

● Article ●

Out of Her Hands: On the Charlotte M. Brame Manuscripts in the O'Neill Collection (MSS 0141)

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Abstract

This article concerns the more than forty literary manuscripts held in the James O'Neill papers at the University of California, San Diego, which hitherto have been attributed by Mandeville Special Collections to the prolific English author of sensational tales of romance in high places, Charlotte M. Brame (1836-84). The first section of the article, "Evidence of inauthenticity," presents detailed evidence to show that none of these manuscripts is in fact a genuine authorial holograph. The evidence concerned is not only circumstantial (concerning the interpretation of annotations on the manuscripts) but also physical (concerning hand-writing, paper, signature, and spelling). The second section, "Evidence of true provenance," considers the actual source of the manuscripts in question, again providing both physical and circumstantial evidence to support the contention that they were transcribed in the United States well after the author's death from previously published versions for commercial purposes at the instigation of William J. Benners, Jnr (1863-1940), self-proclaimed American agent of Brame. Attention is given here to the question of the extent to which Benners' activities should be considered as fraudulent. The third section, "Lessons to learn," represents a wide-ranging discussion of what can be learned more generally from these circumstances regarding the history of popular fiction in the Anglo-American world at the turn of the twentieth century, focusing particularly on the character of the prevailing copyright regimes. Though the spurious O'Neill manuscripts can tell us nothing about the material practice of Charlotte M. Brame as a living author, they do give away a good deal about how her labours were afterwards exploited in the febrile conditions of the US popular fiction market at the turn of the twentieth century, when American "soft power" was beginning to expand inexorably across the globe.

Charlotte M. Brame (1836-84) was a prolific English author of sensational tales of romance in high places, most of whose works first appeared in the *Family Herald* and *Family Reader*, cheap weekly literary miscellanies with a large working-class readership issued in London. A native of Hinckley, Leicestershire, at the heart of the hosiery trade (see Drozd, 1984 & 2004), Brame was single-handedly responsible for sixty-odd full-length serial novels not to mention novelettes and short tales. However, since these stories typically appeared only over her initials (C. M. B.), or as “By the Author of ‘Dora Thorne,’” her best-known title, her identity remained virtually unknown to the common reader in her home country. Ironically, the vogue in the later nineteenth century for such undemocratic fantasies was even greater across the Atlantic than in Britain itself (see Mitchell) – it was at the height of this fashion that Mark Twain pointed out, with inevitable comic exaggeration, that the dangerous “enchantments” of Walter Scott in celebrating the values of an *ancien régime* “had so large a hand in making Southern character, as it existed before the war, that he is in great measure responsible for the war” (Twain 1883, ch. 46). Since this was the age of the industrial production of popular fiction and there was as yet no relevant international copyright agreement in place, Brame’s romances were reprinted widely in cities in the eastern states in both cheap story papers and dime novel series (see Cox). The bulk of these reprints appeared under the signature “Bertha M. Clay,” an authorial identity fabricated without Brame’s knowledge in the mid-1870s by Street & Smith, publishers of the *New York Weekly*, through the inversion of the initials found in the London periodicals (B. M. C.). Moreover, the same pseudonym was also employed freely for stories of similar character written by many other pens both during Brame’s lifetime and after her death. Though many other publishing houses got in on the act, the longest-term commitment was by Street & Smith, whose “Bertha Clay Library” (1900-17) and “New Bertha Clay Library” (1917-32) together assembled well over five hundred distinct romance titles, of which over one hundred in fact came from Brame’s pen.

Given its long-term economic and cultural importance, it is understandable that a number of US academic libraries have archived materials concerning the development of the “Bertha Clay” brand. These include Syracuse University Library, where the Street & Smith records are housed, the Fales Library at New York University, which holds a number of special collections relating

generally to the history of the dime novel, and the James O'Neill archive in the Mandeville Special Collections Library at the University of California, San Diego. Surprisingly, given how little of a hand the real English woman Charlotte Brame had in the formation of the virtual authorial identity of Bertha Clay, this last contains over seventy folders of material relating to Brame, apparently containing the original authorial holograph manuscripts of over forty of her works, including both short tales and longer serial novels. Unfortunately, however, the archive also reveals overwhelming evidence that none of the manuscripts is genuine. The purpose of this paper is then threefold: first, to present a detailed account of that evidence whether physical or circumstantial; second, to discuss the actual provenance of the O'Neill manuscripts if not from Brame's pen; and third, to suggest what can be learned generally from these circumstances regarding the history of popular fiction in the Anglo-American world at the turn of the twentieth century.

Evidence of inauthenticity

Though Brame herself is linked to just under half of the folders in question, the relevant section of the O'Neill collection contains materials associated with more than twenty popular authors, including May Agnes Fleming and Mary Jane Homes, both known for a similar style of romantic fiction. The materials consist in the main of paired folders of manuscripts and "tearsheets" (pages torn or otherwise removed from printed publications), the natural assumption being that the printed copies have been set up in type from the hand-written originals. However, close inspection of the manuscripts associated with Brame at least proves beyond all reasonable doubt that they cannot be from her pen and seem rather to have been transcribed from the printed version. The main physical evidence falls under four heads:

1) *Handwriting*

The O'Neill Brame manuscripts as a collection are written in two markedly different hands, that found more frequently being large and rounded, and that found less frequently being decidedly angular with a forward slope. In at least one case (Box 6 Folder 15: "A Woman's Mystery"), a single manuscript reveals both of these two different hands on two different kinds of paper

(chapter 1 *vs.* chapters 2-12). The same two hands are also found widely among manuscripts in the O'Neill Collection attributed to authors other than Brame, including the male authors William T. Adams ("Oliver Optic" *pseud.*) and Charles Garvice. Neither of these two hands bears any resemblance to that of the three personal letters known to be written by Charlotte M. Brame, two held at the Leicestershire Record Office and one in the possession of Brame biographer Greg Drozd. None of these three holograph letters is dated, though all clearly derive from the period after Brame's marriage in 1863. Though there are slight differences of manner in the three personal letters, each shares the same cursive script with many flourishes, including a highly distinctive elongated crossing of the lower-case "t." This hand is found nowhere in the O'Neill collection.

2) *Paper*

The paper used, typically lined notepaper of US Letter size, generally seems to be of American manufacture, with most of the brands found appearing in the "Directory of Watermarks and Brands" section of the New York edition of the annual *Printing Trades Bluebook* issued by A.F. Lewis & Co. from the beginning of the First World War. Among the frequently found watermarks are: "EMPIRE USA BOND," "FLORIDA STATE BOND," "ITASCA BOND," "UNION BOND," and "WORLDS STANDARD BOND," all of confirmed American origin. Brame herself is not known ever to have crossed the Atlantic, and it seems highly unlikely that she consistently used imported American notepaper.

3) *Signature*

Though the signatures most typically found on the manuscripts are "Charlotte M. Brame" (at the head) or "C. M. B." (at the end), we also often encounter the forms "Charlotte M. Braeme" and "Bertha M. Clay" in the same hand as the story manuscript itself. The latter, as we have seen, was a pseudonym created by Street & Smith in New York in late 1876. At the turn of the century Charlotte Brame's brother-in-law George E. Brame, then resident in Canada, complained to the press that the authoress herself "never used, or knew that her writings were ever published under the *nom de plume* of 'Bertha M. Clay'" (letter to (Toronto) *Daily Mail and Empire*, 4 August 1900). The

former was an error introduced by the London house of John Dicks, publishers of Brame's serial *Lord Lisle's Daughter* unsigned in the penny story paper *Bow Bells* in mid-1871, and then as paperback volume with the surplus "e" in the family name in the "Dicks' English Novels" series in early 1873. The slip was introduced to the United States by the New York house of Beadle & Adams, who reprinted *Lord Lisle's Daughter* in their "Fireside Library" in 1877. It seems inconceivable that either of these two forms of signature could have been written by Brame herself.

4) *Spelling*

The manuscripts often prominently feature US spelling variants (e.g. "color" for "colour," as in the subtitle to "A Siren's Spell; or, Under False Colors," Box 6 Folders 8-9), though there is no reason to expect Brame herself to use such forms. Though the majority of the accompanying "tearsheets" come from the British publications – the *Young Ladies' Journal* as well as the *Family Herald* and *Family Reader* – there are a handful of cases where the published version is from an American reprint, and here the occurrence of American spellings is especially frequent. An example is "The Fatal Night" from F. M. Lupton's (New York) *People's Home Journal* for January 1894, rather than the original (London) *Family Herald* for 15 August 1868. In this case, the manuscript follows the tearsheet in concluding the opening paragraph, concerning the ancient Glencore family of Childers Park, with the phrase: "no spot or taint had ever sullied a name held in honor and esteem" (Box 4 Folders 12-13). The equivalent passage in the *Family Herald* ends, as you would expect, "held in honour and esteem" (p. 241).

Though these four categories of physical proof seem more than sufficient to make a cast-iron argument for the inauthenticity of the Brame manuscripts in San Diego, it may be as well at this point to add a number of more specific and circumstantial pieces of local evidence in support:

- There are a number of significant errors in the manuscripts which seem inexplicable as authorial slips, but standard if they are copyist's mistakes. For example, the manuscript in Box 4 Folder 23 is clearly headed "Thesham's Choice," though the family name is elsewhere throughout written as

“Tresham,” the correct form according to the original publication of the story in the (London) *Young Ladies Journal* for March 1870.

- Several manuscripts are signed “Charlotte M. Brame, Author of ———,” where the work(s) appended post-date(s) the first known publication of the story in question. To take the same example (4/23), “Thesham’s [*sic*] Choice” is signed at the head, “By | Charlotte M. Brame | Author of | ‘Dora Thorne,’” a serial first published in late 1871, more than a year after the story in question. In other cases, the gap is one of years rather than months.
- According to the bibliographical criteria established by Law, Drozdz & McNally (Appendix D, pp. 97-100), fifteen of the forty-odd stories found in manuscript in the Brame folders in the O’Neill Collection were not even composed by Charlotte M. Brame, though they were published under her name (or an associated pseudonym) in the United States. A couple belong to genres which Brame never seems to have attempted: 4/28: “How I Shot a Tiger” (an Indian adventure story), and 5/23: “A Night of Horror” (a gothic thriller).
- Extensive use of a sand eraser has been found on several manuscripts, a practice which seems rather more likely for a copyist than an author. For example, the character name “Captain Willie Schaus” overwrites a sizable erasure on the second page of “Just in Time” (5/1).
- Printer’s markup is found on only three of the more than forty manuscripts (4/26: “A Hidden Treasure,” 5/2: “Kate Carson’s Lovers,” and 5/11: “Christmas Eve at Thornley Hall”), a fact inexplicable if the tearsheets were set up in each case from the manuscript.

The case for the inauthenticity of the Brame manuscripts at UCSD thus seems unanswerable. Though I do not wish to go into detail here, a similar conclusion seems likely concerning most if not all the popular literary manuscripts in the O’Neill Collection. For reasons which will soon become apparent, among the few exceptions might be those associated with William J. Benners, either under his true name or the associated pseudonym “Eric Braddon.”

Evidence of true provenance

To start from the conclusion, it is my contention that all of the “Brame

manuscripts” in the O’Neill Collection were transcribed in the United States well after the author’s death from previously published versions for commercial purposes at the instigation of William J. Benners. Though a good deal of the evidence of inauthenticity presented above already points clearly in this direction, there are a number of points which need to be added to complete the documentary side of the argument:

- Many of the manuscripts in question bear pencil annotations, most typically in the top-left corner of the title-page, indicating length and prices charged in dollars for serial publication. For example: “35⁰⁰ | 6600 words” (5/2: “Kate Carson’s Lovers”) or “4 Instalments ~~100⁰⁰~~ net 75⁰⁰ net” (6/16: “A Woman’s Mystery”).
- Several manuscripts also bear pencil annotations indicating characterization or evaluation of a story for marketing purposes, e.g., “This is good” (5/7: “A Lost Valentine”) or “Never published in America” (6/8: “Under a Siren’s Spell”).
- Several of the tearsheets from British periodicals bear pencil annotations, most typically the striking out of the original story title and insertion of another, suggesting a deliberate process of passing off old wares as new. For example: 5/19: “My Ward” (*Family Herald*, 1 Oct. 1870), where the title is altered to “My Wrong, or the Fatal Mere,” thus matching the associated manuscript (5/20); or 5/22: “New Year’s Eve” (*Family Herald*, 1-8 Jan. 1870), which, after evident hesitation, becomes “Found in the Snow” (no associated manuscript). Neither of these stories has been traced in American publications under the new title, though the latter was thus offered by William Benners to Lupton in early 1904 and also to Street & Smith late in the same year (Benners Papers 1/28A & 2/8).
- While dissimilar to either of the two hands found in the manuscripts themselves, all of the pencil annotations detailed above are in the same handwriting, which matches very closely that of Benners as found extensively in the Benners Papers and Adimari Papers held in the Fales Library, New York University.
- Two of the manuscripts (4/9: “The Cost of a Kiss” and 6/15: “A Woman’s Mystery”) still bear pasted labels in the top right-hand corner of the title page, indicating previous ownership by “William James Benners | Braddon

Lodge | 4720 Chester Avenue | Philadelphia,” and glue residues of identical shape on other manuscripts suggest that similar labels may have become detached at some point. (The same ownership label is still found on manuscripts in the O’Neill collection associated with other authors, e.g. 1/2: “Adventures of a Boy Stowaway,” by “Oliver Optic.”)

Both to consolidate this strong physical proof of provenance, and to consider whether the commercial activities revealed might be considered as fraudulent, we need to turn to the circumstantial side of the evidence.

According to the brief account of his life by Ralph T. Adimari, which is based on his surviving papers now archived in the Fales Library, William J. Benners, Jnr. (1863-1940) was a native of Philadelphia. From childhood a fan and collector of pulp fiction, Benners amassed a vast amount of knowledge and information concerning dime novels, their authors and publishing venues, though he apparently never actually started to write a long-planned “Dictionary of Popular Writers” (Adimari, p. 122). From around his mid-twenties he had a brief and disappointing period as an actor, using the stage name “Eric Braddon,” and began to write romantic serials, the popular genre to which he was most consistently attracted, for story papers like the *New York Fireside Companion* and the *Chicago Ledger*. *The Curse of the Opals* and *The Second Mrs. Darrington* are among the confirmed titles (the typescripts of both are found in the O’Neill Collection at UCSD), but the career as romantic novelist seems to have been equally unsuccessful, with nothing appearing under the author’s own name. From around the same time he also began to use his compendious knowledge of popular story papers and cheap fiction libraries in both the USA and the UK to make money from American publishers as an agent supplying them with novels and tales. These were most typically second-hand and out of copyright, though he also seems to have handled original work by American authors with whom he had established personal contact. According to the incomplete series of correspondence to the agent preserved among the Benners Papers (1/1-30 and 2/1-21B), the publishing houses consistently concerned including F. M. Lupton, Norman L. Munro, and Street & Smith in New York, and W. H. Gannett (of the *Comfort Magazine*) and Vickery & Hill (of the *American Woman*) of Augusta, Maine, centre of the mail-order publishing

business. Among the American authors regularly represented were Emma Burke Collins, Frank A. Corey, and Mrs. Georgie Sheldon (*pseud.* Mrs S. E. Downe). Nevertheless, there was clearly more money to be made from English romances issued before the International Copyright (Chace) Act came into force in mid-1891, including those by Charles Garvice (1850-1920) and, of course, Charlotte M. Brame.

The fact that Garvice was both alive and aware of the nature of the US popular fiction market clearly limited his value to Benners, but the untimely death of Brame in 1884 made her the ideal client. The surviving Street & Smith side of the correspondence between Benners and the publishers (Benners Papers 2/6-8) offers a clear picture of the negotiations concerning Brame's romances for both the columns of the *New York Weekly* and for Smith & Street's dime novel series like the "Eagle" and the "Bertha Clay Library." In 1897-8, for example, we see Benners receiving \$300 dollars each for two Brame serials in manuscript, both in fact retitled stories from the *Family Reader*, "How Will it End?" (= *At the Eleventh Hour*) and "A Hand without a Wedding Ring" (= *Helen Raeburn's Marriage*). This before setting up a long-term deal for six more at the same rate, while selling his own original *Lady Ona's Sin* for \$250, as a stop-gap to be issued under the "Bertha M. Clay" label. Adimari thus suggests not only that "at least one-third of the notes [among Benners' surviving papers] were devoted to Clay-Brame productions" but also that the Philadelphia man's income from selling Brame stories in this way "may have reached higher than \$10,000" (p. 123).

Putting together the physical evidence from the O'Neill Collection in California with the circumstantial context provided by the Benners papers in New York, there can thus be no doubt that the hand-written stories associated with Brame derive not from the author's hand but from copyists in the employ of William J. Benners in connection with his business of supplying pulp fiction publishers with English-style romances. Clearly the spurious Brame manuscripts now at San Diego represent merely the residue of a much larger hoard of refurbished serials and tales on sale. Though the accession was only processed by the Mandeville Special Collections Library in 1995, the O'Neill archive, together with a large book collection, was purchased back in 1964 by the University of California, San Diego, from James O'Neill, a Boston book collector and dealer. Though it has not proved possible to trace the line of

ownership further back, it seems most probable that O'Neill purchased the manuscripts collection either directly from William J. Benners himself before the Second World War, or from Ralph F. Cummings who looked after Benners in his closing years and acquired those papers that were not destroyed by family members to protect privacy. Since Adimari speaks of receiving "part of the William J. Benners collection" for the purposes of his research (p. 123), the latter seems more likely. Certainly the significance of the O'Neill manuscripts would be much more readily apparent if they were reunited with the Benners Papers of which they form an integral part.

However, the delicate question of the fraudulence of Benners' activities as self-appointed Brame agent still remains to be considered. First, there is the issue of whether these transcriptions of published stories were indeed represented to potential buyers as original work and/or authorial manuscripts. Here, the fragmentary record of correspondence with the publishers surviving in the Fales Collection seems inconclusive. Major houses like Street & Smith and Lupton often seem to understand the real nature of the transactions. The former, writing on 2 July 1901 concerning a set of Garvice titles in manuscript (in fact copied from old serials in the *London Reader*), notes that "what you offer is noncopyright and can be used by anyone and in view of this fact ... we are unable to pay more than \$50" (2/7). The latter, writing on 23 February 1904 after receiving a hefty bundle of manuscripts from Benners, including twenty-seven "original" stories by Charlotte Brame, complains bitterly of "a deliberate attempt to impose upon and injure me" because several of the titles have already appeared in the USA, but agrees to buy many of the rest "provided you will reduce the prices to such figures as the material is worth" (Benners Papers 1/28; see also Stern, pp. 248-9). On the other hand, it is difficult to gauge the reaction of a smaller, provincial house like Vickery & Hill to the offer, in a letter from Benners of 29 April 1901, of first choice from a list twenty-five "MANUSCRIPT stories by Mrs. Brame ... all copyright and ... EXCLUSIVELY MINE" (2/12). Indeed, the very decision to have the printed stories copied in long-hand with some form of authorial signature could be taken as *prima facie* evidence of intention to deceive at a time when the labour of copy-typists was cheap and readily available.

A second issue is whether Benners intended to deceive by explicitly representing himself as an agent authorized by Brame or her heirs. Here

it seems easier to convict. Benners clearly made more than one trip to Europe around the turn of the century, and, according to Adimari (pp. 122-3), “numbered amongst his friends” English authors of the likes of Marie Corelli, Charles Garvice, Mrs. Humphrey Ward and “Rita” (*pseud.* Mrs Desmond Humphreys). At the same time, Benners seems to have tracked down Charlotte Brame’s only surviving child, Marie Louise [May] Brame (1866-1941). Adimari assumes on the basis of this meeting that Benners received the consent of the Brame family “to his selling all her serials and short stories published in forgotten periodicals of the past” and thus made regular remissions back to England (p. 123). However, the only evidence found in support of this is in business correspondence dating from December 1902, where, in response to what Benners describes as a “piteous appeal for help” from the author’s daughter, Street & Smith write: “... we can use the Valentine story at your price of \$75, the proceeds being forwarded, as we understand it, to Miss Braeme [*sic*]. It is certainly very kind on your part to think of her and we shall be glad to cooperate with you from time to time in the good work.” (Benners Papers 2/7 & 2/18). Whether such remissions, clearly conceived of here as charitable donations rather than as the settling of accounts between agent and client, ever took place seems open to question. In November 1926, in response to a request for information from the Hinckley antiquarian Henry J. Francis, who was to deliver a lecture on “Hinckley and its Literary Associations” to a local society, May Brame wrote a lengthy letter about her mother’s career, attaching a list of over sixty serial titles she knew to be from her pen. According to the letter, “[a]n American who came over here some years ago” – this can only be Benners – “called on me for details of my Mother’s life, & said ‘Whatever else I see in England, I must see Mrs. Brame’s lime trees!’” Significantly, the following sentence begins: “The copyright of her books has not yet expired, but many were pirated & published in America.” In fact, a couple of the spurious Brame manuscripts held at San Diego bear the legend “Copyright by Mary Brame” in Benners’ hand, presumably referring to the author’s daughter. But it seems highly unlikely that May Brame knew anything of, or gained anything from what was being done in the US in her name. This because, as her letter reveals, she must have been aware both that one of the works in question (“Christmas Eve at Thornley Hall”) was the property of William Stevens Ltd., proprietors of the *Family Herald*, and that the other

(“A Siren’s Spell”) was clearly not written by her mother at all. Certainly, H. J. Francis in his comments on Charlotte M. Brame based on communications with her surviving daughter, speaks unequivocally of the author’s works being “shamelessly pirated” in America (7 Jan. 1927, p. 3).

A third issue concerns Benners’ claims to authorship of works evidently written by others. Among the O’Neill manuscripts, for example, is an incomplete transcription of the novella “Woven on Fate’s Loom” as by “Eric Braddon,” a Benners pen name, though the work itself is in fact by Charles Garvice, being first published in Lupton’s “Leisure Hour Library” in the 1880s. Moreover, among the Adimari Papers at the Fales Library, there is a file of unsourced clippings from US newspapers during and after the First World War (3/3A), including a number obviously based on interviews with Benners himself that perpetuate similar dishonest claims. In two different articles, one headed “The Bertha M. Clay Mystery Cleared Up,” in fact from the (Philadelphia) *Evening Star* of 19 April 1917, and the other entitled “Claims He’s Bertha Clay,” signed Alma Whitaker, and found in the *Los Angeles Times* of 18 June 1922, Benners boasts not only of having been the principal composer of works in the “Bertha M. Clay” series, but also of having personally penned such authentic Brame novels as “How Will it End?” and “The Hand Without a Wedding Ring,” though as we have seen, he was responsible only for the alternative titles and the fake manuscripts. Overall, Benners comes across as little short of a confidence trickster, whose dubious commercial activities have done much to muddy the waters when scholars have tried to see to the bottom of the mystery of Bertha M. Clay.

Lessons to learn

What then can be learned more generally from the rather sordid circumstances detailed above for the purposes of publishing history? Above all, this case shows that it is difficult to overestimate the socio-economic effects of the absence of an Anglo-American copyright until the passage of the Chace Act in mid-1891, and that, since the legislation left foreign works published before that date, including of course all Brame’s writings, entirely without protection, those effects persisted even into the twentieth century. Large as the readership of Brame’s fiction must have been in Britain and its colonies –

the *Family Herald* alone claimed a steady circulation of around a quarter of a million throughout her career (Altick, p. 394; Unsigned, “Topics of the Day” p. 3) – during the last ten years of her life, and for at least a quarter of a century afterwards, the American audience for her work seems to have been many times greater. On the other hand, in all probability she received no remuneration whatever from the sales of her published work in the US marketplace (Law 2011, pp. 335-6). The main factor explaining this situation is patently the absence of any reciprocal copyright agreement between the United Kingdom and the United States. The passage by Congress of the International Copyright Act in 1891 enabled aliens not resident in the USA for the first time to acquire copyright, on the conditions that their own government offered similar protection to American citizens, and that their works were set up in type within America’s borders (see Law & Morita for an extended discussion of the issues involved). The long delay in the passage of such legislation, first proposed as early as 1837 when similar agreements between European powers were in the offing, was controversial in both countries, with a *Times* leader famously describing it as “the Schleswig-Holstein Question of literature” (24 May 1879, p. 11). Broadly speaking, public opinion tended in Britain to favour an agreement based on the obligation to provide authors with adequate rewards, and in the United States to oppose legislation based on the needs of the people for cheap books. In both countries, however, publishing houses often took stands based on blatant self-interest, with new British reprint houses like Routledge firmly against in order to continue thriving on the lack of protection of popular US authors such as James Fennimore Cooper and Harriet Beecher Stowe, and with traditional American houses like Nahum Capen in Boston or G. P. Putnam in New York strongly in favour in order to preserve their interest in eminent British authors.

As this might suggest, it was far from the case that no British author received a penny from American publishers before the Chace Act. Traditional houses like Capen and Putnam tried to nurture the concept of “trade courtesy,” whereby rival publishers would agree to respect the privileges of a house gaining precedence in the issuing of a particular work or series of works by a foreign author, thus discouraging cut-throat competition and creating a form of quasi-copyright. The mechanism sustaining this arrangement was the sale of “advance sheets,” that is, the transatlantic mailing of passed proofs by the British author,

or a publisher or agent, frequently involving periodical instalments rather than complete volumes. The purpose was to ensure simultaneous publication in the United Kingdom and the United States, and thus to give the authorized American publisher a significant start over potential rivals, who would have to wait to receive copies of the published work a month or so later. Both the supply of advance sheets and the practice of trade courtesy were rather unstable, the latter particularly so at times of crisis or transition, notably during the American trade depression of the late 1830s and early 1840s, and from the mid-1870s on, when, regardless of trade conventions, brash new operators flooded the market with popular reprint novels in cheap serial formats. By the mid-1880s competition *à outrance* between a host of competing enterprises had slashed profit margins to the bone, forcing even “respectable” houses like Street & Smith to cut corners, for example, by relying on the services of dubious operators like William Benners.

The available bibliographic record (see Law, Drozd, & McNally, pp. 19-24) suggests strongly that, as an author without an established public authorial identity at home whose work came to American attention at the height of the reprint boom, Brame’s work was in all probability never sent across the Atlantic in the form of advance sheets and rarely if ever accorded the benefits of trade courtesy by houses in the United States. The American reprinting of Brame’s serials from British miscellanies like the *Family Herald* and *Family Reader* began in the mid-1870s in the cheap New York story papers, where there was soon a fierce rivalry between at least four journals, but the gap of several weeks between London and New York publication in all cases where details are known, demonstrates that no advance sheets were being forwarded either by the author herself or by any of the British proprietors concerned. The absence of trade courtesy can be illustrated readily by the more than thirty distinct editions of Brame’s *Dora Thorne* from fifteen different US publishers that have been traced before the First World War. It should also be noted that the lack of an Anglo-American copyright agreement often resulted not only in the degradation of literary property but also in damage to literary reputation: according to an 1837 petition to Congress by a group of British authors, writing published without permission and supervision was liable to “mutilation and alteration,” so that authors might “be made responsible for works which they no longer recognise as their own” (24th Cong. II. 1837, S. Doc. 134). Arguably, since Brame must

already have earned a substantial middle-class income from sale of serial and volume rights in the home market (Law, Drozd, & McNally, pp. 18-19), the authoress suffered more greatly in the American market with regard to those interests now enshrined in both British and American law as “moral right.”

It should, of course, be recognized that both the causes and consequences of the long moratorium before the signing of an Anglo-American copyright agreement should be sought in Britain as much as in the United States. As I have argued elsewhere (Law & Morita, pp. 211-18), the root cause of the delay was the fact that the publishing systems in operation in the two countries were diametrically opposed. In contrast to an American publishing industry centred defiantly on the reprinting of Old World texts with the democratic battle-cry of “cheap books,” new British works were still typically published as luxurious multi-volume editions in small print runs at inflated prices. These volumes, which only the wealthiest could hope to possess, were purchased by the private circulating libraries in large quantities at a discount for rental to their middle-class clientele. Voices were raised throughout the Victorian period both within Britain and beyond against the disastrous cultural consequences of the country’s “highly eccentric, artificial, and unsatisfactory system of book-trade,” as it was described by Matthew Arnold (p. 328). As William St. Clair has argued so persuasively in *The Reading Nation* (pp. 19-24), through their influence on available publishing formats, prevailing intellectual property regimes have a profound influence on the dominant “mentalities” – or, intellectual mind-sets – of particular societies.

To provide entertainment for its own huddled masses Victorian Britain had long fostered an under-world of cheap story papers and fiction reprint libraries, with William Stevens’ *Family Herald* and John Dicks’ “English Novels” series prime examples (see Law 2000, pp. 13-35). By the final quarter of the century popular houses like James Henderson of London, proprietor of the *Weekly Budget* (see Law 2000, pp. 55-6), and John Andrew of Ashton, Lancashire, with his *Ashton Reporter* and *Cotton Factory Times* (see Cass, pp. 129-50), were relying heavily on American popular fiction material, from wild-west adventures to urban detective thrillers, lifted from the columns of journals like the *New York Ledger* and *New York Weekly*. From around the time of the Chace Act, Henderson seems to have come to some form of fiction exchange deal with Street & Smith, supplying a series of English romances

from the pen of the author of "Violet Lisle" and "Dora Deene" for inclusion as "Bertha M. Clay" titles in dime novel series like the "Select" and "Eagle," and in turn receiving "Bertha M. Clay" titles from American pens. Unfortunately, one of the titles concerned, issued in both the columns of the *Weekly Budget* and as a paperback volume in the "*Budget Story Book*" series, was *A Hand without a Wedding Ring*, that is, Charlotte Brame's *Helen Raeburn's Marriage* as refurbished by William Benners, where domestic serial right still rested with the proprietors of the rival *Family Reader* and volume rights with Brame's heirs.

All the same, turning a blind eye to the effects of *not* having a reciprocal copyright agreement with Great Britain seems to be a failing associated especially with American academic inquiry in the field of popular publishing. This can be seen in successive generations of scholarship on the pulp fiction industry, reflected in turn in bibliographic work of an empirical bent, and in analysis informed by the theoretical concerns of postmodernism. In the period after the Second World War, in both the house histories of dime novel publishers and in enthusiast magazines like the *Dime Novel Round-Up*, where Adimari's biography of Benners appeared, there seems to have been a general agreement to pretend that English authors like Brame were being paid when their work was reprinted across the Atlantic. Quentin Reynolds, in *Fiction Factory* (1955), his swash-buckling record of Street & Smith, claims not only that the firm "lured the popular English writer, Charlotte M. Brame, away from the *Ledger* by offering her twice as much money as she had been getting," but also that May Brame "continued writing under her mother's name" after Charlotte's death (p. 38). No source is offered for either claim, and the first cannot be true if only because Robert Bonner never published any Brame stories in his *New York Ledger*, while the second seems highly unlikely given that May was still a teenager at the time (see Moore, p. 13). Albert Johannsen, in his far more reliable history of *The House of Beadle & Adams*, states authoritatively that Street & Smith issued Brame's stories in the *New York Weekly* "under a special contract from advance sheets for ten years" (II pp. 40-1). Yet the Benners materials in the Fales show clearly that, in his entry on Brame, Johannsen was relying on evidence provided by Adimari from Benners' notebooks (Adimari Papers 1/3). Following the trail back we can trace the source of Johannsen's statement to a campaign of disinformation in the *New York Weekly* itself around the period of Brame's death in late November 1884.

On October 20th of that year, Street & Smith's paper ostentatiously carried the facsimile of a hand-written letter, addressed from London and signed "Bertha M. Clay," committing that fictitious lady to writing "exclusively for the New York Weekly." A few months after the real author's demise, as a prelude to an unsuccessful law suit to prevent other US publishers from using the pseudonym they had fabricated, there appeared in that paper an obituary of Charlotte M. Brame, asserting that Street & Smith had published her stories "[f]or ten years ... from advance sheets under a special contract" (23 Feb. 1885).

Having studied at the Birmingham Centre for Contemporary Cultural Studies under Stuart Hall, Michael Denning obviously takes a very different line in *Mechanic Accents* (1987, revised 1998), his fine sociological study of "Dime Novels and Working-Class Culture in America," in the words of the sub-title. There, citing Mary Noel's critical account in *Villains Galore* (1954) of the status of the author in pulp fiction (p. 180-93), Denning is quick to acknowledge that "the *New York Weekly* pirated the stories of 'C. M. B.' ... and ascribed them to 'Bertha M. Clay'" (p. 23). Yet, Denning's general line of argument is that, given the mass production of popular fiction under factory conditions, "dime novels are best considered as an essentially anonymous, "unauthored" discourse, not unlike journalism" (p. 24). This parallel seems open to question, as the age of the dime novel also coincides with the rise of "New Journalism," with its overt casting aside of the editorial impersonality characteristic of the traditional press model. At the same time, Denning's assertion that brand-names like "Bertha M. Clay" should be taken as the "paradigmatic 'authors'" of pulp fiction, sits oddly with his emphasis elsewhere on "certain *auteurs* who by force of personality established themselves as stars in this industry," including American women writers such as Laura Jean Libbey (p. 24). To support the anonymity thesis, without worrying too much about the details, Denning is content to perpetuate the myth that the bulk of the "Bertha M. Clay" *oeuvre* was ground out by male hacks in New York, more typically assigned to masculine genres like the detective thriller, but versatile enough also to fool a mass of gullible female readers. Yet, the bibliographic record in fact suggests that most of the English-style romances associated with the Clay brand were in fact woven on fiction looms in the family homes of a lot of hard-working women, most of them far away across the Atlantic. Here, underplaying the effects of the lack of a bi-lateral copyright agreement results

in the occlusion of a specifically gendered form of exploitation. It rather seems important, in justice to Brame and to her many industrious sisters, to try to recover wherever possible who wrote what and for whom.

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To sum up, though the spurious O'Neill manuscripts inevitably tell us nothing about the material practice of Charlotte M. Brame as a living author, they do give away a good deal about how her labours were afterwards exploited in the febrile conditions of the US popular fiction market at the turn of the twentieth century, when American "soft power" was beginning to expand inexorably across the globe.

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List of Sources Cited

Archival Sources

- Ralph Adimari Papers, MSS 28A, Fales Library and Special Collections, Elmer Holmes Bobst Library, New York University
- William J. Benners Papers, MSS 28B, Fales Library and Special Collections, Elmer Holmes Bobst Library, New York University
- Charlotte M. Brame, Undated MS letter to George Brocklehurst, in the possession of Greg Drozd, Hinckley, Leicestershire
- Charlotte M. Brame, Undated MS letters to Tom Harrold and George Brocklehurst (DE1243/430/2-3), Leicestershire Record Office
- Marie Louise (May) Brame, Letter to H.J. Francis, 2 November 1926, H. J. Francis Papers, Local Studies Collection, Hinckley Library, Leicestershire
- James O'Neill Collection, MSS 0141, Mandeville Special Collections, Geisel Library, University of California, San Diego
- Street & Smith Collection, Syracuse University Library

Published Sources

- Adimari, Ralph. "William J. Benners: The First Historian of the Dime Novel," *Dime Novel Roundup* 26: 9 (15 Sep. 1958) pp. 121-8.
- Altick, Richard D., *The English Common Reader: A Social History of the Mass Reading Public, 1800-1900* (Chicago: University of Chicago Press, 1957).
- Arnold, Matthew, "Copyright," *Fortnightly Review* NS27 (March 1880) pp. 319-34.
- Cass, Edward Fletcher, "*The Cotton Factory Times, 1857-1937: A Family Newspaper and the Lancashire Cotton Community*," Unpublished PhD dissertation, Edge Hill University College, University of Lancaster, 1996.
- Cox, J. Randolph, *The Dime Novel Companion: A Source Book* (Westport, Conn.: Greenwood Press, 2000).
- Denning, Michael, *Mechanic Accents: Dime Novels and Working-Class Culture in America* (rev. ed.; London: Verso, 1998).
- Drozd, Gregory, "Brame, Charlotte Mary (1836-1884)," *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004).
- Drozd, Gregory, *Charlotte Mary Brame: Hinckley's Forgotten Daughter* (London: Drozd, 1984).
- Francis, H.J., "Hinckley and its Literary Associations," Lecture delivered at the Hinckley Literary, Debating and Scientific Society, 21 December 1926. Reprinted in *Hinckley Times and Guardian*, 4 parts, 24 December 1926 – 14 January 1927.
- Johannsen, Albert. *The House of Beadle and Adams and its Dime and Nickel Novels: The Story of a Vanished Literature* (3 vols; Norman: University of Oklahoma Press, 1950-62).
- Law, Graham, *Serializing Fiction in the Victorian Press* (Basingstoke, Hampshire: Palgrave Macmillan, 2000).
- Law, Graham, "Sensational Variations on the Domestic Romance: Charlotte M. Brame and Mary Cecil Hay in the *Family Herald*," in *A Companion to Sensation Fiction*, ed. Pamela K. Gilbert (Oxford: Wiley-Blackwell, 2011) pp. 332-48.
- Law, Graham & Norimasa Morita, "Internationalizing the Popular Print Marketplace," in *U.S. Popular Print Culture, 1860-1920* (Oxford History of Popular Print Culture Series), ed. Christine Bold (New York: Oxford UP, 2011) pp. 211-29.
- Law, Graham, with Greg Drozd & Debby McNally, *Charlotte M. Brame (1836-1884): Towards a Primary Bibliography* (Victorian Fiction Research Guide 37) (Canterbury, Kent: Department of Media, Canterbury, Christchurch University, 2011).
URL:<http://www.canterbury.ac.uk/arts-humanities/Media/victorian-research-fiction/StockList/37-Charlotte-M-Brame.aspx>. Last accessed: 20 July 2011.
- Mitchell, Sally, *The Fallen Angel: Chastity, Class and Women's Reading, 1835-1880* (Bowling Green, Ohio: Bowling Green University Popular Press, 1981).
- Moore, Arlene, "Searching for Bertha M. Clay," *Dime Novel Round-Up* 60: 1 (Feb. 1991) pp. 10-14.
- Noel, Mary, *Villains Galore: The Heyday of the Popular Story Weekly* (New York: Macmillan, 1954).

- Reynolds, Quentin, *The Fiction Factory: The Story of One Hundred Years of Publishing at Street and Smith* (New York: Random House, 1955).
- St. Clair, William, *The Reading Nation in the Romantic Period* (Cambridge: Cambridge UP, 2004).
- Stern, Madeleine B., *Louisa M. Alcott: From Blood & Thunder to Earth & Home* (Boston: Northeastern University Press, 1998).
- Twain, Mark, *Life on the Mississippi*. Boston: James R. Osgood, 1883.
- Unsigned leader beginning "The Anglo-American copyright controversy ...," *The Times* (24 May 1879), p. 11d.
- Unsigned ["From the *Star's* London Correspondent"], "Topics of the Day: The Late William Stevens of the *Family Herald*," (Canterbury, New Zealand) *Star* (1 June 1887) p. 3.
- Unsigned, "The Bertha M. Clay Mystery Cleared Up," (Philadelphia) *Evening Star* (19 April 1917).