read.

"The Memorial sets forth that in fixing duties on foreign books, regard should be had, firstly, to the revenue ; secondly, to the various arts and trades dependent on their production ; thirdly, the effort which may follow, considering books as instruments for the diffusion of knowledge.

"The Memorial then takes up the subject of our International Copyright Law and undertakes to show by various arguments and reasons that the enactment of such a law would be impolitic, would be injurious to the interests of the country, is not required by justice, and ought not at this time to be carried into effect. Some interesting statistics are embodied in the Memorial, from which it appears that the number of persons employed in the various arts connected with printing and publishing is not less than 41,000 and those who are dependent upon them for their support amount to four times that number. The capital invested is almost \$15,000,000, and the total productions not short of \$27,000,000.

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The same issue of the Evening Post also contained the following editorial, which is a plea not only for justice to English authors and publishers, but also for the authors and publishers of the United States "We publish in this sheet several papers received this morning ^rom Mr. Dickens relating to the subject of an International Copyright. The ' Address to the American People,' with so many illustrious names among its signatures Campbell and Hallam and Rogers, Bulwer

and others worthy to be placed by their side will be read with a strong and respectful interest. The letter of Mr. Carlyle to Mr. Dickens is highly characteristic of the writer.

"It is a mistake to suppose that if we refuse to make an arrangement for securing to the authors of America and Britain a copyright in both countries, the advantage of the injustice would be on our side; that if wrong be committed for want of such an arrangement, the profits of the wrong will go into the pockets of American publishers. American authors are every year producing more and more works for the republication of which there is a demand in England. Within the last year the number of books written by American authors which have been successful in Britain is greater than that of foreign works which have been successful in this country. Robertson's work on Palestine, Stephens' Travels in Central America, Caltin's book on the North American History, Cooper's Deerslayer, the last volume of Bancroft's American History, several works prepared by Anthon for the schools here is a list of American works republished in England within the year which we might easily enlarge, and for which we should be puzzled to find an equivalent in works written in England within the same time and republished here. Our eminent authors are still engaged in their literary labours.

"Cooper, within a fortnight past, has published a work stamped with all the vigour of his faculties, Prescott is occupied in writing the History of Peru, Bancroft is engaged in continuing the annals of his native country, Sparks is still employed in his valuable historical labours, and Stephens is pushing his

researches in Central America with a view of giving their results to the world. We were told the other day of a work prepared for the press by Washington Irving, which would have appeared ere this but for the difficulties in the way of securing a copyright for it in England as well as here. He has done this, however, we presume, on his way to Spain.

"The success of so many of our authors will have the effect of raising up a host of literary adventurers among us. In no part of the world are hope and emulation so easily awakened as here. There is no part of the world where a few brilliant examples have so powerful an influence in calling up rivals and competitors in the same path to fortune or to fame as in this republic. We shall have men preparing themselves by intense study, and exercising their faculties to the utmost to reach the same eminence which has been attained by other authors, their countrymen, and, if possible, to go beyond it. In a conversation which we had the other day with an eminent American author, now abroad, he remarked that if American literature continued to make the same progress as it had done for twenty years past, the day was not very far distant when the greater number of books designed for readers of the English language would be produced in America.

"If we look back to the year 1820 and compare the state of authorship in our country at that time to what it is now; if we consider how barren our literature was then and how prolific it has now become; if we look at the quality of the works produced at the two different periods, and the

reward received by their authors, we shall find ourselves obliged to admit that the prediction is a very probable one.

"The plea against an international copyright, that it gives our publishers an advantage over those of Great Britain, is not true, or if true, is true for the present moment only. If our publishers enrich themselves at the expense of British authors, British publishers enrich themselves at the expense of ours, and will continue to do so from year to year until the advantage will be shifted from our side to theirs. The policy of our country is to secure for its authors the benefit of an International Copyright before that time arrives."

Notwithstanding all this agitation for the copyright law by both English and American authors in 1842, it was not till 1891, nearly fifty years later, that an International Copyright between Great Britain and America was put into effect.