Copyright Sources For Australian Drama and Film

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Many early Australian play scripts have survived only because of stage censorship. Such manuscripts have been retained in files in the Australian Archives' copyright files. The author outlines some of his more interesting discoveries during his research, and describes how to proceed to view them.

One of the side benefits of the otherwise dubious practice of stage censorship is that it was an excellent way of ensuring that scripts of performed plays were preserved for posterity. It is because of the Lord Chamberlain's Office in London, for example, that complete manuscripts of two of the most important Australian plays of the nineteenth century—George Darrell's *The Sunny South* and Alfred Dampier and Garnet Walch's stage version of *Robbery Under Arms*— were preserved in the British Library and eventually published in modern critical editions. The British censorship system became involved because both plays had at different times been staged in London, as were several other Australian plays held in this collection.

It has usually been assumed that the survival of unpublished playtexts performed only in Australia, after the early attempts at censorship, was a far less regular or regulated business, and that we are faced with the almost total disappearance of the plays of several vigorous and exciting ages of Australian drama, including significant works written as recently as the 1930s. It is not just stage history which is impoverished by the loss of these texts, for the live stage has always been a place where the Australian language, its slang and colloquialisms, is quickly picked up; and a place too where contemporary ideas about nationhood, nationalism, aboriginal people, ethnic minorities, the role of women in Australian society, the Australian identity, war, the bush and the city etc, have been freely discussed. A few plays survived in private manuscript collections and are now in public libraries, but they probably do not bring the total number of surviving performed playtexts before 1920 to more than sixty. There are

major gaps in areas of more recent drama, particularly in popular and provincial theatre. Early Australian silent film, which was begun principally by theatre entrepreneurs, is also inadequately documented. Most films are lost, and very little information about them was thought to have survived.

One avenue in the search for such texts which has not yet been fully explored is the files relating to copyright and performance right applications lodged with colonial governments (before 1907) and the Commonwealth Government (1907-1969). Copyright was in some respects the successor to literary and stage censorship in Australia, since at least some of the copyright officers saw their functions as being both legally administrative and censorious. The New South Wales Registrar Joseph John Spruson wrote on 5 November 1889 to the Under-Secretary of Justice outlining his duties and claiming that:

... it devolves upon me to see that what I pass contains nothing seditious, libellous, blasphemous, or immoral, or calculated to deceive the public... 2

Copyright was of course a voluntary system and authors could simply choose not to submit their manuscripts. Nevertheless stage piracy was rife and, although the courts seem to have been slow to effectively enforce authors' rights,3 it quickly became essential for professional writers and theatrical producers to establish their copyrights and performance rights respectively — as indeed was the case for the authors, editors and publishers of books, magazines, sheet music, paintings, photographs etc.

A cabinet decision of the Gorton Government in 1970 opened Commonwealth files more than thirty years old to public access, subject to certain rules and conditions. Subsequently the Archives Act of 1983 established additional rules and conditions binding upon the Australian Archives, including the stipulation that a decision on material requested must be made within 30 days. This has meant that the Australian Archives is now able to assist researchers to locate items relating to copyright applications. Except as noted in Appendix One, all files are held at the Australian Archives' Repository at Mitchell on the northern outskirts of Canberra (not to be confused with the Mitchell Library in Sydney). Furthermore, following the inquiries made by the present author, the Archive Authorites have decided to make a general access clearance of all Copyright files in the open period. This has eliminated the delay of up to 90 days which previously hampered researchers. Provided the location of a series and the number of any desired item are known, it can now be made available, usually within 24 hours.

The Copyright files from 1870 to 1969 consist of perhaps 85,000 items and from 1907 onwards contain hundreds of playscripts and film scenarios. These are not the unperformed writings of amateurs but are the major works of the professional entertainment industry. Literary, music, sports, fine arts, and general historians should also consult these files, where they will find a very large number of books of all kinds; historical photographs; sheets of music (and some gramophone records); sporting programmes; fine-arts materials including photographs of paintings; maps; programmes for public events; together with correspondence and occasionally copies of legal documents (wills, contracts, business agreements) relating to the contesting or transfer of copyright.

It is the intention of this paper to offer a guide to obtaining material from the holdings of the Australian Archives relating to copyright applications, and to list some of my own preliminary findings in the fields of Australian theatre and film from 1870 to 1936. I should like to acknowledge the assistance of the Reference Officers and Conservation Staff of the Australian Archives, particularly Bette O'Brien in Canberra for directing my inquiries into fruitful areas; Susan Cooke for her assistance in locating the files held in Sydney; and Gillian Redmond and Joy Wheatley who both read this article in draft form and made corrections and suggestions.

Laws relating to the copyright of artistic works were passed in all the Australian colonies except Tasmania from 1869 onwards (1869 Vic, 1878 SA, 1879 NSW, 1887 Old, 1889 WA), enabling authors to register their works by approaching the appropriate Copyright Office. Unfortunately for theatre historians the nineteenth-century legislation was flexible in its approach to the standard of proof required of a claim to the performance rights of manuscript material. In the case of multiple-copy works (printed books, sheet music, photographs) copies were usually deposited at the Copyright Office or at the colony's Public Library; the modern laws compelling publishers to provide a copy of any publication to the National Library and the appropriate State Library derive from this practice. With plays, where sometimes only one complete manuscript might exist, more flexible rules were applied. In colonial Victoria most dramatic authors submitted only a title page or a theatre playbill; a few however did submit complete texts or a substantial part of a play in order to strengthen their claim to a prized copyright (eg the stage version of a popular novel). In New South Wales different notations in the colonial Books of Registration of Copyright suggest at least three approaches: 'm.s. sighted', 'm.s. desposited' or 'm.s. stamped and returned'. For non-dramatic published works two copies had to be deposited but not with the Copyright Office; applicants for copyright had to give one copy to the Public Library and a second to Sydney University. Queensland followed a similar system, with copies going to the Parliamentary Library and the Museum. Western Australia, at least from the time of a second series of files commenced in 1897, does seem to have insisted upon the deposition of one complete copy of any registered item, including plays, and several play manuscripts are held in Archives. Published material however went to the Victoria Public Library in Perth. Consequently of the files held by the Australian Archives only the Victorian colonial copyright files contain a substantial quantity of exhibits, although the Western Australian and Queensland series do occasionally contain items thin enough to be filed with the correspondence regarding applications for copyright. Only a few of the New South Wales applications have been located, and the South Australian colonial files are held in Adelaide and have not been sighted by the present author.

In 1905 the Commonwealth, which at Federation had gained the power to legislate in this area, passed a Copyright Act which came into effect on 1 January 1907. This new Act, and a later 1912 Act which replaced it, established a Commonwealth Copyright Office and compelled authors including dramatists — to submit two complete copies of the work in question. Only films were exempt; screen writers and producers submitted instead a written 'scenario' (using the term loosely) and sometimes still photographs of scenes from the film. From 1907 to 1969 therefore the Copyright files become a major source for Australian stage plays and film scenarios, and indeed for any other category of artistic work covered by the copyright legislation. Unfortunately new legislation in 1968 eliminated the Copyright Office, and this record of Australian cultural history ceased to exist on 1 May 1969.4

The Copyright holdings of the Australian Archives are divided into three categories:

- 1. Correspondence regarding applications for copyright;
- 2. Exhibits (eg playscripts and/or playbills; film scenarios) submitted as evidence of copyright;
- 3. Registers (sometimes with Indexes) of authors, publishers etc to whom copyright has been assigned.

As the holdings in some series are extensive, the third category (Registers and Indexes), where available, are a first step towards obtaining the number of any desired item. The Indexes, where they exist, are sometimes incomplete and many entries are indexed to the publisher or play producer rather than the author. Entries in the Registers marked 'm.s. submitted' in the pre-1907 files unfortunately do not always lead to items containing a manuscript, and some items from the colonial period are lost.

Even the basic information in the Registers is sometimes significant. The date and place of first performance of many Australian plays performed between 1870 and 1912 is noted, as is some important information about early Australian film. For example an entry in the Victorian Register for 14 December 1906 (CRS A2389 vol. 7 item 11,449) has a copyright for 'A sheet of letterpress entitled Advertisement of the set of moving pictures entitled 'The Kelly Gang' granted to Robert Hollyford and Dan Barry. Barry's company (in which Hollyford [or Holyford] was a leading actor) had performed a Kelly play since 1898, but he has not been connected previously to the making of the famous silent film version, which was thought to have been based on the later Arnold Denham or E.I. Cole versions 5

Once a Register has yielded an item number, then this number should correspond to the item envelope in which any correspondence is held regarding an application for copyright. The application entries and correspondence are also extremely useful. Here too the date and place of first performance is often given, and legal documents relating to arguments over copyright and the transfer of copyright sometimes appear. A copy of the dramatist Edmund Duggan's will is to be found with correspondence and a copy of his and Bert Bailey's 1907 play *The Squatter's Daughter* (CRS A1336/1 item 22), and a memorandum agreement between Steele Rudd and the NSW Bookstall Company, giving an insight into that author's business dealings, can be located with correspondence concerning his 1916 book *Grandpa's Selection* (CRS A1336/1 item 5017).

The Exhibit files are naturally enough the main focus of interest for literary and dramatic historians. The nineteenth-century holdings are disappointing for theatre scholars (though not for other areas of history) but some worthwhile dramatic material is to be found there. For example the Victorian Copyright File CRS A1786 contains a beautifully-preserved manuscript of J.C. Williamson's Struck Oil as he performed it in 1874 (item 432B); a manuscript copy of Marcus Clarke's 1879 dramatisation of Wilkie Collins' novel The Moonstone (item 831B); a copy of the 1886 George Leitch Walker version of His Natural Life (item 2639B) and Act 2 of the rival Inigo Tyrell Weekes For the Term of His Natural Life (item 2673B) which was widely performed in America. Later stage versions of this play can also be found in the A1336 series.

There are smaller items in another Victorian colonial copyright series CRS A1188 such as an opening night programme for the 1872 Melbourne Theatre Royal, which includes a facsimilie of the corresponding programme for its predecessor, the 1855 Royal (p. 47). This kind of material can be found also in the Western Australian (A1722 and 1723) and Queensland (A1716) series, which also contains large numbers of maps; pamphlets; sporting programmes; sheet music; single sample copies of newspapers and magazines; and an occasional playbill, film poster or even playscript.

The Commonwealth Copyright Files 1907-1969 comprise the major part of the Archive holdings, since in nearly all cases an exhibit of each and every item is included either in the CRS A1336/I series or filed separately under the same item number in a second parallel series CRS A1336/2. The A1336/2 series was not known to exist until the present author began his inquiries early in 1986, and as it contains the major portion of all the exhibit items, the extent and importance of the Copyright files generally have been seriously underestimated before this. Most of Steele Rudd's, Louis Stone's and Betty Roland's plays are here, including several by each author which were either unknown or thought lost. There are many scripts by the prolific journalist and politician Randolph Bedford, including White Australia; or,

The Empty North (under the title For Australia); all Edmund Duggan's and Bert Bailey's individual and joint efforts; most of Kate Howarde's plays including *Possum Paddock*; scripts by Edward Dyson, William Moore, William Anderson, Charles Phillips ('Philip Lytton'), and George Wallace; some of Nat Phillip's pantomines for the Fuller's management which he and Roy Rene starred in as Stiffy and Mo; several Pat Hanna comedies from the depression years staged by his 'Diggers' Company; and individual works of great historical interest such as Ella Campbell ('Ella Airlie')'s famous pantomime The Bunyip and T.S. Gurr's and Varney Monk's celebrated Australian musical Collitt's Inn, staged by F.W. Thring in 1933 starring Gladys Moncrieff and George Wallace. [See Appendix Two for series and item numbers1

The earliest film scenario located in the A1336 files dates from 1911. It was a 'photo-play' called In a Coral Sea, which had been screened at 'Long Reef' on 11 March that year. Since it was economically impracticable to submit as an exhibit a complete print of a feature film, the Copyright Registrar attempted to impose a requirement that a photograph of each scene of a film be submitted instead. This appears to have been done with only seven very early films: W.J. Lincoln's The Sick Stockrider (A1336/1. item 2982); J.S. McCullogh's Sea Dogs of Australia (item 3130); E.H. Higgins' A Long Long Way to Tipperary (item 3819); W.J. Lincoln's (?) Nurse Cavell (item 4789) Alfred Rolfe's (?) The Eureka Stockade [The Loyal Rebel?] (item 5615); Roland Stavely's The Enemy Within (item 6778) and A.C. Tindale's (?) Romance of the Burke and Wills Expedition (item 6898). An eighth item, concerning Philip Lytton's film of The Man They Could Not Hang (item 8364), includes photographs which had earlier been printed as picture postcards. There are also photographs of another version of this film amongst a collection of unnumbered items which have been given the series number A1336/3.

In most other cases a written treatment or scenario was submitted; some of those in the A1336/1 series have been accessed and consulted by earlier researchers. The A1336/2 series adds to these several important new finds of film scenarios: Alfred Rolfe's Robbery Under Arms (item 6840); Raymond Longford's and Lottie Lyell's The Bloke from Wooloomooloo [released as *The Dinkum Bloke*](item 10,737); and Longford's sound-film version of *Fisher's Ghost* [not made] (item 25,238).

A guide to the identity and location of the series relating to copyright is included here as Appendix One, followed by selected lists of holdings in some of the files. This is only a small fraction of the material held. It is to be hoped that at some stage a full listing of all relevant files can be made, since they are without question one of the most important primary sources of materials for the study of Australian social and cultural history between 1870 and 1969.

Appendix One: Abstract Guide to Australian Archive holdings relating to the copyright of literature, drama and film. (Fine arts holdings are in other, adjacently-numbered series).

[NB: 'Mitchell' refers to the Australian Archives' main repository, cnr Flemington Road and Sandford Street, Mitchell, ACT 2911. BP, AP, and SP and K refer to files held permanently in the state offices of the Australian Archives in Brisbane, Adelaide, Sydney and Perth respectively.]

Authority	Dates	Registers & Indexes	Application	Exhibits	Location
Victoria	1869- 1907	A2389	A1720 A2387	A1188 & A1786	Mitchell
South Australia	1878- 1907	AP476/9	AP476/4,7	?	Adelaide
New South Wales	1879- 1907	SP1006/4 -7;A1089	A1718;SP 1006/2-3	A1718 ?	Mitchell Sydney
Queensland	1887- 1907	BP5/10 &11	A1716	A1716	Mitchell Brisbane
Western Australia	1889- 1907	K17	A1722-23	A1722-23	Mitchell, Perth
C'wealth	1907-69	A1957 A1960-2	A1336/1	A1336/ 1-3	Mitchell
Inter- national	1908- 1940	A1959 A1964	A1714	A1336/ 1-3	Mitchell

Appendix Two: A Select List of Australian Playscripts, 1907-1936.

A list follows of approximately sixty of the most important plays to 1936, most of which have been accessed and sighted by the present author, together with the series and item location of each script. If the script is in the A1336/2 series then correspondence about it will be found in the A1336/1 series. For the sake of brevity short titles are used and the series number CRS A1336 is omitted, as is the word 'item'. Thus a series item CRS A1336/1 item 22 appears as 1/22, and series CRS A1336/2 item 158 appears as 2/158. The irregular year groupings reflect the system of indexing used. After an initial two-year Index for 1907-8, the Indexes are annual until 1915. A single Index was compiled for the years 1916-1936 inclusive, after which time the practice of compiling an annual index was resumed until 1969.

1907-8

Bert Bailey's and Edmund Duggan's *The Squatter's Daughter* (1/22); Duggan's *The Southern Cross* (2/158); L.J. Carter/Edward Dyson/Bland Holt's *The Great Rescue* (2/257).

1909

Randolph Bedford's For Australia (2/931); Beaumont Smith's and Edward Dyson's The Teddy Bear (2/974); Bailey and Duggan's The Man

from Outback (2/1002); Williams Moore's The Only Game (1/1026) and Acting A La Mode (1/1027); F.R.C. Hopkins' Reaping the Whirlwind (2/1071); Jo Smith's *The Bushwoman* (2/1166).

1910

Williams Anderson's and Temple Harrison's *The Winning Ticket* (2/1656); M.E. Mills' and Frank E. Shepard's The Kelly Gang (1/1662).

1911

Duggan's My Mate (2/1869 — first 3 acts of 4 only); Wilton Welch's The Wool King (1/2026); Ella Campbell ('Ella Airlie')'s The Bunyip (1/2507 and 2/5356); Bedford's The Love Child (2/2118) and The Lady of the Pluck-Up (2/2119); Louis Esson's The Woman Tamer (1/2197).

1912

Charles Phillips ('Phillip Lytton')'s The Man They Could Not Hang (1/2284); Phillips' and W.E. Vincent's The Girl from Outback (2/2339); Smith and Bailey's On Our Selection (2/2391); A.H. Davis' and Bailey's Stocking Our Selection, Our New Selection and Sandy's Selection (1/2414-6); Moore's The Mysterious Moonlight (1/2471); Jo Smith's The Girl of the Never-Never (2/2689).

1913

Bailey's and Duggan's The Native Born (1/2749); Dyson's The Golden Shanty (2/2993).

1914

W.J. Hawkey's The Girl of the Sunny South (1/3345); Bailey's What Happended to Mary (1/3384); Kate Howarde's Why Girls Leave Home (2/3431) and The White Slave Traffic (2/3432).

1915

Frank E. Shepard's Dad from Wayback (1/3950) and The Waybacks in Town (1/3974); J.C. Williamson's (producer) The Sign of the Cross (1/3980) and The Silver King (2/4066); W.H.H. Hollinworth's The Day (2/4314); Philip Lytton's The Waybacks in Town and at Home (2/4405); Bedford's Flag of the Stars (1/4606), The Pearl of Torres and Aladdin The Boss Cocky (both 2/4606).

1916-1936 (A single Index exists for these years)

A.H. Davis's On Budgee Creek (1/4985), In Australia (1/5174) and Grandad Rudd (2/5698); Jo Smith's The Reveille (2/5829); Louis Stone's The Man Who Forgot (2/7038), The Lap of the Gods (2/7039), Ordeal by Proxy (1/11,078) and The Watch that Wouldn't Go (2/15,554); Kate Howarde's Possum Paddock (2/7819) and Gum Tree Gully (2/12,661); C. Lee's A Daughter of Australia (2/8860); Nat Phillips' pantomimes Cinderella (2/8910), and Mother Goose (1/11,259); Beaumont Smith's While the Billy Boils (2/10,278); J.C. Williamson's (producer) The Green Goddess (2/11,911, by William Archer) and The Whip (2/18,753, by Raleigh and Hamilton); G.P. Hanna's The New Commanding Officer (1/14,215), The Quarter-Master's Stores (1/14,216), Chic and Joe Join the Air Force (1/14,217), Diggers in Blighty (1/23,381) and Mrs O'Brien's Boarders (1/23,858); Edmund Duggan's The Killjoys (2/15,044); Betty M. Davies (Betty Roland)'s The Touch of Silk (1/17,141 and 2/18,123), Feet of Clay (1/17,592), Morning (1/18,671) and The Lotus Flower (2/19,242); Arthur H. Adams' Gallipoli Bill (1/18,314); T.S. Gurr's and Varney Monk's Collitt's Inn (1 and 2/24,081); J. McLeod's, E. & H. Barclay's and Varney Monk's The Cedar Tree (2/25,895 and 2/26,236).

From 1937 to 1969 the Register reverts to Annual Indexes; these have not been systematically consulted. The files less than thirty year old are not yet available for public scrutiny. One item noted in passing is a 'Radio format and script' of *McCackie Mansions* (1/48,748).

Appendix Three: A Select Listing of Materials Relating to Australian Film, 1911-1936.

(NB: All items are held in the A1336/1 and A1336/2 series; the same abbreviations are used as before. The name of the person copyrighting the film varies; it can be the writer, the director, the producer or another. So that future researchers may check the Index for additional information, the entries below are as given even when other information is known; eg A.C. Tinsdale copyrighted ('Neath Australian Skies in 1914 although it was directed by Raymond Longford and released as 'Neath Austral Skies.)

1911

A. McInnes' In A Coral Sea (1/2160)

1912

E. Maxted's The Rescue of the Imperial Fenian Prisioners from the Fremantle Gaol by the Clan-Na-Gael Society (1/2434).

1913

W.J. Lincoln's *The Sick Stockrider* (1/2982), *Moondyne* (1/3092), *The Reprieve* (1/3093), *Transported* (1/3094), and *The Crisis* (1/3095); E. Duggan's *The Burke and Wills Expedition* (1/3023); J.S. McCullagh's *Sea Dogs of Australia* (1/3130) and *An Australian Hero and the Red Spider* (1/3195).

1914

J. MacMahon's and G.L. Merriman's *The History of the Great Tichbourne Case* (1/3508); A.C. Tinsdale's 'Neath Australian Skies (1/3537); E.H. Higgins' A Long Long Way to Tipperary (1/3819).

1915

J.C. Williamson's For Australia (1/4585), Get-Rich-Quick Wallingford (1/4610), Within Our Gates (1/4668), Seven Keys to Baldpate (1/4677), Officer 666 (1/4679).

1916-1936 (A Single index exists for these years)

R. Longford's (& L. Lyell's) Mutiny on the Bounty (1/4799), The Church

and the Woman (1/5650), The Woman Suffers (1/6509), The Bloke from Wooloomooloo (1 & 2/10,737), Sons of Australia (1/11,113), Fisher's Ghost (1/12,588), The Bushwackers (1/13,602), Fishers Ghost (1 & 2/25,238); A.C. Tinsdale's Golden Wattle (1/5209), Coming Home (1/5600), The Laugh on Dad (1/5690), Burke and Wills (1/6769), Dad becomes a Grandad (1/6832), The Squatters Wife's Secret (1/6836), The Shirker's Son (1/6837), Women and Gold (1/6853), Burke and Wills (1/6865 and 6898), The Laugh on Dad (1/10,416), The Solar Eclipse 1922 (1/10.738) and '2 in 1 Trade Concessions and Amusement Tickets' (1/22,808); Franklyn Barrett's Australia's Peril (1/5439), A.H. Davis' On Our Selection (1/5965), Capture and Trail of the Kenniffs (1/6053) and Myda Lu (1 and 2/16,153); A. Rolfe's Robbery Under Arms (1 and 2/6840) and Captain Midnight (1/8318); Philip Lytton's The Man They Could Not Hang (1/8364); Harry Southwell's When the Kelly's Were Out (1/10,701); Paulette de V. McDonagh's Those Who Love (1/14,177 and 1/15,066) and The Greater Love (1/14,715); A.E. Higgins' Odds On (1/16,823); Betty M. Davies' The Spur of the Moment (1/21,217); George Wallace's His Royal Highness (1/22,828) and Oh What a Night (1/22, 829); E. Duggan's The Eureka Stockade (1 and 2/23,983); C. Chauvel's 'Chauvel School in Scenario Writing — Brochure' (2/24,605) and 'Chauvel Course in Scenario Writing - 7 Lessons' (2/24,606); F.W. Thring's A Ticket in Tatts (2/24,969); K. Howarde's Possum Paddock (1/25.752).

FOOTNOTES

- George Darrell, The Sunny South, ed. Margaret Williams, Sydney: Currency 1. Methuen, 1975; Alfred Dampier and Garnet Walch, Robbery Under Arms. ed. Richard Fotheringham Sydney and Brisbane; Currency/ ADS, 1985.
- 2. Australian Archives (NSW) SP 1006/3 Box 1, Item 89 No. 256 "B" p. 3.
- No systematic study of legal proceedings regarding the copyrights and performance 3. rights of plays in Australia has yet been undertaken. However it it clear from contemporary newspaper reports and reported legal proceedings that by the 1860s if not before George Coppin was actively litigating in defence of his purchase of the Australasian rights to Dion Boucicault's plays; as was J.C. Williamson in the 1880s over the works of Gilbert and Sullivan and His Natural Life.
- The Australian Writers' Guild presently maintains a private register of film, television, 4. radio and stage scripts which its members submit to its head office in order to ensure their copyright is accurately dated and preserved; it may well become a useful source for historians at some time in the future.
- See Andrew Pike and Ross Cooper, Australia Film 1900-1977. Melbourne: Oxford 5. University Press, 1981, p.7; and Eric Irvin, Australian Meldrama Sydney: Hale and Iremonger, 1981, p. 82.