MARK TWAIN AND HIS CANADIAN PUBLISHERS:

A SECOND LOOK

The second volume of Jacob Blanck's Bibliography of American Literature (1957) added a great deal to our knowledge of the Canadian publications of Mark Twain's work.¹ Mr. Blanck described the Canadian publication of 16 different titles, under 16 different imprints, in some 39 printings. The Canadian Mark Twain's Memoranda from the Galaxy, Old Times on the Mississippi, and An Idle Excursion were first printings in book form anywhere. The Canadian Autobiography (Burlesque), First Romance, and Memoranda; Old Times on the Mississippi; Sketches (1879); Some Funny Things . . .; A Curious Experience; and Mark Twain's Sketches (1881) contain first printings in book form of individual sketches. The Canadian editions of The Adventures of Tom Sawyer, The Prince and the Pauper, Life on the Mississippi, and Adventures of Huckleberry Finn have points which make them noteworthy editions.

Mr. Blanck's bibliography, however, does not reveal the full picture of the work of Canadian publishers. Actually, between 1870 and 1890 at least 19 of Mark Twain's titles were reprinted (or first printed) in Toronto and in Montreal, before, between, or just after their appearance in Great Britain and the United States. They were published under at least 23 different imprints, and in at least 60 printings.

It is impossible now to guess at the total number of copies sold. Mark Twain must have lost thousands of dollars in possible royalties in the Canadian market, and at least some of these Canadian printings crossed the border to cut into his American sales. Little wonder that he became concerned with the Canadian angle of the triangular British-Canadian-American book market, and that he came to Canada several times to protect his interests.

The following essay offers a fuller picture of the publication of Mark Twain's work in Canada between 1870 and 1890;² It supplements Jacob Blanck's bibliography; it also described the nature and significance of the Canadian publishing activity in which Mark Twain was caught up. Publishing conditions invited enterprise in Canada after 1870, and about a dozen enterprising young Canadians exploited those conditions. They were motivated partly by the hope of personal profit and partly by the desire for freedom in their own affairs from Imperial restriction. The Dominion of Canada was only three years old in 1870, and in it nationalism and individualism simmered.

These young publishers changed Canadian book-making and distribution, and Canadian reading habits. They had an international impact as well, for half of them removed to the United States during this period, and there helped to work what the Publishers' Weekly called a "revolution" in the book trade.

The principals in this Mark Twain story are, on one side, Mark Twain—author, businessman, and copyright reformer—and his authorized Canadian publishers, Dawson Brothers of Montreal. On the other side were Alexander Belford and his associates, Charles and Robert Belford, and James Clarke; George Maclean Rose, his brother, Daniel and his son, Dan A.; and John Ross Robertson; all of Toronto. These latter were the men whom Mark Twain, William Dean Howells, and other prominent American writers called "pirates," "bucaneers," "thieves," "villains." It was largely their piracy and their invasion of the American market (along with that of George and Norman Monroe from the Maritimes, and the Lovells of Montreal) that caused American writers and publishers to increase pressure on Congress for international copyright legislation. The United States did not subscribe to the Berne Convention for International Copyright in 1887, but Congress did enact in 1891 the Chace Act, which finally made it possible for foreign writers to secure copyright in the United States under certain conditions, including domestic manufacture. Almost immediately after, President Harrison proclaimed an agreement with Great Britain that gave copyright protection to British writers in the United States and to American writers in Great Britain and her domains, and the piracy of American authors ceased in Canada.

Their piracy consisted of reprinting in Canada, without authorization, the work of popular foreign authors who, in those days before International copyright, were not protected by copyright here. What they did was legal in Canada. But in those first years of the new Dominion what was legal in the copyright field was uncertain, and was being clarified only in practice. Mark Twain both contributed to and suffered from the clarification.

The story of the reprinting of Mark Twain's periodical writings and books in Canada falls into four phases. It began just after the printing in the United States and in Great Britain of his first books, The Celebrated Jumping Frog of Calaveras County (1867) and The Innocents Abroad (1869). Both of these were reprinted in Toronto in 1870 without Mark Twain's authorization. They were followed in 1871 by unauthorized reprintings of his Memoranda and his Burlesque Autobiography. Then from 1872 to 1875 reprinting here ceased, although his Roughing It and The Gilded Age were published in the United States and Great Britain. A second phase began in 1876 when reprinting recommenced in a way which made the earlier activity

seem mere skirmishing. Between 1876 and 1881, twelve titles, including Old Times on the Mississippi, Tom Sawyer, Sketches, and A Tramp Abroad, were issued in Canada. A third phase began in 1881 when this intense unauthorized reprinting in Canada led Mark Twain into battle to try to stop it. The fourth phase began in 1883 when he succeeded in stopping the unauthorized reprinting of his books in Canada.

Mark Twain's first book, The Celebrated Jumping Frog of Calaveras County and Other Sketches, gained him some notice as a humorist in the United States and in Great Britain. This collection was first published in New York in 1867; it was reprinted in 1870 in London by Routledge & Sons. Twain's fame was firmly established by his Innocents Abroad, or the New Pilgrim's Progress, published in Hartford, Connecticut, in July 1869. It was sold "by subscription only" by agents travelling throughout the country from authorized centres. This arrangement was immensely successful, and all of his major books up to 1897 were first sold in the States by subscription only. Bookstores and news-vendors found themselves barred from a profitable market.

Probably prompted by this spectacular rise in popularity, and by the immediate appearance of cheap unauthorized English reprints, an unauthorized reprint of The Celebrated Jumping Frog of Calaveras County and Other Sketches was issued in Toronto in 1870, under the imprint of A. S. Irving (not listed in Blanck). This edition was a 96-page, small-print, paper-covered volume, selling for 10¢, aimed at railway and news-vendor sale. On its cover it had "The Celebrated Jumping Frog / Author's Edition / Mark Twain." Underneath was a large line-drawing of the frog by Damoreau. The last sketch was "Cannibalism in the Cars," an earlier printing in book form than Blanck (3338) cites. The Irving text obviously came from the unauthorized Routledge edition earlier in 1870 (Blanck, 3319, lists as "not found"). It was printed in Toronto by the Toronto Telegraph Printing House.

This Irving "edition" of The Frog contained an advertisement for an Irving edition of The Innocents Abroad, which also was reprinted in Toronto in 1870 (Blanck, 3592). This was a 398-page volume, well made, but reproducing only two of the many illustrations in the American edition. It sold for \$1.00 in fancy paper covers, and in cloth or in more expensive bindings from \$1.50 up, less than half the price of the American subscription edition. The "Preface" was dated "1870," instead of "1869." Three more identical "editions" appeared in 1870. One bore the imprint of the title page of "Hamilton [Ontario]: Joseph Lyght & Co., 1870." Another differed only in having the imprint "Montreal and Toronto: C. K. Chisholm & Co., 1870." (the Lyght and Chisholm "editions" are not listed in

Blanck). Still another differed only in having the imprint of Dawson Brothers, Montreal. A fifth "edition," much shorter, and much cheaper, seems to have appeared in the same year, bearing the imprint "Montreal: C. R. Chisholm & Bros." (no date), (Blanck, 3593). This appears to be the London Hotten unauthorized reprinting of The Innocents Abroad. . . . The Voyage Out, of 1870 (Blanck 3590), bearing a Canadian imprint. It is in railway library format, in lurid wrappers, similar in size to our present pocket books. It reprinted only Chapters 1-31 of The Innocents Abroad.

I have placed the word "edition" between quotation marks above because it seems probable that these Irving, Lyght, C. K. Chisholm, and Dawson "editions" were not published, but only distributed by them. Andrew Irving was a Toronto bookseller, stationer, and news-vendor. Joseph Lyght was a Hamilton bookseller and stationer. C. K. Chisholm seems to have been a news agent in Montreal. Dawson Brothers at this time were publishers, booksellers and stationers in Montreal. The "publishers" of the cheap extract from The Innocents Abroad, Colin R. Chisholm, and his brothers Hugh and Alexander, were also news agents centred in Montreal, although they lived at various times in Montreal, Boston, and Portland, Maine. I have seen their embossed stamp on the top of the cover of the much more expensive edition of The Innocents Abroad, with the C. K. Chisholm imprint.

The Irving, Lyght, Chisholm, and Dawson "editions" were printed by the Daily Telegraph Printing House in Toronto, owned by the young John Ross Robertson (of whom more later) and James B. Cook. It employed a very young man named Alexander Belford, who apparently reprinted his first pirated book, Fitzgerald's The Rubaiyat, at the age of thirteen. Belford had been born in County Kerry in 1854 and had come to Canada West (Ontario) with his parents in 1857. At thirteen he began to work as a "clerk," and then "bookkeeper," in the Daily Telegraph Printing House, and lived with his elder brother, Charles, who was an assistant editor of the Toronto Leader, and who was to become an editor of the Toronto Mail. Alexander left the collapsing (or collapsed) Daily Telegraph Printing House, for parts unknown, about the end of 1871, coincidental with the cessation of reprinting of Mark Twain's work in Canada. He reappeared in Toronto in late 1875, coincidental with the resumption of the reprinting of Mark Twain's work. After 1876, Mark Twain was to come to know Alexander Belford as the chief of the Toronto "pirates."

So far, the Canadian reprinters were showing only the enterprise typical of some British and American publishers, who, in the days before any copyright agreement between Great Britain and the United States, were quick to pirate current literary successes from abroad.

THE

INNOCENTS ABROAD,

OR

THE NEW PILGRIMS' PROGRESS:

BEING SOME ACCOUNT OF THE STEAMER QUAKER CITY'S PLEASURE
EXCURSION TO EUROPE AND THE HOLY LAND. WITH
DESCRIPTIONS OF COUNTRIES, NATIONS,
INCIDENTS AND ADVENTURES,
AS THEY APPEARED
TO THE

AUTHOR.

WITH ILLUSTRATIONS.

BY

MARK TWAIN,

(SAMUEL L. CLEMENS.)

TORONTO:

A. S. IRVING, PUBLISHER.

1870.

Unauthorized reprintings of books by American authors formed a staple in the British market, especially among the publishers of cheap libraries. In the United States most of the top best-sellers were popular British writers, and many American editions of their works were unauthorized reprintings. Canadian readers bought most of the popular American and British writers in imported American editions, since these sold at a much cheaper price than the British editions, even after a $12\frac{1}{2}\%$ ad valorem Canadian duty had been added. Before 1870 few British or American books were reprinted in Canada. Canada had as yet no real publishing industry, apart from a few firms such as John Lovell of Montreal or the Methodist Book House in Toronto. In the larger centres books were published either by firms who were primarily printers, or by firms who were wholesale and retail booksellers and stationers. Both regarded publishing as an adjunct to their business. In the smaller towns, the job printer "published" a book when a local author requested him and paid him to do so.³ The door was open for an unorthodox man to specialize in publishing new books or in reprinting cheap Canadian editions of foreign books if they were not protected by Imperial copyright.

Mark Twain had not made arrangements to have The Celebrated Jumping Frog or The Innocents Abroad copyrighted or even published in Great Britain. Consequently he could not have been surprised (perhaps he was even a little flattered) when they were pirated there, and then reprinted in Canada, in Australia, and on the Continent.

The next work of Mark Twain's reprinted in Canada showed a more enterprising spirit in its publisher. Mark Twain contributed a series of "Memoranda" sketches to the New York Galaxy from May 1870 to April 1871. In March (Blanck, 3327, note) before the series had finished, a Canadian publisher lifted from the Galaxy the text of the sketches up to and including that in the February issue, and issued them in book form under the title Mark Twain's Memoranda from the Galaxy. It was a volume of 142 pages, 8vo, in cloth, and in paper wrappers of various colors at 50¢. It appeared under six different imprints. Possibly the first edition, first issue, is that with the imprint on its title page of "Toronto: Canadian News and Publishing Co., 1871." Other "editions," differing only in imprint on the title page, had the Toronto imprints of William Warwick, of C. A. Backas, of A. S. Irving, of Copp, Clark & Co., and of Adam, Stevenson & Co. (Blanck, 3327, lists the first four, but not the Copp, Clark & Co., or the Adam, Stevenson & Co.). Most of these imprints have above them the insignia of the Canadian News and Publishing Company. All "editions" were printed by the Daily Telegraph Printing House, where Alexander Belford worked. Like Irving, Backas was a stationer and news-vendor; William Warwick was a wholesale stationer; Copp, Clark and Company then were chiefly wholesale

and retail booksellers and stationers, and Adam, Stevenson & Company were publishers, booksellers and stationers. It seems most likely, therefore, that the real publisher was Alexander Belford, who now had organized his Canadian News and Publishing Company to publish and distribute through agents, under their own imprints, reprints of British and American works.⁴ However, it may be that the Warwick, Backas, Irving, Copp, Clark, and Adam, Stevenson imprints did not appear until the Spring of 1872 when Alexander Belford's Canadian News and Publishing Company ceased to exist, and, as the Canada Bookseller for May, 1872 noted, "the bulk of the publications and reprints of the late firm passed into the hands of Mr. W. Warwick, Mr. A. S. Irving, and Messrs. Adam, Stevenson and Company."

Two other Mark Twain works were reprinted in Toronto shortly after the Memoranda volume. In early March 1871, Sheldon and Company in New York first published Mark Twain's (Burlesque) Autobiography and First Romance. This was followed in May in London by an authorized Routledge edition and an unauthorized Hotten edition. A Toronto reprint of the New York edition was advertised in the Canada Bookseller for April 1871 for May publication (Blanck 3594). It appeared under the imprint of Belford's "Canadian News and Publishing Company" as a pamphlet of 43 pages (plus advertisements) in self wrappers.

Shortly after, Autobiography, (Burlesque), First Romance, and Memoranda also appeared in Toronto, under the imprint "James Campbell & Son," (n.d.). It was a 184-page volume, in purple cloth, with gold stamping, and a black line sketch of William III from the Galaxy of January 1871. This reprint may have been published by Campbell himself, but it may have been distributed by Campbell for the real publisher, George Maclean Rose, of Hunter, Rose & Company, printers of the book. Campbell was a publisher largely of text-books and a wholesale bookseller and stationer. I have seen no other reprints of American books bearing his imprint. George Maclean Rose, on the other hand, was a printer and publisher of some importance, who, in 1871, closed out the Ottawa branch of the firm, and, joining Robert Hunter in Toronto, began to reprint, by authorization, popular British books. Later in the 1870's in conjunction with the Belfords, he was to become a major figure in the unauthorized reprinting of Mark Twain's work in Toronto, and finally he would publish an authorized edition of The Connecticut Yankee in King Arthur's Court. Blanck (3334) notes that the Campbell volume is a first book printing of the sketch "My Late Senatorial Secretaryship," and raises the question whether this volume might have preceded the Canadian News and Publishing Company's Memoranda. Apart from other reasons, I think that the initiative of Alexander Belford makes this highly unlikely.

A. SOUTHARD,
Dealer in F. & C. L. & C.
Organs, Melodions,
Books, Sheet Music,
Lenses, & Glasses, &c.
PITTON, O. W.

MARK TWAIN'S

(BURLESQUE)

AUTOBIOGRAPHY

AND

FIRST ROMANCE.

TORONTO:

THE CANADIAN NEWS AND PUBLISHING COMPANY.

1871.

So ended the first phase of the reprinting of Mark Twain's work in Canada. It was not in his nature to take lightly what he considered the theft of his work—and a loss of income. In London, Routledge had published an unauthorized edition of The Celebrated Jumping Frog only several months after its first American printing, and had followed that by an unauthorized edition of The Innocents Abroad shortly after its first publishing in the United States. But what really stirred Mark Twain to action may have been the unauthorized editions by John Camden Hotten in London of The Celebrated Jumping Frog, Innocents Abroad, The Memoranda, and the Burlesque Autobiography, in formats and at prices similar to those of our cheapest present-day pocket books. Hotten added insult to injury by including the sketches of other humorists in volumes under Mark Twain's name, and vigorously proclaiming in print and letter (see his Literary Copyright: Seven Letters Addressed by permission to the Right Hon. the Earl Stanhope, London, 1871. Copyrighted), that publishers had the right, for the good of the public, to reprint anything not nailed down by copyright, a view maintained by not a few in those days.

Mark Twain moved to protect his interests in the British market. To secure Imperial copyright he arranged to have his next book Roughing It, published in London by Routledge just before its publication in the United States (Blanck 3335, 3336, 3337). In publishing The Gilded Age in 1873 he went one step further. This time he had his new book first published in England (Blanck 3359) while he was himself in England, thus securing (he must have hoped) his Imperial copyright beyond any legal question.

While he was arranging to secure Imperial copyright on his future books in Great Britain, he also was aware that his books were being reprinted—pirated—in Canada, and that the Canadian editions might filter across the border in large enough numbers to dampen his subscription-only sales in the United States. When he wrote to his American publisher, Elisha Bliss, in June, 1871, to ask what news he had heard from Routledge about Imperial copyright, he added:

There seems to be no convenient way to beat those Canadian re-publishers anyway—though I can go over the line and get out a copyright if you wish it and think it would hold water.⁵

Since the requirements for foreigners obtaining Imperial copyright in Great Britain (and thus also in Canada) still were being clarified in the early 1870's, these steps by Routledge were experimental. They seem to have stopped the unauthorized reprinting of Mark Twain's Imperial copyrighted work in England, and in Canada until 1876 (or until Alexander Belford began publishing again in To-

ronto). In Great Britain, and in the British dominions, the printing, publishing, and importation of books was controlled by the Imperial Copyright Act of 1842 (5th & 6th Victoria, c. 45), as amended by the Imperial Act in 1847 (10th & 11th Victoria, c. 95), and as interpreted in a number of decisions. It defined copyright as the statutory right of multiplying copies of literary or artistic works. It regarded copyright not as a property which an author had in his unpublished work by common law, but as a right granted by the state when the author's manuscript had been put into book form. It began the day the book was first published, if the author, or his assignees of the copyright (often his publishers), had taken the required steps.

Under this protective Act of 1842 Imperial copyright was established simply. The paramount requirement was that publication (it did not specify printing) must take place first in the British Isles proper; publication first in Canada or in other British territories was of no avail. The object, of course, was to induce foreigners and colonials to manufacture and publish in Great Britain, and the Act protected only those who did so. Publication was defined as "the offering for sale (even of one copy) to the public with the author's consent, or gratuitous distribution." In the case of Jefferys v. Boosey in 1854, it was held that the author must be a resident in Great Britain at the time of publication. However, the Low v. Routledge case of 1868 modified this. Maria Cummins, of The Lamplighter fame of 1854, had Sampson Low & Company of London publish her latest book, Haunted Hearts, while she sojourned for several weeks in Montreal. She assigned her English publishers the copyright. Routledge issued an unauthorized edition of Haunted Hearts, and Sampson Low & Company sought an injunction. The case was heard in the House of Lords (Low v. Ward, 1868). The four Lords agreed that copyright should be granted to any author who first published in Great Britain and who sought copyright, and who at the same time was resident on British soil, even if outside the British Isles. Although the other two Lords dissented, Lord Cairns and Lord Westbury expressed the opinion that even residence on British soil anywhere was unnecessary. Shortly after, Dr. Oliver Wendell Holmes also visited Montreal while his The Guardian Angel was being first published in London. When an unauthorized publisher printed an edition in England, Holmes' publisher sought an injunction, with the same legal results. Thus in 1872, in spite of the lack of any copyright agreement between Great Britain and the United States, it seemed that an American author could secure Imperial copyright by first publishing in Great Britain, and if he wished to be absolutely sure of his copyright being perfect, of publishing it there while he was in residence on British soil, in Great Britain or elsewhere in the Empire.⁶

II

The major phase of the pirating of Mark Twain's work in Canada began in 1876. Before detailing that story, it may be wise to outline the copyright situation which conditioned it, and to introduce the publishers who engineered it.

The printing, publishing, and importation of books into British North America was controlled by the Imperial Copyright Act of 1842. As amended in 1847, the Act made it legal for Canadians to import copies of the works of authors copyrighted in Great Britain and published with or without authorization in the United States, upon the payment of a 12½% duty, which was eventually to find its way back to the author in Great Britain. After the British North American provinces became federated as the Dominion of Canada in 1867, by legislation in 1868 the newly created Canadian parliament continued this copyright provision. But a heady nationalism was in the air. Canadian booksellers, publishers, and readers demanded with rising voice that Great Britain relax the monopolistic grip of Imperial law over Canadian trade and that the British government sanction a Canadian copyright law, written for the good of the Canadian bookseller, publisher, and book buyer, and passed by the Canadian government. Some Canadians argued that "the old world notions, the insular restrictiveness of the English publishers" must be replaced by "the publishing methods of the new world—popular editions, a cheap price, and a large sale."

They also argued that, since under Imperial copyright law American publishers could export to Canada their cheaper reprints of Imperial copyrighted works on a payment of 12½% duty, Canadian publishers should be permitted to reprint Imperial copyrighted works in Canada, without the author's assent, upon the payment of a 12½% bond. In 1872 a Canadian Act, authorizing Canadian publishers to do this, was passed unanimously by both Canadian Houses of Parliament. The Colonial Secretary in London considered it *ultra vires*, and in spite of Canadian protests, the Act languished without Imperial ratification.

The Act did open the way, however, to the passing and the ratification in Westminster of the Canadian Copyright Act of 1875. This Act, while designed not to conflict with the Imperial copyright, was a move towards securing copyright home-rule in Canada. It extended the privilege of obtaining copyright in Canada to any person "domiciled" in Canada, or in any part of the British dominions, or being a citizen of any country having an international copyright treaty with the United Kingdom. The only further requirement was that the work must be registered in Ottawa, and printed and published in Canada. This meant that an English author might take out an Imperial copy-

right on his book in Great Britain, which, of course, still gave him Imperial copyright protection in Canada—that is, it prohibited Canadian publishers from reprinting his work without his consent. In addition he could take out Canadian copyright by arranging to have his book printed also in Canada, and by registering it in Ottawa. The Canadian law encouraged him to do this, for it prohibited the importation into Canada of reprints of British copyrighted works when such works were copyrighted in Canada. Under Imperial copyright alone anybody in Canada could legally import unauthorized American editions of his work, on payment of the $12\frac{1}{2}\%$ duty.

It was the agitation which led to the Canadian passing of the Copyright Act of 1872, the failure of this Act to gain ratification in Westminster, and the consequent passing of the Act of 1875, which, along with the failure of Belford's company in 1872, and the panic of 1873, may help explain why the reprintings of Mark Twain's work in Canada ceased from 1872 to 1876, and began again, more intensely, in 1876. Mark Twain had secured Imperial copyright for his Roughing It in 1872, and The Gilded Age in 1873; thus legally his book was protected from reprinting in Canada by Canadian publishers. If they were tempted to ignore the law, perhaps they held off reprinting in the expectation that the 1872 law, when ratified, would make it legal for them to reprint, upon the bonding of a $12\frac{1}{2}\%$ ad valorem duty. The Act of 1875 failed to open this possibility of legal unauthorized reprinting for the Canadian publisher, but it did create an obscurity concerning copyright in Canada which opened a road for the enterprising Canadian publisher.

The Copyright Act of 1875 came into being because some Canadians demanded autonomy for Canada in copyright matters; these argued that now that Canada had her own copyright law, the Imperial Law no longer applied to Canada. Or they proposed to act as if it did not, until stopped by injunctions taken out by authors holding Imperial copyright. Some authors probably would not take out injunctions; others would, but meanwhile the Canadian publisher would have had his reprint on the market for some time, and if the injunction went against him eventually, the penalty for illegal reprinting was small.

When he reappeared in Toronto in 1876, Alexander Belford so acted and argued. With his brother Charles Belford, editor of the Toronto Mail, and his younger brother, J. R. Belford, he had formed in 1876 the company of Belford Brothers, and he began reprinting books which were covered by Imperial copyright, but not by Canadian copyright. In 1876 they reprinted Thrift, by Samuel Smiles, the Dale Carnegie of his day, which had been published in England in 1875 and also, by agreement, in the United States. They reprinted after applying to Smiles for the right to reprint, and receiving no

reply. Smiles brought action to restrain the Belfords, and the court granted an injunction. The Belfords appealed, on the grounds that the Canadian Act of 1875 superseded in Canada the Imperial Act of 1842, which prohibited the reprinting in Canada of books copyrighted in Great Britain. The Belfords felt that they not only were fighting Imperial copyright designed to protect the British publisher but also American publishers who made arrangements with British authors to control the Canadian market. They argued in an editorial in the Toronto Mail (October 10, 1876) that Smiles had not replied to their application because he already had made arrangements with a New York house that had insisted on having control of the Canadian as well as the U.S. sale of Thrift. But they lost their appeal (Smiles v. Belford, 1876). In dismissing the appeal, Judge Thomas Moss (later Chief Justice of Ontario) revealed his sympathy with the Canadian position:

I fear that the state of the law which we find inflicts a hardship on the Canadian publisher, while it confers no very valuable benefit upon the British author. Its effect, if I rightly understand the matter, is to enable the British author to give an American publisher a Canadian copyright. It is no very violent assumption that every American publisher, who treats with a British author for advance sheets of his work, will stipulate for the use of the author's name to restrain a Canadian reprint. By this arrangement he will be enabled to secure the practical monopoly of the Canadian market, for which he may be induced to pay the author some consideration; but however small this consideration may be, I apprehend it will be found sufficient to induce the author to concede the privilege rather than secure Canadian copyright by treating with the Canadian publisher. But I need scarcely remark that the possible or probable effect upon a branch of industry, however valuable or important, cannot affect the interpretation which the Court is bound to place upon the statutes by which the subject is governed.⁷

In short, Imperial copyright law still took precedent over Canadian copyright law in Canada.

The Canadian publisher found himself caught between two monopolistic groups, the British and the American publishers. Consequently, Canadian publishers argued, without complete cynicism, that they were fighting to establish independent publishing in Canada, and to supply the Canadian reader with books at a reasonable price, for their good, and not merely the exorbitant profit of British or American publishers. Fused with this was the strong feeling on the part of many at that time that when a writer had published his work, the work had entered the domain of public interest, and therefore the principle which should determine its reprinting should be that of

making it available to as many readers as possible at the lowest prices that would still allow enterprising publishers and booksellers a fair profit. The contrary principle, which had dominated British publishing up to this time, was plainly that the reprinting of a book should be only in the interest of the copyright holder, usually the original publisher. Basically the conflict here was between free enterprise and monopoly; the many versus the few, and Canadian versus British and American.

That such arguments as the Belfords put forth above advanced their own interests does not invalidate their thesis; other Canadian publishers in these years—Rose, Robertson, Dawson, Lovell—all argued strongly in print along these lines, and perhaps with less opportunism than the Belfords, who in a few years were to remove to Chicago to become a byword in the American booktrade for aggressive, if not unscrupulous, marketing methods. That their arguments had merit is supported by the fact that Mark Twain, who in the 1870's and 1880's fought hard himself for an International copyright agreement that would stop pirating and allow authors to profit fully from their work, had moments when he saw the advantages of cheap reprinting with, or even without, authorization. On October 30, 1880 he wrote to his friend, William Dean Howells:

Will the proposed [international copyright] treaty protect us (& effectually) against Canadian piracy? Because if it doesn't, there is not a single argument in favor of international copyright which a rational American Senate could entertain for a moment. My notions have mightily changed, lately. Under this recent & brand-new system of piracy in New York, this country is being flooded with the best of English literature at prices which make a package of water closet paper seem an "edition de luxe" in comparison. I can buy Macaulay's History, 3 vols., bound, for \$1.25. Chambers's Cyclopedia, 15 vols., cloth, for \$7.25. (we paid \$60), & other English copyrights in proportion; I can buy a lot of the great copyright classics, in paper, at from 3 cents to 30 cents apiece. These things must find their way into the very kitchens & hovels of the country. A generation of this sort of thing ought to make this the most intelligent & the best-read nation in the world. International copyright must becloud this sun & bring on the former darkness and dime-novel reading.

Morally, this is all wrong—governmentally it is all right; for it is the duty of governments—and families—to be selfish, & look out simply for their own. International copyright would benefit a few English authors, & a lot of American publishers, & be a profound detriment to 20,000,000 Americans; it would benefit a dozen American authors a few dollars a year, & there an end. The real advantages all go to English authors & American publishers.

And even if the treaty will kill Canadian piracy, & thus save me an average of \$5,000 a year, I'm down on it anyway—& I'd like cussed well to write an article opposing the treaty. Dern England! Such is my sentiments.⁸

The second and major phase of the pirating of Mark Twain's work in Canada was led off in 1876 by the newly organized firm of Belford Brothers: Alexander Belford, his brothers Charles and J. Robert Belford, and James Clarke who joined them shortly as "subscription book publisher." The Belfords emulated the leading British and American publishers by beginning a house magazine, Belford's Monthly Magazine: A Magazine of Literature and Art (December, 1876 to May, 1878), which reprinted (some by "special arrangement") serials and stories by prominent British and American novelists, along with stories, articles and poems by native writers. They published Canadian non-fiction and fiction; they also increased the number of their reprintings, with or without authorization, of the new books by popular American writers, and of those popular British writers not copyrighted under the new Canadian Act of 1875. Charles Belford's health failed, and early in 1878 the firm re-organized as Rose-Belford Publishing Co., with George M. Rose as president, and J. R. Belford as manager. George Maclean Rose in a very few years would be regarded by some Canadians as "the Nestor of his profession in Canada." His firm of Hunter, Rose & Company had printed the edition of Mark Twain's Autobiography, (Burlesque), First Romance, and Memoranda which bore the "James Campbell and Son" imprint. He was beginning to do a great deal of reprinting of English copyright work, principally of fiction, and claimed that "the firm honestly compensated the authors whose work they reproduced, although this of course placed them at a disadvantage as compared with the piratical publishers of the United States." He also claimed his cheap reprinting did "an intellectual service to the reading community of the country" and "stimulated the nascent printing and publishing industry of Canada."⁹

The Rose-Belford Publishing Company carried on from 60 York Street the practices of the Belford Brothers. Mark Twain reprints, old and new, continued to appear from their presses. But the Belfords, Clarke, and Rose alliance did not last long. By mid-1879, the Belfords and Clarke had reorganized as Belfords, Clarke & Company at 60 York Street, and Rose carried the Rose-Belford Company to the Hunter, Rose quarters at 25 Wellington Street.

Shortly after, Alexander Belford and James Clarke left Toronto for richer fields, and established the firm in Chicago. They went bankrupt in 1880, reorganized, and within a very few years by marketing methods that made them notorious in the American book trade, had built what was said to be the largest publishing firm west of New York.¹⁰

Robert Belford remained in Toronto to set up "Belford and Company," with Charles Higgins and Charles Slemin, Jr. as "partners" (but more likely only employees). They carried on many of the titles published earlier by Belford Brothers, by Rose-Belford, and by Belfords, Clarke & Company, and they added a few of their own, under the imprints of "Belford and Company" and "Slemin & Higgins." But before the end of the year 1880 the Toronto firm dissolved, probably as the result of the bankruptcy of Belfords, Clarke & Company in Chicago, and Robert Belford left shortly for New York to become the manager of the new New York branch of the reorganized Belfords, Clarke & Company which arose, phoenix-like, in Chicago.

Meanwhile in Toronto, George Rose (still president of Hunter, Rose Company) carried on the Rose-Belford Publishing Company until he reorganized first as the Rose Publishing Company in 1883, and later also as G. M. Rose and Sons.

Belford Brothers began their reprinting in 1876 with characteristic enterprise. On March 23 they advertised in Toronto newspapers their edition of Old Times on the Mississippi "for sale by all Booksellers, on trains, or mailed post-paid on receipt of price." This Belford first edition was a volume of 157 pages, in paper wrappers of various colors at 50¢, and in cloth (Blanck 3368). The title was set in Old English, upper and lower case, in one line. It was the first edition in book form of Chapters IV-XVII of the book Mark Twain would publish in 1883 as Life on the Mississippi. Without permission, Belford Brothers had lifted the text from the Atlantic Monthly instalments from January to June, and August, 1875. For good measure, they appended "A Literary Nightmare," lifted from the Atlantic Monthly of February 1876. This sketch was first published in book form by Mark Twain in Punch, Brother, Punch and Other Sketches in 1878. The sketch also appeared in Toronto in the March 1876 issue of the Canadian Monthly and National Review, at that time published by Adam, Stevenson & Company, and printed by Hunter, Rose & Company. Short sketches or bits from longer sketches by Mark Twain were reprinted frequently in Canadian newspapers during these years, such unauthorized reprintings, often picked up from other newspapers, were widespread North American practice.

A second Belford Brothers edition of Old Times followed in 1876, from the same plates, but with title in plain roman type, or roman and arabic. Blanck identifies at least four reprintings of this edition. On the title page, Mark Twain's name is followed by "Author of Tom Sawyer," and an advertisement for Tom Sawyer appears in a box on the otherwise blank frontispiece. Later issues of this second edition also have an advertisement at the back for "The

OLD TIMES
ON
THE MISSISSIPPI.

By MARK TWAIN,

Author of "Innocents Abroad," "Roughing It," etc., etc.

TORONTO:
BELFORD BROTHERS;
PUBLISHERS
1876.

Adventures of Tom Sawyer, New Edition, with illustrations." (In the copy I examined, the page containing this advertisement was tipped in.)

A third edition of Old Times was announced as ready in April, 1876. A tenth edition, in cloth at 75¢ and in paper at 50¢ was advertised in January, 1877. Another reprint appeared in 1877 at 30¢, with "New Edition" printed on the wrappers. Still another was issued in 1878, bound up with the text of Rambling Notes of an Idle Excursion, by the Rose-Belford Publishing Company (not listed in Blanck).

Samuel Clemens was not a cool-tempered man. When he heard of the Canadian pirating of Old Times, he telegraphed the Librarian of Congress about his literary rights, and wrote to his publisher about copyright infringement. Meanwhile the pirating continued.

In reprinting their edition of The Adventures of Tom Sawyer in 1876, Belford Brothers varied their procedure for obtaining the text. The account which some bibliographers have accepted, while suggesting considerable acuteness in the Belfords, apparently is not true. Jacob Blanck (3609) quotes Merle Johnson:

It is claimed that certain Canadian pirates set up an edition [of Tom Sawyer] from proofs stolen day by day at the American Publishing Company's plant and that the Canadian edition precedes the American. This is pure conjecture; however, it is hardly possible that the Canadian edition preceded the English.

In being skeptical, Johnson was right; the story probably concerned not the Canadian reprinting of Tom Sawyer but of A Tramp Abroad in 1880. The English edition was published by Clemens' regular publisher, Chatto & Windus, on June 9, 1876, some six months before the American edition. The first Canadian edition was pirated from the English edition and issued on July 29, or a day or so before. On July 22, it was advertised as "Ready this month." On July 24, Winifred Brothers, Toronto booksellers, advertised a Tom Sawyer as a new book at \$2.25, while on August 3 they offered one at 75¢ in paper and \$1.00 in cloth. Apparently on the 24th they had received copies of the English edition and were offering it at the imported price, while on August 3 they had received a stock of the Belford Canadian reprint which they could offer at the much reduced price. Obviously the Belfords had imported a copy of the English first edition as quickly as possible, set up from it, and issued their reprint on or about July 29. (A one-column extract from the book was reprinted in the Toronto Mail, of which Charles Belford was an editor, on July 25.) The first Belford edition of The Adventures of Tom Sawyer was a crown 8vo volume of 341 pages (plus four pages of advertisements), the same number as the English edition. It seems to follow the English text in all particulars. (See also Blanck, 3609)

Mark Twain was determined that The Adventures of Tom Sawyer would "outsell any previous book of mine." He had planned for it to be published in the United States immediately after its publication in Great Britain, thus securing both Imperial and United States copyrights. Delays held up American publication during the summer and the fall of 1876, and it did not appear in the United States until mid-December. It was being sold, of course, at a relatively high price, by subscription only. In the early fall, Mark Twain's hopes were high, but on November 2 he wrote in anguish to Moncure Conway, his London agent:

Belford Bros., Canadian thieves, are flooding America with a cheap pirated edition of Tom Sawyer. I have just telegraphed Chatto to assign Canadian copyright to me, but I suppose it is too late to do any good. We cannot issue for 6 weeks yet, and by that time Belford will have sold 100,000 over the frontier and killed my book dead. This piracy will cost me \$10,000, and I will spend as much more to choke off those pirates, if the thing can be done. Ask Chatto if he gave Belford Bros permission to publish.¹¹

On November 16 from London, Chatto telegraphed Belford Brothers: "Tom Sawyer is English copyright." Belford replied:

We today recd your telegram in reference to Tom Sawyer. We should be very sorry to conflict with your interest in any way in Canada. We know Americans are in the habit of taking out copyright in England, but we doubt if it would hold here. We shall be glad, however, to hear further from you on the subject.

In reply, Chatto wrote "hearing that they were issuing an edition of that work they considered it was only right to inform them that the book was English copyright," adding that all necessary steps had been taken in Great Britain for securing it.

Meanwhile Moncure Conway had sent Mark Twain his assignment of the copyright of Tom Sawyer, and on November wrote to assure him that "Chatto and Windus have had no correspondence or negotiation, verbal or of any sort whatsoever, with Belford or any other publisher."¹² Conway also wrote that Chatto was anxious to publish Mark Twain's projected book on the North Pole. Mark Twain replied on December 13:

It's a mistake, I am not writing any new book. Belford has taken the profits all out of "Tom Sawyer." We find our copyright law here to be nearly worthless, and if I can make a living out of plays, I shall never write another book. For the present I have placed the three books in mind, in the waste basket, but if I should write one of them, Chatto shall have a say in it.

The Canadian "Tom Sawyer" has actually taken the market away from us in every village in the Union. We cannot accomplish anything against the newsdealers because the newsdealer is privileged to sell a pirated book until we give him personal and distinct notice, that the book is copyrighted.¹³ The Publishers say that as near as their lawyers can make it out, English copyright is not worth anything in Canada, unless it be recorded in Canada within sixty days after publication in England.¹⁴

The English edition was protected by Imperial copyright, and Belford Brothers were breaking Imperial law. Probably they argued here as they argued, in print, several months later in defence of their reprinting without authorization of Samuel Smiles' Thrift, that the new Canadian Act of 1875 superseded the Imperial Copyright Act in Canada, and since Mark Twain had not taken out Canadian copyright for his Tom Sawyer, it was not protected in Canada. Under Imperial copyright law, Mark Twain could have sought an injunction restraining the reprinting in Canada; apparently he did not. Even if he had, the Belford first edition would have been on the market for some time, and penalty for illegal reprinting was small. On the other hand, in July, 1876 it was still an open legal question whether or not the new Canadian Act did supersede the Imperial Copyright Act in Canada. This was not clarified until the Smiles v. Belford decision was handed down several months later, and the Belford appeal denied.

Belfords' Tom Sawyer sold well. They announced a third edition ready on October 6, 1876, at \$1.00 in cloth and 75¢ in paper. In 1877 they produced "A New Illustrated Edition," advertised on November 24 at 50¢, in which twenty-one small illustrations were inserted in their earlier text as chapter head or tail pieces, and a new illustrated frontispiece added (not listed in Blanck). This edition they reprinted in late 1877 or January 1878 as Number 3 in their "Collection of American Authors Series," at 50¢ (not listed in Blanck), and with new covers in 1879. It appeared later also under the imprint "Toronto: The Rose Publishing Company (no date)."

The Adventures of Tom Sawyer was the work selected by the Rose-Belford Publishing Company to lead off its newest venture in cheap publishing in 1879. They began their "Rose Library" by issuing it as Number One, on April 2, 1879 (not listed in Blanck). It was a quarto volume, without covers, printed in large type in double columns, with a few crude cuts from the earlier Canadian illustrated edition, of 86 pages (plus two pages of advertisements). It was priced at 20¢. It was the first number of the Library, which was to be issued semi-monthly as a periodical; each "number" was to contain a complete novel, and to be priced at 10¢ or 20¢ according to its size.

WEDNESDAY, APRIL 2, 1879

NUMBER 1

PUBLISHED BY THE ROSE-ELFORD PUBLISHING CO., TORONTO

PRICE 20 CENTS

THE ADVENTURES OF TOM SAWYER.

By MARK TWAIN.

CHAPTER I.

'Tom!'

No answer.

'Tom!'

'What's gone with that boy, I wonder? You Tom!'

The old lady pulled her spectacles down and looked over them about the room, then she put them up and looked out under them. She seldom or never looked through them for so small a thing as a boy, for they were her state pants, the pride of her heart, and were built for 'style,' to be sure, but she could see through a state pants as well. She looked perplexed for a moment, and said not fiercely, but still loud enough for the furniture to hear, 'Well, I beg if I get hold of you I'll—'

She did not finish, for by this time she was bending down and punching under the bed with the broom—and so she could breathe to penetrate the patches with. She recovered nothing but the cat.

'I never did see the test of that boy.'

"AUNTIE JOLLY!" SAID JIM.

She went to the open door and stood in it, and looked out among the tomato vines and 'jimpson' weeds that constituted the garden. No Tom. So she lifted up her voice, at an angle, calculated for distance, and shouted,

'Y-o-u-u Tom!'

There was a slight noise behind her, and she turned just in time to seize a small boy by the slack of his roundabout and arrest his flight. 'There! I might 'a thought of that! What have you been doing in there?'

'Nothing.'

'Nothing? Look at your hands, and look at your mouth! What is that truck?'

'I don't know, aunt.'

'Well, I know. It's jam, that's what it is. Forty times I've said if you didn't let that jam alone I'd skin you. Hand me that switch.'

The switch hovered in the air. The peril was desperate. 'My! Look behind you, aunt!'

The old lady whirled around and snatched her skirt.

In issuing this new Library, Rose-Belford was copying the phenomenally successful new cheap quarto "Libraries" in the United States—Donnelley & Lloyd's "Lakeside Library," the Canadian brothers, George and Norman Munro's "Seaside Library," and "Riverside Library," Leslies' "Home Library," the Beadle & Adams' "Fireside Library," and others. Well over four million copies of these quartos had been sold since they had sprung up in 1875. They were printed in a format and with a regularity that allowed them to be defined as "periodicals," and thus take advantage of the low rate of two cents per pound postage. Their cheap paper, their format, and their regularity of production also increased the speed of printing and consequently cut the cost of production. They reprinted fiction and non-fiction, "standard" and currently popular works, mainly by English writers, and so paid as little as possible for their material. They sold by mail, and on trains and boats, and in railroad stalls. Although some of the American "Libraries" occasionally reprinted works that were copyrighted in the United States, none apparently reprinted Mark Twain's work, which he jealously guarded, selling "by subscription only" until he had creamed off the American sale.¹⁵

Thus by mail the Rose Library offered the American reader for a dime or double dime the works of Mark Twain and other best-selling American writers whose books were inaccessible to American readers in cheap editions. American readers saw titles and prices over a Toronto address in American newspapers. The Rose-Belford edition of Tom Sawyer must have sold well; it was reprinted as Number 1, fourth edition, in December 1883.

When Mark Twain became aware in the Fall of 1876 that the Belfords were selling their Canadian edition of Tom Sawyer in the United States, he suspected that Chatto had stabbed him in the back by giving them permission to reprint in Canada. Chatto had not, but apparently Belfords were obtaining permission from them and from other British publishers to issue authorized reprintings of some British books in Canada. And they were not averse to seeking arrangements with American publishers. When they launched their Belford's Monthly Magazine in late 1876, they wrote to William Dean Howells, editor of the Atlantic Monthly (and Clemens' close friend) for permission to reprint Mark Twain's future contributions to the Atlantic in their new magazine. They would be willing "to pay liberally for the right to publish . . . although the law allows us to pirate them." Howells sent the letter to Clemens. He received it during his correspondence with Conway quoted above, and it is not surprising that he answered decisively: "If there is another magazine in Toronto (or Montreal) I want to give it advance sheets. Belford Bros., the miserable thieves, couldn't buy a sentence from me for any money. Is there another magazine—I earnestly want to give advance sheets to it. Tell me if there is."¹⁶

HART & RAWLINSON,

Successors (Retail) to

COPP, CLARK & CO.,

BOOKSELLERS, STATIONERS,

Printers and Bookbinders,

IMPORTERS OF MAGAZINES, PERIODICALS, &c.

5 KING ST. WEST, TORONTO,

Invite attention to their Large Stock of

MISCELLANEOUS BOOKS,

THEOLOGICAL BOOKS,

MEDICAL BOOKS,

LEGAL BOOKS,

EDUCATIONAL BOOKS.

PUBLIC AND COMMERCIAL OFFICES SUPPLIED WITH

BLANK ACCOUNT BOOKS,

IN EVERY SPECIAL STYLE

WRITING PAPERS AND ENVELOPES,

IN ALL THE VARIOUS SIZES.

INKS, INK STANDS, STATIONERY CABINETS, DATE STANDS,
PEN RACKS, SPONGE GLASSES, COPYING PRESSES,
DAMPING URES, and a great variety of
OFFICE SUNDRIES.

LEGAL AND CONVEYANCING BLANKS.

We direct special attention to our large stock of

HOUSEHOLD STATIONERY,

OF THE FINEST AND LATEST STYLES IN

OPALINE, IRISH LINEN, VENETIAN, BASKERVILLE,

GOODALL'S DOUBLE AND TREBLE THICK.

MOURNING STATIONERY

In all the New and Popular Styles.

PLAYING CARDS—In great variety of new patterns

PUBLIC AND PRIVATE SCHOOLS supplied with all their requisites on
special terms.

In June 1877, Mark Twain was revising sketches for publication in the Atlantic Monthly, to be called "Some Rambling Notes of an Idle Excursion," based on a recent Bermuda trip. He wrote to Howells: "Isn't there some Montreal magazine I can sell or give them to, & thus beat Belford Bros., thieves, of Toronto?" The magazine they chose was the Canadian Monthly and National Review, published in Toronto formerly by Adam, Stevenson & Company (who had reprinted "A Literary Nightmare" in their March, 1876 issue), but published now by Hart & Rawlinson Company. Assured by Houghton, publisher of the Atlantic Monthly, that the Canadian Monthly was "a first-class journal", Clemens asked for duplicate proofs of "Some Rambling Notes" to be sent to them.¹⁷ The Canadian Monthly printed them concurrently with the Atlantic Monthly, from October 1877 to January 1878, with the statement "Published from advanced sheets by arrangement with the author and his American publishers."

But Mark Twain did not beat the Belford Brothers (who early in 1878 merged with George Maclean Rose into the Rose-Belford Publishing Company). Once again they anticipated Clemens' authorized English and American publishers by issuing in 1878 an edition—the first anywhere in book form—of An Idle Excursion. It was a 111-page volume, in cloth at 75¢ and in pictorial wrappers at 50¢. It contained "An Idle Excursion," "Facts Concerning the Recent Carnival of Crime in Connecticut," and "The Loves of Alonzo Fitz Clarence and Rosannah Ethelton" (Blanck 3377). They lifted their text from the Atlantic Monthly or the Canadian Monthly instalments, and hurried the material into book form, for they announced their edition as "Ready of February 28" in the Toronto Mail for February 23. The Chatto and Windus authorized London edition did not appear until the last week in March; the American edition, under the title Punch, Brother, Punch, and Other Sketches, was copyrighted in Washington on March 14, and probably published after the London edition.

After the American publication of Punch, Brother, Punch with new material in late March, Rose-Belford issued a new edition of their Idle Excursion, adding to it six more sketches. It was 150 pages, in cloth and in printed wrappers. The title page read Rambling Notes of an Idle Excursion. Blanck (3619) notes two states. Sheets of this text also were bound up in 1878 after sheets of their edition of Old Times. In addition, they reprinted it in wrappers in 1882 (Blanck 3631).

On March 15, 1878, Clemens obviously thought that his strategy of placing his Atlantic Monthly contributions simultaneously in the Canadian Monthly had blocked the Canadian pirates, for he wrote to Howells that the "simultane-sheets for an article which was to appear in the Atlantic in May should be sent to the Toronto magazine." But

RAMBLING NOTES

OF AN

IDLE EXCURSION

BY

MARK TWAIN,

AUTHOR OF "ADVENTURES OF TOM SAWYER," "OLD TIMES ON THE MISSISSIPPI," "INNOCENTS ABROAD," ETC.

Toronto:
ROSE-BELFORD PUBLISHING COMPANY.
MDCCCLXXVIII.

within a week something made him change his mind, for he wrote again to Howells: "No, we won't simultane with Canada unless Houghton can get the Canadian copyright transferred immediately to himself or some personal friend of his in Canada. Won't he try?" On June 27 he wrote again: "Ah, don't I wish I could venture to write for the Atlantic! The only thing in the way is Canada. If Mr. Houghton can copyright my stuff in Canada & hold it himself, & will prosecute & stop any infringement, I shall be glad enough to write; but I can't trust any more Canadians after my late experience. I suppose they are all born pirates."¹⁸ Probably he had learned of the Rose-Belford edition of An Idle Excursion; perhaps he had learned that the Canadian Monthly was now published by Hunter, Rose & Company, and thus was in the hands of the enemy. He must have felt himself completely double-crossed when in July, 1878, the magazine began to appear under its new title Rose-Belford's Canadian Monthly and National Review.

Mark Twain expressed his feelings about the Belfords by assigning the name "Jack Belford" to one of the three villains in the western story he was writing. In his "Manuscript of the Missouri-Wheeler Detective Story" he wrote:

"[One of] three villains—Jack Belford—\$500 award dead or alive . . . The desperado Jack Belford—This inhuman miscreant who is to be hung next month & his crime-blackened soul sent to that place unmentionable."¹⁹

The success of cheap libraries brought into the field John Ross Robertson, one of Toronto's most vigorous newspaper publishers. Robertson was a founder of the Telegraph, printed in the Daily Telegraph Printing House, where Alexander Belford had first worked. When the Telegraph ceased publication in 1872, Robertson worked in England for the Toronto Globe. He returned to Toronto in 1875 as manager of Goldwin Smith's Nation, and in early 1876 started his Toronto Telegram, the first of the very successful penny evening newspapers in North America. He also exploited the growing market for cheap reprints in periodical form. He made a fortune from the Telegram and his reprintings; became a prominent public benefactor; and was a leader in the fight for protective Canadian copyright legislation.

One of Robertson's first publications in 1878 in his new "Robertson's Popular Library Series" (later "Cheap Series") was Mark Twain's An Idle Excursion. The text of this coverless, 36-page, two-column, 20¢ "periodical" edition came from the first Rose-Belford edition (Blanck 3377 Note).

The growing activity of the Canadian reprinters in the American book market led to intensified efforts in the States to secure an

International Copyright agreement which would choke off Canadian piracy. It also led to indignant discussion in print; an article entitled "The Canadian Invasion" was reprinted in Publishers' Weekly for December 7, 1878, from the New York Sun of November 22:

Certain Toronto publishers have lately struck out on a new line of enterprise which seriously exercises the American book maker. They have seized upon the newest American copyrighted books by popular authors, reproduced them in the cheapest possible form, and advertised in American newspapers to send them through the mail, post paid, to American readers, for from one fifth to one tenth of the price charged for them by the American publisher. It is neither legal nor practical to exercise close espionage over the mail, and therefore these are difficult to stop.

A Canadian publication sold here for 15¢ costs the publisher but 3¢ for transmission through the mail, leaving a net return of 12¢ which is 2¢ more than the average cheapest American publication. Quotes G. W. Carleton: "But now these Canada devils go to work to take our American books and reprint them from one tenth of our prices, and sell them not only in Canada, which they have a right to do, but in our own country, to our own customers. Within a day or so they have taken to advertising in New York newspapers that they will send these reprints here to American citizens for 15 or 20 cents each; reprints of books that are sold here at \$1.50 by the publishers who pay for copyrights upon them. It is a gross outrage. We can stop the bookseller here from vending these things, but it seems we can not prevent this Canadian fellow [probably John Ross Robertson] getting money by mail from American citizens and sending them his reprints of our books for it. See the extent to which his piracy is carried. Here is a list of the first lot of books he offers, generally at 15¢ but in one instance going as high as 40¢. There are 42 of them."

Toronto publishers were not only going after the dime or double dime market in the United States; they also had been pursuing the 50¢ to \$1.50 market by issuing well-made books, in appearance much like the American editions, and well below them in price. As William Dean Howells wrote in a letter on May 11, 1879, in reply to his father (then American consul in Toronto) who had sent his son a copy of the unauthorized Rose-Belford edition of Howells' new A Counterfeit Presentiment:

The worst of the Belford reprints is that they imitate the American covers, so that the wayfaring man who was intent upon the \$2. edition might buy this for \$1. by mistake. Of course Osgood [his American publisher] will sell no more Aroostooks

[of which the Belfords had issued at least five unauthorized editions] in Canada; but he is now in the West, and he promises that the Belfords shall sell none in Detroit. He will bring suit against every dealer in whose hands he finds them. By the way, I wish you would kindly ask some lawyer in Toronto whether I can copyright my books in Canada by residing a certain length of time—two weeks, I've heard—in the Dominion.²⁰

Shortly, Mark Twain also became interested in this possibility of copyrighting his books in Canada in this way. Meanwhile some American publishers did take out injunctions against American book-sellers when they found them selling pirated copies of their copyrighted books. Howells wrote to Mark Twain on September 17, 1879:

By the way, why don't your publishers put an injunction on the sale of the Canadian edition of Piloting on the M'ippi. I have seen it for sale at the Albany depot here. Harpers stopped a reprint of a book of theirs by suing every man that sold it.²¹

I have found no evidence, however, that Mark Twain appealed to the American law until 1882.

Before mid-1879 Alexander Belford and James Clarke left Toronto for Chicago, and organized Belfords, Clarke & Company, of "Chicago and Toronto." One of their first publications was a piecing together of another new Mark Twain book from his American volume of 1875 called Sketches Old and New. They added sketches not printed in books in the United States until later; these included "The Recent Great French Duel" and "The Great Revolution in Pitcairn" which had appeared in the February and March issues of the 1879 Atlantic Monthly. Between March and early June they issued their volume as Sketches by Mark Twain, Now First Published in Complete Form (Blanck 3384). It was a volume of 319 pages, containing 42 sketches, bound in paper at 30¢ or in cloth at \$1.00, and dated 1879 (also 1880). It sold well, for an advertisement in an 1880 Canadian edition of A Tramp Abroad announced "the 15th thousand of Sketches, 1880's Greatest Success." The volume also appeared under the imprint "Toronto: Belford & Co." at 30¢ in paper and \$1.00 in cloth. The Belford in "Belford & Co." was Robert Belford, who had remained in Toronto to manage the former firm, now probably an agency of the Chicago firm of Belfords, Clarke & Company. The "Co." of "Belford & Co." were the young employees, Charles Slein and Charles Higgins. A third reprinting appeared also in 1880, with the imprint "Toronto: Slein & Higgins." (See Blanck 3624. I have seen a paper-bound copy of the Sketches with "Slein & Higgins" on the cover, but with the imprint on the title page "Toronto: Belfords, Clarke & Co.") Some of these reprints bore no printer's mark on the verso of the title page; others gave "Robinson & Browne of Toronto";

SKETCHES

BY

MARK TWAIN.

NOW FIRST PUBLISHED IN COMPLETE FORM.

TORONTO :
BELFORDS, CLARKE & CO.
MDCCLXXIX.

others read "Printed and bound by Donohue and Henneberry, Chicago," printers for the Belfords in Chicago. Obviously at least some copies were produced in Chicago, and imported to Toronto. This situation probably led Mark Twain in 1882 to stop Belfords, Clarke & Company from issuing the Sketches by taking out an injunction in the Circuit Court of Appeals of Illinois.

Rose-Belford of Toronto do not seem to have reprinted this Belfords, Clarke edition of the Sketches.

John Ross Robertson followed with a new edition in his Cheap Series. He advertised it as "The only publication containing the complete sketches of this celebrated author, including those written up to January, 1881." It was a double-column volume, without covers, of 145 pages, selling at 20¢, and issued after February 24 (Blanck 3398). Blanck lists the new pieces as "Hints to Barbers"; "Mrs. McWilliams and the Lightning"; and "Mark Twain Speechless."

When Mark Twain published his newest work A Tramp Abroad in the United States on March 13, 1880, and in London in April, the Canadian "pirates" again were waiting for it. As it was in the presses, Clemens wrote to Howells:

Orders received for 25,000—not a very satisfactory start, but the diligent Canadian has warned everybody that he will glut the market at half-a-dollar within ten days after we issue; proclaims that he has bought advance-sheets right along from pressmen & understrappers in the three printing-offices, attending to the matter in person here [Hartford] under an assumed name. Such is Belford! However, these things discomfort me not in the slightest degree. My joy in getting the book out of my hands fills me up & leaves no room for trivial griefs.²²

At least six Canadian reprints appeared before mid-May. Five of these were of the same 410-page text, with the Mark Twain portrait and the "Moses" (not "Titian's Moses") illustration before the title page. Unlike the American and British editions, they contained only a few illustrations. These five bore the imprints of the Rose-Belford Publishing Company; of the Belford Company; of Slemin & Higgins; of the Dominion News Company (Toronto & Montreal); and "London, Ontario: T. G. Davey, manager, R. R. News Co.," (n.d.). Blanck lists all five (3626). Another edition of this 410-page text appeared under the imprint "Toronto: Rose Publishing Co.," (n.d.); this probably is a reprint in 1883 by the successors of the Rose-Belford Company (not listed by Blanck).

The Canadian editions sold well. Mark Twain wrote to Chatto and Windus on December 1, 1880:

A TRAMP ABROAD;

ILLUSTRATED BY W. FR. BROWN, TRUE WILLIAMS, E. DAY AND OTHER
ARTISTS—WITH ALSO THREE OR FOUR PICTURES MADE BY
THE AUTHOR OF THIS BOOK, WITHOUT OUTSIDE HELP.

BY
MARK TWAIN,
(SAMUEL L. CLEMENS.)

TORONTO:
BELFORD & CO.

1880.

The largeness of the sale in the United States has surprised me, considering the confounded activity of our friends the Canadian pirates, for they managed to get advance-sheets from the several steam-press establishments here and were on the market almost as soon as we were. I think they hurt us to the extent of 20,000 copies, perhaps, but we have sold 70,000 in spite of them.²³

One interesting aspect of the Canadian editions is the manner in which their covers duplicate the cover of the American edition. It seems likely that the Canadian publishers obtained the cover design along with the advance sheets. But the fact that the Canadian editions have fewer illustrations than the American edition makes one curious about this story of the advance sheets. It may have been that the Canadian publishers did get some advance sheets or a prospectus from which they printed a subscription prospectus. In his Mark Twain collection, Frank C. Willson, of Melrose, Mass., has a copy of a small prospectus, with no title page. It has some of the illustrations in the American edition, but also some illustrations that appeared only in the Canadian edition. One illustration is signed "F. J. Anderson, Sc. Toronto."

The actual publisher of the Canadian reprints probably was the Rose-Belford Publishing Company, then under George Rose. It seems unlikely that Alexander Belford, already established in Chicago, had a direct hand in publishing them. The reprints I have examined carry no printer's imprint.

A sixth and different reprint of A Tramp Abroad was issued in 1880 by John Ross Robertson in his "Cheap Series" at 20¢. It was a 74-page, double-column volume, without covers or illustrations, (Blanck 3625).

The increased exploitation of Mark Twain's work probably led to the reprinting of his earlier work. Late in 1880 Belford & Company capitalized on their past reprintings by issuing Mark Twain's Humourous Works (not listed in Blanck). On November 6 they advertised as "Just Ready" the edition, in cases, at \$5.00. This may have included the titles that Belford Brothers, Rose-Belford, and the Belfords, Clarke & Company had issued, now bound in uniform covers. I have not found a library or a private collection which preserves a specimen.

John Ross Robertson followed the Belfords in 1880 with his "Omnibus" volume (not listed in Blanck), if an entry in the catalogue An Exhibition of the Works of Mark Twain (Detroit Public Library, 1944, p. 17) is to be accepted. The Detroit copy has disappeared and I have seen no other reference to an "Omnibus" volume. The entry

indicates that the volume was made up of A Tramp Abroad, The Innocents Abroad, Mark Twain's Sketches, The Prince and Pauper [sic], and numerous smaller pieces. It is dated "1880," although, of course The Prince and the Pauper was first published in late 1881. It may be that this "Omnibus" volume is a gathering of the individual reprintings by Robertson in his "Cheap Series," and bound up in 1881 or later. In 1880 Robertson seems to have issued a separate edition of The Innocents Abroad in a 214-page, double-column volume in his "Cheap Series" (not listed in Blanck).

Almost as their last publication, Belford & Company in 1880 reprinted Roughing It, a volume which the Toronto reprinters seem to have overlooked up to this time. A later edition of Roughing It was issued by the Rose Publishing Company, dated 188- (possibly 1883). Another Toronto printer joined the game of reprinting earlier or minor works of Mark Twain in 1880 or 1881 when W. G. Gibson, a commercial printer at 35 King Street, issued Some Things Funny ... by Mark Twain ... and Other Well Known Funny Men (Blanck 3391). It was a 96-page volume in paper covers, selling for 15¢. The cover of the only copy I have seen stated that it was "Published by the Dominion News Co., General R. R. & Steamboat News Agents, Montreal and Toronto" (n.d.). It contained "Edward Mills and George Benton: a Tale," "Mrs. McWilliams and the Lightning," and "A Telephonic Conversation" (Blanck 3391). Gibson followed this in late October 1881 with a reprint of A Curious Experience (See Blanck 3395 and "Also Note"). This was a 42-page, paper-covered volume, priced at 10¢ with the imprint on the title page: "Toronto: Printed and Published by W. G. Gibson," (n.d.). Two pages of advertisements in the back are for books published for the "Toronto News Co., Publisher's Agent, Toronto and Niagara Falls," the firm of A. S. Irving. As Blanck points out, this sketch was originally published in Century Magazine, November 1888, but presumably is the volume offered for sale in the Toronto Mail for October 31, 1881. These are the only two reprints of Mark Twain's work by Gibson that I have found; Gibson seems to have done little reprinting of other authors.

III

A third phase of this story began in 1881. The invasion of his American market by the cheap Canadian editions of his Sketches and A Tramp Abroad drove Mark Twain beyond endurance. In 1879 and early 1880 he had been among the American writers who, with American publishers, were urging Washington to enact an international copyright agreement with Great Britain. In early May 1880, he planned to go to Washington. On May 7 he wrote to Howells, who was leaving for a six-day visit to the White House with President and Mrs. Hayes:

Well, we hope you will have a good time, & I wish I was going; but I have given it up. I have a letter from a Congressman this morning, & he says Congress couldn't be persuaded to bother about Canadian pirates at a time like this when all legislation must have a political & Presidential bearing, else Congress won't look at it. So I have changed my mind & my course; I go north, to kill a pirate. I must procure some way, else I cannot get down to work again.²⁴

Worry about increased expenditures, about his business investments, the dying of his old publisher, Elisha Bliss, the move to a new publisher, James R. Osgood of Boston; all of these kept Mark Twain busy at home during the last half of 1880 and the first half of 1881.²⁵ Moreover, it takes time and planning to kill a pirate. Mark Twain consulted lawyers, friends, and Osgood about copyrighting in Canada. He was advised by "a distinguished Boston lawyer" that residence in Canada while his book was being published there by an authorized Canadian publisher would entitle him to Canadian copyright under the Canadian Copyright Act of 1875. In the past, Maria Cummins, Oliver Wendell Holmes, Henry Ward, Mrs. Stowe, Mrs. Burnett, Jefferson Davis, Bayard Taylor, P. T. Barnum, and others had resided in Montreal while their work was being first published in London. They did that, however, to secure their Imperial copyright. Mark Twain's move was to secure both Imperial and Canadian copyright.

Late in September, Osgood wrote detailed plans of the Canadian campaign to Mark Twain. He replied to Osgood on October 2:

Yes, I agree to the soundness of your construction of the Canadian matter. So you can go ahead and set up the types for Canada whenever you please.

I will go to Canada when notified.

Now what steps must I take to make that bona fide transfer to Chatto. Only a mere piece of paper, like any other bill of sale, I suppose? Draw me up one, and I will sign it and send it through you to Chatto.²⁶

Mark Twain and Osgood had made their arrangements with a highly respected Montreal firm, Dawson Brothers. Upon the foundation of their father's business, the two brothers, Samuel Edward and William V. Dawson, had built a large wholesale and retail stationery firm, and had added a bookstore and a publishing business. Under Samuel Dawson's direction, they published mostly non-fiction, largely by Canadians. Although they had acted as one of the distributors of the 1871 Canadian reprint of The Innocents Abroad, they had not engaged in piratical reprinting. Moreover, Samuel Dawson was concerned with the moral and legal aspects of the copyright

situation. He presented a full picture of it in his "Copyright in Books: An Inquiry into its origins, and an account of the present state of the Law in Canada," delivered at the Law School of Bishop's College in Quebec, about six weeks after Mark Twain's first Montreal trip (published with additional notes by Dawson Brothers in 1882).

But Mark Twain expected trouble. On October 27 he wrote again to Osgood:

In setting up and printing in Canada we run one risk—that the sheets may be bought or stolen, and a pirated edition brought out ahead of us. How would it do to leave out a signature (in our Canadian reprint, up yonder,) here and there, until a few days before Canadian publishing date?

Another letter went to Osgood on the following day:

How would it do, to set up the first and last signatures in Boston, and do the rest in Canada? You see, what I'm after is a pre-ventive; it is preferable to even the best of cures. Those sons of up there will steal anything they can get their hands on—possible suits for damages and felony would be no more restraint upon them, I think, than would the presence of a young lady be upon a stud-horse who had just found a mare unprotected by international copyright. In the one case, theft and piracy is the fateful doom; in the other, copulation and adultery.

What day are you going to Canada? That's the day I'm going. Name it.²⁷

Three days later on November 1, another letter went to Osgood:

Rose is a scoundrel, and won't do as he agrees. Mr. Dawson is mistaken. My knowledge of him is not second-hand.

Derned if I can think of anything to suggest except taking a set of plates to Canada to print from. If that will answer in place of setting up the book there, I should recommend that.—They wouldn't need to be electrotyped, but only stereotyped. And in any case, if we ain't on hand there a week beforehand, the C. edition won't be out on time, I judge.

You might use Dawson's imprint and put the copyright entry and title in the name of some Montreal hotel clerk, if you know one. What's the objection to that? There ain't any, is there?

You probably get a damsight of information out of me—and intelligent assistance. Well, I always do my best, anyway.²⁸

On November 18, R. H. Ticknor wrote from Boston to Mark Twain:

I have sent the Montreal plates to Dawson today, and also mailed Chatto and Windus a complete book so he can work the whole thing over.²⁹

Clemens arrived in Montreal on Saturday, November 26, alone, since at the last moment Osgood could not come. An interview with him was printed in the Montreal Gazette on November 28. On the same day he wrote to Osgood:

Have just returned from visiting Mr. Dawson. He has printed an edition of 275, and they are ready to be put into the paper covers. (—and said covers are ready.) He wanted to know what price to put upon the book, so that he could state it in his announcement. I said I believed our idea was, to put a prohibitory price on it, to keep it out of the pirate's hands until we had reaped our market. But he knocked that argument as cold as Gilsey House civility with the simple remark that if the pirates want a copy and can't get it here on the 2d, they can wait a day and get it from Boston.

He seemed to think it would not answer at all to put the price of this little paper-covered volume at a heavier figure than \$1. I said I would write you immediately, and you would telegraph him and set a price.

(Hell, I wish you were here!—for just this moment I've struck an idea. It is this: let Dawson put this book at 15 cents a copy; not advertise and not issue.

But I reckon tain't much of an idea, after all. Hurry up dern your skin.³⁰

It was a well-made volume of 278 pages, without illustrations, unlike the American and British editions (I have not seen paper-covered copies). Anticipating the granting of Canadian copyright, the verso of the title page read "Entered according to Act of Parliament of Canada in the Year 1881, by Samuel L. Clemens, in the Office of the Minister of Agriculture."

Mark Twain and the Dawson Brothers registered an interim copyright in the Department of Agriculture at Ottawa on December 1; the Canada Gazette for December 3 officially noted the registration. The object of interim copyright was to prevent importation of another edition of a book which was passing through the press in Canada. They would be granted a full copyright if the book was printed and published in Canada within 30 days after its publication elsewhere, and if all conditions of the Canadian Copyright Act of 1875 were fulfilled. Almost immediately after, while he was on British soil in Montreal, his London publishers published the British edition. The American edition was deposited on December 12, and listed in Publishers' Weekly on January 2 (Blanc 3402).

Mark Twain explained his coming to Canada to a large Canadian audience at a literary dinner given to him on December 8 (reported in the Montreal Gazette).

I did not come to Canada to commit crime—this time—but to prevent it. I came here to place myself under the protection of the Canadian copyright law and secure a copyright. I have complied with the requirements of the law; I have followed the instructions of some of the best legal minds in the city, including my own, and so my errand is accomplished, at least so far as any exertions of mine can aid that accomplishment. This is rather a cumbersome way to fence and fortify one's property against the literary buccaneers, it is true; still, if it is effective, it is a great advance upon past conditions, and one to be correspondingly welcomed. It makes one hope and believe that a day will come when, in the eye of the law, literary property will be as sacred as whiskey, or any other of the necessities of life. In this age of ours, if you steal another man's label to advertise your own brand of whiskey with, you will be heavily fined and otherwise punished for violating that trade-mark; if you steal the whiskey, you may go to jail; but if you could provide that the whiskey was literature, you can steal them both, and the law wouldn't say a word.

It grieves me to think how far more profound and reverent a respect the law would have for literature, if a body could only get drunk on it. Still, the world moves; the interests of literature upon our continent are improving; let us be content and wait . . . I saw the plains of Abraham, and the spot where the lamented Wolfe stood when he made the immemorable remark that he would rather be the author of Gray's Elegy than take Quebec. But why did he say so rash a thing? It was because he supposed there was going to be international copyright. Otherwise there would be no money in it.

But just as he was leaving Montreal, he learned that he had been refused copyright. The refusal hinged on the interpretation of the word "domiciled." The Canadian Act, as Samuel Dawson explained, had been based on the principle of reciprocity.

It concedes to other nations the same privileges which other nations concede to Canadians. The United States demand that all who avail themselves of their law shall be citizens or residents, and they refuse international copyright to other nations. The Canadian Act, in describing the status of those who come under it, specifies: "All persons domiciled in any part of the Dominions of Great Britain, or who are citizens of any country which has an International Copyright Treaty with Great Britain."³¹

In the original draft of the act, the word "resident" had been crossed out and the word "domiciled" written in—for the purpose of making the law precisely correspond to the law of the United States, where "resident" meant "permanent resident."

In his application for an interim copyright, Mark Twain stated that he was domiciled in Canada, whereas in his subsequent application for a full copyright, he stated that he had an elective domicile in Canada, and consequently the second application was refused. In the eyes of the Department of Agriculture there was a wide difference between being domiciled in the country and electing to domicile for a few days or weeks in the same country.

The gods must have smiled; for at least five years, with the most generous intention, Mark Twain had petitioned his countrymen and his Congress to grant foreign authors American copyright on exactly the same grounds as they granted Americans copyright. Now the Canadians declined to grant it to him, on exactly the same grounds as American copyright would have been declined a foreigner if he had visited the United States while his book was being published there.

In his lecture on copyright law at Bishop's Law School two months later, Samuel Dawson gave his interpretation of what had gone wrong:

In making his first application, Mr. Clemens acted under the advice of a distinguished Boston lawyer, who was not aware of the distinctness and precision of the word "domicile" in the Civil Law. He was misled by a false induction from our Patent Act, and by a false induction from the case of *Low v. Routledge*, which had no reference to our [Canadian] statute. He was misled, as all lawyers will be misled, who (even if they live in Boston) presume to advise upon the laws of foreign countries. Mr. Clemens, however, could fall back upon the Imperial Act, by virtue of which he now holds his book. We are then face to face with a startling anomaly—the Copyright which our Parliament refuses, the English Parliament grants, and the book which cannot be printed in Canada without the author's consent, can be imported from abroad.

The copyright decision against Mark Twain was news, and it was soon discussed in Canadian and American journals. In the *Montreal Gazette*, Samuel Dawson replied to a *Gazette* editorial of December 19, seizing the opportunity to make clear that their *The Prince and the Pauper* was protected by Imperial Copyright:

The fact is that there exist in Canada two distinct copyright laws—the Imperial Copyright Law of 1842, and the Canadian Copyright Law of 1875. Mr. Clemens has complied with all the conditions of the former, although he has been unable to comply with all the conditions of the latter.... Therefore Mr. Clemens possesses a valid copyright in Canada, and his residence here was not futile. Anyone reprinting his book becomes liable to the full effects of the [Imperial] Act....

Mark Twain entered the fray in a letter to the Editor of the Springfield (Mass.) Republican:

Hartford, Conn., Sunday Dec. 18, 1881.

If you will glance at the first article in your second editorial column of today's issue you may find two things forcibly illustrated there: that the less a man knows about his subject the more glibly he can reel off his paragraph, and that the difference between an ordinary court and the high court of journalism is that, the former requires facts upon which to base an injurious judgment against a man, the other requires suspicion only. You have not caught me in any divergence from the truth, nor in any incompatibility. But a truce to that: under the pretext of rising to defend myself, I have really risen for a more respectable purpose. Your remarks have, of course, disseminated the impression that in my humble [self] a greater was defeated in Canada and got its quietus, viz. Copyright: now I think the fact is of public and general importance—and therefore, worth printing—that the exact opposite was the case.

I applied formally for Canadian copyright and failed to get it. But this did not cripple my case, because by being in Canada (and submitting to certain legal forms) when my book was issued in London I acquired both Imperial and Canadian copyright. I did know several hours before I left Montreal—as heretofore stated in my name—that my application for legal copyright had been refused, but I also knew that my Canadian copyright was perfect without it, and that it would not have been (absolutely) perfect if I had not sojourned in Canada while the book was published in England and printed and published in Canada. Curious as it may seem to you, I did leave in Canada perfected arrangements for the prosecution of any who might pirate the book, although I had hardly the ghost of a fear that any attempt would be made to pirate it. Please do not laugh at me any more for this, for the act was not ridiculous. I was not protecting myself against any expectation, but only against any possibility. Perhaps you do not catch the idea. I will put it in another form: if you were going to stop overnight with me I should not expect you to set fire to the place; still, I would step down and get the house insured just the same.

Have you ever read the Dominion copyright law. And if so, do you think you understand them? Undeceive yourself; it is a thousand to one that you are mistaken. I went to Canada armed to the teeth with both Canadian and American legal opinions. They were the result of a couple of months of inquiry and correspondence between trained Canadian and American lawyers. These men agreed upon but one single thing—that a perfect Imperial and provincial copyright was obtainable through a brief sojourn in Canada and the observance of certain specified forms.

They were pretty uncertain (under one form of procedure) as to the possibility of acquiring a copyright from the Dominion Government itself; well, as before remarked, I tried that form; it failed, but no harm was done. Some little good was done, however; the experiment established the fact, as far as it can be established without the decision of a court, that "el dom" is not sufficient in copyright matters. There was one other mode of procedure which promised considerably better—in fact, I was told it had been tried already by a couple of American clergymen, and with success. This is to kind of sort of let on, in a general way, that you haven't come to Canada merely to sojourn, but to stay. My friend, there are reputations that can stand a strain like that; but you know yourself, that it would not answer for you or me to take any such risk. I declined to try that mode.

Mark Twain.

Mark Twain's letter was reprinted under "Mark Twain Explains" in Publishers' Weekly for December 31, 1881 (pp. 884-885).

Other New York journals commented on the case. Harper's Weekly for January 21, 1882, exploited the lighter side by running a half-page cartoon by Thomas Nast and under it printed a parody verse from Gilbert and Sullivan's Patience. Hinting that the way was still open for Canadian piracy of The Prince and the Pauper, the New York Times reported:

Ottawa, December 28. There has been some fearful blundering over the interpretation of the Canadian Copyright Law within the past few weeks and no one appears to have fallen into greater error than Mark Twain himself. He claims that when his book was issued in London, England, he acquired both an Imperial and a Canadian copyright, and although his appeal for a local copyright had been refused, he knew his Canadian copyright was perfect without it. Mark Twain, to obtain an Imperial Copyright, had to submit to the conditions of the Act which provides that the work must be first published in the United Kingdom, after which the copyright, so obtained, extends to all British possessions. Such copyright protects him against any Canadian reprint being made of his work, but does not save him, per se, from the importation into Canada of foreign reprints, having paid 12½% royalty at entering; whereas a Canadian copyright would have secured him from the introduction into Canada of any such foreign reprints. Mr. Clemens has fallen into error in supposing that he secures the same protection from an Imperial copyright as he would from a copyright issued in Canada....

Mark Twain soon discovered that his The Prince and the Pauper was not protected from pirating in Canada. Within a few weeks, the

Rose-Belford Publishing Company in Toronto had taken the text of the Dawson edition, wrote and inserted an aggressive three-page "Preface" justifying their action (dated February 15, 1882). They had the book printed in a "Western State" (probably in Detroit, since the American Book Catalog for 1876-1884 lists "Rose-Belford Publishing Co." as of Detroit, Michigan), with their Toronto imprint on the title page (Blanck 3629). Then they imported it into Canada as a foreign reprint of a book copyrighted in Great Britain, paid the usual $12\frac{1}{2}\%$ and $15\frac{1}{2}\%$ tax, and undersold the Dawson edition. In their "Preface" they asserted:

The Importers of this cheap edition of Mark Twain's latest production do not disguise their motive in placing it on the Canadian market. Their object . . . is to show by its importation, and sale in Canada, as a foreign reprint of a work which has secured British copyright, how anomalous is the present law of Literature in the Colonies, and how injuriously, and in an especial degree, this affects Canadian printing and publishing industries. . . . To extend an American author protection in Canada as the result of British Copyright legislation, while the Dominion is a slaughter house for American piracies of English copyrights, seems the act of unwisdom. . . . The action we have now taken, however, nullifies, in great measure the benefit which Imperial copyright affords the author in Canada; and this course we feel that we are justified in adopting, so long as the United States government refuse to accord to British or Colonial authors reciprocal legislation, and while American publishers are free to flood Canadian markets with reprints of English books which native printers and publishers are restrained from themselves producing.

The Rose-Belford example was promptly followed by John Ross Robertson. He added The Prince and Pauper [sic] as an 84-page, double-column volume to his Robertson's "Cheap Series," at 20¢ in 1882 (not listed in Blanck). The title page stated:

Non-copyright Edition. This American reprint is imported from the United States and is sold in Canada under the provision of the Imperial Act, 10 & 11, Vic, ch. 95, and the Canadian Act, 31, Victoria, ch. 56, which provides that American and foreign reprints of British Copyright books can be lawfully imported and sold in Canada.

In the copy I examined, the phrase "reprints of" has been ruled through in type. Robertson may have taken his text from an "imported" copy of the Rose-Belford edition, and then printed his edition in his Telegram plant in Toronto.

THE
PRINCE AND THE PAUPER

A TALE

FOR YOUNG PEOPLE OF ALL AGES.

BY
MARK TWAIN.

TORONTO:
ROSE-BELFORD PUBLISHING CO.
1882.

Dawson Brothers in Montreal met the pirates by removing the title page of their first issue of The Prince and the Pauper, and by tipping in a new title page, on which the phrase "Author's Canadian Edition" was added. The pirated editions, however, must have inhibited the sale of their more expensive edition.³²

The pirated Canadian editions were not only designed to undersell the Dawson edition in Canada, they were also advertised in American newspapers "for sale, by post" in the United States. American publishers and writers could see no way of stopping Canadian piracy, short of international copyright. A letter from Toronto, dated February 17, 1883, to the Editor of Publishers' Weekly came to a typical American conclusion:

There seems to be no way in which the Canadian reprinter or pirate can be caught. He walks through the English Copyright Act, with a coach-and-four, and the sharp trick played on Mr. Clemens by the king of the Canadian pirates shows of how little avail the English Copyright Act is. The Prince and the Pauper was actually reprinted in the Western States, and imported and sold in Canada. It is only a few weeks ago that one of Carleton's publications was published in Canada in less than a week after its issue in New York. The Canadians don't want international copyright. The law as at present suits their ideas better.

Yours,
An American.

IV

But with the publication of his next work, Life on the Mississippi, Mark Twain did solve the problem of protecting his Canadian sales. On June 4, 1883 he wrote to George W. Cable from Hartford:

I missed it through being at a social spree in Canada.... This reminds me that I think I have acquired a Canadian copyright at last. We have gone about at it ignorantly and wrong-end first, heretofore. But this time I believe we have made no mistakes. We have done everything plainly, and squarely, have evaded no laws, wronged nobody, and yet I think our Canadian copyright is as good and strong as our English one.³³

How had he solved his problem? On May 12 his English publisher, Chatto and Windus, registered Life on the Mississippi in London. On May 15 a certificate of registration of copyright was made out in Ottawa to Andrew Chatto. On May 17 the first American copy was deposited in Washington.

LIFE ON THE MISSISSIPPI

BY

MARK TWAIN

AUTHOR OF "THE INNOCENTS ABROAD," "ROUGHING IT,"
"THE PRINCE AND THE PAUPER," ETC.

WITH NUMEROUS ILLUSTRATIONS

Mississippi Steamboat of Fifty Years Ago.

MONTREAL
DAWSON BROTHERS

1883

Protected by Mark Twain's assignee's application in Ottawa, Dawson Brothers probably published their authorized Canadian edition on May 15 (see also Blanck, 3411). It was a well-made book, of 16 pages of front matter, 2-511 of text, and 514-547 appendix. It was illustrated, and it approximated the 561 pages of the London edition, although the style of the title page follows that of the American edition. It was printed by the Gazette Printing Company of Montreal, from plates supplied by Mark Twain. The verso of the title page reads "Entered according to the Act of Parliament of Canada in the Year 1883, by Andrew Chatto." It sold for \$2.00. It must have sold well, and Dawsons probably reprinted it. Late in 1888 or early in 1889, shortly before they closed out their publishing business, they noted 600 copies on hand, and they may have cleared their stock to Rose at \$1.00 or even 75¢ a copy.

Thus the book was first published in Great Britain and the Imperial copyright secured; it was published simultaneously, or almost simultaneously, in Canada by his authorized publisher, and the Canadian copyright secured by a British subject, Andrew Chatto, residing on British soil while the book was published. Moreover, Mark Twain had taken the added precaution of himself being on Canadian soil.

When he was preparing for the publication of Life on the Mississippi, he planned to visit Canada while it was being published in Great Britain and in Canada. News of his intended visit appeared in Canadian newspapers, and he received a telegram from the Governor-General of Canada, the Marquis of Lorne:

Meeting of the Literary and Scientific Society at Ottawa from 22 to 26th [May, 1883]. It would give me much pleasure if you could come and be my guest during that time.³⁴

Clemens, needless to add, was the guest of the Governor-General at Rideau Hall in May.

This maneuvering seems to have been effective. The authorized Dawson Montreal edition seems to have been the only edition published in Canada in those years. But even though Mark Twain thought he had found a method of protecting his Canadian market, he yet wasn't sure the Canadian pirates would not find some way to circumvent him. He had good reason to know that Rose had not lost interest in reprinting his work. He wrote to his own publisher, Charles Webster, on July 1, 1884, as they planned the publication of Adventures of Huckleberry Finn:

You want to look out for the Canadian pirates. Bliss used to swear that they laid in with pressmen and printing office boys

and bought advance sheets of one of my books and got the book out before we did. They could play mischief with us now, if they should beat us out a month or two with this book. They will try it.³⁵

He wrote again to Webster on July 15 about his proposed lecture tour with George Washington Cable:

The route should be so arranged as to place me in Canada December 18, 19 & 20, so that if you are then ready to issue the book, I can copyright it and issue it there at the same time.

It might turn out that you hadn't your 40,000 orders by that time; so, the route had better be arranged as to throw me into Canada 3 days, 4 or 5 weeks later, if this can conveniently be done.³⁶

They made their arrangements carefully. Webster went to Montreal on December 8 to arrange with the Dawsons for the publication of the book and the securing of the copyright. Mark Twain, with Cable, gave their lecture in Toronto on Tuesday, December 8 and on December 9 (for reports see the Toronto Mail for December 9 and the Globe for December 10). Before he had left for Montreal, Webster had written to remind Mark Twain urgently that when he went to Buffalo on the 10th after his Toronto lecture, he must not leave Canadian soil until after the business day was over and the Dawsons had published the book in Montreal.³⁷

While he was in Toronto, Mark Twain was approached by "the Canadian pirate." As he wrote Webster from Fort Erie on December 10:

The Rose Publishing Company of Toronto applied to me by letter, day before yesterday in Toronto, offering to buy the Canadian rights to publish "Huckleberry Finn." If I were you I would send them an answer—providing they did not pirate The Prince and the Pauper, but if they did, take no notice of them.³⁸

If Webster answered Rose (the successors of the Rose Publishing Company and of Hunter, Rose did not keep the firm's 19th-century records) it must have been to inform him that the authorized Canadian editions of Adventures of Huckleberry Finn had been published in Montreal on December 10. Charles Webster inscribed his own Montreal copy:

This copy of Huckleberry Finn was issued Dec. 10th 1884 at Montreal and is the first copy of the Canadian edition ever sold. [This copy is now in the collection of Franklin J. Meine, of Chicago.]

In London, on December 10, Andrew Chatto deposited a copy of his English edition in the British Museum, some three months before the publication of the American edition on February 18, 1885.³⁹ The certification of registration of Canadian copyright was made out in Ottawa on January 7, 1885, entered by Andrew Chatto. Thus the British and Canadian editions were published "simultaneously" (see also Blanck, 3414 and 3415), although the Canadian edition may not have reached the bookstores until a few weeks after December 10.

The Dawson edition was printed from stereo plates sent from New York (they still had them at the beginning of 1886). It was a handsome volume of 366 pages, with 174 illustrations. It sold for \$2.50. It did not contain the picture of the Gerhardt bust of Mark Twain. As in the state of the American edition listed by Blanck (3415) as "1," the Dawson edition on page 13 had the illustration captioned "Him and another man" numbered as at page 88. On page 57, the eleventh line from the bottom read "with the was" instead of "with the saw." The last "5" of the page number "155" was slightly below and a larger figure than the others. Unlike any of the states defined by Blanck, page 161 has a signature mark "11." The title on the title page was "Adventures of Huckleberry Finn," although the cover and spine titles were "The Adventures of Huckleberry Finn." And in the copies I have examined, the illustration on page 283 differs slightly from those in the corrected American editions.

It appears that the Dawson Brothers found that their American stereo plates contained the "accidentally" flawed illustration on page 283, stopped their presses, and made their own correction. The plates for the English, American, and Canadian editions were prepared in the early Fall. Walter Blair states that the first public announcement of the flawed illustration on p. 283 appeared in the New York World for Nov. 27. Mr. Harold Dawson, son of W. V. Dawson of Dawson Brothers, wrote Franklin Meine that it was a story within the family that the Montreal presses were stopped after a frantic call from Webster. Apparently they made their own correction, and started the presses rolling again. I have not seen a Canadian copy with page 283 tipped in. Nothing about the incident appears in the few remaining papers of the firm.⁴⁰

The Dawson edition of Huckleberry Finn seems to have been the only edition to appear on the Canadian scene. When they were closing out their publishing business, the Dawsons had 200 copies on hand, and noted "sell at \$1.25 or \$1.50."

The Rose Publishing Company continued to try to secure Canadian rights from Mark Twain. While preparing for the publication of the President Grant Memoirs, which Clemens believed rightly would be a gold mine, he wrote Webster on 13 March, 1885:

My instructions—if you think well of the idea—to wit: If you can devise a hold on Rose that will make him keep his word, accept his offer. One can not trust his mere word. I don't know how to tie him fast to it, but maybe you do. A bond & money—forfeit, for instance? Think it out and tell me your plan.

I think his proposition indicates two things:

1. That our Canadian copyright is strong this time; &
2. that he wants the Grant book.⁴¹

On April 11 he wrote:

Stop leaving those proofs on your table—keep them always in your safe. From now on till the day of issue, the Canadian emissary will be around (how do you know but you've got him in your employ) seeking to buy or steal proofsheets.

No book ever stood in such a peril before as this one. Long before it is out, thieves and bribers will be thick around the printing houses & binderies, ready to buy or steal even a couple of pages & sell to somebody.

Now before you sleep, you must devise some plan of protection by insurance. I shall have to borrow \$200,000 before we issue, no doubt—then if a Canadian edition comes over the border ahead of us, it is lost.

How will this do . . . There is a fortune for any Canadian pirate who can get out ahead of our copyright & the pirate knows it.⁴²

And on 11 November he wrote:

When you go to Canada about the 28th of November to copyright the General's book, I may possibly go along if not needed on American soil by any etiquette of law. That is, if you are going to Ottawa.⁴³

Dawson Brothers continued as Mark Twain's authorized publishers in Canada until they dissolved the publishing part of the firm. In 1888, they published "The Canadian Copyright Edition" of Mark Twain's Library of Humor (not listed in Blanck). It was printed in Montreal, apparently from American stereo plates. It was a volume of some 730 pages, selling in cloth for \$2.00. The "Index" was arranged alphabetically. On its copyright page it bore the now familiar entry by Andrew Chatto, who had registered it in Ottawa on May 17, 1888. There seems to be no record of Mark Twain's presence in Canada when the British or Canadian editions were published. Now perhaps it was evident that there was no legal need for him to be on British soil when his British and Canadian works were published.

When they closed out their publishing, Dawsons had 350 copies of Mark Twain's Library of Humor on hand, and noted "Mr. Rose would call. Take lot at \$1.00 to clear the edition." Dawsons not only cleared some or all of their Mark Twain stock to Rose, they also helped to clear the way for the Roses to become Mark Twain's official Canadian publishers for a few years.⁴⁴ For in August, 1889, Mark Twain and the "pirates" joined forces. G. M. Rose & Sons published A Connecticut Yankee in King Arthur's Court (not listed in Blanck, but see 3429). The contract included a clause requiring them not to sell it at less than \$1.50, and not to sell it in the United States. Apparently it was printed in Toronto from American plates by Hunter, Rose & Company. The second paragraph of the "Preface" (on the divine right of kings) in the American edition was not dropped, as it was in the English edition. It was a volume similar in appearance to the American first edition, with "A Connecticut Yankee in King Arthur's Court" on the title page, although the cover title and the registration of copyright title followed the English title in reading "A Yankee in King Arthur's Court." It was registered in Ottawa by Andrew Chatto on December 11, 1889. The imprint first read "Toronto: G. M. Rose & Sons, 1889," and later "Toronto: Rose Publishing Company, 1890."

When he joined forces with the Roses in 1889, Mark Twain probably did not know that Dan A. Rose and that other "pirate", John Ross Robertson, were just winning a long campaign to legalize in Canada what their opponents, the British Copyright Association, denounced as a new, more subtle and comprehensive form of piracy. Ever since the passing of the Canadian Copyright Act of 1875, Canadian publishers had worked for a revision of the Canadian law which would permit them to compete on equal (or more than equal) terms with American and British publishers. In the late 1880's, the Canadian Copyright Association under the leadership of John Ross Robertson and Dan A. Rose pressed hard for a new Canadian law, and in May 1889 the Canadian Government passed unanimously in both Houses "An Act to Amend 'The Copyright Act'". This 1889 Act, when assented to by Westminster, would make it legal for Canadian publishers to secure from Ottawa a licence to publish in Canada any book under Imperial Copyright if the author or his assignees did not take out a Canadian copyright and publish his book in Canada within a month of its publication in Great Britain. The Canadian publisher who published under such a licence would be obligated to pay the Department of Internal Revenue a royalty, which would be transmitted to the author. The Canadian publisher also would be protected from importation of other editions of the licenced book from the United States or other countries, excepting Great Britain.

In 1887 by Order in Council, Great Britain (and Canada) had subscribed to the Berne Convention for International Copyright. The

A CONNECTICUT YANKEE
IN
KING ARTHUR'S COURT.

BY
MARK TWAIN.

Toronto:
G. M. ROSE & SONS.

Canadian Copyright Law of 1889 was contrary to the spirit of the Convention, so the Canadian Government now asked the British Government for an Order in Council which would declare that the Berne Convention "shall not be held to apply to the Dominion of Canada after the termination of one year from the date of such declaration." In Great Britain the Copyright Association of British publishers urged Westminster to refuse assent to the new Canadian law. The British Government postponed action while they worked out their reciprocal copyright agreement with the United States in 1891. Although the new copyright agreement afforded the Canadian author some advantage, the Canadian publishers argued that it left them even more at the mercy of British and American publishers. Letters, petitions, prayers, and arguments flowed from Ottawa to London, and reports of deliberations flowed back; the British government continued to withhold assent,⁴⁵ and it was not until 1911 that some changes were achieved. Meanwhile the British-American agreement of 1891 in effect brought to an end the piracy of American and British books in Canada.

Only several minor unauthorized reprintings of Mark Twain's work were issued in Canada after Life on the Mississippi. Some time in the early 1890's, William Bryce, of Toronto, who for a few years reprinted and distributed or sold cheap paper editions of copyrighted and noncopyrighted popular British and American books, issued The Mississippi Pilot, Innocents Abroad, and A New Pilgrim's Progress (not listed in Blanck). These were probably reprints by Ward, Lock, and Company of London (Blanck 3642 and 3643). They appeared in the "Home Series," number 257, 256, and 255. They sold at 25¢ and bore on their covers "Canadian edition."

Much later, in 1926, an unauthorized edition of 1601 was privately printed in Montreal.

In the United States in 1895, Harper Brothers had become Mark Twain's official publishers. In Canada, in 1903, the Musson Company became Harper's Canadian agents, and also became Canadian agents for Chatto and Windus. Consequently they issued Mark Twain's works in Canada. Mark Twain's Canadian editions in the twentieth century appeared in Harper editions, with the imprint of Musson substituted for that of Harper on the title page.

CHECK LIST OF CANADIAN EDITIONS
OF MARK TWAIN'S WORK

* n/l means not listed in Blanck

BLANCK

<u>The Celebrated Jumping Frog of Calaveras County, and Other Sketches.</u>	Toronto: A. S. Irving, 1870.	n/l
<u>The Innocents Abroad.</u>	Toronto: A. S. Irving, 1870.	3592
<u>The Innocents Abroad.</u>	Hamilton: Joseph Lyght, 1870.	n/l
<u>The Innocents Abroad.</u>	Montreal & Toronto: C. K. Chisholm & Co., 1870.	n/l
<u>The Innocents Abroad.</u>	Montreal: Dawson Brothers, 1870.	n/l
<u>The Innocents Abroad.</u>	Montreal: C. R. Chisholm & Bros., n. d.	3593
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: Canadian News and Publishing Company, 1871.	3327
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: William Warwick, 1871.	3327
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: C. A. Backas, 1871.	3327
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: A. S. Irving, 1871.	3327
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: Copp, Clark & Co., 1871.	n/l
<u>Mark Twain's Memoranda from the Galaxy.</u>	Toronto: Adam, Stevenson & Co., 1871.	n/l
<u>Mark Twain's (Burlesque) Autobiography and First Romance.</u>	Toronto: Canadian News and Publishing Co., 1871.	3594
<u>Autobiography (Burlesque). First Romance and Memoranda.</u>	Toronto: James Campbell & Son, n.d.	3334
<u>Old Times on the Mississippi.</u>	Toronto: Belford Brothers, 1876.	3366B
	State 1.	3368
	State 2 (in at least 4 reprintings)	
<u>Old Times on the Mississippi.</u>	Toronto: Rose-Belford Pub. Co., 1878.	n/l
<u>The Adventures of Tom Sawyer.</u>	Toronto: Belford Brothers, 1876.	3609
	2nd ed., 1876.	
	3rd ed., 1876.	
	10th ed., late 1876 or early 1877.	
	"New illustrated ed.," 1877.	n/l
	"New illustrated ed.," 1878.	n/l
<u>The Adventures of Tom Sawyer.</u>	Toronto: Rose Publishing Co., n. d.	n/l
	"Rose Library," 1879.	n/l
	4th ed., 1883.	n/l

<u>An Idle Excursion.</u> Toronto: Rose-Belford Publishing Company, 1878.	3377
<u>Rambling Notes of an Idle Excursion.</u> Toronto: Rose-Belford Pub. Co., 1878.	3619
Idem (bound with "Old Times"), 1878.	n/1
Idem, 1882.	3631
<u>An Idle Excursion.</u> Toronto: John Ross Robertson, 1878.	Note
<u>Sketches, by Mark Twain, Now First Published in Complete Form.</u> Chicago and Toronto: Belfords, Clarke & Co., 1879.	3384
<u>Sketches, by Mark Twain, Now First Published in Complete Form.</u> Toronto: Belford and Co., 1879.	3624
<u>Sketches, by Mark Twain, Now First Published in Complete Form.</u> Toronto: Slemin & Higgins, 1880.	3624
Slemin & Higgins on cover: Toronto: Belfords, Clarke & Co. on title page.	n/1
<u>Mark Twain's Sketches.</u> Toronto: John Ross Robertson, 1881.	3398
<u>A Tramp Abroad.</u> Toronto: Rose-Belford Pub. Co., 1880.	3626
<u>A Tramp Abroad.</u> Toronto: Belford & Co., 1880.	3626
<u>A Tramp Abroad.</u> Toronto: Slemin & Higgins, 1880.	3626
<u>A Tramp Abroad.</u> Toronto: Dominion News Co., 1880.	3626
<u>A Tramp Abroad.</u> London, Ontario: T. G. Davey, 1880.	3626
<u>A Tramp Abroad.</u> Toronto: Rose Pub. Co., (188-).	n/1
<u>A Tramp Abroad.</u> Toronto: John Ross Robertson, 1880.	3625
<u>Mark Twain's Humourous Works.</u> Toronto: Belford & Co., 1880.	n/1
<u>Mark Twain's Humourous Works.</u> Toronto: John Ross Robertson, 1880.	n/1
<u>The Innocents Abroad.</u> Toronto: John Ross Robertson, 1880.	n/1
<u>Roughing It.</u> Toronto: Belford & Co., 1880.	n/1
<u>Roughing It.</u> Toronto: Rose Publishing Co., (188-).	n/1
<u>Some Funny Things...</u> Toronto: W. G. Gibson, 1880.	3391
<u>A Curious Experience.</u> Toronto: W. G. Gibson, 1881.	3395
<u>A Curious Experience.</u> Toronto: John Ross Robertson, 1881.	Also note
<u>The Prince and the Pauper.</u> Montreal: Dawson Bros., 1881.	3397
Later issued in 1881 (or 1882?).	3397
<u>The Prince and the Pauper.</u> Toronto: Rose-Belford Pub. Co., 1882.	3629
<u>The Prince and the Pauper.</u> Toronto: John Ross Robertson, 1882.	n/1
<u>Life on the Mississippi.</u> Montreal: Dawson Bros., 1883.	3411
<u>Adventures of Huckleberry Finn.</u> Montreal: Dawson Bros., 1884.	3414 & 3415
<u>Mark Twain's Library of Humor.</u> Montreal: Dawson Bros., 1888.	n/1

<u>A Connecticut Yankee in King Arthur's Court.</u>	Toronto:	
G. M. Rose & Sons, 1889.		n/1
<u>A Connecticut Yankee in King Arthur's Court.</u>	Toronto:	
Rose Pub. Co., 1890.		3429
<u>The Mississippi Pilot.</u>	Toronto: William Bryce, (189-).	n/1
<u>The Innocents Abroad.</u>	Toronto: William Bryce, (189-).	n/1
<u>A New Pilgrim's Progress.</u>	Toronto: William Bryce,	
(189-).		n/1
1601. Montreal: Privately printed, 1926.		n/1

NOTES

1. Jacob Blanck, Bibliography of American Literature. New Haven: Yale University Press, 1957, pp. 173-254.
2. This essay is an expansion of an article entitled "Mark Twain and his Canadian Publishers" in the "Special Mark Twain Number" of The American Book Collector, X (June, 1960), pp. 13-29.
3. Although Canada before 1875 lacked publishing houses in the British or American sense, considerable book publishing was done by printing or by bookselling firms who regarded book printing and publishing as an adjunct to their business. The books were chiefly by native writers of travels, biographies, speeches, religious works, and books of an instructional nature. Some volumes of poetry and fiction were published. Commonly books were published at the writer's expense. Even the largest and most specialized publisher of books in Canada at that time, John Lovell of Montreal, stated in his advertisements in directories "Correspondence solicited with authors desirous of publishing on their own account."

Some firms, such as Hunter, Rose & Company, began as printers for a newspaper, then moved into government printing, and when government work dried up, developed commercial printing and the publishing of directories, guide-books, text-books, and such useful literature. Another kind of firm, of which the Methodist Book and Publishing House (later Briggs, and still later Ryerson) was the largest, had been created by denominational bodies to publish religious magazines, import religious books, and publish books by native religious writers. A good deal of miscellaneous book publishing was done by firms such as Copp, Clark & Company, Adam, Stevenson & Company, or James Campbell & Son, of Toronto, or Dawson Brothers of Montreal, who started as retailers of books, stationery and business forms, notions, and magazine subscriptions, then added wholesaling to their retailing, and finally concentrated on becoming wholesalers and distributors. The fullest account

of early publishing in Canada is H. Pearson Gundy's Book Publishing and Publishers in Canada before 1900. Toronto: The Bibliographical Society of Canada: La Société bibliographique du Canada, 1965. See also his chapter "Literary Publishing" in Literary History of Canada: Canadian Literature in English. General Editor, Carl F. Klinck. Toronto: University of Toronto Press, 1965, pp.174-188.

4. The address of Alexander Belford's Canadian News and Publishing Company was the same as that of his printer, Dudley & Burns, 25 Colborne Street, just east of Yonge Street, below King. Dudley & Burns changed their address to 11 Colborne Street in 1874, and when Belford set up his new firm of Belford Brothers in late 1875 or early 1876 his address was 11 Colborne Street. In 1878 Belford Brothers moved into the unoccupied building at 60 York Street, on the corner of Wellington. Most of the printers, wholesale booksellers and book retailers were within a few blocks of King and Yonge Street in the 1870's.
5. Hamlin Hill, Mark Twain's Letters to his Publishers, 1876-1894. Berkeley and Los Angeles: University of California 1967, p.67. All Mark Twain letters quoted in this essay are copyrighted and quoted by permission of the Mark Twain Company.
6. See Samuel E. Dawson, Copyright in Books: An Inquiry into its Origins, and an Account of the Present State of the Law in Canada. A Lecture, being one of the "Occasional Lectures" Delivered before the Law School of Bishop's College at Sherbrooke, P.Q. Montreal: Dawson Brothers, 1882.
7. J. Stewart Tupper, Report of Cases ... Court of Appeal. Row-sell & Hutchison, 1878, p.446. I am indebted to Mr. George Parker for drawing my attention to this report.
8. Albert Bigelow Paine, Mark Twain. A Biography. New York: Harper & Brothers, 1912, II, p.687. Smith and Gibson in their Mark Twain-Howells Letters provide the date (I, p.334-335).
9. "George Maclean Rose," A Cyclopaedia of Canadian Biography: Being Chiefly Men of the Time. Edited by George Maclean Rose. Toronto: Rose Publishing Company, 1886, I, pp.352-355.
10. Belfords, Clarke & Company, beset by over-expansion and by cut-throat competition with other "Cheap Jack" publishers, finally failed in 1889 when Alexander Belford's father-in-law, the wealthy Andrew McNally of the Chicago publishing firm of Rand, McNally, withdrew his financial support. Belford died in

Los Angeles in 1906, a clerk in a hotel, divorced by his wife, and separated from his children. James Clarke, however, prospered when he organized his firm of James Clarke & Company of Chicago and New York. In his Chronicles of Barabbas (1935; 1952, pp. 97-101) George Doran relates how Clarke, after he had successfully marketed the Tenth Edition of the Encyclopaedia Britannica in the United States, went to Great Britain where he instituted a revolutionary instalment plan whereby purchasers subscribed jointly to the Encyclopaedia Britannica and The Times of London. Clarke retired, a wealthy man, before his associates planned and produced the famous Eleventh Edition, under the auspices of Cambridge University.

11. Hill, Mark Twain's Letters to his Publishers, 1867-1894, pp. 105-106. Copyright Mark Twain Company, 1967.
12. Ibid., p. 106, note 1, to which I am indebted for this sentence, and for the information about the interchange between Chatto and Belford Brothers in the paragraph immediately above.
13. Mark Twain's publishers, The American Publishing Company, printed notices to inform American booksellers that it was unlawful for them to sell the Canadian editions of Tom Sawyer, and that they would be prosecuted if they sold copies after they had been so warned. Mark Twain's brother, Orion Clemens, acting as agent for the American Publishing Company, threatened four booksellers in Keokuk, Iowa, in early 1877. See Hill, op. cit., p. 107, note 2, and also Henry Nash Smith and William Gibson (eds.), Mark Twain-Howells Letters. Cambridge, Mass.: Belknap Press, Harvard University Press, 1960, I, p. 183, note 2. Mark Twain quotations copyrighted Mark Twain Company, 1967.
14. Hill, Mark Twain's Letters to his Publishers, 1867-1894, pp. 106-107. Copyright Mark Twain Company, 1967.
15. See Raymond Howard Shove, Cheap Book Production in the United States, 1870-1891. Urbana: University of Illinois Library, 1937, passim. Briefer accounts are in Frank Luther Mott's "The Cheap Libraries of 1875-1893" in Golden Multitudes, New York: Macmillan, 1947, Chapter XXIII, and Hellmut Lehmann-Haupt's "Book Publishing and Bookselling, 1860-1890" in The Book in America. New York: R. R. Bowker Company, 1952, pp. 194-263.
16. Smith and Gibson, Mark Twain-Howells Letters, I, pp. 166-167. Copyright Mark Twain Company, 1967.

17. Ibid., I, 183; I, p. 201. In 1874, when Samuel R. Hart and Thomas W. Rawlinson bought the retail part of the Copp, Clark & Company business at 5 King Street West, they announced themselves as booksellers, stationers, printers and book binders, and importers of magazines and periodicals. They began to expand into wholesaling, and published guidebooks and other useful kinds of literature. They were the authorized distributors in Canada of Mark Twain's Self-Pasting Scrap Book, published by Daniel Slote in New York in 1877. In 1881 the firm moved to larger retail and wholesale quarters at 33-35 King Street West, and reorganized as Hart & Company, under John A. and Samuel R. Hart. They were regarded as one of the leading retail stores in Toronto.

18. Ibid., I, pp. 222; 225-226; 236. Copyright Mark Twain Company, 1967.

19. Quoted by permission of the Henry W. and Albert A. Berg Collection, New York Public Library.

20. Mildred Howells (ed.), Life in Letters. New York: Doubleday Doran, 1928, I, p. 268. A few weeks before, on April 15, Mark Twain had written to his publisher, Frank Bliss:

The "World" representative—he is an old lawyer—does me the honor to think I may possibly have solved the problem of International Copyright, and I,—who am no lawyer—am of his opinion. I'm going to lay the matter before some experts, before I take on any airs in the matter. If I have solved it I can fix those Canadian pirates; and if I haven't, we must rig a purchase in some way to get Canadian copyright.

See Hill, Mark Twain's Letters to his Publishers, 1867-1894, p. 112. Copyright Mark Twain Company, 1967.

21. Mildred Howells, Life in Letters, I, p. 277.

22. Smith and Gibson, Mark Twain-Howells Letters, I, p. 290. Copyright Mark Twain Company, 1967.

23. Hill, Mark Twain's Letters to his Publishers, 1867-1894, p. 127. Copyright Mark Twain Company, 1967. The information in this letter provided the material for the note in the Athenaeum (London) for December 18, 1880.

24. Smith and Gibson, Mark Twain-Howells Letters, I, p. 307. Copyright Mark Twain Company, 1967.

25. See the chapter "Frenzied Fiction" in Walter Blair, Mark Twain & Huck Finn. Berkeley and Los Angeles: University of California Press, 1960, pp.260-269.
26. Hill, Mark Twain's Letters to his Publishers, pp.141-142. Copyright Mark Twain Company, 1967.
27. Ibid., p.143; p.144. Copyright Mark Twain Company, 1967.
28. Ibid., p.145. Copyright Mark Twain Company, 1967. Hamlin Hill adds on page 143, note 1: "The plan to print The Prince and the Pauper in Canada was soon replaced by the more practical and less dangerous alternative of shipping sheets of JRO's edition (Boston), with some signatures removed, to Montreal."
29. Samuel Charles Webster (ed.), Mark Twain, Business Man. Boston: Little, Brown & Company, 1946, p.176. Copyright Mark Twain Company, 1967.
30. Hill, Mark Twain's Letters to his Publishers, p.146. Copyright, Mark Twain Company, 1967. On January 4, 1882 Mark Twain wrote, in part, to Osgood: "I don't care how many of the Canadian edition are sold in the British Possessions—simply don't want them to get over the line. Mr. Dawson has put on a high price so that they can't be sent to the U.S., no doubt.
My position is simple: just so [there are no] shipments of the Canadian books to the U.S. I do not care what arrangement is made with McMillan and others." (Hill, p.150.)
31. Dawson, Copyright in Books, p.21.
32. In 1889, before Dawson Brothers closed out the publishing part of their business, they recorded that they had 300 copies of The Prince and the Pauper on hand, selling at \$1.50 retail. They noted "sell for 50¢" although this figure was pencilled over with the figure 90¢. Courtesy of Mrs. Dawson.
33. G. A. Cardwell, Twins of Genius. Letters of Mark Twain, George W. Cable, and Others. East Lansing: Michigan State College Press, 1953, p.95. Copyright Mark Twain Company, 1967.
34. Stephen Leacock has written an account of the Ottawa visit in "Mark Twain in Canada." Queen's Quarterly, 42 (Spring, 1935), 68-81.
35. Webster, Mark Twain, Business Man, p.263. Copyright Mark Twain Company, 1967.

36. Ibid., p.269. Copyright Mark Twain Company, 1967.
37. Blair, Mark Twain & Huck Finn, p. 367.
38. Webster, Mark Twain, Business Man, p. 283. Copyright Mark Twain Company, 1967.
39. Blair, Mark Twain & Huck Finn, p. 355.
40. Ibid., p. 360; 364; "Appendix", pp. 385-387. For a reproduction and a discussion of the various states of the illustrations in the American, Montreal, and London editions, see Franklin Meine's "Some Notes on the First Editions of 'Huck Finn'.", The American Book Collector, X (June, 1960), pp. 31-34.
41. Webster, Mark Twain, Business Man, p. 306. Copyright Mark Twain Company, 1967.
42. Ibid., p. 314. Copyright Mark Twain Company, 1967.
43. Ibid., p. 342, and Hill, Mark Twain's Letters to his Publishers, p. 194, and note 3, p. 195. Copyright Mark Twain Company, 1967.
44. Hill, Mark Twain's Letters to his Publishers, p. 255, note 3, and p. 256; p. 257, notes 3 and 4.
45. For texts of some of the interchange, see Canada: Correspondence on the Subject of the Law of Copyright in Canada, presented to both Houses of Parliament by Command of Her Majesty, June 27, 1895. London: Her Majesty's Stationery Office, 1895. See also Copyright in Canada: the Question Discussed practically and constitutionally. Toronto: J. R. Robertson, 1879, and Dan. A. Rose, "The Copyright Question," Canadian Magazine, 6 (November, 1895), 81-84.

Gordon Roper