

boats. The west side of the river is more broken and varied. Meadows, russet-green in hue, run back for many feet; at high-tide they are often completely immersed. Covered coal-yards stretch far into the water,

and in the background is a bridge. It is a view such as Turner would have loved to paint. The majority of men, unfortunately, are not so quick in discovering the picturesque as artists.

THE COPYRIGHT NEGOTIATIONS.

NEGOTIATIONS between Great Britain and the United States for an international copyright treaty have now been pending for a considerable time, and through the various publications put forward on both sides of the Atlantic the public has obtained already a pretty accurate general knowledge of their character. The present movement originated with American publishers, who discovered, as it was long ago predicted they would ultimately discover to their cost, that the manufacturers of books have quite as much at stake in the protection of copyright as the writers of them. There was a species of poetical justice in the rude manner in which their eyes were opened to the real facts of the case. The stock argument which the great piratical houses had always employed on the subject of copyright had been that, if international copyright was protected, cheap literature in this country would be at an end. It was piracy, they said, and piracy alone, that enabled persons of moderate means to get good books, and the general advancement of learning was thus made to appear bound up in the perpetuation of the primitive right of private theft. But with a curious and instructive inconsistency, the very publishers who advanced this argument soon began to insist that, while as against the foreign author the right was inalienable as well as necessary for the protection of the public against dear books, as between themselves it had no existence, but that there must be a right of first discovery and appropriation somewhat analogous to that recognized by maritime nations with regard to new territory—*i. e.*, that the American publisher who first announced his intention to take the work of a foreign author was entitled to the profits of his piratical venture as against all domestic comers. This was known as the "courtesy of the trade," and under it a sort of volunteer copyright system grew up, the large publishers paying a royalty to the foreign author for the right of "authorization," and securing this right as against competitors in this country by means of the courtesy of the trade. It was always difficult to understand how the growth of this

practice was reconcilable with a zeal for cheap books, because of course the payment of royalties increased the price of books just as so much copyright would have done. The new generation of piratical publishers who have come into existence since the war understand all this perfectly. They have broken up the courtesy of the trade, through an ingenious system of piracy within piracy, and their piratical editions of foreign books constitute the cheapest literature that the country has ever seen. If the old arguments on the subject were to be relied upon, the United States would now be an intellectual paradise; anybody can pirate, and the price of books has been fabulously reduced. But the publishers who used to insist that piracy was necessary for just this purpose, now that their ideal is attained, strongly object to it, and insist that the foreign author must be protected against the causes which have produced it.

But if the road has been long, and its course tortuous, the result is none the less satisfactory. To authors who have watched as curious, but not indifferent, spectators the various ingenious arguments by which the appropriation of their property was excused, justified, or extolled, the end of the long discussion in a general agreement among the publishers of both countries that literary property must in some way be protected, cannot but be very gratifying. Hitherto the supposed conflict between the interests of publishers and authors has been the main obstacle in the way of arriving at any understanding on the subject. That publishers now generally see that there is a real identity of interest, and that, to protect themselves, authors must be protected too, is a proof that we have arrived at a stage of the copyright discussion which must ultimately lead to international copyright.

But whether the present negotiations are destined to result in anything is a very different question. The general scheme of the treaty which is proposed is that of giving the English author the right to an American copyright on the condition of his publishing

his book here within a certain limited time from the date of publication in England, and *vice versa*. This period was originally fixed at three months, but the shortness of the time allowed for securing a foreign publisher has excited so much hostile criticism that it is thought that the publishers most active in the matter may be willing that it should be extended considerably. But the feature which seems to be considered essential is that the enjoyment of copyright shall be absolutely dependent upon an arrangement, in the case of an English book, for the manufacture and publication by an American publisher. There are a good many practical objections to such a treaty, which the movers in it have not as yet suggested any way to meet. For authors of established reputation it will be very easy under it to make an arrangement for publication in both countries simultaneously; that is, the author would not part with his copyright at all until he had made an arrangement for both countries, so that to him the limitation of time would be of no consequence. But with an author whose reputation is still to make (and this is the case with the majority of authors), the result would be very different. He must get a publisher where he can, and of course he does not go abroad for one. There was, for instance, a generation or so ago in England, an obscure young author of whom no one had ever heard, named George Eliot, who wrote some sketches called "Scenes of Clerical Life." The book attracted little or no attention, but years afterward the copyright became valuable, through the success of subsequent books. At the time it first appeared it would have been an impossibility to find a publisher for it in this country; and consequently, under a treaty with a limit of time, the copyright would have been lost. This is a very common case. On the other hand, if there is such a limit, and the book is of a character likely to suit the American market,—for instance, a new novel by Trollope, or a popular scientific book by Huxley,—what is to prevent the English publishers who secure the copyright first from making a cheap edition (there is no law of nature which makes it necessary that novels in England should be printed in three volumes at an extravagant price: the reason of the practice is merely that it suits English fancy and custom to have it so), and from sending it over here in a sufficient quantity to flood the market and make an American reprint impossible? Of course there would be duties to pay, but with a very low price would this be an insurmountable obstacle?

In considering the probable effects of such a treaty, one consideration will force itself

upon the mind, which suggests, at least to any one who is not a publisher, a good many puzzling questions. Under any system of domestic copyright, or such as that in England or the United States, the publication of the same book by two rival houses is something entirely unknown. No publisher will take the risk of any such competition, and therefore he always purchases from the author, in advance, the entire right for the whole country. But the proposed copyright treaty contemplates both an English and an American publisher for any book copyrighted on both sides of the Atlantic—at least, in all cases where the publishing firm on one side is not merely a branch of the concern on the other. In such a case each publisher would have to take the risk of his market being interfered with by importations, were it not that the treaty contemplates a reciprocal prohibition of imports from either country into the other. Prohibition of piratical imprints is one thing; such prohibition is provided for by any domestic system of copyright. But the reciprocal prohibition of the importation of books copyrighted internationally seems a novelty. Does not this bring us face to face with the fact that the primary design of the treaty, which seems to be protection to publishers, can only be effectively and permanently secured by forcing the books manufactured in either country to be sold "on the premises"? But why should we force protection against American manufactures of any kind on England? Even those who believe protection to be a panacea for American industry are not anxious to have foreign countries retaliate on us by keeping our products out of their markets.

Such suggestions as these are not advanced in any spirit of hostility to the treaty, if that is the best thing that can at present be got; but the negotiations have been dragging on for a long while, and the one thing patent about them is that there is no general agreement as to how the treaty is going to work. Its more prominent advocates, to judge from some of their publications on the subject, are irritated by the gross ignorance displayed by every one else who writes about it. But the fact is that we are ignorant about it. We find it a complicated subject, and a scheme the remote effects of which are hard to foresee in all their details. What the public have a right to demand in so important a matter is that its innocent ignorance shall not be treated as a sign of prejudice, but shall be dispelled, if possible, by those who have the means of enlightening them. There are, after all, public interests involved.

Thus far, however, it must be confessed private interests have seemed much more prominent in the discussion which the scheme

has received. The negotiations were set on foot by an American publishing house, and the details of the proposals made by it have been sharply criticised in the interests of English publishers, and now it appears that the Canadian publishers are going to be represented in Washington by a colonial diplomat, who will insist that no treaty be adopted which does not protect the "interests of Canada." These interests are entirely those of Canadian publishers. Canada is a flourishing industrial and agricultural community, which has produced no body of literature and probably will not for a long time. But it has publishers of its own, some of whom are believed to have connections, involved in much mystery, with houses in the United States. Canada, like all new and flourishing branches of the great Anglo-Saxon race, has its own copyright law, which has "absolutely no connection" with any other concern of the kind. The Canadians have just the same passion for cheap books that we used to have, and have resorted to substantially the same means to get them. The report of the English Copyright Commission of 1878 contains a very valuable account of the history of Canadian copyright, which is altogether too long to be reproduced here; but one or two facts are worth mentioning in connection with the appearance of a demand for the protection of "Canadian interests" in the treaty. The Canadians, having always been mainly rather consumers than producers of literature, perceived, as soon as the practice of pirating English books in the United States sprang up, that the strictness of the mother-country on the subject of literary property was so much clear loss to them, for they were compelled to buy expensive copyrighted English publications, when on the other side of the border there were literary factories turning out the same books for a mere song, and they were all the time denied access to them. If the Canadians had really been as great moralists with regard to copyright as their nationality ought to have made them, they would not have longed or asked for permission to buy the cheap American reprints; but their desire for cheap literature overcame them, and they insisted that they ought to be allowed to benefit by American piracy. Accordingly they promised that, if they should be permitted this, they would pass an act themselves for the protection of the British author. In consideration of this, the English Government granted permission for the importation of American reprints into Canada, while the Canadian legislature imposed a duty of twelve and a half per cent. upon these, which was to go to the British author in compensation for the infringement

of his rights. The reader will bear in mind that the theory on which the legislation was based was, first, that the English author would be completely protected by the English copyright legislation; then that he would be robbed in the United States, and finally, that the Canadians would import the stolen goods through the custom-house, and levy upon themselves a tax sufficient to compensate the author for the original robbery. Robbery and restitution were to go hand in hand, and the author was to be left just where he would have been if there had been no legislation at all. The robbery was in the end to profit not only the American and Canadian reading public, but even the author who was robbed. The actual result of the scheme cannot be better stated than in the words of the commissioners:

"So far as British authors and owners of copyright are concerned, the act has proved a complete failure. Foreign reprints of copyright works have been largely introduced into the colonies (the act applied to all the colonies), and notably American reprints into the Dominion of Canada, but no returns, or returns of an absurdly small amount, have been made to the authors and owners. It appears from official reports that, during the ten years ending in 1876, the amount received from the whole of the colonies which have taken advantage of the act was only £1155 13s. 2½d., of which £1084 13s. 3½d. was received from Canada; and that of these colonies seven paid nothing whatever to the authors, while six now and then paid small sums amounting to a few shillings."

The Canadian copyright question has been still further complicated by the passage of a local copyright law, so that there are now an English copyright statute and a Canadian act, the workings of which are both affected by the reprints act, but to what extent, or precisely how, does not appear to be known. Enough, however, has been said to show that the work of making an international treaty will not be simplified for the appearance on the scene of the Canadian publishers. In fact, it will chiefly tend to strengthen the impression that the negotiations are rather between rival publishers and importers, each one of whom is endeavoring to get what protection he can for his own business, than between two countries endeavoring to establish a right of property on a secure footing.

Is it too late, even now, to suggest that there is nothing to prevent this country acting independently, and giving to English authors the rights which the English Government is perfectly ready to accord to all foreign authors? One effect of the present negotiations has been to confuse people's minds as to their object, and to introduce questions of expediency into a matter in which

they have no proper place. It is not the rights or interests of publishers which are primarily involved, but those of authors, and this is the first time in the history of literary property that the positions of the two classes have been reversed, and authors' rights brought up as a ground for legislation to protect the manufacturer of books. From one point of view this is an advantage; from another, a positive detriment. If the manufacturer of books is to be protected against foreign competition, let him be protected; but let it be after we have redressed the injustice which we have so long inflicted upon authors. The one thing that the discussion about the proposed treaty makes clear is that no one can predict how it will work. The example of Canada just cited shows how little can be told in advance about the actual operation of the most ingenious scheme for reconciling conflicting interests. When several countries, and different tariffs and business customs and local laws are involved, the elements which enter into the determination of the result are too numerous to permit their remote results to be estimated in advance. There is one thing, however, which we do know, and that is that if the author is put upon precisely the same footing in England and America, if the citizen of either country is given full protection to his rights in both, he will no longer be exposed to pillage and spoliation as he is now, and that the question of his rights will no longer be confused as they are now with the business interests of the manufacturer. Whether this is done by an act of Congress or by a treaty makes very little difference; it must be confessed that the long delay in the negotiations for the proposed treaty is beginning to make people who have hoped for its success from the first skeptical as to the result.

It is understood that the old objection to any recognition of copyright—that it tends to make books dear, and so throw an obstacle in the way of the education of the masses—will be raised in the Senate when the pending treaty, or any treaty, comes before it. This is really a difficult objection to meet, because with any one whose mind is in that curiously primitive condition in which he thinks that it is argument against acquiring property by purchase that pillage is less expensive, it is hard to find any common premises to start from. It is, of course, for the interest of the masses that they should have cheap clothes and cheap food, but nobody advises them to plunder their neighbors to secure these desirable objects. In early times it used to be done in the case of clothes and food, just as it is now in the case of books. In fact, there is no

article of necessity or luxury that at some period of the history of the world has not been regarded alternately as property at home and spoil abroad. But the progress of civilization has convinced the world, as to all other kinds of property, that the universal recognition of ownership is the only guarantee, in the long run, of continuous and cheap production.

But to those whose historical associations and sentiments are so strong as to blind them to the economic facts of the case, it may be suggested that the noble old system under which we have lived so long has already produced a cheap literature such as the world has never seen. No copyright treaty can be made retroactive, and the great body of English books have been already stolen. They are now and will always be accessible to the student at a ridiculously low price, and as this is an age of compromise, the wonderfully successful "steal" that has been accomplished might fairly be offset by conservative senators as so much clear profit against the measure of justice for the future which authors, and publishers for them now demand.

The benefit to the United States from the establishment of some just system of international copyright is not limited to the pecuniary advantages to be derived from it by the publishers. The statutes of this Government, which secure to authors the ownership of their copyright for a limited time, were passed for the object of encouraging the literary production of this country—that the United States might, as time went on, take its place among the most advanced nations of the earth in letters and science. In doing this, we formally renounced all belief in the stale fallacy that, because literature will be produced whether we protect it or not, therefore it should not be protected. Like other modern civilized nations, we recognize the fact that the first step in the promotion of any human industry is to guarantee the enjoyment of the results of their toil to those who carry it on. If we compare the scanty literature of the ancient world with that of modern times, we see that what was once the luxury of the wealthy has become a common necessity. This is necessarily attributed to the printing-press. But does any one suppose that the wonderful activity of the printing-press would be one of the phenomena of our civilization if the advancing protection of literary property had not made it possible for men to devote their lives to literary production with the same certainty of remuneration and profit that the merchant, or the manufacturer, or the cotton-picker, or the hod-carrier enjoys? Our domestic laws for the protection of copyright have played

their part in fostering the literature which has been developed in this country within the past generation; and we have reached the point at which American authors look abroad as well as at home for a public, and the time is rapidly approaching when the whole English-speaking race will be the natural constituency of the American no less than the English author. To promote the cause of American letters now requires that we should take such means as will insure the fruits of our literary labor in foreign countries. The continuance of the present system would merely mean that our Government, for the sake of permitting the robbery of the citizens of other countries here, is glad to have its own citizens robbed abroad.

American authors have, besides this, another direct stake in the matter, which is sometimes strangely overlooked. The facility of indiscriminate pillage afforded by the present condition of the law between the two countries diminishes the interest of the domes-

tic publisher in the literature of his own country. As long as he can republish the latest novel or the latest history or book of travels without paying anything for it, why should he be at the trouble and expense of finding a market for American books, for the copyright of which he has to pay? If this does not have the effect of diminishing his interest in American literature, there must be something in the business of publishing books which makes the love of country a more powerful motive than it usually shows itself to be in other branches of trade. The publisher is governed, after all, by ordinary human motives, and if his love of gain does not lead to the absolute rejection of American books for the sake of the greater profit to be made by piratical editions of foreign works, it must at least tend to reduce the royalty which he is willing to pay to the home author, and in this way the general value of American copyrights must remain below their natural value until international protection is assured.

THE FLEMISH BELLS.

[The bells cast by the famous molder Van den Gheyn, of Louvain, are said to have lost all the sweetness they had a hundred years ago.]

SADLY he shook his frosted head,
Listening and leaning on his cane;
"Nay—I am like the bells," he said,
"Cast by the molder of Louvain.

"Often you've read of their mystic powers,
Floating o'er Flanders' dull lagoons;
How they would hold the lazy hours
Meshed in a net of golden tunes.

"Never such bells as those were heard,
Echoing over the sluggish tide;
Now like a storm-crash,—now like a bird,
Flinging their carillons far and wide.

"There in Louvain they swing to-day,
Up in the turrets where long they've swung;
But the rare cunning of yore, they say,
Somehow has dropped from the brazen
tongue.

"Over them shines the same pale sky,
Under them stretch the same lagoons;
Out from the belfries, bird-like fly,
As from a nest, the same sweet tunes;

"Ever the same,—and yet we know
None are entranced these later times,
Just as the listeners long ago
Were, with the wonder of their chimes.

"Something elusive as viewless air,
Something we cannot understand,
Strangely has vanished of the rare
Skill of the molder's master hand.

"So—when you plead that life is still
Full, as of old, with tingling joy,—
That I may hear its music thrill,
Just as I heard it when a boy;—

"All I can say, is—Youth has passed,—
Master of magic falls and swells,—
Bearing away the cunning cast
Into the molding of the bells!"