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Embracing "Elsewhereness"
May Agnes Fleming and Late Nineteenth-Century Transatlantic Authorship
L'accueil d'un « ailleurs »
May Agnes Fleming et la paternité de l'oeuvre transatlantique à la fin du dix-neuvième siècle

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Résumé de l'article

Au Canada, la paternité de l'oeuvre au dix-neuvième siècle était fondamentalement transatlantique. Les auteur·trice·s qui résidaient en Amérique du Nord britannique et, plus tard, au Canada, devaient naviguer le réseau d'édition transfrontalière afin de recevoir une compensation financière ou atteindre un grand nombre de lecteur·trice·s. Alors que les conditions matérielles et judiciaires de l'édition transfrontalière étaient considérées comme des obstacles auprès de nombreux·ses auteur·trice·s canadien·ne·s, quelques-un·e·s en ont tiré profit. Tel a été le cas de May Agnes Fleming, autrice néo-brunswickoise dont la carrière littéraire a été rendue possible par sa poursuite de l'édition transfrontalière – et, ultérieurement, transatlantique. Dans cet article, j'examine comment l'acquisition d'un vaste lectorat par Fleming ainsi que son succès financier subséquent sont nés des accords sur le droit d'auteur de l'époque. En présentant l'exemple de Fleming comme étude de cas, cette analyse nous encourage à repenser notre perception des circonstances éditoriales du dix-neuvième siècle comme une entrave à la paternité de l'oeuvre pour laisser de la place aux auteur·trice·s qui ont su les négocier habilement et délibérément.

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Embracing "Elsewhereness": May Agnes Fleming and Late Nineteenth-Century Transatlantic Authorship

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Abstract

Authorship in Canada during the nineteenth century was fundamentally transatlantic. Authors who resided in British North America, and later Canada, needed to navigate the system of trans-border publishing if they wished to see much in the way of financial compensation or wide readerships. While the material and legal conditions of trans-border publishing were a hindrance to many authors residing in Canada, some were able to negotiate these conditions to their advantage. One such author is May Agnes Fleming, a New Brunswick-born writer whose literary career was made possible through her pursuit of trans-border — and eventually transatlantic — publishing. In this article, I explore how Fleming's accrual of mass-market, transatlantic readers and subsequent significant financial success was born by this period's international copyright agreements. Using Fleming as a case study, this article encourages us to challenge our perceptions of nineteenth-century publishing conditions as exclusively an obstacle to authorship, instead making room for authors who cannily negotiated these conditions in an exceptional, intentional way.

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Résumé

Au Canada, la paternité de l'œuvre au dix-neuvième siècle était fondamentalement transatlantique. Les auteur·trice·s qui résidaient en Amérique du Nord britannique et, plus tard, au Canada, devaient naviguer le réseau d'édition transfrontalière afin de recevoir une compensation financière ou atteindre un grand nombre de lecteur·trice·s. Alors que les conditions matérielles et judiciaires de l'édition transfrontalière étaient considérées comme des obstacles auprès de nombreux·ses auteur·trice·s canadien·ne·s, quelques-un·e·s en ont tiré profit. Tel a été le cas de May Agnes Fleming, autrice néo-brunswickoise dont la carrière littéraire a été rendue possible par sa poursuite de l'édition transfrontalière – et, ultérieurement, transatlantique. Dans cet article, j'examine comment l'acquisition d'un vaste lectorat par Fleming ainsi que son succès financier subséquent sont nés des accords sur le droit d'auteur de l'époque. En présentant l'exemple de Fleming comme étude de cas, cette analyse nous encourage à repenser notre perception des circonstances éditoriales du dix-neuvième siècle comme une entrave à la paternité de l'œuvre pour laisser de la place aux auteur·trice·s qui ont su les négocier habilement et délibérément.

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Introduction

Nineteenth-century authorship was a transatlantic phenomenon. Characterized by the rise of sensation fiction, the periodical press, and an expanding body of readers, the 1800s witnessed the emergence and subsequent acceleration of trans-border authorship, unauthorized reprinting, and transatlantic literary exchanges. In this vein, examining nineteenth-century authorship as a fundamentally transatlantic phenomenon allows us to explore authors whose careers were ephemeral, fleeting, and sensational by-products of the genres in which they wrote and the periodicals that published them. Beyond crafting sensational novels and short fiction that captured readers on both sides of the

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Atlantic, authors looking to find success through trans-border and transatlantic publishing systems cannily navigated networks of unauthorized reprinting.[1]

May Agnes Fleming was one such author. Frequently dubbed Canada's first best-selling writer,[2] her rise in popularity "coincided with the rapid expansion of the weekly story papers and the concomitant demand for writers."[3] Fleming (née Early), a descendant of Irish immigrants, was born in Saint John, New Brunswick on 15 November 1840.[4] She lived in Canada with her husband John W. Fleming and their four children until 1874, when they moved to New York. There, she continued to write for American and British periodicals until her premature death on 24 March 1880. But her authorial career began long before, when, at age fifteen, the *New York Mercury* published her short story.

Eventually, Fleming published over one hundred authorized texts, including at least sixty short stories, thirty-six novels, and ten poems. Posthumously, four short fiction collections, seven novels, and two German translations of her works were published in her name. As Lorraine McMullen notes, while it is difficult to discern which titles are original publications and which are merely reprints with different names,[5] the aforementioned numbers reflect only the *first* publication of each title. Additionally, these numbers reflect only the texts scholars have preserved and located. There may be other works that remain unrecovered or, unfortunately, lost from historical and literary records.

Despite the sheer quantity of her work, Fleming's fiction and legacy have largely been relegated to footnotes. In their introduction to *Silenced Sextet: Six Nineteenth-Century Canadian Women Novelists*, Carrie MacMillan, Lorraine McMullen, and Elizabeth Waterston note that Fleming rarely

[1] Note that this study is centred on publishing in English.
[2] Lorraine McMullen, "May Agnes Fleming," in *Canadian Writers Before 1890*, ed. William H. New (Michigan: Gale Research, 1990), 103-105 (104); Nick Mount, *When Canadian Literature Moved to New York* (Toronto: University of Toronto Press, 2005), 6.
[3] McMullen, "May Agnes Fleming," 104.
[4] Lorraine McMullen, "A Checklist of the Works of May Agnes Fleming," *Papers of the Bibliographical Society of Canada* 28, no. 1 (1989): 25-37 (25).
[5] McMullen, "Checklist," 26.

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receives "more than passing attention" in contemporary studies of Canadian writers.[6] She was "the country's first best-selling novelist"[7] and "the most significant" among a group of women writers who explored "international market[s] for new types of fiction."[8] Regardless, in-depth discussions of Fleming's career are few and far between, despite numerous instances of her name in the indices of studies on the history of authorship in Canada and sensation literature and periodical publishing in nineteenth-century America.[9]

McMullen's two studies on Fleming, cited throughout this article, remain the most expansive overviews of her career, both in their compilation of her bibliography and discussion of her biography. Furthermore, Jennifer Chambers' 2005 doctoral thesis includes a chapter dedicated to Fleming's fiction, providing an in-depth genre-based study that explores how she worked within and challenged the conventions of domestic fiction. Elements of Chambers' research, particularly regarding the influence of Fleming's personal life on her stories, have informed my reading of Fleming's fiction. The Database of Canadian Early Women Writers (DoCEWW) and Canada's Early Women Writers Project (CEWW) provide well-researched biographies for Fleming, including an easy-to-navigate, hyperlinked bibliography of her publications.

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[6] Carrie MacMillan, Lorraine McMullen, and Elizabeth Waterston, "Introduction," in *Silenced Sextet: Six Nineteenth-Century Canadian Women Novelists*, eds. Carrie MacMillan, Lorraine McMullen, and Elizabeth Waterston (Montreal: McGill-Queen's University Press, 1992), 10.

[7] Mount, *When Canadian Literature Moved to New York*, 6.

[8] Clarence Karr, *Authors and Audiences: Popular Canadian Fiction in the Early Twentieth Century* (Montreal: McGill-Queen's University Press, 2000), 27.

[9] See Mount's *When Canadian Literature Moved to New York*; Carole Gerson, *Canadian Women in Print, 1750–1918* (Waterloo: Wilfrid Laurier University Press, 2010); Gwendolyn Davies, '"Dearer Than His Dog': Literary Women in Pre-Confederation Nova Scotia," in *Studies in Maritime Literary History, 1760–1930* (Fredericton: Acadiensis Press, 1991); Andrew King, *The London Journal, 1845–83: Periodicals, Production and Gender* (Routledge, 2004); Albert Johannsen, *The House of Beadle and Adams and Its Dime and Nickel Novels: The Story of a Vanished Literature* (Norman: University of Oklahoma Press, 1950); Helen Waite Papashvily, *All the Happy Endings: A Study of the Domestic Novel in America, the Women Who Wrote It, the Women Who Read It, in the Nineteenth Century* (Port Washington: Associated Faculty Press, 1792); Karr's *Authors and Audiences*; and the "May Agnes Fleming" entry in the American Women's Dime Novel Project.

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These resources have been invaluable to this project, especially as I have expanded and built on McMullen's 1989 bibliography of Fleming's work, "A Checklist of the Works of May Agnes Fleming." What these databases, scholarly projects, and chapters do not address directly – and, in some cases, omit – is *how* Fleming established such a prolific and financially successful transatlantic career. Although these resources track Fleming's publishing connections and the exclusive contracts she signed with various periodicals in the United States, they do not acknowledge how she navigated the material, cultural, and legal conditions of the period or how her works established transatlantic reach. While Fleming's residency in Canada and pursuit of American publishing venues largely defined her career, framing her within an exclusively trans-border context overlooks her transatlantic success. I argue that an examination of this facet is necessary to highlight how Fleming's use of transatlantic sensation fiction resulted in a sensational transatlantic career.

Carole Gerson expresses a similar sentiment in "Writers Without Borders: The Global Framework of Canada's Early Literary History," invoking Fleming as a symbol of how transnationalism defined authorship in nineteenth-century Canada. Gerson uses Fleming's "legendary success"[10] as an example of how "Canadian writers ... have always operated in an international context concerning the context of their texts, the location of their publishers, their desire for audience, and their own travels and domiciles."[11]

Gwendolyn Davies echoes this reading of Fleming in "Publishing Abroad," where she highlights the importance of "a *global* romance audience" to Fleming's career (emphasis mine).[12] The transition to globality and transnationalism Gerson and Davies undertake signals an

[10] Carole Gerson, "Writers Without Borders: The Global Framework of Canada's Early Literary History," *Disappearance and Mobility. Canadian Literature* 201 (2009): 15-33 (15).
[11] *Ibid*., 16.
[12] Gwendolyn Davies, "Publishing Abroad," in *History of the Book in Canada Volume Two: 1840–1919*, eds. Yvan Lamonde, Patricia Lockhart Fleming, and Fiona A. Black (Toronto: University of Toronto Press, 2005), 139-146 (143).

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expansion of the trans-border approach McMullen employs. As such, these scholarly works are the starting points for this article.

However, both Davies and Gerson centre their discussions of Fleming's career on her relationship with American publishers and periodicals, positioning her participation in transatlantic literary culture as almost incidental. As such, the full transatlantic reach of her career remains somewhat unexplored. Even Davies' work, which explicitly notes Fleming's pursuit of a global readership, only makes a quick mention of her work with the *London Journal*. Davies fails to highlight the various United Kingdom periodicals that reprinted Fleming's works after her death – something vital to understanding her transatlantic reach. Moreover, the details of how Fleming negotiated the legal and cultural conditions of the late nineteenth century, culminating in an often-cited contract with the *New York Weekly* and a partnership with the *London Journal*, have been largely glossed over. This lapse is precisely what this article seeks to emphasize. Inspired by Gerson and Nick Mount's materialist work, as well as McMullen's bibliographical research, this piece explores May Agnes Fleming's sensational transatlantic success. In conjunction with my bibliography of Fleming's work,[13] I seek to highlight how her writing traversed the Atlantic to Britain. It was, in fact, this transatlantic travel that led to her contract with the *New York Weekly* – the most beneficial of her career – as well as her partnership with the *London Journal* and substantial reprinting in periodicals across the United Kingdom.

Fleming's authorial career exemplifies how the material conditions of literature production in nineteenth-century Canada, while in some respects limiting, bred opportunities for her to find success in the transatlantic print network.[14] Her success was due in no small part to

[13] Sarah Dorward, "A Working Bibliography of Texts by May Agnes Fleming," *Canadian Literature* 256 (2024): 134-147.

[14] Fleming is, of course, not the only writer whose career was positively shaped by the culture of unauthorized reprinting and the transatlantic authorship circuit. Examples of Canadian and British North American-born authors writing popular literature in the same period include James De Mille, Ralph Connor, and Margaret Marshall Saunders, among others. James De Mille relied more heavily on trans-border publishing arrangements, specifically with Harper in New York,

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cross-border publication, a culture of unauthorized reprinting, and transatlantic publishing agreements. I use Fleming as a case study to demonstrate how recontextualizing the cultural, legal, and material conditions of authorship emphasizes the resourceful, canny negotiations some authors undertook to find rare literary success while residing in Canada. Such endeavours highlight what Gerson calls the "internationalism of English-language print culture" in the late nineteenth century.[15]

During her career, Fleming was often prescribed national identities. She was, for example, a "New Brunswick story-writer" according to the author of her 1878 interview with *The World*,[16] and an "American writing expert," as *Philadelphia Saturday Night* once suggested. However, much as Gerson does in "Writers Without Borders," I argue that authorship in this period was not nationally bound. While I acknowledge that Fleming's career was largely defined by her residency within Canada – and the legal and copyright implications and effects of this residency on her success – this study rejects the inclination to label her as "Canadian" in favour of

though many American (and some British) reprints appear. For more information about De Mille's publishing arrangements, see Daniel Burgoyne, introduction to *A Strange Manuscript Found in a Copper Cylinder*, by James De Mille (Peterborough: Broadview Press, 2011) and Malcom Parks, introduction to *A Strange Manuscript Found in a Copper Cylinder*, by James De Mille (Montreal: McGill-Queen's University Press, 1986). Margaret Marshall Saunders and Ralph Connor, in contrast, had more actively pursued transatlantic literary/publication arrangements. See: Gwendolyn Davies, introduction to *Beautiful Joe*, by Margaret Marshall Saunders (Halifax: Formac Publishing Company Limited, 2001); Gwendolyn Davies, introduction to *Rose of Acadia*, by Margaret Marshall Saunders (Halifax: Formac Publishing Company Limited, 2002); Eli MacLaren, "The Magnification of Ralph Connor: 'Black Rock' and the North American Copyright Divide," *The Papers of the Bibliographical Society of America* 101, no. 4 (2007): 507-531; and Karr's *Authors and Audiences*.

[15] Gerson, "Writers Without Borders," 26.

[16] As Gwendolyn Davies notes in her introduction to *Fiction Treasures by Maritime Writers: Best-Selling Novelists from Canada's Maritime Provinces 1860–1950* (Halifax: Formac Publishing Company Limited, 2015), the Maritime Provinces have "intrinsic internationalism" thanks to their dependency on the trade, export, and import of goods from the "Atlantic world" (7). Economic and physical conditions in the region aside, Davies states that "regional writers ... have made it clear [that] Maritimers have always functioned in a world every bit as international or cosmopolitan as that of today" (8). With this in mind, the "New Brunswick story-writer" title reinforces Fleming's fundamentally transatlantic and internationalized status – both as an author and, more broadly, as a Maritimer.

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emphasizing the transcultural and transatlantic qualities of her career trajectory, her works, and even Fleming herself.[17]

The Early Years: Navigating the Transatlantic Print Network

Fleming's initial toe-dip into trans-border publishing and transcultural literature far predated her transition into the world of professional authorship. In 1857, the *New York Mercury* – one of the most popular serial papers of the time[18] and one of Fleming's frequent reads[19] – published her first text, "The Last of the Mountjoys." As a fifteen-year-old living in pre-Confederation Canada, she had attained publication in a widely read American periodical and received "three gold dollars" for the work ("Mrs. May Agnes Fleming"). This milestone marked the beginning of what would become an illustrious authorial career.

From mid-1859 to late 1860, Fleming's publications became more prolific and consistent in the United States. During this period, she wrote almost exclusively with the *Sunday Mercury* and the *New York Mercury*. She also penned a novel and short story with *The Pilot*, a Boston-based periodical, in 1861 and 1862,[20] as well as four novels with the *Metropolitan Record* between 1860 and 1864. However, Fleming's career flourished during this period due to her partnership with the Mercury family. She published twenty-two stories and two serialized novels with the *New York Mercury* and its companion periodical, the *Sunday Mercury*, between 1859 and 1860. In the same span, she worked as a teacher for young girls attending her parish in Saint John. But as she found greater authorial

[17] Note that for the general, length-of-the-century sense, I have opted to use the name "Canada." Otherwise, I use the historically specific terms.

[18] Lorraine McMullen, "May Agnes Fleming: 'I did nothing but write,'" in *Silenced Sextet: Six Nineteenth-Century Canadian Women Novelists*, eds. Carrie MacMillan, Lorraine McMullen, and Elizabeth Waterston (Montreal: McGill-Queen's University Press, 1992), 67-96 (55).

[19] *Ibid.*

[20] In "Checklist," McMullen states that Fleming wrote a story titled "Ellie Moore" for *The Pilot* in 1862 (30). However, I sifted through each weekly edition of *The Pilot* from 1862 to find the publication details of this story, and it seems that no story with this title was published.

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success and consistent publishing with these three venues, she retired from teaching to pursue writing full-time.[21]

Soon after, Fleming established herself as a mass-market commercial author. Acquiring so many publication opportunities is impressive in and of itself; having also established a collection of dedicated American readers highlights her superb ability to craft stories that would "keep [her] readers coming back for more."[22] One such novel is *Sybil Campbell; or The Queen of the Isle*, the "most popular of [her] early romances."[23] *Sybil Campbell* first appeared in the *New York Mercury* from October to December 1860 and was Fleming's sixth published novel. At approximately nineteen years old and still living in Saint John when the story was serialized, she was forcefully establishing herself as an active participant in the North American literary scene.

With the publication of *Sybil Campbell*, Fleming's career increasingly defined the contentious topic of copyright protection (or the lack thereof). Like other nineteenth-century British North American authors, her local publishing prospects were limited, and paid opportunities were fewer still. As such, she turned to an American periodical to serialize her novels. While this relationship helped in securing broader readerships, it granted her little in the way of intellectual property rights and offered no financial advantage.

Per the British Copyright Act of 1841, British authors who published their works in Britain first would receive copyright protection. This law, as George Parker notes, also applied to colonial writers living in British North America. Therefore, authors like Fleming would need to have their original publications in Britain.[24] While helpful for those with British literary connections, this legislation withheld Britain-based copyright from

[21] McMullen, "'I did nothing but write,'" 56.
[22] Jennifer Chambers, "Unheard Niagaras: Literary Reputation, Genre, and the Works of May Agnes Fleming, Susie Frances Harrison, and Ethelwyn Wetherald," PhD diss. University of Alberta, 2005, 70.
[23] McMullen, "'I did nothing but write,'" 59.
[24] George Parker, "English-Canadian Publishers and the Struggle for Copyright," in *History of the Book in Canada Volume Two: 1840–1919*, eds. Yvan Lamonde, Patricia Lockhart Fleming, and Fiona A. Black (Toronto: University of Toronto Press, 2005), 148-159 (148).

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authors who were originally published in British North America; as a result, British publishers could reprint their works without providing additional compensation. Moreover, if an author residing in British North America wanted to publish a novel with an agency in Britain, they were obligated to navigate the agency system – a system that copyright law produced.[25] Consequently, long-form publications like Fleming's novels were not particularly well-suited to the British North American publishing landscape.

In addition to these Britain-fronted challenges, authors in British North America had to navigate copyright challenges stemming from the United States. The American Copyright Act of 1790 remained the ruling precedent throughout nearly the entirety of the nineteenth century. Its copyright protections did not extend to authors residing outside the United States or works whose original publication occurred elsewhere. The Act "accorded copyright only to American Citizens."[26]

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[25] In the agency system, British North American publishers formed agreements with foreign publishers. These agreements saw an "annual commission and a share of the profits from individual sales" of works originally produced by international publishers. While this system provided British North American authors with more opportunities for paid publication, the system was "practically destroyed" by the passing of the Foreign Reprints Act of 1847, which permitted the importation of American reprints of British works into Canada (Parker, "English-Canadian Publishers," 150). The Foreign Reprints Act meant that foreign publishers had very little incentive to partner and negotiate with British North American publishers, as works initially published outside of British North America could be distributed regardless. As such, opportunities for British North American authors to make more lucrative publication connections dwindled significantly. See also: George Parker, "The Struggle for Literary Publishing: Three Toronto Publishers Negotiate Separate Contracts for Canadian Authors 1920–1940," *Papers of the Bibliographical Society of Canada* 55, no. 1 (2017): 8-50.

[26] Eli MacLaren, "'Chiefly Pirated Editions': The Publishing of Sara Jeannette Duncan's *A Social Departure* (with Bibliographical Descriptions)," in *A Social Departure: How Orthodocia and I Went Round the World by Ourselves: A Critical Edition*, eds. Linda Quirk and Cheryl Cundell (Ottawa: Tecumseh Press, 2018), 522-556 (524); MacLaren uses the phrase "citizen" in his study of American copyright. However, the American Copyright Act of 1790 states that "from and after the passing of this act, the author and authors of any map, chart, book or books already printed within these United States, being a citizen or citizens thereof, *or resident within the same* ... shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of fourteen years from the recording of the title thereof in the clerk's office, as is herein after directed" (emphasis mine). Discussing copyright protection exclusively in the context of citizenship overlooks the importance of residency in trans-border authorship. See also: "Copyright Act of 1790", United States Copyright Office: a department of the Library of Congress, accessed October 10, 2022, https://copyright.gov/about/1790-copyright-act.html.

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The implementation of the Copyright Act of 1790 allowed American publishers and printers to reprint the works of any non-American resident as liberally and openly as they wanted, profiting continually without paying royalties to the author.[27] Therefore, while an author living in British North America could distribute their works with an American publisher for a price, they were unlikely to receive financial compensation for any subsequent redistribution. The practice of trans-border redistribution, a "cross-border phenomenon,"[28] meant that works by British North American writers could be (re)shared and (re)distributed throughout the United States, Britain, and even back to British North America.

This "culture of reprinting"[29] would influence and ultimately define Fleming's career following the serialization of *Sybil Campbell* – most of her novels were published in paperbound form within a year of serialization. *Sybil Campbell* proved to be one of her most widely circulated novels and was her first serialized novel to be reprinted almost immediately after its serialized run. Two of her prior novels were eventually reprinted without authorization; however, these reprints emerged during the peak of her career. As a result, Fleming's works were effectively revived and recirculated once she had established herself as a hot-ticket author.

For example, *Edith Percival; or, The Hermit of the Cliffs*, appearing in the *New York Mercury* from July to September 1859, was the first novel Fleming published. It was not reprinted until 1865, when F. M. Lupton (New York) released it under the title *Hermit of the Cliffs*. Similarly, *Three Cousins; or, Life at Hinton Hall* was originally published in the *Metropolitan Record* between April and June 1860. However, it was not until the 1870s that W. G. Gibson (Toronto) reprinted it. Later still, Street and Smith (New York) – Fleming's publisher at the time of her death – reprinted *Three Cousins* once more. Prior to *Sybil Campbell*, only two of her five novels

[27] Copyright Act of 1790.
[28] Adrian Johns, *Piracy: The Intellectual Property Wars from Gutenberg to Gates* (University of Chicago Press, 2009), 51.
[29] Meredith L. McGill, *American Literature and the Culture of Reprinting, 1834–1853* (Philadelphia: University of Pennsylvania Press, 2007), 2.

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were ever reprinted; the reprinting of *Sybil Campbell* marked a shift in how frequently her works were reprinted in both the United States and Canada.

Sybil Campbell was reprinted without authorization at least ten times – and under many different titles – in the following years, indicating an impressive degree of popularity and wide readership. The novel finished its run in the *New York Mercury* in 1861, after which Beadle (New York) issued the first unauthorized reprint, *Sybil Campbell; or, The Queen of the Isle*, the same year. Then, in 1862, Brady (New York) reprinted it again under the same title, without authorization or compensation to Fleming. There would be a thirteen-year gap before the novel's next reprinting, at which point Brady released it again in 1875 as *An Awful Mystery*. Beadle and Adams (New York) reprinted the novel as *An Awful Mystery; or, Sybil Campbell, The Queen of the Isle* sometime after the 1875 Brady reprint, though the precise publication date is unknown.

In 1886, six years after Fleming's death, the Federal Book Co. (New York), Dillingham (New York), and E. E. Sheppard (Toronto) all reprinted *Sybil Campbell*. Each reprint had a different name: in order, they are 1) *The Queen of the Isle*, 2) *The Queen of the Isle; or, The Campbell's Curse*, and 3) *The Queen of the Isle: A Novel*. In 1904, twenty-four years after Fleming's death, Donohue (Chicago) reprinted the novel. The most recent reprint I have located appeared courtesy of Hurst (New York) sometime in the 1910s.

As evidenced by the number of unauthorized reprints following its initial 1860 serialization, the success of *Sybil Campbell* demonstrates Fleming's ability to capture a readership and thrive within the North American literary market. The blending of literary inspirations like Poe, as well as the novel's legacy of re-publication, speak to the effort she put into constructing a text that would appeal to transatlantic audiences for mass-market novels. The almost immediate unauthorized reprint of *Sybil Campbell* validates her success in doing so, as it signals a crucial shift in her impact and popularity as a writer. Twenty-six of the thirty-one novels Fleming wrote following *Sybil Campbell* would be reprinted without authorization after their initial serial run ended. The average time between

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the completion of each novel's serial publication and the appearance of its first unauthorized reprint is five-and-a-half years; however, this average skews high because some reprints appeared up to twenty-five years after a novel completed its serial run. Of the twenty-six novels with unauthorized reprints, thirteen appeared within the same year serialization ended.[30]

Americanization, National Adoption, and the Marketing of Nation

The boom in unauthorized reprints that started with the publication of *Sybil Campbell* is indicative of Fleming's entrance into a new stage of her authorial career: the Americanization of her works, both in content and physical presence. As her popularity within the United States grew, she increasingly set her stories and novels there despite living in Canada – a tacit strategy to accommodate and draw in her American readership. In the mid-to-late nineteenth century, "new publishers appeared, old houses embarked on a process of transformation, and the concept of 'best-seller' firmly entrenched itself in the consciousness of publishers, booksellers, and readers."[31] Fleming was an established periodical writer well-versed in the kinds of stories that would perform well in American periodicals.

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[30] Due to challenges related to the COVID-19 pandemic, I was not able to view all of the unauthorized reprints of Fleming's novels in person. Many of the works cited were viewed digitally. However, I viewed each of the reprints cited in "A Working Bibliography of the Texts by May Agnes Fleming," and these reprints bore many similarities that indicated they were unauthorized. One of the most significant and notable giveaways was the lack of copyright information – when copyright information was available, it was never given to one of Fleming's publishers or to the publication she had a relationship with. Often, these reprints cite early reprints by well-known reprinters, such as Beadle and Adams, as the copyright holder. Given that Fleming did not have a relationship or agreement with these publishers, this claim to copyright protection is false. Fleming's earliest novels, which were serialized with the *Mercury* family, would not have had an authorized reprint following their publication, as she did not have a contract with these publications; she was paid per story. Her final contract with the *New York Weekly* was the only contract she signed that included an authorized full book-form reprint of her novels after their serialization, once again disproving these oft-cited claims to copyright protection. In addition to the issue of copyright, several of these reprints were marked as part of a numbered publishers' series or popular literature library, contained many ads, were cloth bound, had thin paper covers instead of hardcovers, and were printed on thin (in some cases, highly acidic) paper. The variations in the stories' titles (and, in some cases, character names and locations) also reveal that they are unauthorized reprints.

[31] Karr, *Authors and Audiences,* 26.

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McMullen notes that Fleming's use of real people in real, recognizable places was key to her success; her stories were "set in England or New York, where the readership was."[32] Fleming's eleventh short story, "Love's Young Dream" – which offers a structural development that speaks to the maturation of her writing abilities – appeared on the second page of the *Sunday Mercury's* 20 November 1859 issue. Notably, it "differs slightly from preceding stories in being structured as a frame story."[33] The story emerged relatively early in her career, appearing only two years after the publication of "The Last of the Mountjoys."

Through subtleties, we learn that "Love's Young Dream" is set in the United States; with Brentford, South Dakota as its setting, it uses "governor" to describe government officials and "college" to describe higher education. McMullen posits that the story's setting is "an obvious accommodation to the American audience,"[34] an attempt to integrate the need for "real places" that – in part – allowed popular fiction to reach a greater number of readers.[35] Similarly, "The Wages of Sin," published on 19 February 1860 in the *Sunday Mercury* only a few months after "Love's Young Dream," pays special attention to its American readership by clearly articulating its American cultural and geographical setting. It is set in the "fashionable American world,"[36] with the narrative voice indicating the protagonist's presence in New York, Newport, and Washington.

Simultaneous with Fleming's active, self-driven Americanization of her stories was the marketing of her works as American in some capacity. The publication of her 1868 novel *The Baronet's Bride* highlights a particularly pivotal point in her career trajectory. Unlike the two previously mentioned short stories, the contents of which were Americanized through their settings, *The Baronet's Bride* was Americanized through its marketing – and, by extension, Fleming's marketing – as an embodiment of American Romance. Although the novel takes place in Britain, *Philadelphia Saturday*

[32] McMullen, "'I did nothing but write,'" 59.
[33] *Ibid.,* 58.
[34] *Ibid.,* 58.
[35] Karr, *Authors and Audiences,* 27.
[36] McMullen, "'I did nothing but write,'" 58.

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Night, the American periodical that ran it, labelled Fleming an "American Romance" writer in their advertisement for the story's run: "We shall soon give to our readers a romance by a new contributor to these columns, although she is well known and deservedly popular in the field of American Romance."[37]

The emphasis on the phrase "American Romance" is particularly interesting here, given that the story is set in England and authored by a then-current resident of Saint John, New Brunswick. This labelling of Fleming's work and its disjunction from her national origins highlights the porousness of nationalistic literary divides. The advertisement's labelling of the novel as being somehow fundamentally American in its romance aptly highlights the transcultural qualities of the text and of Fleming herself, as she utilizes British frontiers to be "claimed" by her American readers. Meredith L. McGill suggests that instead of establishing "the Americanness of a book by reference to its subject matter or to the nationality of its author ... national values were instantiated in the process of a book's production."[38] Moreover, through reproduction and reprinting in America, a book was American "regardless of its content or the provenance of its author."[39] Fleming's works became Americanized not only through their initial publication in America but also through their recirculation as unauthorized reprints, as I will explore in more detail later in this section. *The Baronet's Bride* was reprinted only three times following its serialization (all without authorization), yet the novel is significant to Fleming's career trajectory.

The Baronet's Bride was the first text Fleming wrote for *Philadelphia Saturday Night*. She wrote exclusively for this publication between 1868 and 1871, releasing three stories at $666.66 per year for $2,000.[40] This publishing agreement was her first long-term contract, lasting for three years. McMullen notes that although *Philadelphia Saturday Night* was only

[37] Advertisement for *The Baronet's Bride*, *Philadelphia Saturday Night*, August 1, 1868, 4.
[38] McGill, *American Literature and the Culture of Reprinting,* 94.
[39] *Ibid.*
[40] "Innocent but found guilty," *Saint John Globe* (Saint John, NB), May 7, 1889, 1.

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launched in 1865 – three years before Fleming began writing for it – the paper "had reached at least one hundred thousand, and maintained one of the largest circulations of any American weekly."[41]

The signing of this exclusivity contract with *Saturday Night* represents the solidification of Fleming's status as a professional author whose financial support for both herself and her family comes from writing. Evidence of this can also be found in the abandonment of her pseudonym upon starting to write for *Saturday Night*; at this point, she began using her full name, Mrs. May Agnes Fleming.[42] This contract between Fleming and *Saturday Night* was also a fundamental precursor to the contract she would later sign with the *New York Weekly* – one that cemented her authorial status. Her popularity within the literary market soared, with her serialized novels crossing the Atlantic, then arriving in Britain and, later, other spaces in the United Kingdom.

By the time Fleming signed this contract, she had written sixty short stories, ten poems, and fifteen novels. During her time writing for *Saturday Night*, she produced eight serialized novels, six of which were followed by an unauthorized reprint by an American publisher within the same calendar year (*The Baronet's Bride* [1868]; *The Heiress of Glengower* [1869]; *Estella's Husband* [1869]; *Lady Evelyn* [1870]; *Who Wins? A Love Story* [1870]; *Magdalen's Vow* [1871]).

The Heiress of Glengower (1869), reprinted by Donohue of Chicago, is a perfect example of the haste with which Fleming's novels were reprinted; Donohue's reprint appeared within the same calendar year of the serialized run. In the rush to print, the title was misspelled on the cover page. The paperbound book, with a colourful front cover and cheap pulp paper, has the title *The Heiress of Glendower* on its cover and spine (Figures 1 and 2, respectively).

[41] During my research, I was unable to locate contracts made between Fleming and her publishers. To my knowledge, these documents have not been preserved. When describing contracts and earnings, I rely on terms/figures cited by–leading Fleming scholar Lorraine McMullen or periodical publications from the nineteenth century that centre Fleming (see note 61); McMullen, "'I did nothing but write,'" 64.

[42] McMullen, "Checklist," 26.

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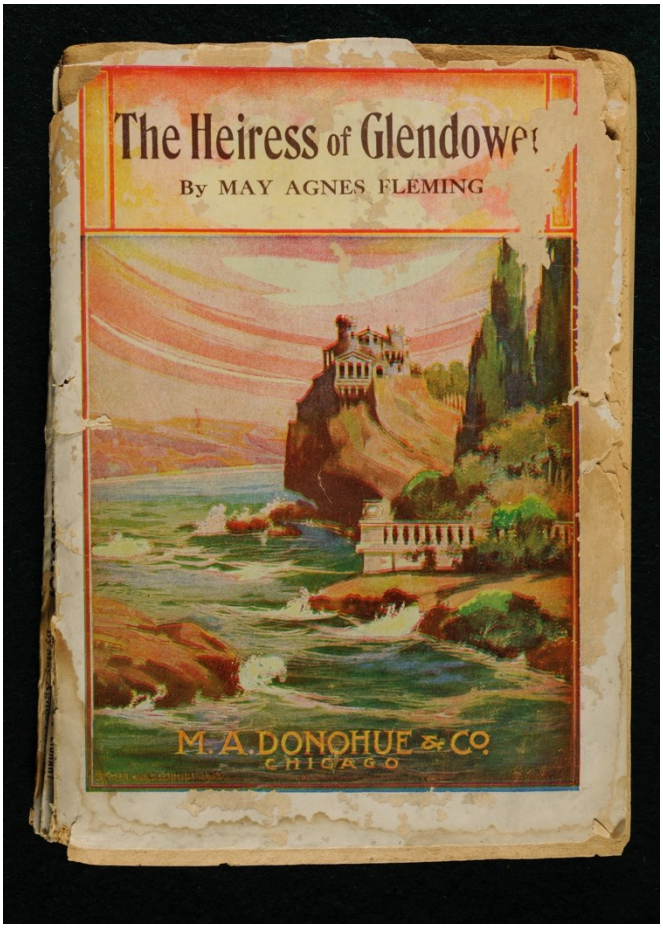

Fig. 1. Cover of Donohue's 1869 reprint of The Heiress of Glengower *(1869). Rare Books and Special Collections, McGill University Library.*

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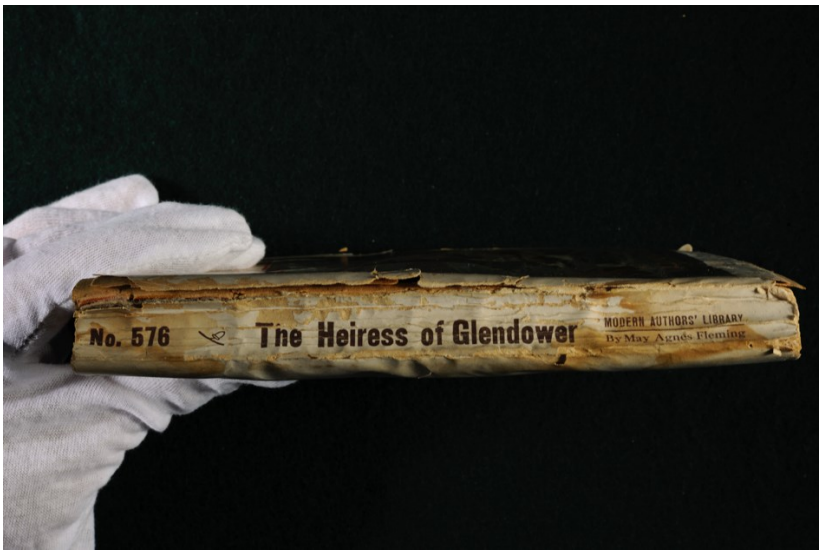

Fig. 2. Spine of Donohue's 1869 reprint of The Heiress of Glengower *(1869). Rare Books and Special Collections, McGill University Library.*

Not only are the letters of the title's last word incorrect, but the name itself is split with a space that isn't in the original. The title page uses the correct name, but with a space in Glengower (Glen Gower), illustrating the disconnect between the publisher's desire to monopolize on the success of a bestselling author via swift publishing and the lack of attention to and interest in producing quality material (Figure 3).

https://doi.org/10.33137/pbsc.v62i1.42149

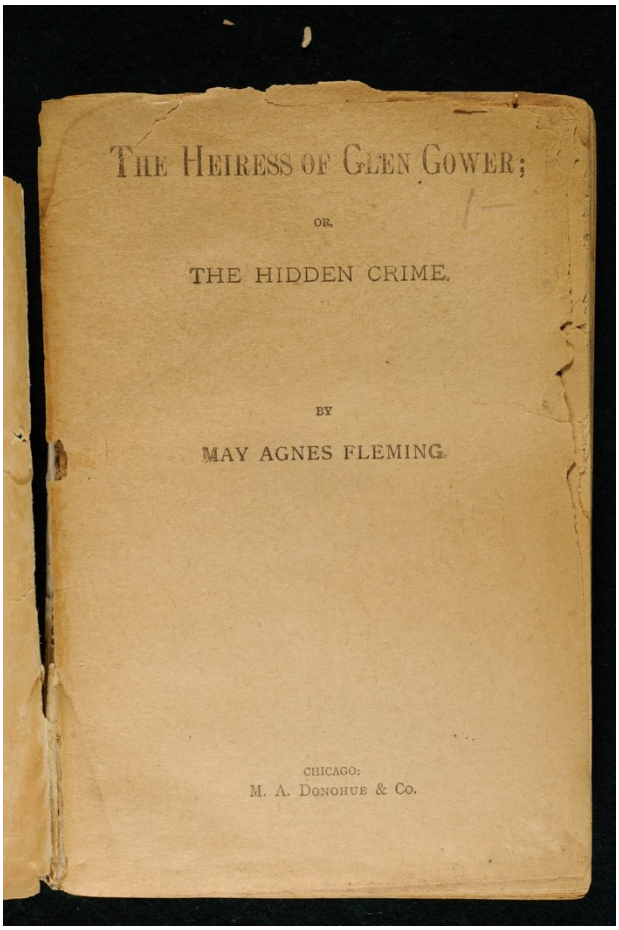

Fig. 3. Title page of Donohue's 1869 reprint of The Heiress of Glengower *(1869). Rare Books and Special Collections, McGill University Library.*

Other indicators that the reprint is unauthorized include its marketing as part of "Donohue's Modern Authors' Library" publisher series (Fleming's novel is #576). The back cover is also riddled with advertisements for other Donohue books, ranging from twenty-five cents for paper and cloth binding to one dollar for full cloth binding. These qualities associate Fleming's novel with financial accessibility and practicality, as most titles advertised are intended for practical purposes such as agricultural instruction and letter writing (Figure 4).

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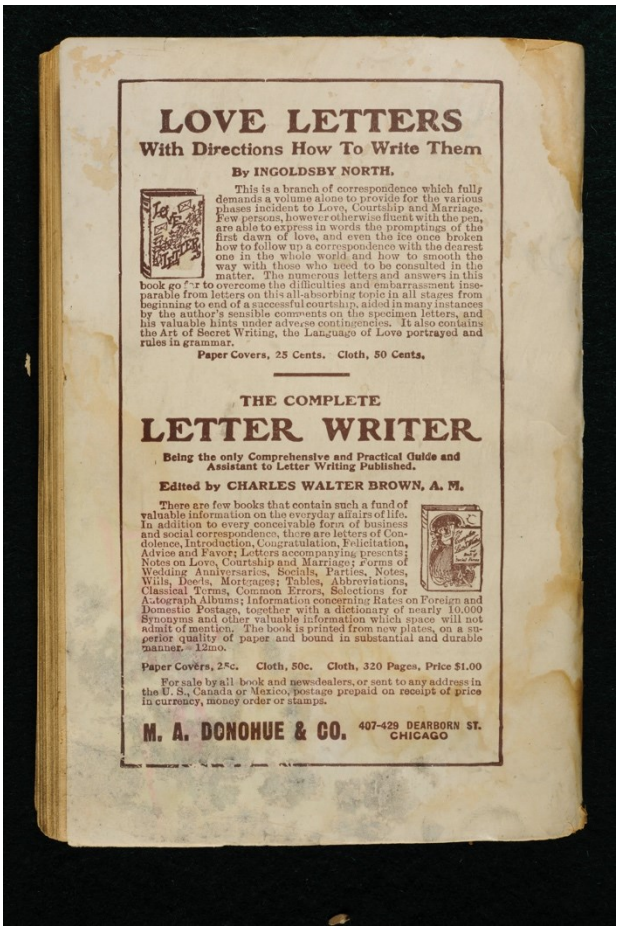

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Fig. 4. Back cover with advertisements in Donohue's 1869 reprint of The Heiress of Glengower *(1869). Rare Books and Special Collections, McGill University Library.*

In addition to the Donohue reprint discussed above, I have examined several other reprints of Fleming's novels for similar evidence of unauthorized reprinting – particularly those published in Canada.[43] These

[43] Reprints of Fleming's works began appearing in Canada between 1873 and 1877 (exact date unknown) with W. G. Gibson's reprint of *Three Cousins; or, Life at Hinton Hall* (1860), retitled *The Three Cousins*. Though there was a reprint of *Kate Danton* by Rose-Belford in 1877, the other Canadian reprints of Fleming's novels I've located appeared in 1880 (the year she died) and onward. I've located eight Canadian reprints of her works and have seen two novels speculated to be her work (*Patricia Kemball*, published by Rose-Belford in 1882, and *She Might Have Done Better*, published by Rose-Belford in 188–?) – though McMullen notes that there's

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include Beadle and Adams' 1861 reprint of *Sybil Campbell*, Brady's 1862 reprint of *Sybil Campbell* (1860–1861), W. G. Gibson's reprint of *Three Cousins; or, Life at Hinton Hall* (1860), Hurst's 1874 reprint of *The Twin Sisters; or, The Wronged Wife's Hate* (1864), Belford Brothers' 1877 reprint of *Kate Danton* (1876), Robertson's 1880 reprint of *Lost for a Woman* (1879–1880), and Rose Belford's reprint of *Eulalie; or, A Wife's Tragedy* (1880).

While not all of these reprints appear in publishers' series, and some have not retained their original binding and covering (specifically, the Beadle and Adams reprint and the Robertson reprint), they are generally printed on fine pulp paper, often lack proper binding, and, most often, maintain the periodical aesthetic of two columns per page. In contrast, authorized reprints, like those from Low and Carleton, present the prose in standard margin form. Several reprints also include Fleming's work as part of a publisher series and contain advertisements for other series at the end of the book. The Brady reprint of *Sybil Campbell* has the largest number of advertisements I have encountered in a reprint that remains in its original binding and cover, boasting ads for eighteen different titles in the Frederic A. Brady Catalogue – including their reprint of Fleming's *Victoria; or, The Heiress of Castle Cliffe* (1862). Donohue's 1869 reprint of *The Heiress of Glengower* (1869) contains a substantial number of advertisements as well.

My assertions about the recirculation and proliferation of Fleming's works throughout the United States (and in Canada and Britain later into her career) are underpinned by these physical copies, which appear to be cheaply and – in the case of Donohue's reprint – swiftly made, either existing within a publisher series or published by notorious unauthorized reprinters like the Belford Brothers or Beadle and Adams. The specific reprints highlighted here represent only a small portion of those that circulated in the years following the publication of nearly all of Fleming's novels after 1862. Six of the eight novels she wrote for *Saturday Night* were

no strong evidence that either of these works are authored by Fleming. See: McMullen, "Checklist," 27.

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reprinted, and from these six came twenty-two unauthorized reprints. This means that each novel published during this contract was reprinted, on average, just over three and a half times. Of these twenty-two reprints, three were published in London and one was published in Toronto, meaning that eighteen were produced and recirculated in the United States.[44]

By the time Fleming's contract with *Saturday Night* was coming to a close, the presence of her works across the Atlantic was growing. As the next section illustrates, her works began regularly appearing in serial form in the *London Journal*, in addition to the few British reprints of novels I have already mentioned. This carries us into the height of Fleming's career, which is driven by transatlanticism. It arrives relatively soon after the period highlighted in this section, following her transition into a contract with the *New York Weekly* in 1872.

Fleming's Final Years and Their Transatlantic Reach

The presence of unauthorized reprints in Britain – and eventually elsewhere in the United Kingdom – brings us to Fleming's full participation in and utilization of the transatlantic print network. Her introduction into the world of transatlantic literature via transatlantic print relations may not have been intentional, but it ultimately proved beneficial for her career trajectory. During the last eight years of Fleming's career and life, her bibliography grew increasingly transatlantic, with her novels being serialized and printed in full in the United States and Britain. While this system and culture of unauthorized transatlantic reprinting might appear as a hindrance to her career and finances – as she was not legally entitled to compensation for these trans-continental reprints – this was not necessarily true. As this section demonstrates, the final years of her

[44] These American reprints emerged from New York (primarily) and Chicago. Whether Fleming's works were recirculated outside of these states is unclear, as my bibliographical research hasn't recovered any additional paperbound copies of these works. While it's possible that her novels were reprinted in serial form, there is currently no evidence that this occurred within the United States aside from one single instance – something that will be discussed in the following section.

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career are decidedly and knowingly transatlantic, with her securing a contract that included the authorized serialization (and, later, book-form printing) of her novels in Britain.

As mentioned in the previous section's conclusion, the novels Fleming had written for *Philadelphia Saturday Night* were reprinted, both in periodicals and paperbound form, in the United States and across the Atlantic without authorization from Fleming or her publishers. Because Fleming was not an American resident when writing for *Saturday Night*, her works were not protected in the United States, nor were they protected in Britain due to their initial publication in American periodicals. This meant that in addition to the unauthorized reprints that could emerge in the United States, versions of her novels – with the titles and/or settings changed[45] – could be (and were) published anonymously overseas in periodicals and penny fiction weeklies like the *London Journal.*

The *London Journal* was a frequent reprinter of American fiction, including Fleming's. Andrew King notes that while there had been a "two-way traffic in mass-market fiction between London and New York in continuous operation since the 1830s,"[46] by the end of the nineteenth century, "readers of British periodicals were treated to a regular diet of imported American [content],"[47] as "the work of North American authors began to circulate widely in Britain from the 1830s but intensified in the 1850s."[48] The 1851 copyright agreement established between Britain and France was a significant contributor to this intensification. According to King, this new agreement drastically increased the costs of translating

[45] Andrew King suggests that this was a common practice for British periodicals, including the *London Journal*. He states that "often the names of characters and the setting of the plot were changed when a serial migrated from one publication to another," and in instances where texts migrated from the United States to London, America-specific references (for example, stories set in New York) would be changed to British-specific references, (e.g., setting the story in London). Anonymity is important here, as it directly supports the shifting of non-British texts into British contexts. By removing the author's name, the *London Journal* was able to monopolize on already-published works while implicitly indicating to readers that they were reading a new, original novel. See: Andrew King, *The London Journal*.

[46] King, *The London Journal*, 9.

[47] *Ibid.*, 164.

[48] *Ibid.*, 171.

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French stories, which inspired "the British mass-market [to turn] to American writers,"[49] as American texts could be reprinted legally without concern for copyright. So, from a production perspective, "the major advantage of non-British fiction was that it was cheap."[50] This fact, alongside the increase in opportunities for women writers in America during this period, led the *London Journal* to be "identified by an almost equal distribution of American women and British male writers"[51] by the mid-1850s.

Having her work appear anonymized in the *London Journal* is something Fleming experienced for the first time in 1869, just one year into her contract with *Philadelphia Saturday Night – The Heiress of Glengower,* which ran in Saturday Night from 23 January 1869 to 17 April 1869, appeared in the *London Journal* just one month after its authorized serialization completed. A similar event occurred in 1870, when *Who Wins? A Love Story* was published anonymously in the *London Journal* around one week before the authorized serialization completed in *Saturday Night*.[52] In both instances, the novels' titles were changed. Fleming and her publishers at *Philadelphia Saturday Night* were aware of the reprintings, but copyright did not afford them any rights across the Atlantic; the transatlantic reach of these novels was unintentional and beyond their control.

Fleming and her publishers may not have expected that one of her novels printed in the *London Journal* without authorization – *The Heiress of Glengower* – would be the foundation for another reprint, this time by an American periodical: the *New York Weekly*. With the *London Journal* available for subscription in New York via "Colonial Agen[t]" Willmer and Rogers,[53] Francis Scott Street and Francis Shubael Smith – the publishers and editors of the *New York Weekly* – saw Fleming's story

[49] *Ibid.*
[50] *Ibid.*, 70.
[51] *Ibid.*, 109.
[52] *Who Wins? A Love Story* ran from April 16, 1870 to July 23, 1870 in *Philadelphia Saturday Night*. It first appeared in the *London Journal* as *The Mystery of Mordaunt Hall* on July 16, 1870 and finished its run on November 1, 1870.
[53] King, *The London Journal*, 10.

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published anonymously in the *London Journal* and reprinted it in the *New York Weekly* soon afterward. Fleming's novel, written in Canada and published in the United States, had made a round-trip transatlantic journey.

In an interview with *The World*, which was partially reprinted in the *Saint John Globe* on 7 May 1889, Mr. Fleming shares the story of the novel's return to America:

> One of those stories, called "A Sister's Secret,"[54] was stolen by the *London Journal*, which, with the names and situations changed, make it appear as if it were original. The *New York Weekly* finding it a charming romance in the London papers, and the absence of a copyright law permitting it to do so, took the story boldly from the *London Journal*, thus at once paying unconscious tribute to Mrs. Fleming and showing that literary morality is about the same on both sides of the Atlantic. What the *Philadelphia Saturday Night* could not do to the *London Journal* it did to the *New York Weekly* – it pounced down and put a peremptory stop to the further publication of the story – a serial.[55]

As noted in the above passage, the editors of *Philadelphia Saturday Night* took out an "injunction prohibiting continued publication" of the work, causing "quite a stir"[56] among readers of the *New York Weekly*. I find this injunction or peremptory stop striking because, at the time, Fleming was not an American resident. Therefore, her work was not legally protected

[54] It is a bit unclear whether Mr. Fleming is naming the unauthorized reprint in the *London Journal* as *A Sister's Secret*, or if he is referring to the novel Fleming had published with *Philadelphia Saturday Night*. According to McMullen, the story he is describing is *The Heiress of Glengower* (1869), and the title the *London Journal* used was actually *The Sister's Crime* (1869). When I searched for the reprint in the *London Journal*, I found that the novel had been retitled *The Sister's Crime; or, The Heiress of Ravensdale* and ran from May 15, 1869 to September 1, 1869. The discrepancy between the title Mr. Fleming gave and the physical print material supports my skepticism regarding the accuracy with which he reports Fleming's earnings, as well as the strategies used to secure her contract with the *New York Weekly*, outlined in note 60. See also: McMullen, "'I did nothing but write,'" 68.

[55] "Innocent but found guilty," 1.

[56] McMullen, "'I did nothing but write,'" 68.

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within the United States even though an American periodical had first published it. This was certainly underplayed, if not overlooked, by her publishers at *Saturday Night* when they stopped the *New York Weekly*'s serialized reprint. Nonetheless, the publication was stopped. And with an ironic twist, the halting of the reprinting ended up being more beneficial for Fleming than it was for *Saturday Night*.

According to Fleming's husband, this publisher-on-publisher quarrel created "a rivalry between the two papers for [Fleming's] stories."[57] McMullen claims that this led to "a bidding war for the services of the popular May Agnes Fleming," which resulted in Fleming signing an exclusive contract with the *New York Weekly* that lasted from 1872 until her death in 1880. This contract paid three times her *Saturday Night* fee[58] – she received $6,000 a year for three stories, with the condition that she move to Brooklyn.[59] According to the interview in *The World*, this enabled her to make "as high as $500 a column" and maintain a net worth of $225,000 at the time of her death, excluding royalties.[60] We can see

[57] "Innocent but found guilty," 1.
[58] McMullen, "'I did nothing but write,'" 68.
[59] "Innocent but found guilty," 1.
[60] *Ibid.*; It is important to note that the terms of this contract do not come directly from Street and Smith's papers, which hold no record of their dealings with Fleming, but from an interview in *The World* (reprinted in the *Saint John Globe*) with Fleming's husband, John W. Fleming. At the time of this interview, Fleming had been dead for nine years. Before Mr. Fleming cites these earnings, he claims that "a grosser outrage was never perpetrated upon a man than the law ... has perpetrate[d] upon [him]." When prompted by the reporter to explain how the arrangements of Fleming's will came to be, Mr. Fleming explains that their marital troubles stemmed from his wife becoming a successful author while he "remained what [he] was when [he] married [her]": a "hard-working, hard-fisted mechanic." He states that "had it not been for [him] the world would not have heard so much about May Agnes Fleming," as it was through "[his] advice, and partly through [his] exertion, that she made connection with the story papers." Mr. Fleming claims that it was he who conducted the negotiations between Fleming and the publishers of the *New York Weekly* that resulted in the monetary figures cited above. I call on these facts and quotations not to undermine the figures cited by Mr. Fleming (as they appear to be the only surviving record of how much Fleming was earning in her ultimate contract), but to offer a slight warning that Mr. Fleming presents them as attached to his value and ego. As a result, these figures may be somewhat unreliable. In fact, Mr. Fleming seeks to stake a claim in his wife's success – something that, I would argue, is not necessarily founded. Even if he did facilitate negations with the *New York Weekly* (and perhaps *Saturday Night*), his claim that he was responsible for Fleming's connections with story papers is false, given that the couple did not marry until August 24, 1865 – at which point Fleming had already published fifty-four short stories, ten poems, and thirteen novels in American periodicals. As such, I do question whether Mr. Fleming is accurately representing Fleming's income here, as in addition to overlooking the connections

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through this example that her income was directly increased by the culture of unauthorized transatlantic reprinting that was taking place at the time. When signing her contract with the *New York Weekly*, Fleming leveraged her mass readership and her readers' hunger for her serial instalments.

In addition to securing higher compensation for her writing, Fleming secured more publication opportunities through her contract with the *New York Weekly*. The editors arranged for her novels to be subsequently published in hardcover form by George W. Carleton (New York) and Low (London) after they completed their serialization.[61] Additionally, they arranged a deal that would allow Fleming's novels to be simultaneously serialized in the *London Journal*. This contract ensured she would be credited for her work, rather than the *London Journal* publishing anonymously as they previously had.

Fleming was compensated at a rate of twelve pounds per week[62] for the serialization of her novels in the *London Journal*. In forming this relationship with the *London Journal*, the *New York Weekly* effectively prevented her works from being reprinted without authorization while still allowing them to participate in the transatlantic print network. Each instalment of a story was accompanied by a note that read "N.B – This story is copywrite [sic]. Proceedings will be taken in case of infringement."[63] This note first appears with the *London Journal*'s first episode of *A Wonderful Woman*, published on 6 July 1872.

The agreement between these British and American publishers demonstrates how editorial interactions in the nineteenth century were the "most pervasive 'contact zone' between British and American culture, a

she made with the *Sunday Mercury* and *New York Mercury* prior to their marriage, he does not comment on the *New York Weekly*'s partnership with the *London Journal*, British publisher Low, or American publisher Carleton – all of whom were granted rights for authorized reprints and were components of Fleming's contract with the *New York Weekly*. See also: "Innocent but found guilty," 1; McMullen, "'I did nothing but write,'" 63, 74.

[61] Canadian Writing Research Collaboratory, "May Agnes Fleming," *Canada's Early Women Writers*, accessed March 10, 2023, https://cwrc.ca/islandora/object/ceww%3A6d89249a-a068-4524-9d83-21c230596ff5.

[62] "Mrs. May Agnes Fleming: A Chat with the New Brunswick Story-Writer Out in the East of Brooklyn," *The World* (New York, NY), December 10, 1878, 8.

[63] McMullen, "'I did nothing but write,'" 68.

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channel through which words, texts, people, and ideas from one country entered the cultural bloodstream of another."[64] Through this simultaneous publication, each novel produced during the final eight years of Fleming's career "promised audiences beyond the city, into the nation and across the continent."[65] Through these agreements, Fleming established a cultural status that was, however ephemeral, transatlantic in nature.

According to Adrian Johns, American publishers would try to "secure an agreement with the original publisher and/or author for early access" if the text was originally being published in Britain.[66] Then, there would be three paths forward: American publishers might amend the text to claim legal copyright, rely on the assumption that the courtesy of trade would protect the work, or accept that the text would inevitably be reprinted within a few days.[67] Eli MacLaren refers to these publication agreements as "corporate combination,"[68] where out of courtesy and dedication to the publishing trade/art, publishers would form agreements outside the terms of copyright legislation; these agreements stipulated that they would not reprint works from the other country (in Fleming's case, a British reprint of an original American publication) without meeting specific terms.

It seems that the contract Fleming signed with the *New York Weekly* before becoming a resident of the United States utilized the first two of these strategies to prevent unauthorized reprinting of her works. By seeking a courtesy of trade agreement with the *London Journal*, the *New York Weekly* reversed the structure of the transatlantic relationship/agreement that Johns highlights. Street and Smith suggested – or, perhaps, deliberately falsified – Fleming's residency to both American and British publishers. Even within the United States, Fleming would not have had any copyright protection until 1874, when she moved

[64] Bob Nicholson, "Transatlantic Connections," in *The Routledge Handbook to Nineteenth Century British Periodicals and Newspapers*, eds. Andrew King, Alexis Easley, and John Morton (Routledge, 2016), 163-174 (165).
[65] Mount, *When Canadian Literature Moved to New York,* 46.
[66] Johns, *Piracy,* 296.
[67] *Ibid.*, 196.
[68] MacLaren, "'Chiefly Pirated Editions,'" 524.

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to New York. This fact, which seems to have been conveniently under-communicated, resulted in the *London Journal* publishing a notice of copyright protection in their simultaneous serializations to discourage other British and American periodicals from engaging in the unauthorized reprinting of Fleming's works. By acting as if Fleming were American or conveniently overlooking her residency in Canada until her move to Brooklyn,[69] Street and Smith were trying to secure loosely enforceable copyright agreements to prevent their works from being published without permission.

As far as I have seen, while this copyright notice prevented the unauthorized reprinting of Fleming's works in Britain for the remainder of her career, they continued to be reprinted without authorization in the United States, even after she became a resident there. A fourteen-year grace period was occasionally respected by American publishers (particularly New York's Dillingham); however, at this point, the American Copyright Act of 1831 set the term of copyright protection to a baseline of twenty-eight years. So, though Fleming might have moved to the United States to secure her texts from the system that fundamentally underpinned and facilitated the success of her career, the ultimate results of her contract with the *New York Weekly* were the opportunities that partnership created for her to participate actively, rather than passively, in the transatlantic print network.

Fleming passed away in 1880, but her works remained in the literary eye for decades following her death. In addition to publishers' libraries in the United States reprinting her novels, as well as the occasional reprint in Canada, periodicals across the United Kingdom continued to reprint her works throughout the 1890s. Many of her novels appear under different titles (even different from the unauthorized American reprints), and the same stories are not titled consistently across different periodicals in the United Kingdom. For example, *Estella's Husband* (1869), originally published with *Philadelphia Saturday Night*, is called *Estella's Husband; or,*

[69] "Mrs. May Agnes Fleming leaves city morning for Brooklyn," *The Daily Telegraph* (Saint John, NB), May 4, 1874.

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Thrice Lost, Thrice Won in the 1896 Cornubian Redruth Times reprint (Cornwall) and *Twice Married; or, Lost Inheritance* in the 1894 Denbighshire Free Press reserialization (Denbighshire). Other periodicals that reprinted Fleming's works following her death include the Dublin Daily Nation (Dublin), the Nuneaton Observer (Warwickshire), the Wakefield Free Press (Yorkshire), and the Devon Valley Tribune (Clackmannanshire), among others. The longstanding transatlantic reach of Fleming's works, demonstrated by her posthumous presence in these periodicals, leads us to the conclusion of this piece: a discussion of her transatlantic legacy.

Fleming's Transatlantic Legacy

Over the past thirty years, Fleming's literary and bibliographical legacy has received the attention of literary history scholars in Canada (like McMullen, Chambers, and Gerson), British penny papers (like King's work in the *London Journal*), and explorations of mass-market publishing and the dime novel in the United States. The latter is evident in the American Women's Dime Novel Project, which highlights authors who wrote novels for American women between 1870 and 1920. What I find so captivating about these studies is that even by turning to the location-based scholarship cited here, we can easily see Fleming's transatlantic legacy. Studied in Canada, Britain, and the United States for its mark on each nation's literary history, her authorial career transcends national borders.

Furthermore, descriptions of Fleming's national identity in the periodicals that published her works illustrate the transatlantic nature of her career. Although these publications describe a certain national belonging – a "New Brunswick storywriter"[70] and a "popular Irish-American novelist"[71] – the simultaneity and coexistence of these national identity claims codify her authorial identity as undeniably transatlantic.

[70] "Mrs. May Agnes Fleming: A Chat with the New Brunswick Story-Writer," 8.
[71] Advertisement for *Robert Bartram's Revenge*, *Dublin Daily Nation*, January 31, 1898, 4.

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In this article, I have actively resisted calling Fleming a "Canadian writer" and avoided the term "citizenship." Fleming's literary, bibliographic, and even personal identities are wholly transatlantic. Her works and career at large are fundamentally underpinned by the transatlantic print network and her position as an author residing in late-nineteenth-century Canada. As such, I would posit that discussing Fleming within a singular national context undersells the ingenuity and complexities of her career – and even the texts themselves.[72] The different movements in her authorial trajectory demonstrate her deft navigation of transatlantic legal and cultural exchanges, positioning her in a state of "elsewhereness" – transatlantic transience that exceeds the rigid boundaries of nations.[73]

The preceding examination of Fleming substantiates the accuracy of Gerson's belief that book history and the globalization of culture intersect to "inspire new perspectives on Canada's literary history and challenge previous assumptions about the careers of English-Canadian literary authors of the nineteenth century."[74] Highlighting how Fleming carefully and effectively placed herself within the cultural and material conditions to facilitate her success makes room for the study of other lesser-known, underacknowledged expatriate writers. Mount claims that these writers, "fully at home in neither country ... have slipped between the continental divide of North American literary history, a history that has also obscured significant transnational influences and connections."[75]

May Agnes Fleming's career and transatlantic legacy encourage us to challenge our perceptions of nineteenth-century publishing conditions as

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[72] In her introduction to *A Changed Heart* (1881), reprinted as part of Formac's "Fiction Treasures" series and included in *Fiction Treasures by Maritime Writers* (ed. Gwendolyn Davies, 2015), Bonnie Huskins notes that the novel pulls from Fleming's own trans-border experience. Set in the fictional town of Speckport, the story has "several clues that indicate that *A Changed Heart* is actually set in mid nineteenth-century Saint John" (310). The novel features Saint John's relationship with New England and the "makeup of Saint John in this period" (particularly with regard to Irish immigration; 312-313). It also includes characters from New York who were drawn to this Maritime region. Huskins suggests that because *A Changed Heart* was one of the final novels Fleming wrote, it has an "autobiographical nature" (310) – a transatlantic nature, I would argue.

[73] Gerson, "Writers Without Borders," 19.

[74] *Ibid*., 15.

[75] Mount, *When Canadian Literature Moved to New York,* 141.

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exclusively a hindrance, instead framing them as opportunities. Recontextualizing our view of unauthorized reprinting as a cultural, potentially advantageous system of printing rather than a moralistic, victimizing system of "piracy" allows us to develop a more complex and holistic understanding of how authors in British North America and Canada maneuvered the era's transatlantic print network. In doing so, we will see "an entirely new story" – a transcultural, transatlantic story – "begin to unfold."[76]

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[76] Tompkins, Jane P., "Introduction: The Cultural Work of American Fiction," in *Sensational Designs: The Cultural Work of American Fiction 1790–1860* (Oxford University Press, 1986) xi-xix (xvii).