



# Winging It



**The National Society for the Preservation of Tent, Folk and Repertoire Theatre**

## NOTES FROM THE MUSIC CORNER

By  
*Roberta L. Wilkes*

As a follow-up to my first general statement about copyright laws and application, this will explore the concept of public domain. Copyrights eventually expire. Additionally, a composer or author could renounce his/her copyright and give their work to the public, either during life or at death. Creative works on which the copyright has expired for whatever reason are said to be in the “public domain.” Such works are up for grabs, so to speak, and you can arrange, reproduce, perform, record or publish the same.

The law governing what works are in the public domain is somewhat complicated; however, for purposes of discussion, the following is helpful to know:

1. Under the Berne Convention for the Protection of Literary and Artistic Works, countries who have signed are required to provide copyright protection for a minimum term of the life of the author (composer) plus fifty years. They can provide for a longer term of protection. If a country signs, it means that it will honor the copyright laws of each country. The United States became a member in 1988. In 1993 a Directive lengthened protection to the author’s life plus seventy years.
2. In the United States, The Copyright Act of 1976 provided that copyrights would last for the life of the author plus 50 years. Copyright law is governed by federal statute per the United States Constitution.
3. In 1998, following much debate, Congress enacted The Copyright Term Extension Act of 1998. This is also called the Sonny Bono Act or the Mickey Mouse Protection Act because Sonny Bono (and later his widow) and the Disney franchise were proponents of the idea that composers and authors deserved more protection for their works. By this act, the life of a copyright was extended to the life of the author plus 70 years.
4. Because of specific language in the act, works made in 1923 or afterwards that were still protected by copyright in 1998 (copyright not voluntarily released) will not enter the public domain until 2019 or afterward (depending on the date of the product) unless released. BUT works published in 1922 or earlier are in the public domain.

You should not assume a work was published in 1922. If you have a copy of music that shows 1922 or earlier, you are safe to play it; however, if your copy shows a copyright date of 1923 or later (even if you know the song was written in 1922 or before), you should obtain a copy of the earlier music. There are websites devoted to public domain music. Some of them contain sheet music for printing or sale.

Don’t forget: This is general information. Consult your attorney with specific questions!

**A D L I B S**  
**BY GRACE SWANK-DAVIS**

Greetings from beautiful downtown Mt. Pleasant, Iowa.

Well, another successful Old Threshers Reunion has come and gone. We had good weather although it was on the hot side. Hot days are good for the museum since we are the only air conditioned building on the grounds. The Schaffner plays we do every night drew sold out crowds. Advisory Board member Brian Iles again played the Toby part as he has for about the last 10 years. He has quite a following and deservedly so.

Of course, we couldn't survive without our volunteers during Old Threshers. A great big thanks to those who gave their time to open the museum, work as guides, sell tickets, take tickets and do dozens of other things that need to be done during the five days of the Reunion. Dick Ellis, Mark Peper, and David, Michelle, Jordan and Trevor Ripper all came in from Illinois, Mike Kramme and David Wagaman from nearby towns and locals Monie Hayes, Dick Iles, Terry Fisher and Larry and Sally Vickroy. A very special thank you to Peggy Iles. Every time Martha and I needed help, Peggy would walk in the door and save us. What a great help to the museum she is. Thank you, Peggy. Also, big thanks to Karol Shaffer for taking over the candy for Bill Claus who couldn't make it this year. Bill is still in a care center in Illinois.

Downstairs at the museum Old Threshers has a Chautauqua during the Reunion which, in this instance is a talk on some subject such as quilts, etc. This year I did a discussion on tent shows. My talk lasted about 45 minutes and it went over well, if I do say so myself. It was the first time I had done a PowerPoint presentation and I enjoyed the experience so much I'm working on a paper for the April conference on the Billboard magazine. Thanks to Mark Peper for the PowerPoint tips.

I found a new book on tent shows online. The title is *A Sawdust Heart – My Vaudeville Life in Medicine and Tent Shows* by Henry Wood as told to Michael Fedo. It is published by University of Minnesota Press. Fedo is a former acting director of theatre at the University of Wisconsin-Stout in Menomonie, Wisconsin and a freelance writer and Wood was his wife's grandfather. The nonfiction book is based on an interview Fedo did with Wood in the 1970s. The interview only lasted one day so, as you can imagine there is a lot of filler to make a 129-page book. Mr. Fedo tries but really doesn't know or understand anything about tent shows...he cites four books, Neil Schaffner's *The Fabulous Toby and Me*, Bill Slout's *Theatre in a Tent*, Ann Anderson's *Snake Oil, Hustlers, and Hambone's: the American Medicine Show* and David Bradford's *Showtime: Vaudeville, Tent Shows and Medicine Shows*. The most distressing thing in the book to me is this line from the introduction: "There are hardly any records (on tent shows) other than a scattering of faded photos and handbills archived in local museums or libraries." If Mr. Fedo had only Googled "tent show," he would found us and perhaps he would have been more informed on his subject and his book would be of interest to more than a tent show novice.

Well, that's all for now.....we hope you all have a joyful holiday season and here's to a great 2012 for all!!

## 2012 CONFERENCE PLANNING!

We are busy making plans for the annual conference. The dates are April 20, 21 and 22, 2012. The cost is a low \$75.00; \$25.00 for troupers, with no restriction on the years trouped. So no excuses!

The Conference will begin on Friday night with complimentary drinks and light supper at the Comfort Inn. A continental breakfast will be served at the museum on Saturday and Sunday. Lunch and dinner on Saturday will also be served at the museum. During dinner you will be treated to cabaret entertainment, followed by a special Jenny Lind presentation by Carol Matheson.

Saturday's offerings will include papers on Billboard magazine by Grace Swank-Davis, superstitions by Michael Kramme, silent movies by Mr. Zahs, the medicine show by Richard Poole, plus a PANEL of former troupers reminiscing about the good old days (can we ever get enough of that?! Plus much more to be revealed!

### FINAL CURTAIN—DR. FREDERICK B. CRANE

Dr. Frederick B. Crane, age 84, died in Mount Pleasant, IA., September 2, 2011. He had retired as a professor of music history at the State University of Iowa in 1994 and returned to the town of his birth to care for his parents and to do further research. He had served for a number of years on the board of the National Society, retiring from that in 1996. He spoke at three of the early theatre history seminars, one of them dealing with a special interest of his—Chautauqua. One research project involved schools that specialized in training performers for Chautauqua and Lyceum. In 1978 he purchased two drops from the opera house in Solon, IA and presented them to the Theatre Museum. (These hang on the first floor. One is an ad curtain, circa 1914, and the other is the town drop that is used with the four Blakesburg Opera House drops to illustrate the typical curtains an opera house often provided.)

He served in the U.S. Navy in World War II and the Korean War. He attended Carleton College; after graduation he received both his M.A. and Ph.D. from the University of Iowa. He was a foremost scholar of the Jew's harp and was editor and publisher of the Journal of the International Jew's Harp Society. He collected Jew's harps and performed with the Southeast Iowa Symphony Orchestra using one of his collection.

Survivors include his wife Lois, two daughters and three sons.

### TOBY AND THE TALL CORN

This film was produced for the popular Omnibus TV series in 1954. It was directed by Richard Leacock. Russell Lines narrated the documentary as a reporter. The film was shot in Shelbina and La Plata. It contains interviews with Neil Schaffner and other cast members and portions of an actual play.

The Theatre Museum has had a copy of the film for several years. We are in the process of attempting to get permission to show it to attendees at the museum.

In the meantime, though, you can obtain a copy for yourself! It is included in a special DVD which was released in July of this year. Omnibus: American Profiles. I located it on [cduniverse.com](http://cduniverse.com), which it was selling for \$28.09. I purchased it on [amazon.com](http://amazon.com) for \$16.99 plus shipping and handling.

## THIS AND THAT BY MARTHA HAYES

In the last issue of *Winging It*, the story about two distant cousins, Mary Heller and Cymbre Logue, getting together by phone to talk about their mutual relative Hugh Lanning was told. Here is the update. October 7<sup>th</sup>, Mary and Cymbre, along with another cousin Jan Rozeboom, came to visit the Theatre Museum and look at the curtain painted by Hugh Lanning. Lennis Moore, CEO of Midwest Old Threshers, gave them a full-blown tour of the Theatre Museum. They also gifted us with a story written by Lanning about his early life.

Near the same time, Judith Tilton Picker of Las Cruces, New Mexico and Linda Tilton Riley, arrived so that Judith could see memorabilia connected with the touring Tilton family. The Tiltons had their own show but early on they were partners with Bill Guthrie. Judith had discovered a box full of make-up; the label inside indicated that the box belonged to Mid Tilton. However, the initials on the outside were JW. Judith had heard many years ago the name Jack Wright. The connection was confirmed by our database. Jack Wright and Bill Guthrie had performed together; then Guthrie and Tilton had partnered, and the box ended with members of the Tilton family.

In the middle of October, in a span of two hours, over 350 members of TTT, a national women's organization founded in Mount Pleasant, got a quick glimpse of the Theatre Museum. The group was celebrating its founding in 1911 by visiting local historic sights. Six volunteers were stationed around the Museum to point out special exhibits and answer questions.

One of Mount Pleasant's oldest buildings, built in 1862 and housing an opera house on its third floor, has been purchased by Main Street Mount Pleasant, and plans are being developed to restore all three floors. The third floor which has two rooms fifty by fifty will not be altered much and used for performances, speeches, and such.

## SCRIPT COLLECTION UPDATE

In another section of this newsletter is an excerpt of an article written by Sarah Blackstone in the Summer 1996 issue of the *Winging It*. She was writing about Alexander Byers: Play Pirate Extraordinaire. Having not worked with our scripts, I wondered if we had any that had been attributed to Byers. Up until now, it would have been difficult to know; one would have had to leaf through two thousand 3" x 5" cards housed in a shoebox.

Soon, it will be easier to find out because beginning next week Charlene Hinrichs will start entering material from those cards into our new script database. The designer of this database made it so it is very searchable and will provide lots of information. That keying in of data will be a very slow process since Charlene will be examining each script folder a second time and entering details about each script—author, number of characters and sets, type of play, and so on. Staff people at the Museum and some of our advisors suggested areas that should be included. Because of this, we will also add a quick new section to our website that will list play titles and the authors listed on the scripts. A second typist will start on this task in the near future.

## ALEXANDER BYERS: PLAY PIRATE EXTRAORDINAIRE

BY  
DR. SARAH J. BLACKSTONE

Playwrights have traditionally been the victims of greed. Their characters, locales, situations, words, and complete works have been stolen from them with regularity. This thievery has taken many forms, from censorship to “adaptation,” down through the ages. In America there are many examples of this because copyright laws proved to be inadequate for many years.

...Piracy flourished throughout the nineteenth century, and well into the twentieth, and lucrative businesses were built around the practice.

The Chicago Manuscript Company, owned and operated by Alexander Byers from 1880 until 1922, is an excellent example of such as business. Research has revealed that Byers was well-known for his practices, was denounced in open court as “the most notorious play pirate of modern times,” and was brought up on charges of copyright infringement nine times under the revised copyright statute of 1911.

...Soon after the Chicago Manuscript Company was founded, Byers and his staff began stealing plays. Their most common method was to make minimal changes in plays in Byers’ possession. Not only did he purchase scripts from other publishers, he sent stenographers to Chicago theaters to copy plays as they were being performed. This was not the total extent of Byers’ thievery, however. Some plays were so little known that he simply appropriated the script by registering a copyright of his own—keeping even the title the same. In other cases, Byers shortened scripts to make what was copyrighted a tabloid version....Another method employed by Byers was the tracking of plays whose copyrights were about to expire. He would wait until the original twenty-eight years had passed and then immediately renew the copyright in his own name, saving himself the trouble of creating any type of alternate version.

Alexander Byers used the Chicago Manuscript Company as a clearing house for stolen manuscripts. To satisfy his greed, this man consciously broke the law. He robbed playwrights of royalties for individual performances and in some cases of the value of his plays. Worse, he stole playwright’s ideas by making unauthorized use of their titles, characters, and plots. Byers prospered from these practices, while the true authors lost even the advantage of name recognition. Even in this report of his infamy, the history of the thief is better known than those of the victims....

Excerpted from an article by Sarah J. Blackstone under the same title that appeared in the Summer 1996 issue of *Winging It*, Volume 3, Issue 1.

### CONTACT US!

The Theatre Museum of Repertoire Americana

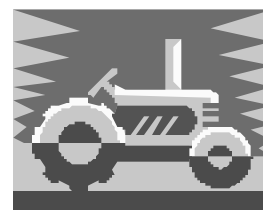
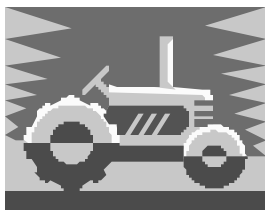
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Museum’s phone number: 319-385-9432

Museum’s email address:

[theatremuseum@iowatelecom.net](mailto:theatremuseum@iowatelecom.net)

Our New Web-site: [www.theatremuseum.com](http://www.theatremuseum.com)



**T H E S H O W M U S T G O O N  
B Y W A L L A C E B Y E R S**

Will you tell me, my trouping friend  
What is your wish when comes the end?  
The trouper thought for his reply  
Just what he'd wish when death came nigh.

I want my friends with loving care  
To bury me with tears and prayer:  
And while they weep that I am gone  
I want the show to go right on.

In sunshine, snowstorm, rain or gale,  
When troubles come we will not fail.  
We'll carry on in gloom or mirth  
Against all fates of heav'n and earth.

And e'en if death should take her toll,  
Another friend will take the role.  
The show must go on as before,  
Just as it forever more.

date unknown

**V H S T A P E S F O R S A L E  
C O N T I N U E D F R O M L A S T  
N E W S L E T T E R . . .**

1995

- Rodgers Company** – Lee, Briant Hamor (2 copies)  
**The Touring Burlesque Show** – Davis, Andy (2 copies)  
**Story Behind Silas Green from New Orleans** – Tabscott, Robert  
**The J. Doug Morgan Show** – Bludworth, W. Milton (2 copies)  
**The Chase Lister Company** – Kramme, Dr. Michael  
**The Orpheums of Sioux City** – Poole, Richard  
**Dime Novel Damsels & Melodrama Maidens** – Kelley, Emily (2 copies)  
**Theatrical Act in Clinton, IA – 1940-Present** – Sharp, Susan D.  
**Menken & Booth & Circus Plays** – Barnes-McLain, Noreen  
**Melodrama Styles in Production** – Chambers, Jonathan

1996

- Legacy of John Henry in Ballad and Story** – Tabscott, Robert (2 copies)  
**Outside the Gates: Buffalo Bill** – Blackstone, Sarah (2 copies)  
**Typical Musical Performances in Rep Theatre** – Schuller, Billie Henderson  
**Rep in the East – Theatres of Trenton, NJ** – McCullough, Jack (3 copies)  
**Toby Lives Again** – Niceley, Dawn  
**Challenges and Rewards – Circus World Museum** – Dahlinger, Fred Jr. (2 copies)  
**Polygamy, Politics, & Propaganda** – Scharine, Marilyn (2 copies)  
**Watching the American Melting Pot** – Mosier, Jennifer (3 copies)

1997

- Life & Music of Mdm. Ernestine Schumann-Heink** – Salonites, Nadine (2 copies)  
**American Vaudeville–Tent Show Style** – Swank-Davis, Grace  
**Theatre in Utopia – New Harmony, Indiana** – Sajko, Brian  
**Reading Uncle Tom's Cabin – Tackling Text** – Sharp, Susan  
**Myth, Melodrama, Mormons, Massacre** – Scharine, Marilyn  
**Coal & Culture: Stuart's OH & Nelsonville, Ohio** – Condee, William  
**Endurance Shows of the 1930s** – Schuller, Billie Henderson  
**Stalking Elusive Opera Houses of So. Illinois** – Myers, Michael  
**Melodramatic Heroine Travels West: Nellie Boyd** – Crestani, Eliana (2 copies)  
**Lost Voices: Women Writing Melodrama** – Blackstone, Sarah  
**Hold Your Horses! The Elephants are Coming!** – Mosier, Jennifer  
**Blacks in Minstrelsy** – Tyndall, C. Patrick  
**Performers on the Kansas Frontier** – Rhoads, Jane

1998

- Drama on Magic Mountain** – McCullough, Jack  
**Spooners: Women in Popular Priced Theatre** – Waldinger, Barbara (2 copies)  
**Masonry Behind the Footlights** – Gray, Bill  
**The Bloomington Passion Play** – Weiss, Allison (2 copies)  
**Women and the Folk Play** – Beck, Anne (2 copies)  
**To Black(en) or not to Black(en)** – Lee, Briant Hamor  
**Bringing Culture to the Boondocks** – Snider, Becky L.  
**Miniature Tent Rep** – Claus, Bill  
**Crossing the Border: Buffalo Bill's Wild West** – Blackstone, Sarah

1999

- Traveling Theatres of Great Britain & Ireland – Pt 1** – Harrop, Dr. Jo  
**She Waited So Long for Her Ship to Come In** – Larsen, Dawn  
**Popular Theatre in Mexico: The Theatre of the Fiesta** – Blackstone, Dr. Sarah  
**Traveling Theatres of Great Britain & Ireland – Pt 2** – Harrop, Dr. Jo

2000

- The Claremont Opera House** – Foley, Brenda (2 copies)  
**Why Girls Should Go on Stage – Writings of Vollmer** – Coon, Michael D. (2 copies)  
**Transition from Melodrama to Realism: Wm. Gillette** – Hill, Ronald  
**Boy Scout Campfire Programs** – Holtcamp, Victor (2 copies)  
**Tex-Mex Tent Theatre: Carpa Garcia** – Scharine, Marilyn  
**Race, Gender, Role in 20<sup>th</sup> Century Burlesque** – Mosier, Jennifer  
**Minnie Maddern Fiske Takes on the Syndicate** – Kennedy, Nancy  
**Ancient Voices, Improbable Voices: Yiddish Theatre** – Poole, Dr. Richard (2 copies)  
**Dr. Henry's Opera House, North Baltimore, Ohio** – George, G.D.  
**Emperor Norton: San Francisco Street Performer** – Martin, David