

# CONCERNING LITERARY PROPERTY\*

BY ARTHUR BARTLETT MAURICE

IN recent issues of *Collier's Weekly* and of the *Atlantic Monthly* there appeared two stories that have been made the subject of much subsequent comment. The *Atlantic* story was found to have been based on a scene in Frank Norris's *Blix*. But the *Collier's* story was more important. It was signed by Mr. George Patullo, a very well-known writer of short stories, and dealt with a party of Americans trying to make their way out of turbulent, war-devastated Mexico, and in particular with a woman called "Dutch Annie," who belonged to the oldest profession in the world. The question seems to be whether one should express surprise at Mr. Patullo's boldness or admiration of his taste in selection. For changing only names and places he has followed episode by episode, and situation by situation, one of the most famous of all short stories, Guy de Maupassant's *Boule de Suif*. The stage-coach of 1870 has been transformed into the railway train of 1915, the Norman countryside into the Mexican desert, and the Prussian officer has donned the Mexican uniform. But it is all there, the pitiless contrast between the little, self-sacrificing outcast and the ingratitude of the representatives of the cruel, ungenerous, intolerant world. What is the answer? Is it "plagiarism" or "conquest"?

Very few weeks pass in which we are able to keep entirely clear of this subject of "literary conquest." It crops up at every turn. For instance, a friend will take us to one side and in hushed tones

\*This article is based largely on a paper which appeared in *THE BOOKMAN* for September, 1904, called "Literary Conquest and the Idea in the Air," and signed Stanhope Searles. In view of the subject it is best to explain that "Stanhope Searles" was a pseudonym used by the present writer.

ask our candid opinion of the Brown-Smith affair. Have we not read Brown's poem "The Fiddler's Bow" in the current issue of the *Coronet* magazine? Have we compared it with Smith's "The Bow of the Fiddler," which was printed in the *Eureka* for last May? If so, what do we think? Brown has changed the metre slightly, but the idea is absolutely the same, and there are one or two lines that are practically identical. Coincidence? Nonsense. The one surprising thing is that Brown dared to do it so openly. Two or three unpleasant stories have gone the rounds about Brown—his easy manner of free-hand translations from the French and German without credit—but in a case like this could he not realise how many people would be sure to notice it? And is it not the duty of some newspaper magazine to point out "the very curious resemblance," to express it mildly, if for no other reason than that of self-preservation from similar attempts? And when our friends have finished, letters from total strangers begin coming in couched in the same strain, and it soon seems as if all the world had been busying itself comparing the two poems and holding up its hands in protestation at Brown's iniquity. But it is very seldom that anything definite comes of the matter. For the time being Brown is undoubtedly discredited and editors will be wary of whatever he may send them. But there is always the possibility that he did *not* see that poem of Smith's, that is *was* merely a strange coincidence, and so the benefit of the doubt is given to Brown. We tell each other glibly that these ideas are all in the air; that they are in a way common property; it is so easy to believe and repeat that there is nothing new under the sun. It is your misfortune, we tell you, if the plot of Robinson's new novel—for the

last seven months among the best six sellers—is substantially the plot which you have been cherishing secretly for years: it is not Robinson's fault. But there are times when it is too much to ask you to look at the matter in the proper spirit of philosophy and fortitude. Especially if you are possessed of what we like to call the artistic temperament. Daudet, who knew this artistic temperament down to its pettiest and most exasperating form, drew in *Jack*, the picture of the priggish and peevish poet d'Argenton, rushing home from Paris to his ménage in the country, hurling maledictions at the heads of those whom he believed were in some way stealing and using his ideas. "What do you think? They played a new comedy of Emile Augier's at the Theatre Français. And it is nothing in the world but my *Atalanta's Apples*. Oh! It is infamous!"

From time to time when a magazine has printed and paid for a story or a poem, and has subsequently learned of its very remarkable resemblance to some other poem or story which has previously been printed elsewhere, it is thought best to write to the discredited author asking if he or she has any explanation to make. But explanations elicited in this way are very seldom satisfactory. Sometimes it is Injured Innocence who replies, overwhelming you with such a torrent of indignation that you begin to feel yourself in some way the offender. Then again the author will ignore entirely the resemblance to which you allude, but hint darkly and vaguely that if you only knew the tragedy or the romance connected with the composition of that poem you would blush for shame at having suggested such a thing as imitation. Occasionally you will find some hardened sinner who amiably refers you to Dumas's well-known saying about "literary conquest," and points out that all literary ideas are common property and that you really have nothing of which to complain. Of course, this does not apply where it is a case of absolute imitation. And such

cases are by no means so rare as most people would imagine. For instance, as was told last month, Mr. Richard Harding Davis's tale "The Editor's Story," while published as fiction was absolute fact down to the last detail. When Mr. Davis was the editor of *Harper's Weekly* there were submitted to that periodical a number of poems which were found to be absolute copies of poems already published. The name of the sender was authentic, but the various addresses given proved to be fictitious. The most pretentious of the poems was called "The Studio," and had appeared in *The Century* some months before. Mr. Davis showed the imitation to Mr. Richard Watson Gilder, who expressed his hope that the offender be caught and punished. *Harper's Weekly* at last found a clue which led directly to the son of a very prominent city official. It promised to be a big news story, one that would set New York to talking for two or three days, so Mr. Davis sent for Stephen Bonsall of the *Herald* and together they tracked the original of the young Mr. Aram of the tale to his home in a Harlem apartment house. How they tricked and cornered him, how they wrung from him an acknowledgment of his wrongdoing, how they were led to abandon their plan of exposing and prosecuting him will be found in the story. In not one detail did the yarn vary from the actual occurrence.

The present writer was very much surprised some years ago to come across an old friend in the way of a plot. It was printed in an English magazine, and the surprise was due to the fact that it purported to be an absolutely new story, and was signed by a woman who holds an exceedingly high place among contemporary English writers, the author of a novel which twelve or thirteen years ago was for some months the most talked of book of the day. The tale dealt with a cashier of a bank in a small Western town who one afternoon had occasion to carry about a very large sum of ready money for the purpose of

buying bonds for his bank. Through some failure in the negotiations he found himself that evening with the money still in his possession, on his way to the lonely house, some miles out in the country, occupied by his wife and himself. That night a message came purporting to be from the directors of his bank summoning him back to town. Locking the money in a cupboard he told his wife to bar all the doors after him, to open the house on no condition, not even if any one came claiming to have a message from him, and then wrapping himself in a great-coat went out into the rising storm. An hour passed. Suddenly there came a rapping at the door and a piteous voice begging for shelter. It was a tramp who said that he was freezing in the snow. The woman told him that she was alone and could not let him in, whereupon he asked if there were not some outhouse in which he might sleep. Her heart was softened by his accents of suffering and she finally spoke of the wood-shed adjoining the kitchen, and warmed by the kitchen stove, and told him that he might pass the night there if he would wait until she had unlocked the outer door of the wood-shed, and locked again the door leading back into the kitchen. The tramp gave his promise, but by way of precaution she ran upstairs and looked out of a window to see that he was not trying to rush in when she opened the door. The tramp was sitting quietly in the snow, so she slipped down, opened the wood-shed, and hurrying back locked all the doors between them. Another hour passed. All at once above the raging of the storm she heard the sound of voices followed by a beating at the door and a demand for admittance. With her heart beating fast she called "John, get down the gun," but this was met by a jeering laugh from without and a hoarse voice crying, "We know there is no John. We got your husband away by a decoy letter and we know that you are alone," and with a crash the blade of an axe tore its way through the barred door. The woman, helpless and

in desperation, suddenly thought of the tramp. She rushed through the kitchen into the wood-shed and called to him. "Can you shoot?" she asked. He said he could. "Then take this Winchester and, as you are a man, shoot down the first one that enters that door." Under repeated blows of the axe the door gave way and the leader of the robbers, his face covered by a black mask, rushed in. The tramp fired and the man fell dead. The mask slipped from his face. It was her husband who had taken this means of getting the bank's money and averting suspicion from himself. It cannot be denied that the talented author in question had here an excellent plot for a dramatic story, only a good many people preferred it about twenty-five years ago, when it originally appeared in the pages of *Harper's Magazine*. In strict justice, however, it should be pointed out that the story is one which may have been told of a winter's evening to the author in question and that she used it simply because it was good material and without the knowledge that it had previously appeared in print.

The following is a case of a very different nature. By no possibility could one treat it in the light of conscious or unconscious imitation, and yet it illustrates admirably the workings of the literary mind and the making use of the idea in the air. One of the most striking characters of Miss Ellen Glasgow's novel *The Deliverance* was a venerable aristocratic lady of the old South, to whom, one dark day during the Civil War, the news of her beloved husband's death at the front brought sudden blindness and paralysis. From the knowledge of her other misfortunes, the loss of the family estates and the fall of the cause of the Confederacy, she was happily spared. Those about her guarded her and lied to her with loving solicitude. Although they were living in a rude cabin she was never allowed to know that it was not the stately home of her early married life. Every luxury to which she had been accustomed was supplied to her. She believed to the end

of her days in her slaves and her lands. Finally for her ears they had invented another ending to the war. Victory after victory won by Lee and Longstreet and Beauregard had led to the triumph of the South and the Confederacy was an established fact. It is a striking and effective story, but place it side by side with "The Siege of Berlin" of Alphonse Daudet. The French tale tells of one Colonel Jouve, an old cuirassier, who at the time of the outbreak of the Franco-Prussian War is stricken down by apoplexy because he has seen the name of Napoleon appended to the bulletin announcing the defeat of Wissembourg. The physician called to attend him finds him under the care of his grand-daughter in an apartment on the Champs Elysées which they have taken for the purpose of witnessing the triumphal re-entry of the French troops. A day or two later the condition of the old warrior is much ameliorated by the first report of the battle of Reichshoffen, which tells of a great victory, twenty thousand Prussians slain, the Prince Royal a prisoner. When the true news of the disastrous battle arrives they dare not tell him and then begin the long weeks of deception in which the granddaughter and the physicians are conspirators. While France is staggering under defeat they are pouring into his ear tales of glorious victory. They compose for his benefit letters from his son at the front, they invent for him stories of battles on German plains, and by means of little flags pinned on the map of Germany build up for his eyes and ears the details of a glorious campaign. The time comes when Paris is invested and one day the old colonel is startled by the booming of the Prussian guns. They soothe him by saying that another victory has been won before Berlin and that the noise he hears is the firing at the Invalides in its honour. During all the horrors of the siege they manage to keep him supplied with the little luxuries to which he has been accustomed, although there is nothing for anyone else. Sometimes, enlivened by his repast, in the full joy of physical

content and comfort, the old cuirassier delights in telling of his privations in the Napoleonic campaigns, when there was no other food than frozen biscuit and horse flesh. "Do you know what that means, child? We ate horse flesh!" She knew very well. For two months she had tasted no other meat. Finally comes the fatal day when the Prussians are to make their triumphal entry into Paris. An inkling of the momentous news reaches the old man, but to his mind it means the re-entry of the victorious French troops, so cunningly he arrays himself in his uniform of an old cuirassier of Milhaud and slips silently out on the balcony. He is amazed to find the avenue so wide and still, the houses closed and only white flags with red crosses in sight.

For a moment he must have believed he had made a mistake—but, no! yonder, behind the Arc de Triomphe, issued an indistinct rattle, a black line advanced steadily into the morning light. Then by degrees the tops of helmets could be seen flashing in the sunlight, and the drums of Jena began to beat. And then beneath the Arc de l'Etoile, accented by the rhythmic tramp of the regiments and the clashing of sabres, resounded the triumphal strains of Schubert. Then through the dismal silence was heard a terrible cry, "To arms! to arms! the Prussians!" and the four Uhlans of the advance guard, looking toward the balcony above, saw the majestic figure of an old man reeling, his arms outstretched. He fell heavily. This time the shock had indeed proved fatal. Colonel Jouve was dead.

From time to time THE BOOKMAN has called attention to the different forms under which a certain seed idea—briefly, that of a man walling up his enemy in a tomb and leaving him there to perish—has reappeared in fiction. This idea gave Balzac "La Grande Bretèche;" Poe, "The Cask of Amontillado;" Mrs. Wharton, "The Duchess at Prayer;" Conan Doyle, "The New Catacomb." And there undoubtedly have been others. Another seed idea which has had a number of literary in-

carnations is that which Mrs. Shelley used in *Frankenstein*. Probably back in the days of the grandeur that was Rome and the glory that was Greece men liked to dwell in imagination on the fantastic thought of building a monster out of odds and ends and endowing it with life. It is a weird conception as common to all men of all kinds as were the sorceries of the East to the story spinners of *The Arabian Nights*. The human mind can give it precisely the same amount of credence as it gives to the utterance of magic words, the transformation of men and women into the beasts of the field, and the rubbing of the wonderful lamp of Aladdin. But the Western world demands that when the obviously supernatural is seriously used as the basis of fiction it be accompanied by at least a suggestion of the scientific. Frankenstein was no mere sorcerer, he was a

medical student who through a series of strange experiments had stumbled upon the secret of endowing the inanimate with life. Since Mrs. Shelley's day this Frankenstein idea has been made use of time and time again. In almost all the stories of recent years it has been linked with Egyptology. A man buys or kidnaps a mummy on the banks of the Nile, carries it with him to some obscure corner of England, brings it back to life by virtue of some strange secret known only to himself, and uses it to his own iniquitous ends. This was the basis of Conan Doyle's grewsome tale "Lot No. 249." It was substantially the basis of Mr. Bram Stoker's *The Jewel of Seven Stars*. It has been the basis of other tales of other climes and days, times beyond computation. They are all merely variations of the old, old idea—the idea in the air.

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