



# 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 tent show brat I grew up listening to my mother and father rehearse and perform music. Almost every day, in fact, I was parked in a baby buggy or, later, told to sit still on a folding chair or in the dressing room, while my father tickled the ivories and my mother sang, dance and mimed. I knew the words to the popular songs of the 20s, 30s and 40s by the time I was five. By the time I was 11, I was singing them myself!

In those days, and especially on those somewhat remote shows, I don't think much thought was given to whether or not the use of those songs and music was legal. I don't remember George Gershwin or his agent running down the aisle, yelling, "Stop! You're playing my music!" The audience loved it all, and that seemed good enough.

But as I have gotten older and now, in fact, even written a song or two myself, I realize that creating a piece of music, however small it may be, feels very significant and worth protecting. I do care who sings or plays my music. So my first columns (hopefully not my last) will explore facets of copyright. This is the first of three. The second column will explore the length a copyright is effective protection as well as the concept of public domain; the third will explore the doctrine of Fair Use.

Copyright originally pertained to the right to copy written materials. While that right is still protected, the laws now extend to performance, recording and broadcasting. Basically, copyright laws protect creative works which have been expressed in some tangible, fixed way, not just a creative "idea." Facts are also up for grabs and can't be protected by copyright; however, the creative manner in which these facts are expressed is protected.

Copyright laws are specific to each country. In the United States, copyright laws are covered by federal statutes. The first US copyright laws did not include music. Music was added as part of the Copyright Act of 1831.

The copyright protection attaches when a creative work is expressed in a fixed manner and/or published. It is not necessary to register a creative work with the government in order to gain copyright protection, but registering will be considered *prima facie* evidence of the publication. Using or performing a work protected by copyright is called infringement and can subject the infringer to a lawsuit seeking an injunction and/or money damages.

Until next time,

*Roberta L. Wilkes, trouper and musician*

P.S. The legal points contained in this article are for general information only. Please consult your attorney with specific questions.

## AD LIBS BY GRACE SWANK-DAVIS

Greetings from beautiful downtown Mt. Pleasant, Iowa.

We have had some very interesting news from advisory board member Roberta Wilkes. As many of you will remember back in 1954 the television show *Omnibus* did a half hour film on the Schaffner Players called "Toby and the Tall Corn". Neil and Caroline Schaffner were given a copy at the time by the producers, which Mrs. Schaffner showed at the museum's yearly Theatre Conference from time to time. We have tried for years to find out who owned the copyright for our members who would like to obtain a copy. All our efforts led to dead ends until Roberta Wilkes Esq. got involved. The bottom line is that she found out that the Omnibus series is coming out on DVD this summer! "Toby and the Tall Corn" will be included on the DVD. Keep checking Amazon.com or wherever you buy DVDs.

June 17<sup>th</sup>, advisory board members Brian Iles and David Ripper along with David's wife Michelle went through all of our stored opera house curtains and photographed them. It was a dirty and hot job and we do appreciate all of their hard work. David and Michelle came up from Quincy, IL, a distance of 142 miles round trip. A few days later David joined with another board member David Wagaman to photograph our flats. They could not get to all of them because the summer play was in rehearsal and the David(s) did not want to get in the way. Martha will now start to catalog all of our curtains and flats and eventually get the list on our website. Thanks so much to David and Michelle Ripper, Brian Iles and David Wagaman.

Society treasurer Claudia Streeter and I went to see the Shrine circus playing at Veterans Memorial Auditorium in Burlington, Iowa in June. George Carden, son of the late Larry Carden, produced the show. Larry was a tent show veteran and a supporter of the museum. A few years before Larry passed away he presented the museum memorabilia from his family's long history in vaudeville, tent shows and circuses. I had a nice conversation with Larry's grandson, also named Larry, who knew my aunt Peggy MacDonald. My aunt, as you may know, was an elephant trainer as is Larry. The next day advisory board members David Wagaman and Bill Claus caught the show in Keokuk, Iowa. They have a strong show so try to catch it if it plays near you.

Last summer a friend of David Wagaman made a wonderful video of the museum's displays and recently Roberta Wilkes' son Rob James put it on YouTube for us. Roberta also added her own music to the video. This from Roberta, "The music is from my CD 'Gypsy Soul' except for the very first part which is 'To a Wild Rose' by MacDowell and in the public domain; I wrote the rest of the music". Roberta's CD is available here at the museum or through our website [www.thetheatremuseum.com](http://www.thetheatremuseum.com). Thank you, Roberta and Rob. We will now have the video linked to our website. In the meantime, you can view it on YouTube by typing the Theatre Museum.

The museum's Summer Theatre is presenting Neil & Caroline Schaffner's *Meet Dallas Daisies*. This is the first time we have done this play and it is going over great! Brian Iles is playing the Toby again. This is about the tenth time he played the part and he is a great favorite.

Our Second Vice President & Secretary Dr. H. Gene Biby is leaving his position with the University of Wisconsin and moving to Portland, OR. So I guess he won't be coming to the museum's monthly meetings anymore. He has been a great asset to the museum and I hope he won't forget us. All of his friends at the museum wish him the best of luck and much happiness in his new city.

We have news of the passing of two friends of the museum. Byron Burford was an early supporter of the museum and his son Kevin spent two seasons with the Schaffner Players when my husband Jimmy Davis owned it.

Vera Choate passed away in May. Museum members will, of course, remember Vera and her late husband Billy, owners of Bisbee's Comedians, one of the last tent shows to be on the road. I had the pleasure of meeting her and her family here at the museum and I remember her as being a most gracious and lovely lady and Billy was a great guy....what a show must be going on in Heaven today.

That's all for now, remember you are always welcome on the lot.

## FINAL CURTAIN—BYRON BURFORD

Byron L. Burford, early supporter of the National Society and Theatre Museum, age 90, died in Iowa City, IA June 17, 2011. Born in Jacksonville, MS on July 12, 1920, he grew up in Greenville, MS. His interest in the circus and sideshows was piqued when The Tom Mix Circus came to town. Byron met Tom Mix and was asked to join the show for a few days. That was the beginning of his life-long fascination with the circus. Then, in 1933, his father took him to Chicago to attend the World's Fair; they also visited the Art Institute. He was so impressed that he decided that "art" was what he wanted to do the rest of his life. When it was time to choose a college, he picked the University of Iowa, because he had seen American Gothic at the Art Institute. There he had a chance to study under Grant Wood. Late on, in 1947, at the urging of Wood, he accepted a job as a faculty member at the University of Iowa Art Department, retiring in 1986.

Byron had a life-long dream of owning a circus. When he toyed with the idea of purchasing a small one in the 1960s, Kay, his wife who he married in 1944, suggested that he create one. Thus, the hugely successful Great Byron Burford Circus of Artistic Wonders was born. Burford painted dozens of motorized canvas-covered figures, included a life-sized elephant, put them under a canvas tent and toured the Midwest in the 1970s under the sponsorship of the National Endowment of the Arts. His dreamlike paintings and prints contained imagery of circus performers, magicians, musicians, and polar explorers. One fellow faculty member stated, "Byron taught that art is not just 'something on a wall,' it comes from your life experience."

Byron Burford is survived by his children Kathy Burford Lewis, Kevin Burford, and JoAnna Burford.

## FINAL CURTAIN—VERA CHOATE

Vera Wanda Choate, 83, of Wayne City, passed away at 9:40 p.m., Wednesday, May 18, 2011 at Lavender Ridge in Mt. Vernon, Illinois.

She was a homemaker and actress. She was a member of First Christian Church in Wayne City, IL, and the Wayne City Eastern Star. Vera and her husband owned and operated Bisbee's Comedians for many years and toured the South and Midwest. She was born May 27, 1927, in Keenes, IL, to Vernon and Lottie (Wood) Thomason. She married Billy C. Choate, who preceded her in death on October 26, 2006.

In going through Vera's belongings, an autobiography was found which she had written as an assignment just before graduating from high school when she was sixteen years old. It was most interesting to read. She wrote, "I was always in plays in grade school. I really enjoy being in plays. The night of the plays I always feel happy, scared, and hopeful, if the first act goes over big, I just feel wonderful and think everything is swell." Within a year of writing that she had her first date with Billy Choate and they would marry after the war and she would get to do for a living what she had loved to do in grade school. They were married in 1946 and toured with Bisbee's until the show closed in 1966. Vera became an accomplished dancer, actress, and magician's assistant. She also sold tickets and concessions and was the bookkeeper for many years. Two of their children, Welby and Cherita, were raised on the tent show.

Visitation with family was held Sunday, May 22, from 5p.m. – 8p.m. at the First Christian Church in Wayne City with a Memorial Service on Monday, May 23, at 10a.m., also at the First Christian Church. Vera's son, LaMar L. Choate officiated at the service. Burial was at Thomason Cemetery in Wayne City.

Vera is survived by her sons, Welby C. Choate and wife, Pat, of Clarksville, Tenn., and LaMar Choate and wife, Staci, of Wayne City; a daughter, Cherita Beehn and husband, David, of Wayne City; seven grandchildren and eleven great-grandchildren.

### CONTACT US!

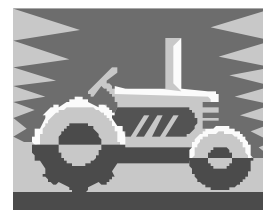
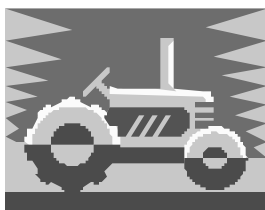
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Museum's email address:

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



## SUMMER MUSEUM UPDATES BY MARTHA HAYES

Not many visitors this summer at the Theatre Museum probably due to the price of gas, but the staff has been busy and the emails and phone calls have kept us on our toes.

To begin with, we have brought together two distant cousins who are working on family genealogy. Several years ago a relative of the artist Hugh Lanning who did our 106-year old ad curtain from Blakesburg dropped in to give us more information about Hugh. (Fortunately, she and her husband signed the guest book and included their address in Texas and a phone number.) In June, we were asked to call a phone number which we learned originated in Montana. The lady who answered was doing her family tree and had discovered Hugh Lanning's name and a reference to The Theatre Museum. She and Martha Hayes talked for an hour, including Martha making a reference to this relative in Texas and getting the guest book which opened to the right page. The Texas lady's name rang a bell with the lady in Montana, and within two days, we understand, information is being passed between the two families.

Speaking of the six Blakesburg drops from the Fritz Opera House up in the front of the Museum, we have news on another one. While researching another topic, Grace Swank-Davis several years ago discovered that the "town" scene we were displaying was not the one from Blakesburg—it turns to be from Solon, Iowa. So then, we had a mystery. Where was that sixth drop?

Martha has been after the men on the Executive Board to try to find it and also to locate several others that were not hanging in plain sight. They were going to look one wintry, cold day but a snowstorm got in the way; in the summer, play rehearsals confused the issue and there was always a set on the stage. This year luck was with us—the stage was bare and the men set a goal of finding the drops and photographing them. By the time everybody could get together, they were starting to build the set. David and Michelle Ripper were alerted and made a mad dash up with camera. With the help of Brian Iles and Grace Swank-Davis, each rolled-up drop that had been squirreled away in the back of the stage on a high set of planks was taken down and we now have a record of what is there. Among them is the town scene from Blakesburg Opera House that has the names of some of the stores in Ottumwa, Iowa—its neighbor and Hugh Lanning's hometown. The next mystery we need to solve is whether Hugh painted that curtain. We had learned a little more several years ago about Hugh from relatives of the Fritzes who knew more about what Lanning had done for the Opera House who live in Iowa City so each little twist and turn helps us to learn more about what we have here at the Museum.

Speaking of learning more, an email inquiry came asking if we had an extant list of all our scripts. (As many of you know, that "list" consists of 3" x 5" cards in a shoebox. They are being checked now that the cards of the added Sherman collection scripts have been melded in with the others. Sometime this fall work can be started on the script data base. Right now our checker is working on the S's so the end is in sight.) It was learned that the person wanting the information was really interested in knowing if we had scripts written by Lincoln J. Carter. The Museum had received material from Carter's great-granddaughter last year and Mike Kramme had sorted those scripts in a separate file drawer but we hadn't time to really study what we had. The request started us doing that. Emails have been flying back and forth between us, an author in New York, and Jane Rhoads in Kansas. The Museum may have the best collection in one spot of Carter's scripts—some of them handwritten. Several of them are being copied for the author in New York who wants to study them. One of them—a handwritten one that had been tied up for years—is being allowed to rest open, hoping that it will flatten out enough that each page can be encapsulated and made easier to copy.

Martha's goal has been to go through the stacks of paper on the tables and shelves, and, with Karol Shaffer's efficient help, information is being entered into the database or Museum business files have found homes in file drawers in an organized fashion. Hopefully, we will complete the task by late August, but Karol has broken a finger and Martha is doing a bit of traveling on the weekends when she should be at the Museum. She is also in contact with Rod Atkinson and Bill Slout who each are adding to the material we have here. Karol has updated the Video tapes list, and David Wagaman has filed in a gap or two that we had.

One of our Conference attendees is doing research on Toby Dick Ellis so she has found time to come back here to learn more about him. Her project started after she met Toby Dick in April.

## SEMINAR TAPES FOR SALE

If you are interested in purchasing any of the following VHS tapes (Only \$1.00 per tape), please contact the museum directly. Further listings will occur in the next newsletter.

### 1986

**Managing the Repertoire Company**  
**Role of Manager's Wife** (2 copies)  
**Life of Performer – On and Off Stage**  
**Presentation of Memorabilia** – Bader, Frances Moore (3 copies)

### 1987

**Traveling Repertoire: Shakespeare to Sherman** – Slout, Dr. William  
**“The Plays We Did” Panel** – Slout, Dr. William (Moderator)

### 1988

**Early Susie/Sis Hopkins Character** – Branyan, Helen (2 copies)  
**10-20-30 Theatre – Owen Davis and Al Woods** – Goff, Dr. Lewin (2 copies)  
**Repertoire Actress/Manager** – Commeret, Dr. Lorraine  
**A.B. Beall – Theatre Czar of Sioux City** – Poole, Richard L. (2 copies)  
**Panel of Managers** – McKennon, Joe (Moderator) (2 copies)  
**Role of the ‘Specialty’ in the Show** – Davis, Jimmy (Moderator)

### 1989

**Early Repertoire Theatre** – Eels, George  
**“A Jury of Her Peers - Susan Glaspel”** – Hickok, Dr. Kathleen (2 copies)  
**Chautauqua – Sights and Sounds** – Crane, Dr. Frederick  
**Chautauqua in Washington, Iowa** – Kramme, Dr. Michael  
**They Did Perform Opera in OH** – Hartwig, Gayle (3 copies)  
**Tidewater Vagabonds – History** – Gillespie, Dr. C. Richard (2 copies)

### 1990

**Melodrama for the Moment** – Enlow, Marilyn-Jean & Alvin (2 copies)  
**Touring Melodrama & Values** – Zivanovic, Judith  
**Robert J. Sherman – Early Playwright** – Gillespie, C. Richard (2 copies)  
**Edward Harrigan's Rosy Mirror** – McCullough, Jack (2 copies)  
**Writing for Today's Showboat** – Steinbeck, David  
**Repertoire Plays & Dinner Theatre** – Schaffner, Caroline  
**Writing the One Person Show** – Slout, William  
**Playwrights We Remember – Panel** – Oleferchik, Waunetta (Moderator)  
**Live Oak: Study of Rural Ozarks** – Prater, Tom (2 copies)  
**Neath Sioux City Skies** – Poole, Richard (2 copies)  
**Overview of Holdings – Bowling Green** – Lee, Nancy White (2 copies)  
**Review of “How to Enter Vaudeville”** – Lee, Briant Hamor (2 copies)

**27<sup>th</sup> Seminar Tentatively Scheduled for  
 April 20, 21, & 22, 2012**

## SEMINAR TAPES FOR SALE CONTINUED. . .

### 1991

- Comedy in the American Burlesque Show** – Green, Dr. William (2 copies) (These 2 are on same tape)  
**Vaudeville Comedians in Transition** – Singer, Stan (2 copies) (These 2 are on same tape)  
**Comedy of Bert Williams** – Ervin, Kathryn (These 2 are on same tape)  
**Comedy at the Chautauqua** – Drew, Kent (These 2 are on same tape)  
**Comedy Characters Panel** – Davis, James (Chairman) (There are 2 copies on same tape)  
**A Peek at Burlesque** – Green, Faye; Minsky (There are 2 copies on same tape)  
**Comedy on a Sunday School Show** – Schuller; Billie Henderson (There are 2 copies on same tape)  
**Professional Am. Centennial Pageant** – Lee, Briant Hamor

### 1992

- On the Road Again and Again** – Baillie, Lucille Ward (1 ind. copy) (These 2 are on same tape)  
**On the Road with Choate's & Bisbee's Comedians** – Choate, Billy (These 2 are on same tape)  
**Julius Cahn's Official Theatrical Guide** – Crane, Frederick (1 ind. copy) (These 2 are on same tape)  
**Paul English Players (Interview)** – Bush, N. & Forney, D. (These 2 are on same tape)  
**The Brintons, Midwest Entertainers** – Zahs, Michael (These 2 are on same tape)  
**Dr. Hagedorn, The Medicine Show Man** – Poole, Richard (These 2 are on same tape)  
**Recollections As a Child on a Tent Show** – Gray, Bill  
**Growing Up on the Show** – O'Dell, Wanda Ward  
**The Hatcher Show** – Magoon, Kenny (1 ind. copy) (These 3 are on same tape)  
**The Ginnivan Players** – Oleferchik, Waunetta Rosier (1 ind. copy)  
**Living Pictures on the Homefront** – McCullough, Jack

### 1993

- The Haverstock Comedians** – Wyatt, Robert (There are 2 copies of these 3 on the same tape)  
**The Sioux City Corn Palaces** – Poole, Richard (These 2 are on the same tape)  
**Memorabilia**  
**Recollections of Trouping** – Dirksen, Larry (There are 2 copies of these 2 on same tape)  
**The Corncrib Theatre** – Niceley, Dawn (There are 3 copies of these 2 on same tape)  
**Opera Houses & Wizard Oil** – Chicago – Wunder, Terry  
**Land of Promise and Memory** – DeMille – Mace, Kevin  
**Reports on Research Projects** – Branyan; Marton  
**Report on plan for movie about tent theatre** – Drosselle

### 1994

- Teaching New Dogs Old Tricks** – Niceley, Dawn (There are 2 copies of these 3 on same tape)  
**From Parts to a Whole** – Thorn in Her Heart – Lee, Briant Hamor (There are 3 copies of these 4 on same tape)  
**Modern Interpretation of Toby and Susie** – Niceley, Dawn & Co.  
**Welcome** – Mauck, Joe  
**Perspective on 19<sup>th</sup> Century Trousers' Role** – Cutler, Mary L.  
**Femininity: Dewolfe's Way of the World** – Marra, Kim  
**End of Ohio Road for Kinsey Company** – Lee, Nancy  
**Buffalo Bill on Stage** – Oleferchik, Waunetta Rosier (These 2 are on the same tape)  
**Annie Oakley: Stages of the World** – Leader, Charles (There are 2 copies of these 3 on the on same tape)  
**Introduction of Participants** – McCullough, Jack  
**Melodrama as a Mirroring Device** – Mace, Kevin  
**Rural Am. Paranoia: Analysis of Villain** – Wunder, Terry (These 3 are on the same tape)  
**Melodramatic Process: Teaching Tricks** – Chambers, Jonathan  
**Jolly Della Pringle** – Fading Star – Lauterbach, Charles S.  
**Roustabouts – Getting Ready for the Show** – Claus, William  
**Turn of the Century Parlor Entertainment** – McCullough, Jack  
**Moe – The Bowerly Boy** – Houchin, John (There are 2 copies of these 2 on same tape)  
**Performance Space & Sioux City Wms. Club** – Poole, Richard (These 2 are on the same tape)  
**Research in Progress** – Pesky Sherman – Blackstone, Sarah