

To catch a pirate

David Kettle

Who exactly are *The Pirates of Penzance's* pirates? On one level, of course, they are simply the soft-hearted brigands that we see on stage. But W S Gilbert had a fondness for wordplay – even in the opera's title, he picked the genteel Victorian seaside resort of Penzance, thousands of miles from the Spanish Main, as an ironically inappropriate centre for swashbuckling mayhem. It should come as no surprise, then, that the pirates of the opera's title are more than they might at first seem.

Think instead of very different, far more modern notions of piracy: illegal file-sharing, ripping and copying CD tracks, knock-off DVDs on dodgy market stalls. In their fifth stage work, Gilbert and Sullivan were taking on the Victorian equivalents – unscrupulous US stage producers making a quick buck from low-quality, unauthorised adaptations of the duo's carefully constructed operas that drew crowds but raised no revenue for their creators. And they took them on, perhaps with a sly wink, right from the title of the opera itself.

The duo's pirate problems began in earnest with their previous stage work, *HMS Pinafore*. Its London run in 1878 was hugely successful, but things really took off when the opera reached the other side of the Atlantic. *Pinafore* mania swept America – lines were quoted in papers, in law courts and even in the Senate, and it was estimated that more than 150 US companies mounted productions. Within just three weeks of its first US performance, five New York theatres were staging five different versions; the city's Globe Theatre later put on an all-black version; and there was even a production on a real boat floating on a lake in Providence, Rhode Island.

These shows were all unauthorised, of course: adapted, adulterated, and with no income generated for G&S. And by the time Gilbert, Sullivan and Richard D'Oyly Carte opened the first official production, at New York's Fifth Avenue Theatre on 1 December 1879, the opera was already so well known in the US that there was little life left in it – their production was a critical triumph, but it brought in poor takings for its creators.

Strictly speaking, though, the unscrupulous producers were doing nothing wrong. The real problem lay in US copyright law, which at the time offered no protection to non-US citizens, leaving American promoters free to do what they wanted with overseas works. And in fairness, Britain was just as bad: although the International Copyrights Act had been passed in 1838, theoretically recognising the rights of foreign authors, it was only applicable when a reciprocal arrangement existed

ROYAL BIJOU THEATRE,
PAIGNTON.

FOR ONE DAY ONLY,
TUESDAY, DECEMBER 30TH,
AT TWO O'CLOCK.

AN ENTIRELY NEW AND ORIGINAL

→*O:P:E:R:A*←

By Messrs. W. S. GILBERT and ARTHUR SULLIVAN, entitled

THE PIRATES OF PENZANCE,
OR LOYE AND DUTY,

Being its first production in any country.

MAJOR-GENERAL	Mr. RICHARD MANSFIELD
THE PIRATE KING	Mr. FEDERICI
FREDERICK (a Pirate)	Mr. CADWALADR
SAMUEL } Pirates	Mr. LACKNER
JAMES }	Mr. LEHAY
SERGEANT OF POLICE	Mr. BILLINGTON
MABEL... ..	Miss PETRELLI
EDITH... ..	Miss MAY
ISABEL... ..	Miss K. NEVILLE
KATE	Miss MONMOUTH
RUTH (Frederick's Nurse)	Miss FANNY HARRISON

SCENE

ACT I. A CAVERN BY THE SEA SHORE.
ACT II. A RUINED CHAPEL BY MOONLIGHT.

Doors open at 1.30. Commence at 2.

Sofa Stalls, 3/-; Second Seats, 2/-; Area, 1/-; Gallery, 6d.

TICKETS TO BE HAD AT THE GERSTON HOTEL.

Conductor, Mr. RALPH HORNER. Acting Manager, Mr. HERRERT BROOK.

with the overseas country in question. US authors and composers were therefore excluded.

Smarting from their bad experiences with *HMS Pinafore* in the US, Gilbert, Sullivan and D'Oyly Carte concocted an elaborate plan to assure themselves of control over *The Pirates of Penzance* in America. The work would be published simultaneously in Britain and the US. Since US copyright was only granted on works whose authors were resident in the US at the time of creation, Sullivan would leave the scoring of much of the work until he had arrived in New York. And to secure British copyright, they arranged for the opera's bizarre first-ever performance, a small-scale, semi-professional, one-off production in the Royal Bijou Theatre in Paignton, Devon, on 30 December 1879. The cast was drawn from performers taking part in a production of *HMS Pinafore* in nearby Torquay, from which costumes were also borrowed, and with time for only a single rehearsal, they sang with scripts in hand.

What a contrast with the starry New York premiere, which took place to enormous acclaim the following day, New Year's Eve 1879, at the Fifth Avenue Theatre. Despite tight security, though, the pirates were still at work. Spies were sent to memorise the score, and bribes were offered to the US orchestral musicians. Musical director Alfred Cellier was forced to take the orchestra parts back to his hotel room each night and lock them in a special safe he'd had installed.

There were still leaks, but the British trio was prepared for pirate productions. A chain of legal firms across America was on the lookout for unauthorised local versions of the opera and ready to apply for injunctions to stop them if necessary. And to stress the quality of authenticity, from February 1880 D'Oyly Carte sent off four touring companies with productions rehearsed by Gilbert and Sullivan themselves that crisscrossed the country, from Nebraska to Louisiana.

Ironically, *The Pirates of Penzance* never achieved the astonishing success of *HMS Pinafore* in the US – audience tastes had simply moved on. And that strange Paignton premiere proved an unwise move: a US court later ruled that since the opera had first been copyrighted in Britain, it did not qualify for a US copyright.

So much for *The Pirates of Penzance* marking Gilbert and Sullivan's victory over the copyright brigands. The duo continued their battles in later operas, however. *Iolanthe* had its London and New York premieres on the same day – 25 November 1882 – and only the libretto and basic piano accompaniment were originally published, to protect Sullivan's orchestrations. One US producer, however, hired composer John Philip Sousa to arrange his own orchestral accompaniment – although Sousa later admitted that Sullivan's was far better.

For *The Mikado*, Gilbert and Sullivan brought Boston composer George Lowell Tracy to Britain specifically to make a piano version of the score, and assigned US performance rights to him. But pirate productions still proliferated – it was said that on one particular evening on 1886, 170 separate *Mikados* were taking place across America. In the first unauthorised performance, in Chicago's notoriously disreputable Museum theatre on 29 June 1885, *The Mikado* shared the bill with a 21-inch-tall Mexican woman and a two-headed cow. Sullivan wrote in his diary of his anger that 'every miserable thieving penniless scoundrel in the States' could stage a production of *The Mikado*, and that 'there is a chorus of fiendish exultant glee in all the newspapers at our defeat'.

It took a change in US law for the piracy issue to be finally resolved. After an 1891 amendment that granted protection to foreign authors providing their work was printed in the US, it was only when the US finally joined the international-standard Berne Convention in 1988 that international copyright was finally fully recognised.

NEW YORK, DECEMBER 31, 1879.

FIFTH WEEK OF THE

Gilbert & Sullivan Opera Season

—BY—

D'OYLY CARTE'S LONDON OPERA CO.

First production of the New Melo-dramatic Opera, in Two Acts, by the author and composer of "Pinafore," written and composed expressly for production in the United States.

The Pirates of Penzance;
Or, The SLAVE OF DUTY.

WRITTEN BY

W. S. GILBERT.

COMPOSED BY

ARTHUR SULLIVAN

RICHARD, a Pirate Chief Mr. BROCOLINI
SAMUEL, his Lieutenant.....Mr. FURNEAUX COOK
FREDERIC, a Pirate Apprentice.....Mr. HUGH TALBOT
MAJOR-GEN. STANLEY, of the British Army. Mr. J. H. RILEY
EDWARD, a Sergeant of Police.....Mr. F. CLIFTON
MABEL, General Stanley's youngest daughter,
Miss BLANCHE ROOSEVELT
KATE, } General Stanley's { ..Miss ROSINA BRANDRAM
EDITH, } Daughters. {Miss JESSIE BOND
ISABEL, }Miss BARLOW
RUTH, a Piratical "Maid-of-all-work". Miss ALICE BARNETT
General Stanley's Daughters, Pirates, Policemen, etc.

On the OPENING NIGHT the Orchestra will be conducted by
Mr. ARTHUR SULLIVAN.

ACT I.—A ROCKY SEASHORE

On the Coast of Cornwall, England,

ACT II.—A RUINED CHAPEL

On General Stanley's Estate.

The Opera is produced under the personal direction of

Mr. W. S. Gilbert and Mr Arthur Sullivan.

Elaborate Costumes, imported from Europe, made by Mme. LATREILLE, of Paris, Mme. ALIAS and Mr. NATHAN, of London, from designs made by "Faustin." Ladies' Dresses by Messrs. BLOOM, of New York.

The Scenery..... by Mr. J. A. THOMPSON
Master Machinist.....Mr. BENSON SHERWOOD
Stage Manager.....Mr. ARTHUR LECLERCQ

The irony, of course, is that it was the pirate productions – certainly of *HMS Pinafore*, and also of later operas – that established Gilbert and Sullivan's reputation in the US. They may have been appalled by the liberties taken with their creations, and may not have received a cent in income from them, but the publicity that the unauthorised shows generated for them was priceless.

David Kettle is a journalist and writer on music who has written for *BBC Music Magazine*, *The Strad*, *The Times*, *The Guardian* and *Folk Roots*.