CARTOON THEATRICALS FROM 1896 TO 1927:
GUS HILL'S CARTOON SHOWS FOR THE AMERICAN ROAD THEATRE

A DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of the Ohio State University

By

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* * * * *

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To My Parents
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# TABLE OF CONTENTS

**ACKNOWLEDGMENTS** ........................................................................ iii

**VITA** ......................................................................................... iv

**LIST OF TABLES** ....................................................................... ix

**LIST OF FIGURES** .................................................................... x

**CHAPTER**

<table>
<thead>
<tr>
<th>I. INTRODUCTION</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction ........................................................................ 1</td>
<td></td>
</tr>
<tr>
<td>Statement of Purpose and Justification ................................ 4</td>
<td></td>
</tr>
<tr>
<td>Gus Hill--Biographical Information and Notes on the Growth of the Popular Theatre .................................. 9</td>
<td></td>
</tr>
<tr>
<td>Gus Hill and Cartoon Theatricals--Secondary Sources .......... 35</td>
<td></td>
</tr>
<tr>
<td>Litigation and Cartoon Art .................................................. 51</td>
<td></td>
</tr>
<tr>
<td>Gus Hill and Cartoon Theatricals--Primary Sources ............. 52</td>
<td></td>
</tr>
<tr>
<td>Conclusion ............................................................................. 59</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. GUS HILL’S FIRST CARTOON THEATRICAL -- McFADDEN’S ROW OF FLATS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction .............................................................................. 60</td>
<td></td>
</tr>
<tr>
<td>The Yellow Kid--Background and Significance .................................... 61</td>
<td></td>
</tr>
<tr>
<td>Hogan’s Alley--The First Yellow Kid Show ....................................... 70</td>
<td></td>
</tr>
<tr>
<td>Copyright Registrations for the Yellow Kid Shows ................................ 74</td>
<td></td>
</tr>
<tr>
<td>Frank Dumont’s Yellow Kid Script ................................................... 81</td>
<td></td>
</tr>
<tr>
<td>Yellow Kid Shows: “Authorized” and Pirated Productions .................... 86</td>
<td></td>
</tr>
<tr>
<td>Yellow Kids in Vaudeville ................................................................... 92</td>
<td></td>
</tr>
<tr>
<td>McFadden’s Row of Flats--The Second Yellow Kid Show ....................... 94</td>
<td></td>
</tr>
<tr>
<td>and Gus Hill’s First Cartoon Theatrical ........................................... 94</td>
<td></td>
</tr>
<tr>
<td>McFadden’s Row of Flats in the 1897-1898 Season ............................... 100</td>
<td></td>
</tr>
</tbody>
</table>
The Long Run of McFadden's Flats--With and Without the Yellow Kids .................................................. 103
McFadden's Flats and the 1903 Star Theatre Protest .... 104
McFadden's Flats and the Spanish Charge d'Affaires, 1912 110
The Yellow Kid Shows and Film ................................. 111
Conclusion .......................................................... 114

III. HAPPY HOOLIGAN AND ALPHONSE AND GASTON ........ 116

Introduction ...................................................... 116
Cartoon Theatricals (1899-1909) ................................ 116
Happy Hooligan (1901-1902) ...................................... 125
Frank Dumont's Happy Hooligan Script ....................... 135
Alphonse and Gaston (1902-1903) ............................... 137
Frank Dumont's Alphonse and Gaston Script ................. 147
Empire City Amusement Co. v. Wilton (1903) ................. 150
Alphonse and Gaston in the 1902-1903 Season and After ..... 156
Happy Hooligan in the 1902-1903 Season and After .......... 157
Conclusion .......................................................... 159

IV. MUTT AND JEFF AND BRINGING UP FATHER .......... 160

Introduction ...................................................... 160
Mutt and Jeff--The First Theatrical Adaptations ............. 161
Mutt and Jeff Copyright Infringements ......................... 181
Hill v. Whalen and Martell Inc. (1914) ......................... 182
Mutt and Jeff (1912-1913) ...................................... 187
Mutt and Jeff in Panama (1913-1914) ......................... 189
Bringing Up Father--The Musical Comedy Adaptations ....... 192
Subsequent Productions of Mutt and Jeff and Bringing Up Father .................................................. 200
Fisher v. Hill (1925) ............................................. 205
Bringing Up Father In Ireland at the Lyric (1924-1925) .... 209
Conclusion .......................................................... 220

V. CARTOON THEATRICALS IN BURLESQUE --
MUTT AND JEFF AND BRINGING UP FATHER .......... 222

Introduction ...................................................... 222
Cartoon Theatricals and the Columbia Burlesque Circuit ... 222
Burlesque and the 1925-1926 Season .......................... 226
Burlesque and the 1926-1927 Season .......................... 233
Burlesque and the 1927-1928 Season .......................... 238
# LIST OF TABLES

<table>
<thead>
<tr>
<th>TABLE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A Chronological Listing of Dramatic Copyright Registrations Involving the <em>Yellow Kid</em> (Mickey Dugan)</td>
<td>77</td>
</tr>
<tr>
<td>2. A Chronological Listing of Dramatic Copyright Registrations Involving <em>Happy Hooligan</em></td>
<td>133</td>
</tr>
<tr>
<td>3. A Chronological Listing of Dramatic Copyright Registrations Involving <em>Alphonse and Gaston</em></td>
<td>140</td>
</tr>
<tr>
<td>4. A Chronological Listing of Dramatic Copyright Registrations Involving <em>Mutt and Jeff</em></td>
<td>180</td>
</tr>
<tr>
<td>5. A Chronological Listing of Dramatic Copyright Registrations Involving <em>Bringing Up Father</em></td>
<td>196</td>
</tr>
<tr>
<td>6. A Chronological Listing of Dramatic Copyright Registrations Involving Cartoon Characters and/or Cartoonists</td>
<td>262</td>
</tr>
<tr>
<td>7. A Chronological Listing of Dramatic Copyright Registrations Listing Gus Hill as Copyright Applicant</td>
<td>274</td>
</tr>
</tbody>
</table>
LIST OF FIGURES

<table>
<thead>
<tr>
<th>FIGURE</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Gus Hill (1883), The Police Gazette Champion Light and Heavy Club Swinger; woodcut from a photograph by John Wood, Police Gazette 29 Sep. 1883: 13.</td>
<td>3</td>
</tr>
<tr>
<td>3. Happy Hooligan (1902), detail from a theatrical advertisement; Gus Hill, ad. for Gus Hill’s Enterprises (“Four of the Most Successful Box Office Attractions on the Road”), New York Dramatic Mirror 25 Jan. 1902: 28</td>
<td>130</td>
</tr>
<tr>
<td>4. Alphonse and Gaston (1903), detail from a cartoon; Frederick Burr Opper, “Alphonse and Gaston in India; They and Their Friend Leon Have a Mix-up with the Idol Juggernaut,” San Francisco Enquirer 15 Mar. 1903, comic supplement: 2</td>
<td>138</td>
</tr>
<tr>
<td>5. Mutt and Jeff (1914), detail from a theatrical advertisement; Gus Hill, ad. for Bringing Up Father and Mutt and Jeff (“The Box Office Twins”), New York Dramatic Mirror 14 Jan. 1914: 30</td>
<td>190</td>
</tr>
<tr>
<td>6. Bringing Up Father (1914), detail from a theatrical advertisement; Gus Hill, ad. for Bringing Up Father and Mutt and Jeff (“The Box Office Twins”), New York Dramatic Mirror 14 Jan. 1914: 30</td>
<td>195</td>
</tr>
</tbody>
</table>
CHAPTER I
INTRODUCTION

Introduction

As defined in this study, a cartoon theatrical is a live theatrical adaptation of a comic strip, comic book, single panel cartoon, or similar material.\(^1\) Between 1896 and 1927, there were more than two hundred cartoon theatricals,\(^2\) with Gus Hill actively involved in the production of more than half of them. From the late 1890s through the mid-1920s, cartoon theatricals were a familiar component of the American road theatre with *McFadden’s Row of Flats, Happy Hooligan, Alphonse and Gaston, Mutt and Jeff* and *Bringing Up Father* being among Hill’s more significant shows. Most of Hill’s cartoon theatricals were loosely structured musical comedies

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\(^2\)This number includes multiple companies of a show in any given season, revivals, sequels, or serial productions based on a single cartoon appearing in the American road theatre, regional theatre, stock companies, burlesque, or New York commercial theatres from 1896 to 1927. This yields an average of six cartoon theatrical productions per season, although the number varied between two to fourteen shows per season. More than fifty of these titles were original productions with the remainder being sequels, revivals and serial productions.
incorporating the characters, situations and specific humor of well-known newspaper comic strips. Hill was not the only person who showed interest in such shows, although he dominated this type of production. Other managers produced cartoon adaptations in a variety of theatrical styles such as conventional dramatic-comedies (*The Education of Mr. Pipp* and *Bird Center*), book-driven musicals (*Foxy Grandpa*, *Buster Brown*, and *The Newlyweds and Their Baby*), score-driven light operas (*Little Nemo*) and jazz ballets (*Krazy Kat*). Hill’s cartoon theatricals were light entertainments without an emphasis on scripts, librettos, scores, or choreography.

Hill’s production style for cartoon theatricals derived from his early performances in athletic exhibitions in New York saloons in the late 1870s. His first public appearances were in competitive and exhibition events swinging “Indian clubs,” boxing, and wrestling (see Fig. 1). All three types of matches were heavily promoted athletic rivalries between Hill and local contenders for some kind of “championship,” medal or honor. Hill performed in these entertainments for several years and later toured with burlesque and vaudeville companies. After ten years of touring he produced his own entertainments modeled on these shows.

Gus Hill produced cartoon theatricals similar in spirit and content to his other productions. His shows were variety entertainments, in the specific traditions of

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3 “Indian clubs” are similar to present day juggling clubs. In the routines the clubs were seldom released; instead they were swung in elaborate patterns and judged on the criteria of artistry, speed, endurance, time and/or weight. For thorough descriptions of club swinging see Hill, *Gus Hill’s Champion Club-Swinging and Dumbbell Manual* (New York: New York Popular Publishing Co., n.d. [c. 1881]); and Hill and Tom Burrows’ *Club Swinging* (New York: Richard K. Fox, 1904).
Fig. 1. Gus Hill (1883), The Police Gazette Champion Light and Heavy Club Swinger; woodcut from a photograph by John Wood, Police Gazette 29 Sep. 1883: 13.
burlesque, minstrelsy, and vaudeville. Hill’s cartoon theatricals were little more than themed variety shows centering on the characters and humor of well-known comic strips. Many people were familiar with the characters, situations and humor of a variety of these popular comic strips. With this, Hill’s task of publicizing cartoon shows was easier because he did not have to familiarize potential audiences with the spirit or content of cartoon theatricals. Several writers, including Coulton Waugh, have postulated that the relationship between comic strip characters and their readers has been a special one, with readers considering the characters as their “friends” and sometimes as members of their family.⁴ If this was the case, Hill’s use of comic strip characters exploited this relationship and encouraged comic strip readers to become part of the cartoon theatrical audience.⁵

Statement of Purpose and Justification

Hill produced most of the cartoon theatricals that appeared in road theatres from 1896 to 1927, in addition to producing melodrama, burlesque, vaudeville, and minstrel shows. His cartoon theatricals were a hybrid of these other popular forms, that emphasized form over content. This study focuses on the origin and development of five Hill cartoon theatricals: *McFadden’s Row of Flats, Happy Hooligan, Alphonse*

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⁵A familiar analogy to this is the grade school theatrical or talent show, where the primary audience (parents, teachers, friends, and relatives) attend because of who is in the show regardless of what is being performed or the degree of talent present. Hill employed characters that audiences identified with and counted as members of their families, thereby making them feel obligated to attend his productions.
and Gaston, Mutt and Jeff, and Bringing Up Father. These shows are significant because not only were they Hill’s most successful cartoon theatricals, but also because they were cornerstones of his career as a producer. Hill experienced tremendous financial success with cartoon shows because he produced them inexpensively and charged nominal admission fees. He favored cartoon shows because they were highly profitable compared to the other shows he produced.

This study is divided into six chapters, with each covering a span of activity as it relates to phases of Gus Hill’s development and later decline as a successful theatrical producer and business manager. Chapter I is an introduction to the subject, with a review of the literature and overview of research materials available for this study. Chapter II focusses on Hill’s first cartoon theatrical, McFadden’s Row of Flats, and the ownership issues of that hotly contested property. Chapter III discusses Hill’s Happy Hooligan and Alphonse and Gaston cartoon theatricals, with the ownership of both contested by other interested producers. Chapter IV addresses Hill’s Mutt and Jeff and Bringing Up Father, both of which became major business successes for Hill, after which he experienced significant setbacks with the decline in the road theatre in the late 1910s and early 1920s. Chapter V concentrates on the entry of Hill’s cartoon shows to the burlesque circuit for three seasons in the mid to

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6Later sources recalled Hill’s shows as products of his cautious thrift, utilizing scenery that could be transported in trunks in railroad cars and tacked up to walls in theatres. Hill staged several publicity events to dispel rumors that he was “cheap,” including the season that he attempted to corner the market on rhinestones; see “Professional Doings,” New York Dramatic Mirror 29 Aug. 1903: 13.
late 1920s. Chapter VI concludes the study, with a review of significant points raised in the course of this work.

This study employs a traditional historical method to establish significant events in Hill’s life and his production of cartoon theatricals. Its purpose is to add to an understanding of the American road theatre, one of its most prominent producers, and one style of show that was a staple for more than three decades. Sources for this study include primary documents ranging from Hill’s memoirs and correspondence to typescripts of cartoon theatricals. Secondary sources include histories of vaudeville and burlesque, biographical dictionaries, advertisements, legal records, tour schedules and production reviews. Research materials are more fully discussed later in this chapter.

It is worthwhile to examine early cartoon theatricals because there has been little written on the subject to date.\(^7\) This phenomenon has been overlooked because

academic studies have focussed on the popular/commercial theatre of New York, the art/not-for-profit theatre of New York, the careers of star performers and innovative directors, significant tours of major companies, the repertoire of resident and stock companies, or the theatrical life of a specific city or region.\textsuperscript{8} Additionally cartoon theatricals from 1896 to 1927 do not fit in the traditional fields of inquiry for theatre scholarship, because these shows were independent of New York's Broadway district, were not otherwise considered "art," rarely involved major performers or directors, and have not been considered significant. Cartoon theatricals are both important and valid for study because they were a major factor of the road theatre that have been overlooked in other studies. A study of cartoon theatricals adds to an understanding of the popular road theatre and gives a meaningful contrast to the New York commercial theatre. Further investigations into the history and repertory of touring shows are necessary in order to provide a fuller understanding of this cultural phenomenon.

Far from being a wide-spread movement by many producers, only a few people produced a majority of cartoon theatricals between 1896 and 1927. Many of these shows played one night to one week stands in theatres across the United States. The types of road theatre companies vary in quality and repertory. With cartoon

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theatricals (and presumably for road shows in general), some companies played stands of one to three nights for the entire season, some played mid-sized cities for one to four weeks, and others played only the larger cities for extended engagements or open-ended runs. Some companies restricted their touring to specific areas of the United States and Canada, while others toured particular circuits of theatres. The companies were often ranked, with the “first” company (sometimes identified as the “A” company) booked for longer engagements in better theatres in the larger cities. Third, fourth, fifth, and sometimes, sixth, companies, often played one to three night stands in tours that stretched across the United States and into Canada.

Cartoon theatricals are more than a simple curiosity of theatre history. These shows were first loosely defined as a theatrical style in 1896, gained popularity in the next few years, and then became a fixture in the popular theatre until the mid-1920s. Furthermore early adaptations of cartoon art for the theatre were precursors to the initial commercial adaptations for film (including the early Edison silent short subjects), radio, feature film, and television. This use of these characters in

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11No historical and comparative overview of adaptations of cartoon art for the theatre, film, radio and television exists. General works which acknowledge media crossover include George Perry and Alan Aldridge, “Comics and the Cultural
the "lively arts" was not limited to the enactment of characters for popular entertainment. Images from early comic strips enjoyed not only theatrical adaptation, but were also used in advertisements, domestic goods, and children's toys.\(^{12}\) While many things have changed in American culture, from before the turn of the century there has been a constant and pervasive use of familiar "friendly" icons to sell both entertainment and consumable products.

\textit{Gus Hill--Biographical Information and Notes on the Growth of the Popular Theatre}

Gus Hill (1858-1937), a son of German immigrants, was born Gustave Metz on 22 February 1858 in lower Manhattan to Conrad Metz (1824-??) and Martha E. Baecht Metz (1828-??).\(^{13}\) He was the oldest of the family's three surviving boys, with younger brothers Henry Metz (18??-1940) and William F. Metz (1878-1963).\(^{14}\)

\footnotesize
\begin{itemize}
\item Hill's birth certificate is not available. Early records indicate that Hill's birth year was 1858, while later sources give the years of 1859 and 1860. The 1858 date is derived from the 1860 New York City census records (Ward 11, div. 5, p. 954). The information on Hill's parents is from the 1860 New York census and Hill's death certificate.
\item Census records indicate that Gustave Metz was the second of three children residing with Conrad and Martha Metz. The children were William (age 6 years), Gustav [sic] (age 2 years), and Matilda (age 7 months). William and Matilda are not mentioned in family records after this time.
\end{itemize}
His father "owned a sawmill and furniture factory in Attorney Street, near Grand Street."\textsuperscript{15}

It is unknown whether Gus Hill had a formal education, but sources note that his informal education was received on the streets of New York, primarily in the Bowery district.\textsuperscript{16} He spent many hours watching and engaging in feats of physical prowess, such as boxing, wrestling, and swinging Indian clubs. When he began performing in "show business" he assumed the stage name Gus Hill, borrowed in part from Harry Hill's popular saloon. His younger brother Harry also adopted Hill as a stage name when he followed his brother into the theatrical profession. Their youngest brother, William, found his career in advertising with the Hearst newspapers (1896-1926) and McFadden Publications (1926-1932) before becoming a member of city council in East Orange, New Jersey (1932-1944).\textsuperscript{17}

Gus Hill's athletic feats eventually led him to perform in a vaudeville bill at Tony Pastor's Theatre in New York. On 16 June 1876, at the age of 18, he appeared


\textsuperscript{16}Hill, "Fifty Years in Show Business," unpublished, undated ts. (c. 1928), Rare Books and Manuscripts collection, Harry Ransom Humanities Research Center, U of Texas at Austin, 1, 14; \textit{and Zoe Beckley, "Broadway's Still Glory Road to Him: Gus Hill, at Seventy-eight, Has No Intention of Quitting Glamour of the White Lights," New York Post} 19 Mar. 1936: 19.

on a bill that featured the "great Leonzo Brothers and their celebrated dog, Tiger."18

By that time he was recognized as "the first outstanding club swinger."19 For the
next ten years, Hill appeared with variety, burlesque, and minstrel companies
performing acts of athletic skill.20

In the season of 1885-1886, at the age of 27, Hill produced Gus Hill’s
Mammoth Novelty Company for which he swung his Indian clubs and performed other
specialties.21 In the following season (1886-1887), Gus Hill’s World of Novelties
featured Joe Weber and Lew Fields in their first full season of continuous
employment.22

18George C.D. Odell, Annals of the New York Stage, vol. 10 (New York:
Columbia UP, 1938) 648. A program for this exhibition exists in the Gus Hill file
(Joe Laurie Jr. materials), Billy Rose Theatre Collection, New York Public Library.

19Joe Laurie, Jr., Vaudeville: From the Honky-tonks to the Palace (New York:
Holt, 1953) 320.

20Hill noted that his travels included two trips to the West Coast (the first when he
was nineteen, in 1877); see Hill, “Fifty Years in Show Business,” 21, 28-30. Hill’s
first book on Indian club swinging includes reviews of his act from regional
newspapers (c. 1879-1880) from Baltimore, Boston, Philadelphia, Buffalo, and
Cincinnati; see Hill, Gus Hill’s Champion Club-Swinging and Dumbbell Manual.
There are also mentions of Hill’s touring in Laurie 22-23; and “Hill, Gus,” Who’s
Who in Music and Drama, Dixie Hines and Harry Prescott Hanaford, eds. (New
York: H.P. Hanaford, 1914) 164.

This article notes Hill’s first managerial experience was with May Adams’ Japanese
Minstrels, yet Odell indicates that Gus Hill’s Mammoth Novelty Company performed
on the same bill as May Adams’ Chinese Minstrels during the season of 1885-1886.
See Odell, vol. 13, 97.

28 June 1924: 20-21, 89-90, 94; Isman, Weber and Fields, Their Tribulations,
Triumphs and their Associates (New York: Boni and Liveright, 1924); and Armond
Fields and L. Marc Fields, From the Bowery to Broadway: Lew Fields and the Roots
Hill made the transition from performer to producer for several reasons: as a producer he was in charge of the production, the billing, and the box office receipts. One writer noted that Hill initially set out to make himself a “big man . . . constantly writing and planning his future,” pasting up small stickers with pictures of himself to promote his career. Another article noted Hill’s early inclination toward management and production:

During the years that he labored for others, Mr. Hill, not satisfied to maintain the position that he had made for himself as a performer, studied the manner in which the theatrical companies were managed. Being simply a performer and not in any way connected with the business affairs, he had the opportunity that the outsider always has to observe and learn. Thus he gained a knowledge of the theatrical business that many are not fortunate enough to obtain, or, having the opportunity, do not trouble themselves to acquire.

Another source noted his early attraction to producing:

He had his eye on the business end of the game, even in those days. People liked to see him swing the clubs, so he organized a company to surround him and owned the show, as well as remaining as the star attraction.

Hill’s early shows were similar to those he toured with during the early part of his career. These companies used the forms of variety/vaudeville, burlesque, and minstrelsy, and featured a company of performers with individual talents that were

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of American Popular Theatre (New York: Oxford UP, 1993) 73. Isman notes that Hill hired the pair when they were virtually unknown, giving their career a much needed boost. Fields and Fields give less credit to Hill and more to the talents of the performers. This is discussed at greater length later in this chapter.


24“The Evolution of a Manager.”

frequently performed as "specialties." Hill began producing in the mid-1880s with a series of variety shows. From the mid-1880s to the mid-1890s, Hill's productions included a "novelty" show of which he was the star performer. He then added *Gus Hill's New York Vaudeville Stars* in 1892.\(^\text{26}\)

In the season of 1896-1897, Hill increased the number of shows he produced from two to six. To his two variety shows (*New York Stars* and *Gus Hill's Novelites*) Hill added three burlesques (*Forbidden Fruit, Stolen Sweets, Vanity Fair*) and his first cartoon theatrical (*McFadden's Row of Flats*).\(^\text{27}\) He added minstrelsy in 1898 with *Gus Hill's Ideal Minstrels*; melodrama in 1898 with a series of Owen Davis' early plays (including *Through the Breakers, Over the Fence*, and *Lost in the Desert*), and a "freak" show in 1899 with the *Royal Lilliputians*. At the turn of the century Hill had established himself as a significant producer of a range of popular entertainments.

Hill's involvement with cartoon theatricals began with the cartoon character Mickey Dugan, better known as "the Yellow Kid."\(^\text{28}\) In the 1896-1897 season there

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\(^{26}\) The novelty company was known in its first season as *Gus Hill's Mammoth Novelty Company* (1885), then *Gus Hill's World of Novelities* (1886-1894), and then simply *Gus Hill's Novelities* (1894-1898). *See* Odell, vols. 13-15.


\(^{28}\) One of the first settings of the Yellow Kid feature was "Hogan's Alley" which was purportedly inspired by a song ("Maggie Murphy's Home") from the stage show *O'Reilly and the Four Hundred*, which began with the line "Down in Hogan's Alley." *See* Roy L. McCordell, "Opper, Outcault and Company: The Comic Supplement and the Men who Make It," *Everybody's Magazine* June 1905: 768. Gerald Bordman notes that "Maggie Murphy's Home" was one of the key musical numbers in Edward Harrigan's *Reilly and the Four Hundred* (1890) and in the musical *Harrigan 'n Hart* (1985). *See* Bordman, *American Musical Theatre* 107, 717.
were two major adaptations of this cartoon with Hill’s *McFadden’s Row of Flats* and Gilmore and Leonard’s *Hogan’s Alley*. Additionally there were ten minor shows and many imitations in vaudeville, minstrel shows, and burlesque. Of these adaptations, *McFadden’s Row of Flats* was the most successful and the longest lived. It was produced from 1896 through seasons as late as 1927 and filmed in the late 1920s.\(^{29}\) In comparison, *Hogan’s Alley* was produced for the theatre from 1896 through 1903 and filmed in the 1920s.\(^{30}\) Hill’s success with *McFadden’s Row of Flats* encouraged his production of other cartoon theatricals, although he waited several years before producing his second cartoon theatrical.

The popularity of the Yellow Kid character led Hill, Gilmore and Leonard, and many other theatrical managers into a complex and bizarre set of circumstances in which the cartoon character became a major point of contention. In a period of two and a half years there were more than thirty applications for the dramatic copyright of scripts and titles related to the character. At least ten theatrical managers produced *Yellow Kid* shows during the first three seasons of production and they fought bitterly over the control of the material and to close each other’s shows. When intimidating advertisements failed in the press, they sued each other for copyright infringement and petitioned for injunctions. The fervor over the character died down over the

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\(^{30}\)“*Hogan’s Alley* Suit,” *Variety* 24 Aug. 1927: 46.
course of the first few seasons, leaving Hill to produce *McFadden's Row of Flats* without the competition or complaints of other managers.\(^{31}\)

In the early 1900s, Hill continued to produce new variety, burlesque, minstrel, freak, and cartoon shows. Two of the more representative cartoon theatricals were Hill's *Happy Hooligan* and *Alphonse and Gaston*. Both experienced popularity similar to the *Yellow Kid* shows, with over a dozen producers applying for the dramatic copyright on variations of the *Happy Hooligan* title. In contrast, the dramatic copyright registration for *Alphonse and Gaston* was of interest to only three producers, but producers contested the issue of theatrical rights in the press and in the courts. Hill successfully established his rights to produce these shows and fended off others who claimed an entitlement to the material. However Hill lost interest in *Alphonse and Gaston* after two seasons, while he continued to produce *Happy Hooligan* for the better part of a decade. Different versions of *Happy Hooligan* appeared as late as the season of 1923-1924.\(^{32}\)

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\(^{31}\)In the first season there were several heated exchanges between managers as to who properly held the rights for *Yellow Kid* shows. Gilmore and Leonard emerged as the proper assignee from the *New York World* and Hill from the *New York Journal*. All other managers seem to have been "persuaded" to produce other material. Additionally the *Yellow Kid* newspaper features were no longer published after early 1898. This is discussed at greater length in Chapter II.

\(^{32}\)Some examples of title variations include *Happy Hooligan's Trip Around the World* (1905-1906), *Happy Hooligan and his Mule Maud* (1908-1909), and *Happy Hooligan Down on the Farm* (1921-1922).
Hill’s first “freak” show was *The Royal Lilliputians*,\(^{33}\) infrequently produced from the first season of 1899-1900 through the season of 1929-1930. Melodrama held a similar place in Hill’s production schedule, first appearing in 1898-1900 with Owen Davis’ *Through the Breakers* and remaining an infrequent element through the mid-1920s. Minstrel shows were among Hill’s favored productions, with his first minstrel show produced in the 1898-1899 season and the last regular productions in the early 1920s, with multiple companies touring in several seasons.

Hill became involved with burlesque with his first burlesque shows in 1896-1897 and later formed the largest burlesque organization in America on 12 July 1902 as one of sixteen producers who incorporated the Columbia Amusement Company and held a position on the board of directors from 1902 through the 1920s.\(^{34}\) In Columbia’s first season of 1903-1904, Hill and Bob Manchester co-produced *The Crackerjacks*, which they had produced for independent burlesque houses as early as the 1900-1901 season. For the next few seasons, Hill and Manchester produced three burlesque shows per season for the Columbia Amusement Company, including *The Crackerjacks, The New York Stars, Vanity Fair*, and *Gay Masqueraders*. When Hill’s *Mutt and Jeff* shows increased in popularity in the early 1910s, he leased his Columbia franchise to other producers.

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\(^{33}\)This show was initially described as “a monster organization of dwarfs, midgets, giants and such strange folk.” See “Gus Hill’s Enterprises,” *New York Dramatic Mirror* 23 Dec. 1899: 61.

\(^{34}\)Sam A. Scribner, “Running Burlesque,” *Variety* 7 July 1922: 7, 55.
Hill’s producing career from 1910-1911 through 1925-1926 was dominated by the cartoon shows *Mutt and Jeff* and *Bringing Up Father*. Both shows were long lived, with *Mutt and Jeff* first performed in the 1910-1911 season and running through the season of 1927-1928, with six companies playing simultaneously at the height of its popularity. Similarly *Bringing Up Father* was introduced in the 1913-1914 season and appeared as late as the season of 1932-1933, with as many as three companies in a season. *Mutt and Jeff* remained simply *Mutt and Jeff* for the first three seasons, after which appeared *Mutt and Jeff in Panama* (1913-1914), *Mutt and Jeff in Mexico* (1914-1915), *Mutt and Jeff in College* (1915-1916), through *Mutt and Jeff in Paris* (1927-1928). For fourteen years, variations in the titles for *Mutt and Jeff* and *Bringing Up Father* included elements of exotic locations (*Abroad, Chinatown, Ireland* and *In the Wild and Wooley West*), common places (*At the Seashore, At the Races, Wall Street* and *Broadway*), social circumstances (*Politics and Society*), or domestic situations (*Wedding, Honeymoon, Divorce* and *Home*). This repeats the pattern of other non-cartoon theatrical productions that were produced with multiple companies and almost annual shifts in theme, content and title such as the series of shows inspired by *Fritz*, *Our Cousin German* (1870; with other shows including *Fritz Among the Gypsies, Fritz in a Madhouse*, and *Fritz in England and Ireland*) or those inspired by *The Mulligan Guards’ Picnic* (1878; with other shows including *The
Mulligan Guards' Ball, The Mulligan Guards' Surprise, and The Mulligan's Silver Wedding.\textsuperscript{35}

In 1914, Hill briefly entered the field of film production with the formation of the Nonpareil Feature Film Company. His plans began with the intent to form a $50,000 corporation to film his "old musical comedies, such as 'The Yellow Kids,' 'McFadden's Flats,' etc."\textsuperscript{36} Within two weeks he formed a $100,000 film corporation and announced plans to produce two films: a five reel Around the World in 80 Days and The Life of Napoleon.\textsuperscript{37} The president and general manager of the corporation was another theatrical producer, William J. Counihan, while Hill was the treasurer and M.T. Middleton, Hill's general manager, was the vice-president.

For theatrical producers and managers to become involved in film production was a common occurrence in the 1910s. In 1915, William A. Brady (a well-known and respected theatrical producer) explained why he pursued film production:

I went into the moving picture business because I could not sit back and be still while almost every other theatrical man of importance was getting into the game. I had to take advantage of everything that came my way. You will understand this when I tell you that last year I had thirty companies on the road, while this year I have only six — not one of them making any money worth while.

A great many theatrical managers are explaining why they went into the "movies." Strangely enough, none of them seems to connect his entrance into a new field of activity with the fact that you can usually get a ticket to the "movies" at the box office; that you are not referred to a curbstone merchant

\textsuperscript{35}See Bordman, American Musical Theatre 28, 29, 31, 34, 43-46, 49-51, 53, 55-56, 58, 60, 63, 70, 72-73, 74, 80-81, 91, 99, 111, 117, 121, 125, 127, 142, 213.


when you want to sit further front than the last row, and that thus far motion picture seats are not on sale at the fashionable hotel stands. These three advantages have done wonders for the “movies.”

There was a blend of excitement and resignation among theatrical producers who turned to film. Brady notes his interest in film stemmed out of exasperation with elements of theatrical production. Hill’s early press suggested that he became involved because he could reach more people at a decreased cost. Film offered opportunities unheard of in the legitimate theatre, although the success of film was sometimes perceived as being at the expense of the live theatre.

Nonpareil’s first released film was the six-reel *The Line Up at Police Headquarters*, a pseudo-documentary of “the official (inside) workings of the New York City Police Headquarters,” featuring New York Police Commissioner George S. Dougherty. With this release, Hill announced the “active preparation” of a one-reel *Happy Hooligan* films and the intent to produce *Mutt and Jeff* and *Bringing Up Father* films. In early May, Hill announced that “Happy Hooligan at a Vaudeville Show,” was to be the first of his weekly *Happy Hooligan* single reels. Hill

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38“Can This Be It?” *Variety* 26 Mar. 1915: 10.

39Gus Hill, ad. for *The Line Up at Police Headquarters*, *Variety* 17 Apr. 1914: 36. In this advertisement Hill noted several things about the film, including that it was “a plot founded on Police records; not a white slave picture; not a sex problem, but the sort of story that has thrilled mankind since the creation of the world; write for prospectus; state rights now selling; a picture that will meet the approbation of all censors, and will receive the indorsement of every police department in the world.” This film was reviewed a month later; see Sime [Silverman], “The Line-Up,” *Variety* 22 May 1914: 22.

40“Gus Hill’s Film Comedies,” *Variety* 1 May 1914: 20.
announced in late May that the filming for the *Happy Hooligan* pictures would begin 1 June under the direction of Jack Mahoney.\textsuperscript{41}

By January 1915, none of Hill’s cartoon shows had been released as films, although Nonpareil also released a version of *Alice in Wonderland* featuring Viola Savoy. Hill indicated that the cartoon films were forthcoming, promising several things:

The Biggest Scream the Moving Picture World Has Ever Seen. A Series of Features of the Life of “Happy Hooligan,” From the Cradle to the Grave.

WE’RE GOING TO RELEASE ONE SCREAM A WEEK!! 1st Comedy will be entitled “HAPPY HOOLIGAN AT A VAUDEVILLE SHOW.” YOU’LL Laugh at “HAPPY” and you’ll Laugh at the Show.

If you want to succeed, hook up with successful people!! Watch for “Mutt and Jeff” and “Bringing Up Father.”\textsuperscript{42}

Available records list no other films produced by this corporation. It appears that Nonpareil died an untimely and ignominious death, unable to secure the proper funding, audience, or distribution necessary for a successful venture.

In a little over a year’s time, Hill quickly moved from being an advocate for the financial possibilities of film (January 1915) to a sworn enemy of the medium (March 1916). Oddly enough, at the height of his success with *Mutt and Jeff* and *Bringing Up Father*, he predicted the imminent demise of film based on the superiority of live theatre and the mendacity of film producers.

“Motion pictures are on the decline,” he says without hesitation. “I will admit that they are educating new audiences to the theater; but the time is coming when people are not satisfied with pantomime as it is thrown on the screen.

\textsuperscript{41}“Hooligan’s Director,” *Variety* 29 May 1914: 20.

\textsuperscript{42}Gus Hill, ad. for the Nonpareil Feature Film Co., *Variety* 16 Jan. 1915: 30.
They want to sit in the theater and feel a personal contact with the actors who are endeavoring to amuse them. Movie fans are drifting back to the theaters, which they deserted temporarily for the cheaper entertainment. Why, even the old-fashioned thriller is coming back. We hear of a great demand all over the country for the old simon-pure melodrama.

"Motion pictures are a very personal matter with me. I have been in the theatrical business for many years and I have known a great many men connected with the theater. I have found very few of them to be dishonest. I have met a very large number of film producers, and I have known very few of them who are honest. Perhaps that fact helped me to form my opinions about the movies. Dishonesty never pays; so I believe that the movies are doomed."

Hill was not prepared for the increasing sophistication of film technology. As film became a more efficient medium for entertaining larger audiences, Hill could not compete against the overwhelming economic factors. His frustrations with film overcame him to the point that he produced Arthur Denver’s *Hollywood Scandals* in 1922, which he had hoped would reveal the film industry’s true image.

Ironically, just as Hill found success with *Mutt and Jeff* and *Bringing Up Father*, the road theatre was in the early stages of significant difficulties. In July of 1912, Walter Prichard Eaton wrote an article asking “What’s the matter with the Road?” and noted factors contributing to a decline in business for theatrical art. Eaton’s discussion referred almost exclusively to artistic rather than commercial productions. In his article, he supported and then dismissed the idea that the road theatre faltered because it could not compete financially with film. He noted the cost

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43Bell.

44"Hollywood Scandals New Thriller," *Variety* 21 Apr. 1922: 1. The article noted that “the piece is said to lift the lid of the inside picture situation on the coast, with the principal characters carrying names that will make them easily recognizable.”
of one night in a theatre was equal to one week of evenings attending films, yet he rejected the idea of film as competition because of the sheer cultural superiority of the live theatre. He perceived motion pictures, phonographs, and mechanical piano players as “mechanical substitutes” with a “proper place in the elementary educational process” that most people would eventually “outgrow” in their quest for “something finer.” He further noted that film audiences were most likely “a large class of the population who, hitherto, have not patronized the higher forms of drama at all.”

Eaton focussed instead on the high cost of production for theatre owners and theatrical managers, complicated by a proliferation of poorly produced shows which began to turn loyal theatre-goers away from the theatres. He noted that an erosion of “public confidence” became apparent when unscrupulous and untalented managers produced second, third, fourth and fifth companies of productions which were successful in New York. For Eaton, the road theatre fell into a serious decline when theatrical managers decided to “clean up” and produced shoddy companies of successful New York plays. The public stopped going to the theatre because there were few assurances that a touring production would be done presented with adequate

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46Eaton 359. Eaton continued with his observations of film audiences, noting a “very decided difference” between motion picture audiences and those in “legitimate” theatres. “They are not the same people at all. They bear a much closer resemblance to the audiences at vaudeville, and they contain, also, a vastly greater proportion of children and young people. The observer cannot fail to realize that whether these people go to motion pictures or not has very little bearing on the attendance at the so-called ‘first-class’ drama.”

47Eaton 362.
skill or talent. In keeping with a number of Eaton's observations, Jack Poggi later noted that the road theatre began to disintegrate around 1910. When people could no longer see road companies comparable to the "New York successes" they were supposed to represent, little credence was given to touring shows. Poggi notes a wide variety of factors which brought about the decline of the road, including the shift in focus from the road theatre to that of the New York theatre, competition from inexpensive entertainments (including automobiles, film and radio), increased production/ticket costs, discrimination of audiences between everyday and special entertainment, and the complete suspension of judgement on the part of producers when it came to developing shows.\(^{48}\)

While the road theatre declined in the early 1910s, Eaton and Poggi's arguments do not begin to account for the successes and difficulties that Hill experienced during the 1910s and 1920s.\(^{49}\) Eaton and Poggi focus on the serious dramas produced for the road and disregard other types of touring shows. Producers with vaudeville-like entertainments were more concerned about the impact of film on the size of their audience than with the competition of the "first rate drama."

However, Hill experienced difficulties during the 1910s with the hesitations and uncertainties of other managers. He wrote letters, bought advertisements, and issued press releases encouraging his peers to remain active in production. In 1912,

\(^{48}\)See Poggi 28-45.

\(^{49}\)Eaton's argument is primarily concern with multiple companies of "first-class dramas," while Poggi also incorporates the influences of other factors and cites economic data.
Robert Grau wrote of Hill’s success, amid what was considered a generally poor season for theatrical business:

In a season noted for disastrous conditions for producers, there has been one striking display of that showmanship so rarely in evidence in these days. Mr. Gus Hill has once more illustrated his keen discernment in measuring the taste of that public which he has been wont to deal with; others had plays written around the various cartoon themes, featured in our big daily newspapers, but Mr. Hill seems alone to be able to present such stage offerings in a manner that will endure. Nothing this manager has ever attempted has had the financial success that has attended the exploitation of “Mutt and Jeff” in the playhouses.

Four companies on tour are carrying everything before them, and the box-office receipts of at least one of these organizations would excite the envy of an operatic impresario. Mr. Hill is not noted for any prodigal waste in the equipping of his organization, hence one may wonder as to the amount of the surplus profits of this one production. The estimated total conserved for Mr. Hill’s plethoric bank account, as a result of the season of 1911-12, is placed at $150,000.50

In December of 1914, Hill wrote an open letter to the New York Dramatic Mirror in which he decried the rumors of bad business, citing his own record as proof that this was simply not the case.

I have eight attractions on the road this season, five playing “Mutt and Jeff in Mexico” and three playing “Bringing Up Father.” While the air is full of howls of dismay concerning bad business, my shows are doing fully as well as last season. I have not, and do not intend to close any of them. There must be a reason for this. I am giving the people just what they want—light comedy with music. If the theatrical managers would get out and hustle, instead of getting cold feet and laying down, this so-called business depression would quickly disappear. Without exaggeration, my office is the only one on Broadway in which there is an air of cheerfulness. Never-changing business enthusiasm is my motto. When things look the darkest I make my greatest efforts. Surely you can afford to accept the advice of a successful man. President Wilson’s remark about the hard times being psychological was more truth than fiction. The people have the money, but have lost their

aggressiveness and will not circulate it. They have closed up like a clam. American business men have lost their nerve. To my mind it is incomprehensible that the American public have allowed a war in Europe to whip them without a fight. Think this over.\(^{51}\)

In January 1916, Hill was still of the same opinion, although he shifted blame from general “bad business conditions” to the specific encroachment of film on the theatre’s audiences. In a postcard he issued to other managers, he included statistics of receipts from his successful shows noting that:

> If I can do this kind of business so can you. It’s there waiting for good shows. Let’s get together and give the movies a stiff fight.\(^{52}\)

Hill’s overall efforts to encourage other managers had little effect and the number of shows produced for the road theatre declined each season throughout the 1910s.\(^{53}\)

Despite the difficulties of business, Hill produced on average of one new cartoon theatrical per season from 1910-1911 through 1919-1920. However, except for *Mutt and Jeff* and *Bringing Up Father*, none were nearly as popular or lucrative as his most profitable cartoon shows, with the newer productions lasting only a season or two. Hill’s commitment to producing new cartoon theatricals increased in the second half of the decade while he continued to produce musical comedy, burlesque, vaudeville/variety, minstrel, spectacular, and melodrama.\(^{54}\)


\(^{53}\)See Poggi 30.

\(^{54}\)In the 1910s Hill produced eight serializations of the *Mutt and Jeff* shows, five serializations of the *Bringing Up Father* shows, and introduced four other cartoon show titles. Additionally, Hill introduced twenty-five other titles to his touring repertoire.
Following the season of 1919-1920, Hill seemed primarily interested in cartoon theatricals, although touring conditions began to affect his enterprises. At the end of the season, Hill announced that he intended to retire from show business if conditions did not soon change.\textsuperscript{55} For the balance of the 1920s he produced cartoon theatricals, minstrel shows, and a series of melodramas including Adeline Hendricks’ \textit{Old Man Smith}, Sanford White’s \textit{In the Dark}, and Arthur Denver’s \textit{Hollywood Scandals}, that he attempted to move to Broadway.

Unfortunately Hill’s production schedules for the 1920s are difficult to track for several reasons. In general, the reporting of touring shows, discussed in previous years in great detail in trade papers such as the \textit{New York Dramatic Mirror} and \textit{Variety}, declined as the activity and interest in the road theatre lessened. This is further complicated by the fact that Hill produced shows in the 1920s under cooperative agreements with other producers, leased productions rights to other companies, and produced shows under corporate names. Hill’s largest corporation, the Hillsdale Amusement Company, produced many of his shows, although others were produced by the Hillok Amusement Company, the Wellok Amusement Company, and companies that included references to his name and his wife’s maiden

\textsuperscript{55}“Gus Hill Says ‘No More Shows,’--Well-known Producer in Positive Statement that He is to Quit Show Business,” \textit{Dramatic Mirror} 5 June 1920: 1158. This statement came as a result from Hill experiencing a series of difficulties with theatrical unions “gouging” his profits. This was not the first time he had threatened to retire from producing. \textit{See also} “Gus Hill’s Attractions Leased,” \textit{New York Dramatic Mirror} 27 June 1908: 3; and “High Rates Hit Hill Shows: Manager Declares New Railroad Rates Will Drive Him Out of Business,” \textit{New York Dramatic Mirror} 5 May 1915: 7.
name, Wellington. Hill formed these corporations in order to protect his personal assets from a series of lawsuits involving his cartoon shows. He did not successfully hide behind his corporate identities, but it created several barriers for anyone who tried to locate Hill’s resources.

James J. Dealy sued Hill for negligence after being blinded in his left eye by a faulty property pistol from one of Hill’s *Mutt and Jeff* shows in 1918. Although vigorously protested by Hill’s lawyers, the case was decided in 1920 in favor of Dealy for the sum of $24,124.17. Similarly, Frederick V. Peterson, who managed a company of *Bringing Up Father* in the season of 1918-1919, sued for breach of an oral contract involving Hill’s promise that Peterson would manage a company of *Bringing Up Father* for the 1919-1920 season. Peterson claimed that he was “damaged” in the amount of $100,000, based on his performance with *Bringing Up Father* in the 1918-1919 season and the favorable business conditions in the following season:

Peterson averred it was a “flop” until he took command and made it turn a profit, as a result of which he earned for himself on the 2½ per cent agreement $30,000 on the season. It was agreed that he was to have charge of the following season’s edition, which he sued to enforce when denied him. Hill’s defense was a general denial.

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56“$30,000 Against Hill,” *Variety* 11 June 1920: 15.


58“Judgement Appeal Denied,” *Variety* 17 Nov. 1922: 13. If these figures are accurate, then Peterson’s 1918-1919 *Bringing Up Father* earned gross receipts of $1.2 million.
Despite his claims, Peterson was awarded only $10,000 in 1922. The third major suit against Hill was pursued by H.C. “Bud” Fisher, who sued for non-payment of royalties from Hill’s use of the dramatic rights to Fisher’s “Mutt and Jeff.” Hill ceased royalty payments in late 1919 and Fisher immediately pursued legal action. Between the three suits, Hill was liable for approximately $60,000 in settlements and costs to Dealy, Peterson and Fisher.

Hill responded to the suits individually and jointly in a similar fashion:

- He retained a number of attorneys to respond to the claims;
- He appealed all decisions to the highest court available;
- He formed corporations to shield his assets;
- He shifted his funds between his personal accounts and his corporate accounts;
- He depleted his personal resources and divested his personal property; and
- He declared bankruptcy under his legal name of Gustave Metz in the state of New Jersey in 1924, while he was doing business under the name of Gus Hill in New York city.

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Hill tried to accomplish all of this in a manner as quickly and quietly as possible, but his creditors remained impatient and unpaid. Peterson, Dealy, and Fisher charged Hill with attempt to defraud his creditors and sought injunctions against the manager in order to secure payment.

When all else seemed to fail, warrants were issued for Hill’s arrest for non-payment of the judgements. Hill’s response was to simply avoid the jurisdiction of the Sheriffs by living in New Jersey throughout the week and working in his New York office only on Sundays. While he was able to function in this manner for more than a year, he eventually settled Dealy’s claim (which had increased to $33,000) for $12,500, so that he could return to his offices during the work week.62

Hill’s shows are also difficult to track because they began appearing in specialized theatre circuits, such as the African-American circuit or the burlesque circuit. When cartoon theatricals had run their course in legitimate road houses, they moved into Hill’s burlesque franchises on the Columbia Wheel. For three seasons, from 1925-1926 to 1927-1928, *Mutt and Jeff* and *Bringing Up Father* appeared in burlesque houses. Robertson Davies did not see these shows when he was growing up in rural Canada, but he was told of them so frequently during his childhood that he could later recall a basic impression of their content.

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62“Gus Hill After 5 Years Settles Dealy’s $33,000 Claim for $12,500,” *Variety* 15 Sep. 1926: 1, 57.
I recall two visits from Blackstone, the magician and hypnotist, who was by no means an inferior performer. Greatly below that level were the minstrel shows that visited us, which I was not allowed to attend because, I was told, they were “coarse,” and luckier boys who had attended assured me that this was so. However, they were not as coarse as a kind of entertainment called generically Mutt-and-Jeff Shows. These were from the comic strips—Mutt and Jeff, or Maggie and Jiggs—who wore masks like the faces of the familiar figures they personated. There was a theme, expressed in the title, like *Mutt and Jeff in Paris*, and the show brought a small chorus of girls who were said to be of blemished virtue, though how anybody found out I was not encouraged to inquire. A rough audience attended; it was a lumber town and our audiences were unsophisticated playgoers who had to be hit over the head with a joke—even a dirty joke—before they saw it. Again, from hearsay, I learned that the show could get really dirty if the audience seemed to like it that way. A popular comic ploy was this: a girl walks across the stage in a very short skirt, making unmistakable gestures of sexual allurement; Jeff, or Mr. Jiggs, watches her go by, saying “Oh boy-o-boy-oby!” then spits down into the depths of his baggy pants, to cool his lust.63

Davies’ description applies to the cartoon theatricals prevalent on the Columbia Burlesque Circuit from the season of 1925-1926 through 1927-1928.64 The 1927-1928 season was the last of that era in which cartoon theatricals were a significant or lasting portion of the theatrical season, due to the severe economic problems that the Columbia Circuit faced, complicated by the failed staging of *Bringing Up Father* in

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63 Robertson Davies, “Mixed Grill: Touring Fare in Canada, 1920-1935,” *Theatrical Touring and Founding in North America*, ed. L.W. Conolly, Contributions in Drama and Theatre Studies no. 5, (Westport, CT: Greenwood, 1982) 43. Davies continued: “My parents were doubtless wise not to let me go to these things, but I am glad I heard about them from some of my friends, because I am able to describe authentically what amused an audience of lumber- haulers in rural Canada in the early 1920’s. If these Aristophanic shows moved them to laughter—and I have never seen any reason to believe that the plays of Aristophanes were much above the level of *Mutt and Jeff at Delphi*—what purged them with pity and terror?”

64 During the 1927-1928 season there was a production of *Mutt and Jeff in Paris* as Davies mentions although the production ran only briefly. It is doubtful that this production played Canada, but it is possible that there was another company of this show. This is further explored in chapters IV and V.
Politics and Mutt and Jeff in Paris. Both shows were abandoned early in the season for reasons ranging from the poor quality of the shows (cited by the press) to Hill’s lament on the increasingly unjustifiable expense of royalties paid for the dramatic rights to the cartoon characters.  

Hill’s career as a producer concluded in the late 1920s with his 1927 cartoon theatricals in burlesque and a production of Gus Hill’s Midgets in 1929. Although Hill’s career as a producer came to an end, he remained active as an Indian club swinger in nostalgia shows and charitable events. While the production of cartoon theatricals after 1927 declined, Hill still promised shows and other managers were successful in getting productions out on the road. In 1930, theatrical trade papers reported that Hill would start another company of Bringing Up Father, with a troupe of fifty travelling in busses to towns in New England and New York. After this, there were still a few cartoon shows produced, including Bringing Up Father in Gay ...  

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65Royalties for cartoon theatricals generally included a sum paid to the cartoonist (for Bud Fisher this was three percent of the gross receipts) in addition to the amounts paid to the show’s writers or composers. With Hill’s style of show, it was unlikely that music or script royalties amounted to much, but the dramatic rights for comic strips were a more valuable commodity. Dramatic right royalties for cartoons had been an issue for Hill before, but this was the first time that royalties were noted as one of the mitigating factors in the decision to close a show early. Mutt and Jeff in Paris closed after only a few weeks on the road; see “Mutt and Jeff Taken Off Columbia Wheel,” Variety 21 Sep. 1927: 39. Bringing Up Father in Politics survived only a little longer; see “Hill Drops Title,” Variety 9 Nov. 1927: 41.  


New York (1929-1930) and Bringing Up Father (1932-1933). It is uncertain at this time who produced the 1929-1930 Bringing Up Father in Gay New York, although the 1932-1933 Bringing Up Father was produced by Ed Hutchinson and James Connor. Hutchinson and Connor were involved with Hill's productions of Bringing Up Father in previous seasons.

On 20 April 1937, Gus Hill died of a heart attack in a hallway of a New York apartment building at the age of seventy-nine, leaving behind him his two brothers (Harry Hill and William Metz), his daughter (Mattie Fenton), and her husband (Frank Arthur Fenton). Although he was advanced in years, he was still a trouper and diligent planner. Three letters he wrote the week of his death (dated 16, 17, and 19 April) indicate that he was in excellent spirits and in the process of planning a tour for "old timer" vaudeville performers. In the first letter he recounted the names of people he claimed to have discovered and mentions his 1935 tour with Joe Laurie.

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69 Apparently, Hill was trying to visit Joe Laurie, Jr. at 332 W. 46th St. at approximately 11 pm. See Hill's death certificate (#10245) 20 Apr. 1937, Municipal Archives, New York City Department of Records and Information Services; "Gus Hill, Producer, Actor Many Years Credited With Discovering and Aiding Older Stars to Success--Dies at 78," New York Times 21 Apr. 1937: 23; and "Last Bow," Variety 28 Apr. 1937: 56.

70 Gus Hill, three letters to "Ray," 16, 17, and 19 Apr. 1937, Billy Rose Theatre Collection, New York Public Library.

71 This list includes Sam Bernard, Charlie Chaplin, Lew Fields, Bob Fitzsimmons, Anna Held, Harry Richmond, Fred Stone, John L. Sullivan, Eva Tanguay, Sophie Tucker, Joe Weber, Mae West, and Bert Wheeler. There is evidence that Hill worked with Bernard, Fields, Fitzsimmons, Stone, Sullivan, Tucker, and Weber, although claims of "discovery" may be strained in these instances. This writer has not uncovered any evidence that Hill even worked with Chaplin, Held, Richmond, Tanguay, West, or Wheeler. These nostalgic claims were typical of Hill and
Jr.'s *Memory Lane*. His second and third letters focussed on possible booking strategies, venues and personalities which Hill suggested to "Ray." In the third and final letter, Hill noted that he could "leave at a day's notice, as I've been cleaning up my affairs."  

Ironically, Hill died the following day amid his plans and preparations.

Although Hill prepared several wills in his lifetime, his family was unable to locate them after his death. A month later, his two brothers, Harry Hill and William F. Metz, could not find a will or an appreciable estate, but found debts in excess of $280,000, club swinging medals, and scripts for four hundred plays for which Hill held production rights. This was especially alarming to the two men as they had read a copy of their brother's will only six years before.

At that time Gus Hill was living at his large summer home at Locust Point, N.J. The terms of the will, as Harry and William perused them that day, indicated assets of $500,000 in stocks, bonds, real estate and cash, which were allotted to Gus's wife (known to the theater as Estelle Wellington), his brothers and the Actors' Fund of America. To the Actors' Fund also Gus had occasionally inaccurate.

Copies of the flyer for this production of *Memory Lane* are available in the Pfening Collection of the Lawrence and Lee Theatre Research Institute of The Ohio State University and in the Gus Hill file in the Theatre Collection of the Museum of the City of New York. This was part of a larger show which also featured *Gus Hill's Minstrels*. The event featured forty senior performers reviving their former acts.


"Gus Hill's Will Hunted Vainly By 2 Brothers; Fail to Find an Estate, Although Believing He Died Leaving $200,000," *New York Herald Tribune* 19 May 1937: 20. A check with the Department of Records at the Surrogate Court, New York, revealed that Hill's will was not filed in New York city. See Table 7 for a list of scripts that Hill copyrighted.
bequeathed his big house in the expectation that it would be converted into a home for aged and indigent actors.\textsuperscript{75}

As this reading took place in 1931, it is likely that Hill’s assets were affected by the Depression. The Locust Point home was sold in 1932 for cash and a smaller home in Allenhurst, New Jersey; his wife Estelle passed away in 1933,\textsuperscript{76} and the Allenhurst home was sold in 1935, at which time Hill moved in with his brother Harry at the Hotel Flanders in New York.\textsuperscript{77}

In his lifetime, Hill was purported to be one of the wealthiest men in show business. In 1912, he was listed in an article titled “Wealthy Show People,” which placed his worth at $300,000.\textsuperscript{78} Other reports that surfaced did not cite specific amounts, but added to rumors of Hill’s expansive wealth.\textsuperscript{79} In the mid-1920s, when he declared bankruptcy, estimates of his assets were between $500,000 and $2,000,000, reinforcing the notion that Hill was in fact one of the more affluent

\textsuperscript{75}“Gus Hill’s Will Hunted Vainly By 2 Brothers.”  

\textsuperscript{76}A last will and testament for Estelle Hill was filed with the Surrogate’s Court in the County of New York on 28 March 1933, with her daughter Mattie (Martha B. Fenton) as named executrix for an estate which consisted of personal property valued at sum total of $1,055.00. Estelle gave a gold chain bracelet to her niece, Florence Wright, and the balance of her estate to her daughter. The will also reveals that Estelle, Gus, and Mattie listed 135 West 47th Street as their place of residence at the time of her demise.

\textsuperscript{77}“Mrs. Gus Hill,” New York Times 19 Jan. 1933: 15; and “Gus Hill’s Will Hunted Vainly By 2 Brothers.”  

\textsuperscript{78}“Wealthy Show People,” Variety 20 Dec. 1912: 6.

managers of his day. Following his death, Harry Hill and William F. Metz estimated their brother’s earnings over his entire career to be near $3,000,000 with final assets of at least $200,000. It is ironic that Gus Hill had spent his life amassing wealth, only to die in apparent poverty.

Gus Hill and Cartoon Theatricals--Secondary Sources

A study of Gus Hill necessitates an examination of a variety of sources. A review of athletic events in the theatre might reveal Hill’s early involvement with Indian club swinging and other physical feats. An examination of variety/vaudeville could confirm his involvement both as a performer and manager of those shows. Similarly, inquiries into other facets of theatrical enterprises, such as management, copyright, burlesque, minstrelsy, circus, road theatre, labor relations, legitimate shows, or international production could possibly reveal a view of one segment of Hill’s career.

Unfortunately several general histories of specific theatrical traditions offer erroneous information about Hill. Irving Zeidman’s The Great American Burlesque Show mentions Hill only for his earliest variety productions and his involvement with the Columbia Amusement Company (also later known as the Columbia Burlesque

80“Gus Hill Slips In Only On Sundays; Dodging Dealy Judgement for $24,124--Worth $500,000,” Variety 30 Sep. 1925: 11; and “Gus Hill After 5 Years Settles Dealy’s $33,000 Claim for $12,500; Hill Worth $2,000,000 Dodged Sheriffs and Lived in New Jersey to Prevent Payment of Damage Suit Judgement--In New York on Sundays Only,” Variety 15 Sep. 1926: 1, 57.

81“Gus Hill’s Will Hunted Vainly By 2 Brothers.”
Circuit or the Columbia Wheel). Zeidman’s contribution to a fuller understanding of Hill’s career is inadequate, even when limited to Hill’s work in burlesque.

Gus Hill, star of his own “Stars” show, was another notable producer and actor of the Fred Irwin type, whose shows were as much vaudeville, in the early days, as they were burlesque. Unfortunately for himself, he chose to remain in burlesque. Many famous stars subsequently appeared under his tutelage. Practically unknown outside burlesque, despite his many years in show business, he received some publicity in 1929 when he asserted himself as the owner of the original production rights to The Black Crook, then being revived in Hoboken fashion by Christopher Morley.

Contrary to Zeidman’s opinion, Hill was well-known outside of his burlesque work. Zeidman mentions Hill’s involvement with cartoon theatricals, but indicates that this was a last minute ploy to “save” the dying burlesque circuit.

Where once the Columbia Wheel had prided itself of the elaborate cost of its productions, it now resorted to tabloid dramatic presentations which required no chorus lines, production numbers, etc.—just six or seven actors. Rehashed versions of White Cargo, The Bat, The Gorilla, Red Kisses, were thrown at the customers. Gus Hill tried to come to the rescue with comic-strip tabloid shows, Mutt and Jeff, Bringing Up Father, etc.

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82 Zeidman notes that Fred Irwin was a self-produced star of the Irwin Brothers’ Comedy and Vaudeville Company who later moved into the production of “clean” burlesque. While elements of this fit Hill’s profile, his career was more diverse than Zeidman suggests.

83 This writer has researched Black Crook shows of this period and can find no reference of Hill’s claims or any controversy. It is possible that an incident (or series of incidents) occurred involving Hill’s perception of rights involving this show, but this writer is unable to find any supporting evidence for this.


85 While this term has been used derogatorily in reference to sensationalist newspapers, in this context, “tabloid” refers to a smaller version of a show, with a reduced cast, scaled down scenery, and condensed script.
Cartoon comedies, melodrama, clean burlesque, dirty burlesque, Negro aggregations, mixed black and white troupes, vaudeville--Columbia tried them all in the last dying years. To no avail.\textsuperscript{86}

Zeidman's concept of this phase of the Columbia Amusement Company's history is partially accurate. There was a downsizing of shows to decrease production costs and a greater diversity in the types of shows (such as "black and white" shows and cartoon theatricals) to offer respite from increasingly similar burlesque shows. As the standard fare became more imitative and less titillating, producers tried to reinfuse the Columbia Burlesque Circuit with the sensationalism found in potboilers, melodrama, variety, and cartoon theatricals.\textsuperscript{87} Zeidman's presentation of the "facts" in this manner is a distortion. Cartoon theatricals had been a part of the American theatre for many years before they were performed in burlesque houses, but these later shows were more "adult" in nature, as was fitting for burlesque in its waning days.\textsuperscript{88}

Bernard Sobel's \textit{A Pictorial History of Burlesque} similarly discusses Hill's career, but with more accuracy:

Gus Hill, hard, sharp, but energetic to an astonishing degree, started life as an amateur athlete and at twenty-one was a wrestler and Indian club twirler--eventually the champion clubman of the world. Under this title he toured the variety houses, appearing with Maggie Cline, Montgomery and Stone, Weber and Fields, and Sam Bernard. This experience led him to theatrical producing, where his activities were highly varied. He produced \textit{Through the Breakers}, the first play that Owen Davis ever wrote. He originated the comic

\textsuperscript{86}Zeidman 96.


\textsuperscript{88}For a further example of the criticism of the 1925-1926 \textit{Mutt and Jeff}, see "Among the Women: Good Show Spoiled for Children," \textit{Variety} 7 Oct. 1925: 12.
strip musical comedies, *Mutt and Jeff* and *Bringing Up Father*. He had eighteen companies touring at one time: variety, musical comedy, burlesque and athletic shows.\(^89\)

Although this information has an air of veracity, it contains a number of inaccuracies about Hill’s career. Hill was already declared the “champion club swinger” by his twenty-first birthday. Rather than touring with the celebrities that Sobel mentions as a fellow performer, Hill produced shows in which Montgomery and Stone, Weber and Fields, Maggie Cline and Sam Bernard appeared. Additionally, Sobel characterizes Hill as miserly and corrupt, yet responsive to concerns about proper decorum in the theatre:

> Gus Hill, one of the most notoriously corrupt managers of the nineties, was a great champion for female decency. “Our girls,” he declared, “didn’t show so much as a bare arm. They were covered up to their wrists and even if they did wear tights they were never flesh-colored, always some other color.”\(^90\)

Another work by Sobel, *A Pictorial History of Vaudeville* briefly notes Hill’s early involvement with club swinging. Sobel notes the diversity of Hill’s career with a brief description, but does not develop this or mention Hill further.\(^91\)

Joe Laurie, Jr. similarly mentions Hill in the context of an informal history of vaudeville. In *Vaudeville: From the Honky-tonks to the Palace*, Laurie notes Hill’s contribution as an entertainer:

> Club swinging was very popular in the early ’80s and ’90s; there were contests all over the country. The late Gus Hill, one of the pioneer burlesque producers, won the Fox Medal Championship (via Police Gazette). He

\(^89\)(New York: Putnam, 1956) 82-84.

\(^90\)Sobel 99.

travelled all over the country with his variety and burly shows, challenging the local boys to a club-swinging contest. He would build these contests up by letting the local boy win and giving him a medal (he carried a trunkful), then in a few weeks would play a return date to try and win it back (which meant another jammed house), and this time Gus would win; and so he see-sawed through the country, changing championships and medals weekly, playing to jammed houses. He became a very wealthy man.\textsuperscript{92}

Laurie's account is limited to what he knew of Hill as a vaudeville performer and does not discuss what Laurie knew of Hill's extensive career as a producer. The two men were friendly in their later years, appearing in nostalgia shows and benefits.

George C.D. Odell's \textit{Annals of the New York Stage} documents Hill's early work as a performer and producer and his work is useful for its citation of specific dates, titles, venues, and associated performers. Odell also describes programs held in the Harvard Theatre Collection and published reviews in the \textit{Clipper} and the \textit{New York Dramatic Mirror}, providing useful documentation of Hill's early career.

Biographical materials for performers describe Hill, his conduct and personality as a theatrical manager. Hill encountered many people early in their careers, some who later became famous, such as Weber and Fields, Fred Stone, George M. Cohan and Sophie Tucker. Brief references to Hill may be found in Fred Stone's \textit{Rolling Stone},\textsuperscript{93} Sophie Tucker's \textit{Some of These Days},\textsuperscript{94} and in biographical writings on George M. Cohan and Weber and Fields. Hill is also mentioned in M.B. Leavitt's autobiographical \textit{Fifty Years in Theatrical Management: 1859-1909}.

\textsuperscript{92}Laurie 22-23.


Although he worked with playwright Owen Davis for over a decade in a variety of capacities, Hill is not mentioned by name in either Davis’ 1914 *American Magazine* article “Why I Quit Writing Melodrama”95 or his later autobiography *My First Fifty Years in the Theatre*.96

Stone’s recollection of Hill does not discuss his character or business practices in much detail. His references are passing and mention Hill without interest or dissatisfaction. In contrast, Sophie Tucker noted that Hill was instrumental in her career. He saw her early work and personally signed her to appear in burlesque with Harry Emerson in Hill’s *Gay Masqueraders*. He first approached Tucker after one of her “coon shouting” performances in Tony Pastor’s vaudeville houses. Her first meeting with Hill left her with the impression that he was direct and businesslike. In their first meeting Hill offered Tucker a contract following a brief discussion. However, in the midst of her engagement with the *Gay Masqueraders*, she signed a contract with Marc Klaw to appear in Ziegfeld’s *Follies* for the following season. She had not fully read her contract with Hill, and discovered that he held a contractual option on her for the following season. Hill reluctantly released Tucker from her obligation noting “All right. It isn’t legal, but I’ll do it. You can’t ever say

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96(Boston: Baker, 1950).
Gus Hill stood between you and Broadway.” She gratefully acknowledged Hill for all that he did for her.

Isman’s accounts of Joe Weber and Lew Fields add insight to Hill’s early producing career. Near the beginning of their careers, Hill hired Weber and Fields to perform various acts for *Gus Hill’s World of Novelties* for two seasons (1886-1887 and 1887-1888). During those two seasons, the two young men performed in “Dutch” acts, paper tearing acts, and a variety of two person skits. In his account of Weber and Fields’ career, Isman mentions Hill’s legendary wealth, business acumen, and cautious thrift. He also relates some anecdotal information about Hill’s early club swinging career:

He began as a club swinger, and continued to twirl his Indian clubs in his own show. They were of a staggering weight. He exhibited them in the lobbies where men and boys tugged and hauled at them to little result. Only a donkey engine could have hoisted them freely.

On-stage Gus toyed with these same clubs as airily as if they had been bamboo walking sticks, the explanation lying in the false bottoms that disgorged the lead weights with which the clubs were loaded.\(^{98}\)

Isman’s account is in keeping with other sources that note Hill’s preoccupation with appearances. Hill was first and foremost a showman rather than a true athlete.\(^{99}\)

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\(^{97}\)Tucker 62.

\(^{98}\)Isman, *Weber and Fields* 87-88. This is the earliest source that even alludes to the possibility of Hill swinging with loaded clubs. Although it is possible that this happened, it is impossible to know when this practice first occurred or how ingrained it was in Hill’s performance strategy. This account is consistent with Hill’s practices noted elsewhere in this study.

\(^{99}\)Hill recalled wrestling a man who clearly outclassed him in size and strength. Hill (at 138 lbs.) ended the match with his 190 lb. opponent with an element of trickery: “I feinted and got my man down to the foot lights. I rushed in and back-heeled my man, and threw him into the orchestra pit. I fell on him. He was picked
Isman's biographies of Weber and Fields are rich with information regarding Hill's early career up to 1888, with some reference to his later career.

Fields and Fields' recent *From the Bowery to Broadway: Lew Fields and the Roots of American Popular Theatre* incorporates Isman's estimation of Hill's career, although with more cynicism.\textsuperscript{100} While the authors were writing their biography of Lew Fields from the perspective of concerned and informed relatives, their observations on the contributions of those associated with Fields are wanting for a less biased perspective. In four pages of undocumented material concerning Hill and his first encounters with Weber and Fields, the authors note that Hill was the "co-owner of a touring variety show" and characterize him as a "consummate showman," but also a "charlatan, a hustler, a skinflint, a resourceful manager, and by the turn of the century, one of the wealthiest men in show business."\textsuperscript{101} Other writers have alluded to Hill's qualities in this light, however in Fields and Fields' efforts to establish Lew Fields as a defining force in the development of the American popular theatre they undervalue and discount the contributions of Gus Hill. For example, Fields and Fields quote Hill claiming responsibility for the fame of Weber and Fields:

"I made Weber & Fields," claimed Gus Hill, with less grace than he employed juggling his Indian clubs. "When they came to my show, Fields


wasn’t hitting Weber hard enough. I told him to give it to Weber. He did. Right on the top of the head . . .”

They immediately counter that “Of course, Hill did not ‘make’ Weber & Fields by himself . . .” noting that Weber and Fields’ characterizations of Mike and Meyer were the significant element which led to their fame. Additionally they incorporate several errors of fact and include undocumented claims in their writings. For example, Fields and Fields include Isman’s anecdote about Hill’s use of loaded clubs for his exhibitions and write at surprising length about his involvement with the American road theatre and cartoon theatricals.

The road was Hill’s home and his fortune. He was one of the first variety managers to take advantage of the fact that the entertainment tastes in America’s heartland did not necessarily parallel those of the audiences in the big Eastern urban centers. Building on his experiences in variety, he later produced and toured popular-priced musical comedies—Bringing Up Father, for example—that were never intended for Broadway. They were called trunk shows, so called because the scenery folded into specially designed trunks, making an extra baggage car unnecessary.

Fields and Fields are correct that Hill made a considerable sum with his shows in the road theatre, but they do not note that Hill’s shows did as well (if not better) in the popular theatres of the “big Eastern urban centers” as in the rural one-night stand houses. Additionally Hill had ambitions for New York theatres (including Broadway)

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102 Fields and Fields 73. The authors cite this quotation from “Gus Hill, unidentified newspaper article, no date, clipping file, New York Public Library (NYPL), Billy Rose Theatre Collection.” There is a slightly different version of this quote from an interview by A.J. Liebling in 1932, which is probably where it first appeared. See A.J. Liebling, “Any Man in the House!” New York World-Telegram 7 Nov. 1932, Gus Hill file, Theatre Collection, Museum of the City of New York.

103 Fields and Fields 73.

at several times during his career. Finally the brief description of “trunk shows” was not a term or concept that was widely used or discussed and is an uncredited carryover from Isman’s writings.

M.B. Leavitt’s autobiographical Fifty Years in Theatrical Management: 1859-1909 contains observations about Hill from a peer who dealt with many of the same pressures and challenges of theatrical management and production. Leavitt includes a photograph of Hill and one of Augustus Pitou, captioned “Two Men Who Combine Eminent Shrewdness with Conservatism.”\(^{105}\) Leavitt further extolled Hill’s managerial virtues:

A striking example of success due to energetic business principles is the prominence attained by Gus Hill. Yet, through his own efforts, has this popular manager attained a position where several hundred performers are on his salary list each season in his various companies, scattered in all parts of the United States. Beginning some years ago by putting out several variety companies and later some of the best burlesque attractions, he gradually widened the scope of his operations with quick perception, characteristic of all his dealings.

Mr. Hill is a firm believer in printer’s ink and lithographer’s colors, and, aided by lavish display along original lines, his productions have become very popular, having at all times the business of each attraction at his fingers’ ends. A few of the stars whom he brought into the limelight were Montgomery & Stone, Weber & Fields, Dan McAvoy and a host of others.

Hill has had fourteen attractions on the road in one season, and some of these continuously for eighteen years or more. He frequently remarked that my “extensive plunging and business methods would inspire him to become a big showman some day” --a resolve he has surely attained. He is reputed to be among the wealthiest managers of this country.\(^{106}\)

\(^{105}\)Leavitt, plate facing 302.

\(^{106}\)Leavitt 303.
Leavitt confirms a number of observations regarding Hill’s career, including that the manager was shrewd, diversified and highly successful.

Owen Davis’ 1914 article, “Why I Quit Writing Melodrama,” his later autobiographical My First Fifty Years in the Theatre, and Hill’s memoirs relate two halves of the story of Davis’ years of working for Hill. Davis does not mention Hill by name in his published writings, although Gus Hill was the first to produce Davis’ early melodramas and Davis managed several Hill productions. In 1914, Davis gave his impression of first meeting Hill, about fifteen years after the fact. Davis had trained as a “serious” playwright at Harvard, graduating in 1893. He worked summers for the Government Coast Survey and then as a mining engineer for several years before moving to New York to become a playwright. After working with Madame Janauschek for one season and experiencing great difficulty in trying to place a serious play, he approached Gus Hill (whom he referred to only as a “popular-priced manager” and never by name) who convinced Davis to write melodramas for him.

That winter I wrote a play, and spent the next summer trying to place it. It was an extremely involved “problem” play. I knew nothing about producers and so was at a complete loss as to whom to take that particular kind of play. But one day I wandered into the office of a popular-priced manager. He asked me if I had ever written a melodrama. I told him I had never even seen one, at least a modern one such as he described. So he gave me tickets and I went to see one of his melodramas, then playing at the old Star Theater on Thirteenth Street and Broadway.

The next day I went back to the manager’s office and he asked me how I liked the play and whether I could write one of that kind. I told him I didn’t see why anybody should not be able to do it. So we entered into an agreement that I should see what I could do with this form of play, and if successful he would produce it. In some way he had got the idea that I knew a good deal about the profession, -- probably because he didn’t know much about it.
himself at that time, -- and he asked me if I would be able to produce the play
I was to write, that is, cast it, arrange for scenery, etc.

"Certainly!" said I, without a moment's hesitation, and yet up to that
time I had never seen a rehearsal even, other than those of the Madame
Janauschek's company, much less observed the operation of producing an
original play from manuscript -- which, believe me, is quite a different matter.
But not being in an especially timid person, I engaged a company and with
their help put on the play.\textsuperscript{107}

The record shows that in 1898 Hill produced Davis' first play, the melodramatic
thriller \textit{Through the Breakers}, and subsequently produced his \textit{Over the Fence} (1899)
and \textit{Lost in the Desert} (1900).\textsuperscript{108} Davis also wrote the book for Hill's musical \textit{Mutt
and Jeff in Panama} (1913), which Davis acknowledged in his 1914 article.\textsuperscript{109}

Hill recalled the young and eager Owen Davis as a serious playwright whom
he helped to "discover".\textsuperscript{110}

\textsuperscript{107}Davis, "Why I Quit Writing Melodrama" 28-29.

\textsuperscript{108}In 1900, Hill's offices trumpeted \textit{Lost in the Desert} as "THE SENSATIONAL
EVENT OF THE YEAR," "A Drama on Entirely New and Original Lines," "WITH
THE FOLLOWING BIG FEATURES: A Sandstorm on the Desert, Burning of the
Ship, a Big Realistic Fire Scene, Fight for Life on the Sinking Raft, the Escape on a
Camel, a Big Mechanical Effect of Race for Life of Runaway Horse, Rescued by
Arab and his Arabian Steed, the Human Ladder of Life, by 15 TOOZOONIN Arabs,
who will Appear in their Marvelous Exhibition." \textit{See} Gus Hill, ad. for \textit{Lost in the

\textsuperscript{109}In a souvenir sheet music songster, the show was credited as "A musical
comedy by Owen Davis," with lyrics by Will S. Cobb, music by Leo Edwards,
scenery by Lee Lash Studio, costumes by Frank Hayden, ensembles and dances by Ed
Hutchinson, and staged by Lew Morton. \textit{Mutt and Jeff in Panama}, souvenir sheet
music songster (New York: Harris, 1913).

\textsuperscript{110}Sources which note Hill having "discovered" Davis include "Gus Hill Dead; A
Half-Century in the Theatre"; Epes W. Sargent, "Gus Hill, Dead at 78, a Pioneer
Showman with His Cartoon Revues," \textit{Variety} 28 Apr. 1937: 56; and Hill, "Fifty
Years in Show Business" 6-7.
My first experience in producing plays was while I was playing in Brooklyn.\textsuperscript{111} Owen Davis came into my dressing room, and wanted me to produce his play, "Through the Breakers." I told Mr. Davis I knew nothing of drama. I was running a Variety Company[,] Minstrels, etc., I stated if I read it, and liked it, I would produce it if Davis would attend to the printing, scenery, etc. Davis came in to see us daily. At last I gave the word for Davis to give the play to Col. T. Alliston Brown, the dramatic agent, to read and select the cast.\textsuperscript{112}

Hill’s recollection of the events was somewhat similar to Davis’, but each man placed the interest and responsibility for Hill’s producing and Davis’ writing melodrama on the other person.

In the mid-1910s Davis broke away from Hill’s enterprises and the Harvard graduate turned toward more serious playwrighting. For several years he worked with A.H. Woods, who aided the Davis in pursuing a career as a serious dramatist while continuing to write melodrama. After making the break from writing melodrama to a series of “serious” plays, Davis won the Pulitzer Prize for his drama \textit{Icebound} in 1923. A few years later, in 1926, Hill copyrighted two of Davis’ early melodramas, \textit{Through the Breakers} and \textit{Lost in the Desert} (the latter as “revised and rewritten” by Walter Wood). It appears that Davis weathered a contentious break with Hill and did not remain on pleasant terms after ending their professional relationship. Davis attempted to wash his hands of his earlier life with his 1914 article, although he was never loathe to admit that he formerly wrote melodrama. In

\textsuperscript{111}Hill differentiates here between first producing “plays” (meaning dramas and melodramas) from the late 1890s from other entertainments he produced in the mid-1880s.

\textsuperscript{112}Hill, “Fifty Years in Show Business” 6.
his memoir, *My First Fifty Years in the Theatre*, he mentions his association with Madame Janauschek and later with A.H. Woods, but declines to discuss the parties of the intervening years in any detail. For Davis, Hill ceased to exist almost at the moment of their disassociation.

Davis' experience with Hill might be better understood in the context of Ward Morehouse's biography of George M. Cohan, which recalled an early meeting between Hill and the young Cohan.

And there came the day when Gus Hill, picturesque showman, who sent countless shows to one night stands of America, heard of the Cohan industry and versatility and promptly sent for the young man.

"Do you think," said Hill, "that you could write a real musical comedy?"

"Certainly," said Cohan.

"I mean," said Hill, "the book and the lyrics and the music and everything."

"Why, sure -- certainly."

"All right -- fine!" snapped Gus Hill. "How much do you want for half a dozen?" ¹¹³

There is no record of Cohan actually writing anything for Hill or his organization.

Biographical dictionaries which include information on Gus Hill are Robert Sherman's *Actors and Authors with Composers and Managers Who Helped Make Them Famous* and the 1914 edition of *Who's Who in Music and Drama*. Sherman's citation is derived from various reliable sources, but the "facts" he cites are error-ridden. Sherman gives an incorrect date of birth (by six years), an erroneous date of death (by three years), the wrong place of death (he gives the place of residence), and

refers to Hill’s earliest occupation as that of a “club singer” rather than a “club swinger.” Sherman notes Hill’s production of cartoon theatricals (including McFadden’s Row of Flats, Mutt and Jeff and Bringing Up Father), that “he produced many plays made from newspaper cartoons” and performed with “The Old Timers” late in his career.\(^{114}\)

The 1914 Who’s Who in Music and Drama is more significant, although flawed, giving a brief history of Hill’s early career, people with whom he was associated and productions which he managed and produced. The citation lists five early companies with which he worked and thirty-two of his productions noting that there were “many others.” The source also notes that Hill’s birth year as 1860 and the year of his first appearance in New York as 1882.\(^{115}\) Aside from the birth year being incorrect (by two years), Hill’s first New York appearance was six years earlier at Tony Pastor’s Theatre in 1876.\(^{116}\) This source does indicate that Hill was one of sixteen founders who formed the Columbia Amusement Company on 12 July 1902 and was on the board of directors for many years.\(^{117}\)

Hill’s obituaries include the account in the New York Herald Tribune and Epes Sargent’s retrospective in Variety.\(^{118}\) Both cite specific instances and phases of

\(^{114}\)Robert Sherman, Actors and Authors with Composers and Managers Who Helped Make Them Famous (Chicago: n.p., 1951) 245.

\(^{115}\)“Hill, Gus,” Who’s Who in Music and Drama 164.

\(^{116}\)Odell, vol. 10, 648.

\(^{117}\)Scribner.

\(^{118}\)“Gus Hill Dead; A Half-Century in the Theatre”; and Sargent.
Hill's life and career, such as his early life as an Indian club swinger, his career as a manager and producer, his involvement with theatrical organizations, and his unflagging energy.

Interviews and biographical accounts are also useful sources of information. In December of 1902, when Hill was forty-four years old, the New York Dramatic Mirror published his photograph with the headline "The Evolution of a Manager." The article discussed his development as a successful manager and his qualities of "determination and perseverance, and an affability that has made him popular wherever he is known." Biographical articles on other managers of the day were common in the New York Dramatic Mirror. Similar information appears in interviews which Hill granted to the Cleveland Leader and the Cincinnati Times-Star when he travelled to the Midwest to check on the progress of his shows. Hill also granted interviews late in his life to A.J. Liebling of the New York World-Telegram and to Zoe Beckley of the New York Post. In these interviews, Hill recounted his early career as an Indian club swinger and his life as a theatrical producer.

General information about Hill's life and career is available from periodicals such as the Police Gazette, New York Dramatic Mirror, Variety, the New York Clipper, and Billboard. Hill was mentioned frequently in the general sections and those on the legitimate theatre, burlesque, vaudeville, music, film, and minstrelsy. A

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119 "The Evolution of a Manager." Hill's qualities noted in this article are in line with accounts of his character from other sources. His sterner qualities were tempered by his populist sense of production. He was often described as a somber man with a unique sense of humor.
significant drawback to information in some of these sources, especially the *New York Dramatic Mirror*, in that several of the shorter (and more positive) articles on Hill appeared in the same issues as paid advertisements for his enterprises. Many short pieces read as press releases or publicity ventures initiated by Hill or the local press to sell his image as a beneficent producer or as a fortifying attempt by a local theatre to sell one of Hill’s shows.

Secondary sources for Hill’s cartoon theatricals include reviews, tour schedules, and informational articles appearing in the theatrical trade-papers *New York Dramatic Mirror, Billboard,* and *Variety*. Another resource for information regarding Hill’s shows is the articles and reviews published by regional newspapers in response to national tours. Although no centralized collection of this material exists, it is possible to discuss the reception of a tour through its publicity and reviews through the mid-sized cities across America.

**Litigation and Cartoon Art**

Other sources of information regarding ownership issues of cartoon art and cartoon theatricals may be found in the opinions rendered in major cases involving cartoonists, newspaper publishers, and theatrical producers. Several cases deal primarily with contested ownership issues claimed by cartoonists and newspaper publishers. The key legal battles involved the cartoonists R.F. Outcault, Rudolph Dirks, and Harry Conway “Bud” Fisher. These cases were not simply over
ownership, but included issues of libel, trademark, unfair competition, and contract
disputes.\textsuperscript{120}

In the early days of newspaper comics, disputes over copyright, trademark and
other ownership issues were common between the cartoonists and publishers.
Unfortunately this created difficulties for theatrical producers interested in subsidiary
rights. Several cases which centered on theatrical rights are discussed at greater
length in chapters II, III, and IV. These legal disputes further demonstrate that comic
strips of that era were a great commercial commodity and of incredible value.

Gus Hill and Cartoon Theatricals--Primary Sources

Primary documents relating to Hill, include his unpublished memoirs and
papers. Other materials relating to Hill's cartoon theatricals are scripts, music,
photographs, playbills, postcards, clippings, booking correspondence, and souvenir
sheet music.

Hill wrote his unpublished, undated typescript "Fifty Years in Show
Business," after 1928 when he was at least seventy.\textsuperscript{121} Although the typescript was
never published as a complete work, excerpts were included in a 1936 interview

\textsuperscript{120}These issues are discussed elsewhere in greater detail. \textit{See} Mark D.
Winchester, "Litigation and Early Comic Strips: the Lawsuits of Outcault, Dirks and

\textsuperscript{121}The dating comes from Hill's reference to his current age: "I was born on the
East side in New York, some 70 years ago." \textit{See} Hill, "Fifty Years in Show
Business" 1.
which Hill granted Zoe Beckley of the *New York Post*.\footnote{Beckley. In the typescript Hill recalls a walk through New York with his friend and former business associate Frank Tannehill, Jr. where he pointed out significant and historic buildings (pp. 13-19). Beckley’s article retains much of the character and text of Hill’s typescript, but the friend is the famous fighter Jim Corbett.} Hill’s memoir is not a useful source of information on his life because it is highly anecdotal and relates fleeting reminiscences of his life in the theatre. It includes a catalogue of names and events, but unfortunately it is also an incomplete account of the theatre and other entertainments. The draft contains only the faint suggestion of what might have been a significant account of popular amusements for the late nineteenth and early twentieth centuries.

The typescript contains only a few references to cartoon theatricals, all of which are inaccurate. Hill created several errors of fact, including the false claim that *McFadden’s Row of Flats* was “the first” cartoon musical comedy, rather than Hill’s first show of this type.\footnote{Palmer Cox’s *The Brownies* appeared in the 1894-1895 season and Gilmore and Leonard’s *Hogan’s Alley* (based on the same material as *McFadden’s Row of Flats*) was registered for copyright and produced before Hill’s show.} Hill also made claim to having partial responsibility for Bud Fisher’s success, stating that the *Mutt and Jeff* shows “gave Fisher his first start to riches.”\footnote{Hill 7.} This was characteristic of his claims to the discoveries and successes of many performers and athletes. In other sources he...
claimed responsibility for discovering the cartoonists Fisher and McManus, although both had successful careers prior to their dealings with Hill.

Hill was quite proud of the idea that he produced shows for the popular theatre. On several occasions when he was quite unapologetic that his broad entertainments were more lucrative and better attended than serious drama. In his typescript he noted the occasion when *McFadden’s Row of Flats* played Cincinnati at the same time as Joseph Jefferson’s farewell tour. Hill recalled that his show “was playing to turn away business” prompting him to add extra performances. However, Jefferson’s business was not what it ought of been. The Cincinnati Enquirer came out, in Sunday’s Edition protesting in very strong terms of the poor attendance of Jefferson’s, and complained to the people of Cincinnati that they were ashamed of the citizens to pass up such a grand old actor as Jefferson, and crowd like a lot of sheep to a slap stick comedy with the Yellow Kid and a goat as one of the Features.

Hill based his producing career on the fact that people would rather go to an entertainment than something that might be construed as culture. Hill recognized that a majority of the people with money to spend valued familiar cartoon characters over a “grand old actor.”

Although he did not discuss his career as a producer at length, he mentioned cartoon theatricals as one of his specialty shows.

I’ve made a feature of musical comedies based on such well-known characters as “Happy Hooligan,” “Mutt and Jeff” and “Jiggs, Maggie and Dinty.” Some seasons I’ve had as high as 16 touring companies. When I took over the “Mutt and Jeff” rights from Bud Fisher, I did something never before

125 Beckley.

126 Hill 36. Spelling and punctuation as in the original.
attempted in show business. I equipped six companies of “Mutt and Jeff” as I
figured to get the money quick. Had it failed I would of lost a small fortune.
As a rule if a play is a success the management will send out two, three, and
four companies, but I “took a gamblers chance” and sent out six companies
not knowing whether the public would patronize them or not. But they
did.127

Hill’s recollection of this was somewhat indistinct and he set himself out to be more
of a risk taker than he actually was. He initially tested *Mutt and Jeff* in the season of
1910-1911. He began the 1911-1912 season with three companies of the show, but
soon found it necessary to add a fourth. The reactions to the shows in the two
previous seasons warranted six companies touring for the third season (1912-1913).
Hill did not begin touring *Mutt and Jeff* with six companies, as he recalled, but built
up to six companies over three seasons.

Hill’s representation of himself and his career is typical of his temperament in
several ways, including his public displays of personal pride and showman demeanor.
Hill was proud of what he accomplished during his career, taking credit for a number
of events and productions in the popular theatre. Hill’s best instincts as a theatrical
manager colored his account with superlatives and elaborations leading to
inconsistencies and errors of fact, and, as mentioned above, many of the sources on
Hill, especially those issued by himself or his offices, contain minor omissions and
embellishments.

Some typescripts and manuscripts for cartoon theatricals exist. Most of these
were collected by the Manuscript Division of the Library of Congress when they were

127Hill 12-13. The reference in this quote to sixteen companies on the road during
one season includes Hill’s cartoon and non-cartoon theatricals.
submitted with applications for dramatic copyright registration. From the 1890s to 1927 there were approximately 145 cartoon-related applications for dramatic copyright, with at least seventy deposited scripts, scenarios, and synopses. The application listings for dramatic copyright registration are significant because they indicate the degree of interest in a cartoon title as a theatrical property. The cartoonist, the newspaper, the newspaper publisher, a playwright, or a theatrical manager were all likely candidates to apply for the dramatic copyright registration. In some instances only the title was registered without a script in order to protect it from other parties. It was common for other interested parties to flood the registration office with a barrage of theatrical versions of a cartoon when this practice was neglected.\textsuperscript{128} Of the deposited scripts, only a handful were actually produced and few cartoon-related scripts (pre-1930) exist outside of the Library of Congress collections.\textsuperscript{129}

Hill’s correspondence is another valuable primary source of information regarding his career. His personal and professional correspondence has been located in collections at the University of Texas, the New York Public Library, Dickinson College, and the Shubert Archive. The letters located at the University of Texas and

\textsuperscript{128}Dramatic copyright is an issue for each of the five shows under consideration for this study. There were over thirty applications related to the character of the Yellow Kid (McFadden’s Row of Flats and others; this is further discussed in Chapter II), while there were far fewer for Happy Hooligan (fifteen), Alphonse and Gaston (four), Mutt and Jeff (three), and Bringing Up Father (six).

\textsuperscript{129}A preliminary search in public collections did not uncover any scripts outside of the Library of Congress. It is presumed that a majority of these scripts were either lost or destroyed.
the New York Public Library are not of great significance beyond the letters Hill wrote the week of his death. The Theatre Collection of the Dickinson College Special Collections in Carlisle, Pennsylvania, has Hill correspondence dating from 1918 to 1920, showing Hill’s booking methods and business sense, underscoring the significance of cartoon theatricals to the theatre and his own livelihood. In a letter to Charles Wannamaker, Hill proudly stated that his productions of “Bringing Up Father and Mutt and Jeff are an institution.” The Shubert Archive in New York holds the most Hill correspondence of any collection with more than three hundred pieces located in Shubert correspondence and in the papers of Klaw and Erlanger’s Theatrical Syndicate. The Klaw and Erlanger papers contain material from Hill as well as some of the correspondence of Hollis E. Cooley, Hill’s General Manager from 1899 to 1905.

Cooley’s letters to the Klaw and Erlanger Theatrical Syndicate primarily concern Hill’s shows dating 1905. Hill’s correspondence with the Shubert’s dates from 1910 to 1922, and includes inquiries on possible Shubert bookings of Hill shows, warnings to Hill for possible infringements, Hill’s requests for free passes to Shubert shows, general comments and well wishing. Hill’s correspondence with Klaw and Erlanger dates from 1912 to 1913 and is primarily concerned with tour routes and arguments about percentages given on the contracts for Hill’s shows.

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Other materials include clipping files, programs, flyers, postcards, posters, photographs, booklets, and souvenir sheet music found in collections including the Museum of the City of New York, the New York Historical Society, the New York Public Library, the Chicago Public Library, the Sayre Collection of the University of Washington, the San Francisco Performing Arts Library and Museum, and the San Francisco Academy of Comic Art.

Additionally, Hill published two handbooks on Indian club swinging, one in the early 1880s and the second in 1904. The first, *Gus Hill's Champion Club-Swinging and Dumbbell Manual*, contains biographical information and personal comments from Hill, in addition to challenges issued on Hill’s behalf and excerpts of reviews of his act. The second was written by Hill with Tom Burrows and simply titled *Club Swinging*. A portrait of Hill in club swinging regalia (replete with clubs) contemporary to the date of publication graces the cover while another portrait of Hill dating from the 1870s appears inside. This book establishes a context for Hill’s early career.\(^{131}\) Hill also acquired Julius Cahn’s theatrical guide in 1914, building on

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Cahn’s guide under his own name for several years. These guides offer general booking and touring information for the profession and are a limited resource of information for Gus Hill.

Conclusion

Gus Hill contributed significantly to the American theatre, especially the road theatre, from his involvement in the 1870s through the 1920s. Few sources adequately credit Hill for the expanse of his career, his aggressive promotion, and his sponsorship of particular types of amusements, particularly cartoon theatricals. Hill’s accomplishments include an extended career as a performer and producer that spanned five decades and his active involvement in the development and promotion of the American road theatre.

Hill’s career shifted in the mid-1890s when he first became involved with the relatively new phenomenon of cartoon theatricals with McFadden’s Row of Flats. From then until the end of his career, he depended on these shows for much of his income while he still produced a wide variety of other popular entertainments. To truly understand Hill’s career as a theatrical producer, however, his involvement with cartoon shows must be discussed and evaluated.

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CHAPTER II

GUS HILL’S FIRST CARTOON THEATRICAL --
McFADDEN’S ROW OF FLATS

Introduction

Hill first became involved with cartoon theatricals in 1896 with his production of McFadden’s Row of Flats. It was one of several Yellow Kid shows that appeared in the mid-1890s, but not the first cartoon theatrical or the first theatrical adaptation featuring the Yellow Kid character. The first Yellow Kid show, Hogan’s Alley, was preceded by at least two other theatrical adaptations of cartoons, Dr. Syntax and Palmer Cox’s Brownies, and immediately followed by a collection of unauthorized Yellow Kid shows. In addition to adapting the character for plays and musical comedies, many producers, dramatists, and performers exploited the Yellow Kid character in song, vaudeville, minstrel shows and burlesque. McFadden’s Row of Flats was launched during a controversy over the theatrical rights and battles between authorized and unauthorized productions of these shows. Hill’s McFadden’s Row of Flats was the last of nearly a dozen shows that dramatized the Yellow Kid cartoons.

This chapter focuses on Gus Hill’s production of McFadden’s Row of Flats. It also discusses cartoon theatricals before the Yellow Kid shows, the initial Yellow Kid newspaper feature and its adaptations for the stage, including the Yellow Kid shows.
produced by the team of Gilmore and Leonard (Hogan’s Alley) and by Gus Hill (McFadden’s Row of Flats). Also discussed are the issues of dramatic copyright registrations, play piracy, legal recourse, protests by the Irish and the extension of dramatic rights to the later sale of film rights.

While the Yellow Kid shows were significant, they were not the earliest cartoon theatricals. The earliest cartoon theatrical of record was the British Dr. Syntax, a version of Thomas Rowlandson’s The Tours of Dr. Syntax, staged as a Christmas Pantomime at the Adelphi Theatre in London in the 1830s.1 A later show that preceded the American Yellow Kid shows was the adaptation of Palmer Cox’s Brownies that first toured the United States and Canada in the 1894-1895 season.2 It is probable that other cartoon theatricals preceded the 1896 production of Hogan’s Alley but have not received attention as such.

The Yellow Kid—Background and Significance

Richard Felton Outcault’s Yellow Kid is commonly cited as the first popular American newspaper comic strip character and a significant precursor to later

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American comic strips. In addition to developing a following with the readers of New York’s sensationalist newspapers, this successful character was reproduced for consumer products, marketed in advertising campaigns, and dramatized for the popular theatre.³

The history of the *Yellow Kid* shows is particularly significant because it reflects the development of the cartoon feature’s ownership issues and questions of audience appeal. It is likely that adaptations of the widely known cartoon character added to the *Yellow Kid* mania that swept greater New York in late 1896, but it is difficult to determine a cause and effect relationship between the popularity of the cartoon and the success of its theatrical adaptations. It is necessary to discuss key events in the development of Outcault’s *Yellow Kid* feature in order to better appreciate the phenomenon of its theatrical adaptations. Included in this section is information related to the origin of the cartoon, the feature’s conventions, its cast, its popularity, its controversies, and its eventual end.

Richard Felton Outcault’s *Yellow Kid* series made its first newspaper appearance with the character on 17 February 1895 in Joseph Pulitzer’s *New York World*. While the cartoons appeared in the *World*, Outcault’s feature centered on the day to day experiences of Mickey Dugan (the “Yellow Kid”) and his gang. Outcault

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³While cartoon adaptations for other media are significant in their own right, they have been narrowly discussed as an index of the cartoon’s wide appeal and success. Adaptations have not been seriously addressed as an extension of promotional strategy nor as a possible factor in a feature’s success.
favored the slums of New York City as a location primarily the fictitious domain of “Hogan’s Alley,” which eventually became understood as the name of the feature.

Outcault typically drew Mickey as a bald, barefoot child, usually smiling widely, and wearing a yellow nightshirt. The nightshirt became a focal point of the feature, containing various phrases intended to represent Mickey Dugan’s thoughts. This use of captioning became a standard convention for the feature with the Kid “speaking” in asides directly to his readers, commenting on the action as a participant and observer. Mickey’s nightshirt adopted several pet words and phrases, including variations on “Hully Gee,” “Say!,” “I ain’t doin’ a ting,” and “Well, I guess.”

The feature was an action-filled broad panorama and included a large cast of recurring characters. Outcault developed a cast of regular supporting characters that included Liz (in double braids, usually wearing a straw hat; Mickey’s “best girl”), Kitty Dugan (Mickey’s sister, who wore a broad brimmed hat, which served a function similar to Mickey’s nightshirt), Terence McSwat (“the poet of the Alley”), Gladys Lynch, Vincent Farrell, Molly Brogan and Mrs. Murphy. Outcault also included the Riccodonna sisters (four women drawn in a “glamour” style), the falling kid (typically shown in mid-fall after slipping off of a fire-escape or similarly high structure) and a large assortment of familiar faces that populated the feature each week. Other members of the cast included those that the kid acquired as pets, including a black cat, a parrot and a goat. The feature regularly included other animals, such as horses and dogs.
Outcault had an early interest in registering his material for copyright, perhaps inspired from when he worked in the protective atmosphere of the Edison labs in the late 1880s or by Gilmore and Leonard’s first theatrical copyright of *Hogan’s Alley* on 21 March 1896. In June 1896 the *New York Dramatic Mirror* reported that Outcault registered the series as *Hogan’s Alley* and that his uncle, Will S. Rising, would use the cartoons as the basis for a series of “illustrated songs.”

Outcault registered three *Yellow Kid* designs for copyright later in 1896, with the first dated 7 September.

Outcault’s *Yellow Kid* cartoons were a phenomenon of the sensationalist newspapers. The feature’s popularity grew to such a degree that Outcault included personal notes in the cartoons to his readers, such as “we lost that Oregon’s contributor’s stuff -- send it again” and a plea for assistance:

My correspondence is gittin so durn big dat I can’t open all my mail. Won’t some pretty type riter gal please donate her services till I kin answer a few of my letters?"  

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5Richard Felton Outcault, “The Yellow Dugan Kid,” design, 1896 copyright registration (50565), Copyright Division, Library of Congress, rpt. Judith O’Sullivan, *The Great American Comic Strip: One Hundred Years of Cartoon Art* (Boston: Bulfinch Press, 1990), plate facing 148. Registered later that year were “Yellow Kid,” design, 1896 copyright registration (66463) and “Design of the Yellow Kid,” design, 1896 copyright registration (68735). The first registration was written as a letter of inquiry, but was still registered by the Librarian of Congress.

Outcault drew this popular cartoon for Pulitzer’s *World* through October 1896. The cartoons did not abruptly stop appearing when Outcault accepted a position on the staff of William Randolph Hearst’s *New York Journal*. It was understood between Hearst and Outcault that the cartoonist would create a *Yellow Kid* feature for the rival newspaper. Pulitzer’s *New York World* did not give up the feature, but transferred the creative responsibilities for their *Yellow Kid* cartoon to George B. Luks. In the *New York World* panels appearing just before the move, Outcault included vague references that there would be a change.

On 11 October 1896, George B. Luks assumed full control of the *Hogan’s Alley* feature in Pulitzer’s *New York World* and still featured the character of Mickey Dugan. Luks was given artistic license and immediately introduced new characters, including the “Yellow Twins,”\(^7\) Alex and George, who were smaller versions of Mickey Dugan. These two characters became a regular part of the *Hogan’s Alley* feature, eventually with a role that rivalled that of the larger Yellow Kid. On 18 October 1896, Outcault responded to Luks and the *New York World* by having “Hogan’s Alley” condemned, forcing the true Yellow Kid and his gang to move to safer quarters in “McFadden’s Row of Flats.” Luks’ response on that day included a likeness of Mickey Dugan, with a message that was simple and to the point:

Say! They're imitatin' me all around town! I'm the Sunday World's kid and have been for a year & a half! All others are fakes.\(^8\)

Luks' actions supported the claim that the feature resided with the newspaper.

Outcault's actions supported the claim that the rights resided with the artist. The *New York Journal*'s actions supported the idea that there were not inherent rights in a comic strip, but that they would rather have the original cartoonist if they were going to have the feature copied. Outcault was able to make a move from employment with one newspaper to another, but his rights and those of his various employers to the *Yellow Kid* and cast of characters was not an easily resolved issue.

As the creator of the feature and as one of the accused "imitators," Outcault responded to Luks' challenge to the authenticity of other *Yellow Kid* features. On 22 November, Outcault's Kid's costume contained references to Luks' panel, albeit in an ungrammatical, colloquial and mocking rhyme:

De harp wot wunst troo Hogan's Hall
de sole of lafter spread--
don't live dere any more a tall--
because dat joint is dead,
but in McFadden's double flat
ydz kin hear it every day
where I am glad dat I lives at
tar-ra-rum-boom-de-ay.
Keep de change.\(^9\)

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Outcault was telling his readers (and Luks) that it was the creator who made the feature and that the life of the Yellow Kid followed Outcault, regardless of the venue. While Luks continued Hogan’s Alley, Outcault joked about it as inferior to his own creation.

Luks incorporated characters and elements into his feature that differentiated it from Outcault’s work. In “The Great Dog Show in Hogan’s Alley,” Luks labeled many of the characters, including Alex and George, Em and Jen (smaller versions of Kitty Dugan), Liz, and others. Additionally, Luks’ passion for smaller twin versions of Outcault’s creations also spread to other regular characters, such as the Parrot, warning its two hatchlings “Children, if you want to live tro dis stay on yer perch.”

Outcault’s first response to Luks’ little Yellow Kids was over a year after their creation including them in “The Yellow Kid Treats the Crowd to a Horseless Carriage Ride” on 17 October 1897. In this panel, a clearly labeled Alex and George are unhappily flying like kites behind an automobile (as are several animals in distress) with their speech balloon noting “wouldn’t it be a good thing if we got killed.”

Richard D. Olson notes that Luks treated Alex and George in a positive light, while Outcault displayed these characters in a series of potentially lethal situations.

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There has been speculation about the hostilities between Hearst and Pulitzer over the *Yellow Kid* which may have led to a case later being argued in court. Some have extended this argument to describe a hostile relationship between Outcault and Luks. While there was competition between the two newspapers, it is unlikely that there was a *Yellow Kid* court case or that Outcault and Luks’ self-promotion contained any real animosity toward the other cartoonist or newspaper. There is no evidence of litigation between any parties over the newspaper feature, although there were later suits involving the theatrical adaptations of the cartoons.\(^{13}\)

The “kid” was licensed by both the *World* and the *Journal*, resulting in a large number of reproductions of the character devised by entrepreneurs and artisans alike. After Outcault moved to the *Journal*, the “rights” to the *Yellow Kid* character were distributed by several sources and the image appeared in several places. Mickey Dugan became an iconographic spokesperson for products as diverse as cigars, cookies, farm tools, gum, stoves and whiskey.\(^{14}\) Mickey was also featured in three-dimensional representations with several novelty products, such as cakes of soap, chocolate molds, pin cushions, dolls, statuettes and cap bombs.\(^{15}\) Several times in his feature in the *Journal*, Outcault included a lament that the *Yellow Kid* was

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\(^{15}\)Hake 166-169.
overexposed, noting that "everyting dese days is yaller kid" and consumers could purchase the glove, the cigar, and the "yellow feller wheel."\textsuperscript{16}

Despite the popularity that supported two published versions of the \textit{Yellow Kid}, the newspaper phenomenon had largely run its course in a little less than three years. Outcault’s feature was published in the \textit{New York World} from 17 February 1895 until Luks took it over on 11 October 1896. Luks drew his version of Outcault’s feature for a little over a year through 5 December 1897. Outcault continued the feature in the \textit{New York Journal} from 18 October 1896 to 6 February 1898. Just a few days before the last \textit{New York Journal} Sunday panel, Outcault assigned his copyright for \textit{McFadden’s Flats} and the \textit{Yellow Kid} on 4 February 1898 to the McLaughlin Brothers.\textsuperscript{17} Ironically, with the sinking of the \textit{Maine} on 15 February, there was a resurgence of the image of the Yellow Kid in editorial cartoons as an icon of \textit{yellow journalism}, especially in the \textit{Philadelphia Times}.\textsuperscript{18}

It is possible that the character’s demise may have been due to changing tastes of his audience. Several versions of this feature in competing newspapers may have


\textsuperscript{17}Outcault and Connor, NY, 4 Feb. 1898, McLaughlin Brothers, \textit{McFadden’s Flats} and \textit{Yellow Kid}, v. 19, p. 131, assignment files, Copyright Office, Library of Congress, Washington DC. The citation did not contain the first names of either Connor or the McLaughlin brothers.

\textsuperscript{18}For further information regarding the link between the character of the Yellow Kid and the term yellow journalism, see Mark D. Winchester, “Hully Gee, It’s a WAR!!! The Yellow Kid and the Coining of ‘Yellow Journalism,’” \textit{Inks: Cartoon and Comic Art Studies} 2.3 (1995) forthcoming.
led to an overexposure for the theme and characters. Outcault grew tired of the feature and its affect on his work and personal life. He wrote that anything he drew took on the characteristics of the Yellow Kid and that his son began telling other children that his father knew Mickey Dugan and “often brought him to the house late at night.”19 The Yellow Kid mania that overwhelmed New York in late 1896 and early 1897 soon subsided. However the feature left a lasting impression on the theatre and in the popular consciousness.

Hogan’s Alley—the First Yellow Kid Show

There is little to tell about the first Yellow Kid show -- Hogan’s Alley -- as inspired by Outcault’s drawings that first appeared in the New York World. If not for the dramatic departure of Outcault for the New York Journal in late 1896, there would probably be no story at all. Outcault’s switching newspapers increased the number of places the character could be seen and added to those who held dramatic rights to the character. The controversy also helped increase public demand for the character that was satisfied in part with unauthorized Yellow Kid shows.

Outcault’s first panel featuring Mickey Dugan appeared in the New York World on 17 January 1895. A little more than a year later, Bernard F. Gilmore and John F. Leonard registered a dramatic copyright for the title Hogan’s Alley as “a musical

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comedy in three acts” on 21 March 1896. At that time there were only fourteen installments published in the *World* that featured Mickey Dugan and only five of those included the words “Hogan’s Alley” in the title. Gilmore and Leonard’s application was registered not long after Mickey’s first appearance in a yellow nightshirt on 5 January 1896 and soon after Outcault’s 15 March 1896 panel that featured the Yellow Kid’s first captioned words to the reading audience, conventions that later became characteristic for the cartoon.

On 18 April, less than a month after the copyright registration, Gilmore and Leonard and their manager, Eugene Wellington, placed an advertisement in the *New York Dramatic Mirror* announcing the availability of a “laughable Irish comedy” for the 1896-1897 season. In August, a note mentioned that several successful vaudeville performers were in the cast and scheduled to assemble for two weeks rehearsal before opening their season on 14 September.

The Sunday following the show’s scheduled opening, in Outcault’s 20 September panel, “What They Did to the Dog-catcher in Hogan’s Alley,” the cartoonist made a vague reference to Gilmore and Leonard’s show with a note on the

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side of one of his buildings: "Offices of the Hogan's Alley Dramatic Agency on the
top floor -- Engagements to Burn." 24 Outcault's use of publicity for this show only
a few weeks before his move from Pulitzer to Hearst's newspaper was curious, and
may signal that the move was not entirely expected.

Gilmore and Leonard publicized Hogan's Alley as a popular entertainment. A
disclaimer in one program noted that "there was a very pathetic story and a deep plot
to Hogan's Alley, but the Yellow Kid swiped it, and we can't find it now." 25 One
reviewer noted a cursory relationship between the story and characters, noting that
"the shadow of a plot which exists in the play was the medium for introducing a
number of clever specialty performers, including the stars themselves." 26

The popular press' assessment of Hogan's Alley was positive and glowing. An
early response to the show simply stated that "Gilmore and Leonard have found a
strong card in Hogan's Alley." 27 When the show first played New York one
reviewer noted that "there is more genuine fun to be found in it than in many of the
similar productions of late years." 28 There the production was greeted with praise,
financial success, and popular tributes. For example, the Crescent Democratic Club's

24 R.F. Outcault, "What They Did to the Dog-Catcher in Hogan's Alley."

25 Hogan's Alley, program, Jacob's Newark Theatre (Newark, NJ) 11 Jan. 1897,
Hogan's Alley program file, Billy Rose Theatre Collection, New York Public Library.

26 "News of the Theatres: New Plays Produced at Several Houses--Hogan's Alley a


28 "News of the Theatres."
245 members “marched to the theatre with a band and pyrotechnic display” after which they “tendered a banquet to Eugene Wellington and Gilmore and Leonard.”

There are several ways to mark the success of Gilmore and Leonard’s production of *Hogan’s Alley*, such as noting the number of successful weeks in larger cities. Gilmore and Leonard’s company played several weeks of its season at various theatres in New York. In addition to the week at the People’s Theatre from 12-17 October, *Hogan’s Alley* played New York’s Grand Opera House, a second week at the People’s Theatre, and Proctor’s Theatre. The production also played week-long engagements in Philadelphia at the National Theatre and in Brooklyn. *Hogan’s Alley* was also seen for week long engagements in Pittsburgh, Newark, Washington, D.C., Cincinnati, Boston, Buffalo, and Providence.

Business was so good for *Hogan’s Alley* that Gilmore and Leonard opened a second company of the show. From December 1896 through March 1897, company B played one-night stands in New England, New York, Pennsylvania, and Ohio. In the four months of its existence, company B played only one engagement that was longer than one night. Company B played Washington, D.C. for one week (22-27 February) following company A’s success there a month earlier.

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Yet, even with two companies on the road and playing the same territory, business was good enough to consider further expansion. The *New York Dramatic Mirror* noted that the second company of *Hogan’s Alley* was “scoring heavily in New England” and that Gilmore and Leonard were “contemplating sending out a third company.”31 There were no further mentions of a third company, nor a later addition to the touring schedules published in the *New York Dramatic Mirror*.

**Copyright Registrations for the Yellow Kid Shows**

Gilmore and Leonard’s immediate success with their tour of the *Hogan’s Alley* company prompted others to apply for the dramatic copyright for similar titles. Playwrights and managers filed thirty-seven applications for titles of dramas relating to the *Yellow Kid*. Of these thirteen made some mention of the “Yellow Kid” in the title, twelve used either “Hogan’s Alley” or “Hogan” in the title, and nineteen included a variation of “McFadden’s Row of Flats.” Among these are five titles that incorporated references to both the “Yellow Kid” and either “Hogan’s Alley” or “McFadden’s Row of Flats.”

Applications for dramatic copyright registration for *Yellow Kid* shows became more frequent after the tour of *Hogan’s Alley* began and after the New York Journal heralded the arrival of Outcault (and others) to continue the *Yellow Kid* feature as *McFadden’s Row of Flats*. These changes increased the number of places that the Yellow Kid could be seen and introduced an element of scandal, as both Luks and

Outcault questioned the authenticity of the other’s feature. Before October 1896 there were only two dramatic copyright applications, both for the title of *Hogan’s Alley*. In the month of October alone (following the Hearst announcements), there were thirteen *Yellow Kid* related applications registered, with an additional nine titles registered by the end of the year. Of the remaining thirteen titles submitted after 1896, seven were from applicants who submitted titles previously. The remaining six included two scripts credited to Frank Dumont (including one published script, produced by Dumont’s Minstrels), two applications from Henry Edwin O’Grady who insisted on copyright registrations for both *The Yellow Kid of Hogan’s Alley* and *The Yellow Kid of McFadden’s Flats*, and a registration for a script of *Buster and the Yellow Twins*.\(^{32}\) Of the thirty-seven registrations, twenty-one were part of multiple submissions by nine men: Bernard Gilmore, John Leonard, Gus Hill, Charles Blaney, Matt Gallagher, Henry Edwin O’Grady, Charles A. Loder, W.B. Watson and J.C. Fulton (see Table 1).

The copyright issues raised in late 1896 were of a greater concern. The situation that allowed a flood of copyright applications on a single property was re-examined by Congress, inspiring adjustments to the copyright laws. By the end of 1896 there was a bill before Congress and in early 1897 the *New York Dramatic*

\(^{32}\)This last script may seem an unlikely candidate for inclusion on this list as there is an eight year gap between it and the next previous *Yellow Kid* copyright registration. *Buster and the Yellow Twins* features a character named “Jimmy Dugan, a kid in the alley,” a goat, and is set in a “typical ‘Shanty Town.’” See Joseph Olcott, “Buster and the Yellow Twins,” unpublished ts. (35 pp.), D: 9400, 1906, Copyright deposits, 1901-1944: Class D dramas, Washington, D.C.: Library of Congress, Photoduplication Service, 1975-1981.
Mirror proclaimed that the bill would bring about "Piracy's Death." It appears Congressional attention helped to reduce the number of copyright drama registrations, but the willingness of authorized producers to sue the unauthorized producers had a greater effect on closing down the pirate shows. Changes in the copyright law that expanded the requirements for registrations did not take effect until July 1909.

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Table 1.

A Chronological Listing of Dramatic Copyright Registrations Involving the Yellow Kid (Mickey Dugan).

<table>
<thead>
<tr>
<th>Year.mn.dy</th>
<th>Title, author and submission information</th>
<th>Copyright applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1896.06.25</td>
<td><em>Hogan's Alley</em>. 1896: 36927.</td>
<td>Joseph M. Freeman</td>
</tr>
<tr>
<td>1896.10.10</td>
<td><em>McFadden's Row of Flats</em>; comedy in 3 acts, by C.A. Loder. 1896: 56158.</td>
<td>Chas. A. Loder</td>
</tr>
<tr>
<td>1896.10.12</td>
<td><em>The Yellow Kid of Hogan's Alley</em>; a musical farce comedy in 3 acts. 1896: 57211.</td>
<td>Albert Herman Woods</td>
</tr>
<tr>
<td>1896.10.15</td>
<td><em>The Yellow Kid in McFadden's Row of Flats</em>. Ts. 1896: 56828.</td>
<td>Daniel A. Kelly</td>
</tr>
<tr>
<td>1896.10.21</td>
<td><em>A Yellow Kid</em>; a 3 act farce comedy, by Lemuel North Woolcott. 1896: 58791.</td>
<td>L.N. Woolcott and C.H. Jackson</td>
</tr>
<tr>
<td>1896.10.22</td>
<td><em>McFadden's Row of Flats</em>; a comedy, by G. Hill. 1896: 58094. Ts. [Synopsis.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1896.10.26</td>
<td><em>McFadden's Flats</em>; a play, by G.M. McCarthy. 1896: 58809.</td>
<td>George M. McCarthy and William Black</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
<td>Copyright applicant</td>
</tr>
<tr>
<td>------------</td>
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</tr>
<tr>
<td>1896.10.27</td>
<td><em>McFadden's Reception</em>; a comedy, by M. Brannan. 1896: 59088.</td>
<td>Michael Brannan</td>
</tr>
<tr>
<td>1896.11.02</td>
<td><em>The Yellow Kid of McFadden's Flats</em>; an Irish comedy in 3 acts, by G.I. Pitt. 1896: 60298.</td>
<td>George I. Pitt</td>
</tr>
<tr>
<td>1896.11.09</td>
<td><em>Hoogan's Alley in Greater New York</em>; a 3 act farce comedy, by W. Gilson. 1896: 61326.</td>
<td>William Gilson</td>
</tr>
<tr>
<td>1896.11.25</td>
<td><em>Those Yellow Kids in a Hot Chase</em>; by J.C. Fulton. 1896: 64350.</td>
<td>Jas. C. Fulton</td>
</tr>
<tr>
<td>1896.11.25</td>
<td><em>The Yellow kid in a Hot Chase</em>; a comedy in 3 acts, by J.C. Fulton. 1896: 64351.</td>
<td>Jas. C. Fulton</td>
</tr>
<tr>
<td>1896.12.15</td>
<td><em>Hilarity in McFadden's Row of Flats</em>; a 3 act farce comedy, by C.A. Loder. 1896: 68304.</td>
<td>Chas. A. Loder</td>
</tr>
<tr>
<td>1897.01.20</td>
<td><em>A Trip Around the World With the Yellow Kid; Yellow Kid's Trip Around the World</em>, a musical farce comedy, by E.W. Townsend. 1897: 6163.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1897.01.21</td>
<td><em>Hogan's Alley Afloat and Ashore</em>, a 3 act Irish comedy, by Gilmore and Leonard. 1897: 6286.</td>
<td>Bernard F. Gilmore and John F. Leonard</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
<td>Copyright applicant</td>
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</tr>
<tr>
<td>1897.03.19</td>
<td><em>The Yellow Kid of Hogan's Alley</em>; a farce comedy in 3 acts, by H.E. O'Grady. 1897: 18102.</td>
<td>Henry Edwin O'Grady</td>
</tr>
<tr>
<td>1897.03.19</td>
<td><em>The Yellow Kid of McFadden's Flats</em>; a farce comedy in 3 acts, by H.E. O'Grady. 1897: 18101.</td>
<td>Henry Edwin O'Grady</td>
</tr>
<tr>
<td>1897.09.18</td>
<td><em>Hogan's Alley Circus and Band</em>, by W.S. Lutton. 1897: 52156.</td>
<td>William S. Lutton</td>
</tr>
<tr>
<td>1898.08.15</td>
<td><em>McDoodle's Flats</em>; a comedy-drama in 3 acts, by Frank Dumont. 1898: 48027.</td>
<td>G.W. Rice and Chas. Barton</td>
</tr>
<tr>
<td>1906.11.08</td>
<td><em>Buster and the Yellow Twins</em>; a comedy in 3 acts by Joseph Olcott.  D: 9400. 35 p. fő. Ts.</td>
<td>Harry F. Mathews</td>
</tr>
<tr>
<td>1916.03.25</td>
<td><em>Polly and Her Pals (or The Yellow Kids of Hogan's Alley)</em>; musical comedy in 3 acts, suggested by G. Hill, written by Junie McCree.  D: 43481.  [108] p. 4ő. Ts.</td>
<td>Gus Hill</td>
</tr>
</tbody>
</table>

Although significant information is derived from the listings of dramatic copyright registrations, scripts for many of the titles were not submitted. At that time the Library of Congress required only a title page to register a copyright. The registered titles include deposits of one published/produced script,\textsuperscript{35} four unpublished scripts and one synopsis.\textsuperscript{36} Many of the remaining applicants turned in only the application with a title page. A search with the Manuscript Division of the Library of Congress revealed that very few scripts before 1901 were retained.\textsuperscript{37} Of the five scripts deposited from the thirty-seven registrations, only three have survived: Frank Dumont’s published \textit{The Yellow Kid Who Lives in Hogan’s Alley, A Burlesque} (1897), Joseph Olcott’s unpublished \textit{Buster and the Yellow Twins} (1906), and Junie McCree’s unpublished \textit{Polly and Her Pals (or The Yellow Kids of Hogan’s Alley)} (1916).

\begin{par} \textsuperscript{35}Frank Dumont, \textit{The Yellow Kid Who Lives in Hogan’s Alley, A Burlesque}, De Witt’s Ethiopian and Comic Drama no. 164 (New York: De Witt, 1897), microform edition, English and American Drama of the Nineteenth Century no. D286 (New York: Readex Microprint, 1966). \end{par}


\begin{par} \textsuperscript{37}Scripts deposited from 1901 and after are part of an ongoing project to microfilm the submitted copyright drama. A small number of scripts registered before 1901 were selected for retention. The pre-1901 unpublished \textit{Yellow Kid} scripts were not retained. \end{par}
Frank Dumont's *Yellow Kid* Script

The one extant produced *Yellow Kid* script is Frank Dumont’s *The Yellow Kid Who Lives in Hogan’s Alley*, first produced by Dumont’s Minstrels in mid-January 1897 at the Eleventh Street Opera House in Philadelphia. This *Yellow Kid* “burlesque” was performed for two months, after which it was replaced with *The Yellow Kid’s Trip Around the World*. This second skit played through the close of the season on 24 April 1897. Dumont’s Minstrels produced one more *Yellow Kid* skit in 1898 with *The Yellow Kid’s Army Off for Cuba*.\(^38\)

The title of the published script referred to the *Yellow Kid* series as drawn by George Luks and published in the *New York World*. The Dumont script incorporated general elements derived from the two existing series (as drawn by Outcault and Luks) and specific characters or conventions that Luks had introduced in his series. The cast of Dumont’s play included several of Luks characters such as the Kid, Liz, Baldy Sours, the falling kid (with umbrella), the parrot and the goat. The *Yellow Kid* was never referred to by a proper name (Mickey Dugan) but only as “Kid,” “Yellow Kid,” and “Yaller Kid.”

From the Kid’s first entrance, Dumont made specific mention of the Kid’s physical appearance and demeanor.

Enter Yellow Kid, seated in a toy express wagon, and drawn by a real goat. The Kid wears large ears, yellow gown, feet with toes to look large; in fact, to make up like the Yellow Kid as seen in pictures. The Kid has extravagant

\(^38\)S. Fernberger, “Philadelphia,” *New York Dramatic Mirror* 2 Apr. 1898: 12. The title and timing of this production followed the sinking of the *Maine* and was in conjunction with the events that precipitated the Spanish American War.
business halting his “horse,” the goat. Everybody gathers around him, glad to meet him.\footnote{Dumont 5.}

It is also noted that Dumont’s Yellow Kid “utters a peculiar laugh like a high screech after each trick and when he enters.”\footnote{Dumont 6.} While the goat was an element of both Outcault and Luks’ features, it is only on stage for this brief stage business before being returned to the “stable.”

Both Outcault and Luks featured the a character Liz, who was a romantic interest for the Yellow Kid. Dumont introduces the Liz as a harbinger of the Kid’s arrival, wearing a large “theatre hat” full of flowers with “4-11-44” written on the front.\footnote{This use of a hat for Liz was not characteristic of either Outcault or Luks, who both used the message hat for Mickey’s sister, Kitty. Luks used smaller versions of Kitty with the characters Em and Jen who wore smaller message hats, similar to his use of Alex and George with their message nightshirts. Dumont here combines the name of one character with an attribute of another. The meaning of “4-11-44” is obscure, however the reference appeared in the popular arts at that time and was the title of at least one popular song.} Oddly enough, the character is only assigned two lines just after her first entrance and she does not speak after the Yellow Kid is introduced. Instead, Liz is directed by the Kid and other characters to retrieve things from off-stage or to get out of the way of the action. After ordering her about in several scenes, the Kid turns to her and says “Why don’t you keep out of the way, Liz? You know you can’t
run.” 42 The part of Liz was played in drag by Dave Foy, heightening the commentary on the foibles of a “girl” in Hogan’s Alley. 43

Dumont included several characters from Luks’ feature, but either gave different relationships or combined characteristics to streamline the burden of adaptation. The parrot’s relationship with Mickey in the newspaper cartoon was reassigned to Schultz in the staged burlesque. Mickey’s goat made a brief appearance on the stage as the Yellow Kid’s “new horse” and was quickly led off. The female characters from the “gang” were combined in the character of Liz, whose contributions to the activities on stage are minimal. The boys from the Hogan’s Alley gang are given recognizable names and attributes from the feature but without significant development of their characters in the burlesque.

To flesh out the script, Dumont included stock characters from the popular theatre. The women in the script (such as Mrs. Schultz as the nagging wife, a woman with a baby as the helpless mother, and a woman selling butter as the foolish peddler) are more characteristic of a stage farce than Luks’ cartoon feature. The men in the skit are also little more than caricatures, including ethnic stereotypes (Schultz and Hogan), the foolish doctor (Dr. Pills), bumbling policemen, and the physically challenged.

The action of the farce depends on cruel physical slapstick linked as a series of “bits” culminating in a final scene of pandemonium. The first piece of stage business

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42 Dumont 7.

has the boys placing a brick under a hat for Hogan to kick. Hogan appears, sees the hat of his nemesis, kicks it, and howls in pain when his foot smashes into the brick. Other comic routines center in pranks and mischief, such as replacing a turkey with a dead cat, switching signs on businesses, running away after knocking on a door, blowing up a parrot, stealing butter from a peddler, and greasing the sidewalks and stairs.

One running gag in the skit is a “knocking on the door” routine in which the boys of the gang knock on Dr. Pills’ door and run away before he opens it. The first time the doctor credits the knock to his imagination. After the second knock, the doctor runs out shouting “Ah ha! It’s that Yellow Kid and his gang. I’ll get a club and lay for them.”

Instead of clubbing the Yellow Kid, the doctor is tricked into beating himself, Baldy, a “cripple,” and a woman with a baby.

The various misdeeds throughout lead to the final moments of the skit when the Yellow Kid, armed with stolen butter, is inspired to his next prank: “Now, boys, we’ll grease the sidewalk and the steps, and shout fire! Everybody will run out and break their necks.” After the boys grease the stage, they cry out “fire” and the Police and the Butter Woman re-enter, only to fall on the buttered areas:

At this moment red fire is lighted in Schultz’s room, and a cry of fire is raised boys and people in house. Policeman runs up steps, Schultz throws mattress out and Hogan dashes up steps to save property. Then everybody comes down the slippery-day stairs in the following order, stairs being flipped for each: First, the Policeman, then Hogan, then Schultz, who rolls over and

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44 Dumont 7.

45 Dumont 9.
over after falling; then Liz comes down the stairs, she having gone above from the wings for that purpose. As soon as Liz comes down the stairs Baldy swings out from R.I.E., clinging to handle of an opened umbrella, which enables him to be about four or five feet above stage. Yellow Kid pelts everybody who falls down stairs with butter balls.\textsuperscript{46}

The final moments of pandemonium in the skit come the closest in embodying the spirit of the Yellow Kid cartoon. The structure of the cartoon was strikingly similar to final moments of pandemonium in skits in vaudeville, burlesque and minstrel shows.

Nearly two decades later, Dumont's skit was pressed into service by Gus Hill and Junie McCree with the 1916 \textit{Polly and Her Pals} (or \textit{The Yellow Kids of Hogan's Alley}), written by McCree but suggested and copyrighted by Hill. The latter script borrowed heavily from Dumont's skit, incorporating several characters (the policeman, the peddler, the doctor and the "cripple") and key stage business (the running away after knocking on a door routine complete to the point of the doctor beating the "cripple" onstage and the use of the slippery stair). McCree did not include a Mickey Dugan character, but included George Luks' Yellow Twins -- Alex and George. McCree improved Dumont's script in other ways, expanding it to a full length musical comedy and borrowing cartoon characters from Cliff Sterrett's \textit{Polly and Her Pals} and Frederick Burr Opper's \textit{Happy Hooligan}. Despite the changes and additions, it is clear that McCree's script was highly derivative of Dumont's 1897 minstrel show skit.

\textsuperscript{46}Dumont 9.
Throughout his career, Dumont wrote, copyrighted and produced entertainments. Dumont's cartoon related copyright scripts include the *Yellow Kid Who Lives in Hogan's Alley* (© 1897, DeWitt's Ethiopian and Comic Drama), *McDoodle's Flats* (© 1898, Barton and Rice), *Happy Hooligan* (© 1901, Gus Hill), *Alphonse and Gaston* (© 1902, Gus Hill), and *The Pest Family* (© 1915, Gus Hill). Dumont was also listed as the author on more than 150 other dramatic copyright applications. It is certain that Hill produced the *Happy Hooligan* (1901-1902) and *Alphonse and Gaston* (1902-1903) shows based on Dumont's scripts.

Dumont's *Yellow Kid* script ran into the problem of introducing characters from the feature, having them behave in a identifiable manner and then getting them out of the way of the expected burlesque. Removing these references would do little harm to the script, which appears to be complete outside of the cosmetic cartoon additions. As with later cartoon theatricals, Dumont appears to have borrowed the characters and relationships and incorporated them into a well defined (and pre-existing) genre. *The Yellow Kid Who Lives in Hogan's Alley* was essentially a burlesque that introduced cartoon characters only for the reason of capitalizing on their popularity.

*Yellow Kid* Shows: "Authorized" and Pirated Productions

Specifically with the *Yellow Kid* shows, a large number of theatrical producers tried to ensure that they were producing legitimate entertainments, as evidenced by the number of copyright registrations that preceded the productions. Pirate shows
were productions that did not have authority to a specific script, plot or idea.

Unauthorized productions created several problems:

- they reduced the demand for authorized productions;
- they threatened the receipts that an authorized production might gain from a tour;
- they flooded the theatres with a specific image, character or script; and
- they infringed on the exclusive rights to dramatize a character or story.

In the late nineteenth century pirate shows were rampant in the American Theatre and adjustments in copyright law were necessary to confront this problem.

Copyright registration did not assure the copyright holders anything other than that they were registered for a specific title or script. This process also gave an authorized producer recourse if another party infringed on their rights or claimed sole ownership. Registration implied that an applicant held rights to a production under a registered title, assuming that they also held the theatrical rights to the source material. Unfortunately it was not always clear to the applicants that they had to secure permissions from the creator, the publisher, or subsequent holders of copyright in addition to developing and applying for a dramatic copyright registration. Many of the people who had been granted copyright registrations, produced (or attempted to produce) Yellow Kid shows. But most of these shows were not authorized by an original copyright holder, many of these shows were unauthorized -- colorfully referred to as "pirate shows." 47

47 The difficulties presented by "pirate shows" was not unique to the Yellow Kid productions or cartoon theatricals, but a challenge that existed for many theatre
A number of pirate companies (shows which illegally used the name, characters, and/or script of a licensed play), appeared with variants of the titles *Hogan’s Alley, McFadden’s Row of Flats* and *The Yellow Kid*. Although Gilmore and Leonard held a prior copyright for *Hogan’s Alley* and produced their show with the blessings of Outcault and the *New York World*, they still had to fight to protect their ownership. Gilmore and Leonard registered their copyright on 21 March 1896 with the next *Yellow Kid* related application registered three months later. On 3 October Gilmore and Leonard’s manager, Eugene Wellington, issued a warning two weeks after the beginning of the tour of *Hogan’s Alley* to those who either were, or those who might, infringe on Gilmore and Leonard’s copyright:

WARNING---I hereby warn all managers not to allow any productions under the title of *Hogan’s Alley* as I hold copyrights for same and will protect by law any infringement.\(^{48}\)

Apparently in the first two weeks of the *Hogan’s Alley* tour, other producers were eager, willing and able to pirate the show and were so obvious about it that they attracted the attention of the authorized producers.

To further complicate matters, Outcault decided to quit the *New York World* and work for the *New York Journal* soon after the start of the 1896-1897 theatre season when there was a successful adaptation of his cartoon touring. It is not clear producers. The federal response to pirate shows was not specifically in response to the *Yellow Kid* problems, but was illustrative of tactics used to combat productions that figuratively toured “under the black flag.”

if there was a link between Outcault’s change of newspapers and the popular stage shows, but the evidence suggests that the adaptations did play a role in his move and was motivated only after the start of the *Hogan’s Alley* tour in mid-September 1896.

Outcault’s feature in the *Journal, McFadden’s Row of Flats*, first appeared in the Sunday edition on 18 October 1896, but that installment was preceded for at least two weeks with fanfare by the Hearst newspaper. The effect of this was for the parties who had been pirating the *Hogan’s Alley* show were suddenly given a new source for the *Yellow Kid* feature. A producer could effectively snub Gilmore and Leonard’s protestations of copyright infringement by filing the first dramatic copyright application under the title *McFadden’s Row of Flats*. On 10 October (a week after Wellington’s warning) Charles Loder was granted registration #56158 for that title and moments later Ed Rush and Charles Franklyn were assigned #56161 for their registration of *McFadden’s Flat*. In the week that followed, producers filed six more applications before Outcault’s feature premiered in the New York *Journal*. By the end of the month there were five more *Yellow Kid* related dramatic copyrights registered. The number of copyright applications does not accurately reflect all of the pirate shows that toured and it is likely that several pirate producers never attempted copyright registration.

The problems were serious and the solutions were necessarily harsh. Following the warning, Wellington retained attorney James H. Eagan to secure injunctions “to stop any infringement of unauthorized production of *Hogan’s Alley* in
this country.""49 This action was necessary to prevent other companies from using
the character of the Yellow Kid or the title *Hogan’s Alley*. For example, Gilmore and
Leonard sued Williamson’s Comedians for infringement and won a restraining order
against the company, effectively making it illegal for them to produce their pirated
show.50 Other “unauthorized” shows included *Lulu and the Yellow Kid*, *Town Talk
in McFadden’s Flats* and several companies that toured shows with the *Yellow Kid*
title.51

Hill also published broad warnings to the play pirates, stating that *McFadden’s
Row of Flats* (as licensed by the New York Journal) was his “own original property,
duly protected by law in every conceivable way” and that his attorneys, Hart and
Price, were awarded three injunctions, closed two shows, and sued seven local
managers.52

Even with Hill’s warnings, some producers still claimed that their productions
were legitimate and sanctioned by the *New York Journal*. Al Reeves responded to

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51Information regarding *The Yellow Kid* companies can be derived from the
touring schedules for Dec. 1896 and Jan. 1897 in the *New York Dramatic Mirror.*
Information regarding *Lulu and the Yellow Kid* can be derived from “At Other
Houses,” *New York Dramatic Mirror* 12 Dec. 1896: 16; George W. Monroe, ad. for
*Lulu and The Yellow Kid -- The Pet of Hogan’s Alley* (“Star Theatre”), *New York
Dramatic Mirror* 12 Dec. 1896: 22. Information regarding the third show in noted in
“Town Talk in M’Fadden’s Flats,” *New York Dramatic Mirror* 30 Jan. 1897: 6; a
poster from this show was reprinted in the *R.F. Outcault Reader 4.2* (June 1994) 3.

52Gus Hill, ad. for *McFadden’s Row of Flats* (“Notice to Everybody”), *New York
Clipper* 2 Jan. 1897: 709.
Hill in a public advertisement, noting that Al Reeves' Big Burlesque Company included a burlesque of McFadden's Row of Flats, but that the skit was "by permission of THE NEW YORK JOURNAL, for which we hold vouchers." He continued with a pointed reference to Hill: "Doubting Tommies can investigate. Envious Managers should save their money and stop making bluffs." William T. Fennessy also promoted the idea that the William Jerome's Herald Square Comedians' production of Town Talk in McFadden's Flats was by permission of the New York Journal.

At least one producer took heed of the warnings to play pirates. On 2 January 1897, A.H. Woods announced that his production of The Yellow Kid of Hogan's Alley was for sale outright to any interested producer. To help sell the show, Woods noted that the company was booked solidly into April with one and three night stands, that it carried special promotional paper and the company was reopening the tour on 18 January.

After two seasons, the pirate shows were effectively closed down, with only a few of these shows produced in the 1897-1898 season and none on the record after that. There is no available proof of the damage these shows did to the box office appeal of Hogan's Alley or McFadden's Row of Flats in the 1896-1897 season. The authorized producers were able to successfully close down the pirate shows with

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53 Al Reeves, ad. for Al Reeves's Big Burlesque Company ("Wanted"), New York Clipper 9 Jan. 1897: 723.

54 William T. Fennessy, ad. for Town Talk in McFadden's Flats ("18th Big Week"), New York Clipper 23 Jan. 1897: 754.
campaigns of intimidation and litigation. Another factor in closing down the pirate shows was the limited run of the cartoons on which these shows were based, with both cartoons ceasing publication by early 1898.

Yellow Kids in Vaudeville

Vaudeville was also another venue in which the Yellow Kid (Mickey Dugan), or other kids from Hogan’s Alley, were enacted by performers and ventriloquist’s dummies, or described in song. Soon following Gilmore and Leonard’s Hogan’s Alley copyright application, an announcement appeared on 13 June 1896, that Outcault had copyrighted his series as “Hogan’s Alley” and that it would be exploited by his uncle Will S. Rising in his “illustrated songs.”55 Despite the gaining popularity of the feature, the regular theatre season did not begin until late August or early September. Through the summer of 1896 there were few theatres prepared to exploit the Yellow Kid character. By the fall, producers, performers and theatres were ready and willing to display the character in a number of financially rewarding ways.

From September through November 1896, the number of appearances of these characters increased in vaudeville. The grand reopening of Weber and Field’s Broadway Music Hall on 5 September 1896, featured a full vaudeville bill, with one of the acts being Thomas J. Ryan’s songs about “Ignatius McFadden’s Debut” and

“The Hogan’s Alley Kids.” Others used the material to their advantage as well, including Annie Hart (“the Belle of Hogan’s Alley”), Johnstone Bennett (“a kid from Hogan’s Alley”), Robert Brower (“the Dugan Kid of Hogan’s Alley”) and Silas Johnson (“the original Yellow Kid”). Gertie Reynolds incorporated the Yellow Kid in her act, dancing “herself into great popularity as the ‘Poster Girl’ and the scene where she appears, leading the Yellow Kid by a string.”

In December 1896, the popularity of the Yellow Kid was still at a high level. During one week alone, three major New York vaudeville houses had *Yellow Kid* acts on their stages. Proctor’s featured:

the first appearance of the *Sunday World* Quintette in a hodge podge called The Pocket Edition of Hogan’s Alley. The Yellow Kid and the other characters were there, as were the goat and the parrot and some special scenery.

The other two houses, Hammerstein’s Olympia and Weber and Field’s Broadway Music Hall, also had acts featuring the Yellow Kid and “Poster Girl.”

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56“Weber and Fields’s Opening,” *New York Dramatic Mirror* 19 Sep. 1896: 17. There have been several writers who have interpreted the press from this act as if it were a Broadway musical, presumably because the name of the venue was Weber and Fields’ Broadway Music Hall. The “Hogan’s Alley Kids” was one act of a vaudeville show, not a Broadway musical.


58“Weber and Fields’s Broadway Music Hall.”


60“Last Week’s Bills: Proctor’s.”
The vaudeville acts were concurrent to the controversies of Outcault leaving the *New York World*, but this activity lasted only a few months and was fairly short-lived compared with the other theatrical adaptations. These acts appear to have been tolerated by Gilmore, Leonard and Hill, all of whom were busy with their own shows and trying to close the pirate shows. This temporary trend appears to have run its course within a few months, with the *Yellow Kid* fad being not as topical in early 1897.

**McFadden’s Row of Flats--The Second Yellow Kid Show and Gus Hill’s First Cartoon**

**Theatrical**

In fall 1896, Gus Hill expressed interest in producing *McFadden’s Row of Flats*, adapted from Outcault’s second “official” *Yellow Kid* series as it appeared in Hearst’s *New York Journal*. Hill’s preliminary announcements were rather late compared with Gilmore and Leonard’s preparations in March 1896. A full production of Hill’s *McFadden’s Row of Flats* did not tour the during 1896-1897 season, but the events of that season provide information on the great appeal of the material. Within a week of Outcault’s first appearance in Hearst’s *New York Journal* and following a very successful first month of Gilmore and Leonard’s *Hogan’s Alley*, Gus Hill personally registered a copyright for the title *McFadden’s Row of Flats* as “a comedy” by G. Hill on 22 October 1896, four days after Outcault’s first Sunday
panel appeared in the *New York Journal*. Hill’s copyright was registered twelve days after the first *McFadden’s Flats* copyright and was the ninth application submitted with an element of *McFadden’s Row of Flats* in the title.

Hill began an advertising campaign in the *New York Dramatic Mirror* that started on 14 November 1896. The campaign began by trumpeting the success of the show in Baltimore and stressing that the production was sanctioned by the *New York Journal*.

Copyrighted and Trade Marked by *New York Journal* and Gus Hill and first produced by Gus Hill’s Comedians, with a star cast of 30 artists, presenting famous comedians, pretty girls, original specialties, handsome costumes, special scenery, and grand singing chorus of trained voices. No end of attractive printing and novel advertising ideas. But a few weeks remain open for week stands only in the larger cities.

Hill also threatened to sue anyone who presented (or allowed presentation of) *McFadden’s Row of Flats* (“or any similar production”) by any company except his own.

It is possible that the success Hill referred to for the Baltimore production of *McFadden’s Row of Flats* was in fact another of his companies on tour at that time. A company of *Gus Hill’s Novelties* was in the region when Hill was in Washington registering the title. One review of the show mentioned the success of ventriloquist James W. Bingham “when he comes out with Outcault’s famous Hogan’s Alley

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'yellow kid’ the house goes wild."^63 It is possible that this or another company performed the McFadden’s Row of Flats script for a copyright performance or that Bingham’s act was the kernel of what became Hill’s McFadden’s Row of Flats. Unfortunately Hill deposited only a synopsis with his copyright registration, this document was not retained by the Library of Congress, and searches for further information on the Baltimore performance have been inconclusive. On the other hand, the Speck brothers, who became a key part of Hill’s McFadden’s Row of Flats (as Luk’s yellow twins, Alex and George), were touring with Gus Hill’s Novelties.

Hill supported his claim with his agreement with the New York Journal and a prior performance under the title McFadden’s Row of Flats. This assertions did not go unnoticed nor unchallenged. The week following the public announcement of Hill’s copyright, Ed F. Rush and Charles Franklyn publicly made note of their copyright for McFadden’s Flats.^64 Soon after, George M. McCarthy and William Black announced their plans to stage McFadden’s Flats.^65 Hill answered the announcements by re-stating that the New York Journal had granted him the

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^63"Gus Hill’s Novelties at Kernan’s Lyceum," Washington Post 27 Oct. 1896: 7. Although Hill applied for the dramatic copyright registration for “McFadden’s Row of Flats,” the reviewer associated the character with the Hogan’s Alley feature.

^64"Professional Doings,” New York Dramatic Mirror 14 Nov. 1896: 2. Library of Congress records show that Rush and Franklyn copyrighted the title McFadden’s Flat (singular) on 10 Oct. 1896. It was the second variant of that title registered.

“exclusive dramatic rights” and that the title was “duly protected both by copyright and trademark.”

On 5 December 1896, Daniel A. Kelly publicly announced that he was collaborating with Charles Fleming on A Yellow Kid in McFadden’s Row of Flats (registered for copyright on 15 October 1896). Kelly made bold statements about his rights to the material based on his prior copyright of a particular title. Kelly’s claims directly opposed those of Hill and threatened a legal battle between the two men. In reaction to the many claims to the McFadden’s Row of Flats title, Hill continued threatening prosecution for any infringement of his rights. Kelly tried to confirm his rights by writing to the Librarian of Congress and responded to Hill’s campaign with his own advertisement. Kelly insisted that he held “the original title,” warned “all claimants against using it,” and printed a letter from the Librarian of Congress, A.R. Spoffard. It stated that Kelly submitted the first of three applications with the title The Yellow Kid in McFadden’s Row of Flats.

Hill and Kelly both made claims for their Yellow Kid shows based on their copyright applications. Both men registered copyrights, but neither was the first to


69Daniel A. Kelly, ad. for The Yellow Kid in McFadden’s Row of Flats (“Be Sure You are Right—Then Go Ahead”), New York Dramatic Mirror 19 Dec. 1896: 24. Spoffard’s short list of three titles probably included George Pitt’s The Yellow Kid of McFadden’s Flats (2 Nov.), but it is unclear which of the fourteen other titles he referenced to answer Kelly’s question (see Table 1).
register their title with the Librarian of Congress. Gus Hill registered the title *McFadden's Row of Flats* on 22 October, but Daniel A. Kelly copyrighted the title *The Yellow Kid in McFadden's Row of Flats* a week earlier. Hill was the fourth recipient of a copyright for the exact title *McFadden's Row of Flats* while Kelly was the first to copyright the exact title *The Yellow Kid in McFadden's Row of Flats.* Kelly's application followed registrations for *McFadden's Row of Flats* and *The Yellow Kid of Hogan's Alley.* It was fortunate for Hill that copyright was not simply a race for the earliest registration, but a process intended to document original works and protect creative rights.

Copyright law was not constructed to encourage a flood of applications for a given property, as happened with the *Yellow Kid* shows. The Copyright Division of the Library of Congress was more of a clerical office that registered titles. Questions related to copyright ownership had to be definitively answered in the courts.

Hill and Kelly's skirmish was complicated by McCarthy and Black's resolve to produce their version of *McFadden's Flats* at the Lyric Theatre in Hoboken, New Jersey in February 1897.\(^70\) Hill was undaunted by this and continued to issue press releases for his planned production:

*McFadden's Row of Flats*, by E.W. Townsend and R.F. Outcault, the authors of the Yellow Kid of Hogan's Alley fame, will take to the road under the direction of Gus Hill. A large company of star performers has been engaged, special and elaborate scenery is being painted, and the costumes are said to be very handsome. Mr. Hill will spare no

expense in the production. The title is fully protected by the New York Journal, the authors, and Mr. Hill.\textsuperscript{71}

One of the major strategies of Hill’s advertising campaign was to reinforce the concept that his production was authorized by the New York Journal. His second legitimizing effort began in the New York Dramatic Mirror on 20 March 1897, when the first of a series of illustrated advertisements appeared weekly for five weeks.\textsuperscript{72} The ads featured drawings of Mickey Dugan with the McFadden’s Row of Flats gang, and also the two smaller characters Alex and George.

From early indications, Hill was eager and willing to send a company of McFadden’s Row of Flats on the road at the earliest opportunity. Hill reported in November 1896 that the show was to have an “early production.”\textsuperscript{73} Hill’s advertisements in the following weeks urged managers in the larger cities to book one week stands before they were gone.\textsuperscript{74} In mid-December the messages from the Hill organization continued to give the impression that a production was imminent, with optimistic phrases such as “the play will shortly be sent on the road.”\textsuperscript{75} In late December, McFadden’s Row of Flats was described as one of several Hill productions


\textsuperscript{72}The illustrated advertisements for McFadden’s Row of Flats appeared in the New York Dramatic Mirror on 20 Mar. (p. 4), 27 Mar. (p. 21), 3 Apr. (p. 8), 10 Apr. (p. 24), and 17 Apr. (p. 8).

\textsuperscript{73}“Gus Hill’s Latest,” New York Dramatic Mirror 7 Nov. 1896: 18.


that "possess the necessary qualities for drawing and pleasing large audiences . . . [and] will be an important factor during the present season in contributing to the entertainment of the American public."\textsuperscript{76}

One of the more interesting announcements came in late January, when Hill announced that he acquired "two dwarfs, who make up as two yellow kids, and introduce a very laughable specialty."\textsuperscript{77} The two "dwarfs," the Speck brothers, were to be cast as Luks' little Yellow Kids, Alex and George. Hill did not note that the Speck brothers were already touring with \textit{Gus Hill's Novelties} at the start of the 1896-1897 season. In mid-March 1897, information from the Hill organization began to reflect that efforts to produce \textit{McFadden's Row of Flats} during the 1896-1897 season were unsuccessful. Items appeared noting that the show would be produced for the first time in following season.\textsuperscript{78} Except for the copyright performance, Gus Hill's \textit{McFadden's Row of Flats} was not produced until the 1897-1898 season.

\textit{McFadden's Row of Flats} in the 1897-1898 Season

During \textit{McFadden's Row of Flats'} first season it played New York's People's Theatre on 27 September for a one week engagement. The reviews, similar to those of \textit{Hogan's Alley}, noted that the story was flimsy excuse for the presentation of the performers' specialty acts:


\textsuperscript{78}"Reflections," \textit{New York Dramatic Mirror} 13 Mar. 1897: 3.
The plot, a very slender fabric, deals with the campaigns of Tim McFadden and Jacob Baumgartner, rival candidates for the office of alderman. Careful sounding of the voters of the ward has convinced the rivals that they shall poll a tie, unless Terrence McSwatt, poet of McFadden’s Flats, may be induced to vote, McSwatt’s ballot being the only uncertain one in the ward.\textsuperscript{79}

\textit{Hogan’s Alley} and \textit{McFadden’s Row of Flats} were almost identical in that they were based on the same material, that shared a similar format, and that both shows placed little significance on story and emphasized the theme of variety entertainments and the location of Outcault’s drawings.

In the 1897-1898 season Hill was successful in the courts defending his rights to \textit{McFadden’s Row of Flats} and promptly placed an advertisement. In his “warning to pirates and local managers” he noted that the courts had decided his ownership to the production:

\begin{quote}
Having won my case against Al Reeves, with damages, beware of Forbidden Fruit, as my attorneys are instructed to stop any and every one from infringing on my own Original Property.\textsuperscript{80}
\end{quote}

In addition to Hill’s periodic announcements of the overwhelming success of his shows, his promotional advertising for \textit{McFadden’s Row of Flats} became extremely sensational during the 1897-1898 season. His proclamations of the success were issued with tales of how desperate people were to see his show. An advertisement


\textsuperscript{80}Gus Hill, ad. for \textit{McFadden’s Row of Flats} (“Warning to Pirates and Local Managers”), \textit{New York Clipper} 16 Oct. 1897: 552.
from October 1897 related a horrific image of people crushing each other to see this show:

Thousands upon Thousands turned away at every performance; Police called out to disperse the mob. Doors closed at 7.30, not even breathing room; Chairs taken from Box Office, Dressing Rooms, etc., to accommodate the masses. Orchestra removed to the Flys. Critics Pronounce this the greatest All Star Comedy Co. Seen in Years. 81

An advertisement from February 1898 created the same impression with greater emphasis.

The cry at every performance, with a line of people a block long, STANDING-ROOM ONLY! NOTHING BUT BOX SEATS; ORCHESTRA REMOVED TO THE FLIES; CAMP STOOLS IN THE AISLES; EXTRA TICKET-SELLERS, DOOR-KEEPERS AND USHERS REQUIRED TO ACCOMMODATE THE MASSES. This same state of affairs at Matinees, when women and children were crushed in the mad rush to secure even breathing room. 82

This advertising technique was not unusual either for Hill nor for his publicity for *McFadden’s Row of Flats*. Receipts reported for this and other Hill shows confirm that his shows were well attended. It is possible that near-riot conditions existed for some performances of Hill’s shows. Hill later reprinted reports of long lines, crowded theatres, and occasional violence. 83

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83One newspaper account in 1905 was reprinted by Hill and used to advertise *Happy Hooligan’s Trip Around the World*. The report described a full theatre and a knife fight that broke out in the audience. See Gus Hill, postcard to Charles Osgood (“*Happy Hooligan’s Trip Around the World*”), 3 Oct. 1905, Klaw and Erlanger papers, Shubert Archive, New York.
Little is known about Hill's production of *McFadden's Row of Flat*, save for what can be determined from the theatrical press. There are no scripts, reviews or first-hand accounts that detail the action of the entertainment. The record reflects only what was brought to public attention through sensational ads, news stories, and gossip. A pattern for Hill's promotional and production style can be determined, but the story of the *Yellow Kid* shows that of controversy and power struggles. When these elements were later resolved, there is very little story.

The Long Run of *McFadden's Flats* -- With and Without the *Yellow Kids*

In the season of 1897-1898 *Hogan's Alley* appeared again with two road companies and *McFadden's Row of Flats* with one company. Gilmore and Leonard's *Hogan's Alley* ran for a total of three years under their management (each year with two companies) when the pair dissolved their working partnership and sold their rights to the show. On 26 August 1899, the following advertisement appeared:

> We will sell outright the above Comedy, with the privilege to use our name, including three beautiful sets of scenery, excellent paper at Miner Lithograph Co., also Rochester Printing Co., Rochester, N.Y., for the highest cash offer. Must sell to dissolve partnership.\(^8^4\)

Gilmore and Leonard ended their association and each pursued other projects separate from the other. Frank T. Merritt managed a company of *Hogan's Alley* for the 1899-1900 season. *Hogan's Alley* did not have the staying power of *McFadden's Row of Flats*, but was staged for several consecutive seasons.

At some point in the first few seasons, *McFadden's Row of Flats* began to center more on the underlying story of "the flats" with less stage time for the Yellow Kid and his cohorts. Mickey Dugan seems to have disappeared from the show in the first few seasons, Hill continued to feature the smaller Yellow Kids, Alex and George.  

*McFadden's Flats* and the 1903 Star Theatre Protest

The 1902-1903 season was uneventful compared to the prior controversies of the *Yellow Kid* shows and the subsequent routine of touring season after successful season. Hill’s advertising in the trade papers for the show was minimal, mentioning the show primarily in lists of his prior successes or current productions. In mid-March 1903, *McFadden's Row of Flats* played a two week engagement at the Fourteenth Street Theatre in New York. One reviewer observed that the show (in its sixth season) had “been brightened with new music and jokes and brought down to date” and that the “large audiences enjoyed the rollicking performance.” The skeletal plot remained unchanged, providing a framework for the addition of new jokes and popular songs.

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85 The last recorded reference to the characters of Alex and George was in early April during the 1903-1904 season, while the show was playing San Francisco. Hill also featured the characters in the show’s advertising. See Fig. 2.

Fig 2. McFadden's Row of Flats (1902), detail from a theatrical advertisement; Gus Hill, ad. for Gus Hill's Enterprises ("Four of the Most Successful Box Office Attractions on the Road"), *New York Dramatic Mirror* 25 Jan. 1902: 28.
The spirit of the season changed the following week when *McFadden’s Flats* played New York’s Star Theatre and became the focal point of a political protest. At the conclusion of the first act during the evening performance on Friday, 27 March, instead of cheers and applause, the show was met with a shower of rotten eggs and vegetables. An estimated two hundred irate Irishmen, among them the members of the Ancient Order of Hibernians and the Clan-na-Gael, joined together to protest the “insulting” caricatures of the Irish in the production.\(^{87}\)

The *McFadden’s Row of Flats* incident was preceded by other planned demonstrations. One source noted that the “prime movers in the [*McFadden’s Row of Flats*] attack are the same men who protested some years ago against giving Irish names to the monkeys in Central Park.”\(^{88}\) Specifically, with *McFadden’s Row of Flats*, there were minor objections during the two week run at the Fourteenth Street theatre as “a number of men hissed the performers roundly and were ejected.”\(^{89}\) Hollis E. Cooley, the manager of the show, was warned to end the tour (“either in New York or anywhere else”) or possibly face “trouble.”\(^{90}\)

The threatened trouble materialized at the Star Theatre on 27 March 1903. The first half hour of the production passed without incident, as the Irish demonstrators in the audience waited for several lead actors to get on the stage. The

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\(^{88}\)“Play Mobbed by Irishmen,” *New York Sun* 28 Mar. 1903: 1.

\(^{89}\)“Play Mobbed by Irishmen.”

\(^{90}\)“Play Mobbed by Irishmen.”
scene was set in front of a neighborhood saloon in New York's "Five Points."91

The agitators in the audience waited for "Mrs. Murphy, the queen of the McFadden Flats," who "comes on the stage in a cart drawn by a donkey" guided by Kerrigan, the local policeman, where they met Tim McFadden, the local ward politician.92 At that moment a whistle was blown in the audience and pandemonium erupted.

Immediately the air was full of missiles and there were yells of "Give it to 'em!" "Let 'em go!" "More eggs for the dirty loafers!"

Then a man in the gallery bawled: "Fire! Fire! Fire!"

Miss Donahue dodged about wildly for a moment as she saw the eggs and vegetables coming from all parts of the house, but Whitelaw quickly grabbed her hand and led her off the stage. Brady led the donkey off, but not before the cart had been hit in a dozen places.

The excitement in the house was tremendous. Women were screaming and men trying to climb over the backs of their seats. At this juncture Miss Donahue and Whitelaw came back on the stage and began to shout their lines at each other. The greatest excitement was in the gallery, where just before the egg throwing a man had accidentally set fire to his coat pocket by igniting a match. The smell of the burning cloth and the yells of fire sent the people fighting each other up the aisles.

The ushers stopped the rush in a few minutes.93

Following the disturbance, the scenery was changed and "the performance proceeded to its conclusion as usual."94 There were no major casualties, although there was a report that one actress suffered a black eye as a result of the attack. Of the two hundred protestors, five were arrested and soon released on bail. At a rally following

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91 The "Five Points" is a "region in the lower part of the city of New York, at the intersection of Baxter, Park, and Worth streets, formerly notorious as a center of crime, poverty, and vice." William Rose Benét, ed., The Reader's Encyclopedia (New York: Crowell, 1948) 386.

92 "Play Mobbed by Irishmen."

93 "Play Mobbed by Irishmen."

94 "Irishmen Throw Eggs at Actors."
the disturbance, organizers threatened that *McFadden's Row of Flats* and all similar shows, would be "mobbed" in New York and throughout the country if they continued the negative portrayals of the Irish on the stage.

This energetic protest attracted the interest of the press and popular comment. While members of the Irish community considered the play an outrage, others wrote that they could empathize with the response, but that a riot was unwarranted.

The stage Irishman is a conventional absurdity, which may annoy me at times, but which I can see no more reason to object to than my Hebrew friends could have in howling against David Warfield or my German friends against the Rogers brothers or Weber and Fields. The great question is whether the entire performance is farcical, and, if so, I can see no reason for a hot headed protest in behalf of any nationality.^[55]

In defense of *McFadden's Row of Flats*, one editorial observed that the Irish were not the only race to be caricatured in plays and musicals.

The German dialect of the theatre world is at least as old as the Irish brogue. The Swedish dialect put into the mouths of serving maids and sailor men makes a long chapter of stage lingo. Italian hand-organ men are famous butts. Who has not seen the overdrawn stage Frenchman—the "frog-eater"? In how many plays have the Yankees been held up to ridicule? What of the thick and drawling Englishman who stalks as the chief form of humor on many histronic boards? The Southern Brigadiers? The negro minstrels? The Jews? The types which have suffered in this manner at the hands of the comedy writers almost fill the catalogue of humanity.^[56]


^[56]"The Fate of the Stage Irishman," editorial, *New York Sun*, [c. 27 Mar. 1903], the *McFadden's Row of Flats* clipping file, Billy Rose Theatre Collection, New York Public Library.
The writer mockingly warned of possible uprisings of audiences protesting negative and stereotypic portrayals in theatres across America. Overall, these characterizations were defended on the grounds of stage convention: abandoning these depictions of ethnic type would effectively alter the whole of the popular theatre. The argument was simply that if all of the offensive images were removed from the stage, then nothing else would remain.

The argument to remove the offensive images from the stage was also simple. In reference to the Star Theatre disturbance, Major Edward T. McCrystal eloquently noted that

The three great educators are the pulpit, the press and the stage. Of the three the one where liberty is most apt to degenerate into license is the stage. It is indecent to depict any race by exaggerating its lowest features and to hold up to ridicule an entire people because of any poverty or faults of a small number.

McCrystal also noted that while shows like McFadden’s Row of Flats depicted the Irish in a desperate light, audiences generally knew that this was a work of fiction. However bits of stage business, such as having a pig run out of a house pursued by a policeman, projected negative images of the Irish, which became difficult to address or combat. The events at the Star Theatre soon faded into obscurity. However the

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97 This editorial also concluded that the theatre would become hopelessly homogenized with non-offensive character types, such as “the most graceful, the daintiest and most kissable character in the cast,” the stage parlor maid. While racism was being discussed at this time as a serious matter (albeit with frivolity), it appears that sexism was not considered to be a serious issue.

98 “Irish Rise Against Race Caricatures.”
arguments regarding the portrayals of ethnicity in comic strips and in the theatre continues to be an issue in the present.

_McFadden’s Flats_ and the Spanish Charge d’Affaires, 1912

Charles Barton worked for Hill for several years before he leased several of Hill’s shows. Barton’s production of _McFadden’s Flats_ was a point of contention between the Spanish Charge d’Affaires and the Secretary of State when it was reported that a piece of cloth representing the Spanish flag was torn apart by dogs during the show. Philander C. Knox, the United States Secretary of State, wired Charles E. Barton to inform him of the complaint.

The Department is advised that you are the owner of a theatrical company known as “McFadden’s Flats” Co., which is performing in Oklahoma. The Spanish Charge d’Affaires complains that this company has a part of its performance a scene in which a Spanish flag is torn to pieces by dogs, the flag being labeled “This Is a Spanish Flag.” The Charge calls attention to the impropriety of such a scene and requests that this part of the performance be eliminated.99

Secretary Knox supported this request, urging Barton to “immediately take steps to put a stop to this reported unseemly performance.” Barton quickly responded that the charges were without basis and that the show was not offensive.

I beg to state that I have no knowledge whatsoever of any such scene as mentioned in your message, to wit: the tearing of a Spanish flag by dogs, being a part of the performance. In the first place, there are no dogs with the show and there is nothing of an offensive nature against any nation, sect or class portrayed during the course of the entertainment given by the aforesaid company. It is merely a jumble of nonsense, concocted for laughing purposes only.

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Please convey to the Spanish Charge d’Affaires my respects and personal assurance that I have no intention or allow anyone connected with me to insult the flag of any country. 100

The case was reported closed after the Secretary of State’s office contacted the Spanish Charge d’Affaires with Barton’s response. A purported three-pound dossier on the incident, which included correspondence and script, was filed in the State Department’s archives. 101

The Yellow Kid Shows and Film

Both Hogan’s Alley and McFadden’s Row of Flats were adapted for film in the 1920s, with similarities between the two productions. The films had nothing to do with the Yellow Kid, retaining only slight details from the original shows. What was a feature and point of contention for both shows, became an insignificant historical obscurity. Additionally, the original producers of both of the shows were not satisfied with the arrangements between themselves and those who purchased the film rights. Finally, the films focussed heavily on caricatures and stereotypes of the Irish and Scotch characters.

Warner Brothers released a seven reel film version of Hogan’s Alley (adapted by Darryl Zanuck) in late 1925. This silent, black and white film featured a love

100 “McFadden’s Flats Almost International Casus Belli.”

101 This file (852.015311 -- Docs 0-4) is now housed in the National Archives. Although Variety reported that the file contained a copy of a McFadden’s Flats script, the file contains telegrams, notes and letters dating from 21 Sep. through 20 Nov. 1912. There are fifteen documents in question, none of them being the McFadden’s Flats script.
story between the boxer Lefty O'Brien and "ex-tomboy" Patsy Ryan who live in "an Irish-Jewish neighborhood on New York's East Side known as 'Hogan's Alley.'" Neither the review in Variety nor the one in the New York Times mentioned any appearances of the Yellow Kid in the film that included a boxing match, a love triangle, a wild party, a car chase, a train wreck, a rescue by airplane, and eventual marital bliss. It is likely that the conventions of the Yellow Kid would have been out of place in this filmed melodrama, which had little to do with Gilmore and Leonard's Hogan's Alley.

Barney Gilmore filed for an injunction against Warner Brothers and Sam Warner for $200,000 in damages for infringement of his rights.

"Hogan's Alley" was first produced on the stage 30 years when Gilmore did it in Boston. The film version was asserted by Gilmore to have been garbled beyond recognition, but still retained the name and the meat of the story. Patsy Ruth Miller, Monte Blue, Mary Carr and others who appeared in the picture will be subpoenaed as witnesses when the case comes to trial.

Hill faced a similar experience with the film adaptations of McFadden's Row of Flats. Hill's show was adapted for film twice, once in 1927 and again in 1935. While Hill was in "exile" from New York he sold the film rights to McFadden's Row

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of Flats to Sam Saxe. Hill asked $5,000 for these rights, but Saxe was only willing to pay him $1,500, to which Hill agreed. After the purchase, Saxe retained the rights for about six months before selling them to Asher, Small and Rogers for $15,000.\textsuperscript{105} Asher, Small and Rogers presented a silent, black and white film of McFadden's Flats, distributed by First National Pictures in early 1927.\textsuperscript{106} The eight reel film featured a love story amidst the background of an Irish and Scottish neighborhood. Similarly, however, the reviews of the film did not mention the character of the Yellow Kid.\textsuperscript{107} Hill referred to the film in his memoirs, noting that:

Here lately it was made into a picture and played the Strand Theatre, New York for three weeks, the biggest run of any comedy picture. It made millions for the exhibitors.\textsuperscript{108}

The second film adaptation of McFadden's Flats was presented by Adolph Zukor and distributed by Paramount in 1935.\textsuperscript{109} This seven reel film was another version of Hill’s show, although this film was accompanied by sound and appeared to

\textsuperscript{105}"Flats Tragedy to Gus Hill; Sold Film Rights For $1,500 While in Exile," Variety 2 Mar. 1927: 1, 19.

\textsuperscript{106}Munden 501.


\textsuperscript{108}Hill, "Fifty Years in Show Business," unpublished, undated ts. (c. 1928), Rare Books and Manuscripts collection, Harry Ransom Humanities Research Center, U of Texas at Austin, 7.

be missing the Yellow Kid. One reviewer noted that the story was a bit dated and "ought to have been permitted to rest in peace." Oddly enough, the one character that was central to a series of battles for rights and ownership, became a marginalized property which eventually became insignificant. As Outcault's version of the feature ceased publication in 1898, the image of the Yellow Kid faded from other venues as well.

Conclusion

The *Yellow Kid* shows were a relatively short-lived phenomenon, even though *McFadden's Row of Flats* was produced for many years after the initial controversies that surrounded these shows. Mickey Dugan and the "yellow twins" were not a major focal point of the shows or promotional advertising after the first two seasons, but continued to be featured in as characters in *McFadden's Row of Flats* for the first ten seasons.

The significant factors in the history of the *Yellow Kid* shows include the fact that the source material was extremely popular and theatrical producers expressed their interest in the property with copyright registrations, productions, published threats/warnings, and lawsuits. The level of producers' interest in the *Yellow Kid* shows was not duplicated with later cartoon theatricals, although many of these shows experienced a similar pattern (from copyright registrations to litigation). Gus Hill's

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involvement and success with *McFadden's Row of Flats* led to his later expansive production of other cartoon theatricals and investment in these shows as a staple in his repertory.
CHAPTER III

HAPPY HOOLIGAN AND ALPHONSE AND GASTON

Introduction

Following Hill’s initial involvement with McFadden’s Row of Flats, he added cartoon theatricals based on Frederick Burr Opper’s Happy Hooligan and Alphonse and Gaston. This chapter presents an overview for cartoon theatricals from 1899 to 1909 and discusses Hill’s productions of Happy Hooligan and Alphonse and Gaston. This chapter also discusses the concepts of ownership and copyright in relation to the comic strips and cartoon theatricals of this time.

Cartoon Theatricals (1899-1909)

From 1899 through 1909, there were fifteen new cartoon theatrical titles introduced with many of the shows touring for multiple seasons. Of these, several are significant to the discussion of Gus Hill’s cartoon theatricals: Kelly’s Kids, The Katzenjammer Kids, Foxy Grandpa, Buster Brown, and Little Nemo. Kelly’s Kids is significant for two reasons: Hill was interested in the dramatic rights and it was the second adaptation of an Outcault cartoon. Blondell and Fennessy’s 1899-1900 company of The Katzenjammer Kids preceded Hill’s later interest in a 1916-1917
version of the show. *Foxy Grandpa, Buster Brown, and Little Nemo* were the first
cartoon theatricals to have extended engagements in New York, which has lent them
prominence in later writings as the first significant cartoon theatricals.¹ *Buster
Brown* was also the third Outcault cartoon to reach the stage. While Gus Hill did not
have a vested interest in this show, the theatrical rights were later heatedly contested
by Melville B. Raymond (the show’s original producer) and R.F. Outcault and John
Leffler. Many other cartoon theatricals were produced during those ten years, but
few carried the weight of the above mentioned shows.

While *Happy Hooligan* was Hill’s second cartoon theatrical, it was not his
second attempt to stage one. On several occasions, Hill tried to obtain theatrical
rights for popular comic strips, but he was not always successful. On 18 March
1899, Hill expressed interest in another of Outcault’s cartoon features and announced
that *The Kelly Kids* was in active preparation for the following season.² Other
producers demonstrated interest in the comic strip, with six application submissions
for dramatic copyright registrations in less than one month (between 16 February and
13 March 1902). One of the applications was submitted by Outcault and last two
were submitted by Hill. On 1 April, Robie and Dinkins claimed to have the support

¹See William Morrison, “Musicals From Comic Strips,” *New York Theatre
9.

²Gus Hill, ad. for *Through the Breakers* (“The Big Scenic Production”), *New
York Clipper* 18 Mar. 1899: 59.
of the *New York World* and Outcault. A week later C.A. Wilson (another producer) made note of his intent to produce *Kelly’s Kidds* [sic] warning that he would prosecute anyone infringing on his property. After this, Hill’s advertisements did not mention a possible production of this title.

On 13 May 1899, Robie and Dinkins’ representative, P.A. Paulscraft, placed an advertisement for *Kelly’s Kids* noting other parties’ interest and that they had gone to great lengths to demonstrate that their production was authorized:

> Certain individuals having advertised that they control “Kelly’s Kids,” and have gone so far as to send to the various Dramatic Papers a “Fake Route,” it becomes necessary for us to warn all Managers, either Local or Travelling, Exchanges, Printers, etc., that the present copyright laws are particularly severe on Piracy; and as we have complied with all the requirements of the law, in regard to Theatrical Property, we will be forced to prosecute anyone using the title of “Kelly’s Kids,” or allowing the same to be used, or any infringement or colorable imitation of said Farce Comedy, or the use of any Advertising matter, infringing on the original drawings of R.F. Outcault.

The message was accompanied with nine names, including the theatrical producers, the cartoonist, the editor, and four attorneys. The show opened in fall 1899, under the management of D.W. Dinkins and toured as late as the season of 1902-1903 before fading into obscurity.

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3Robie and Dinkins, ad. for *Kelly’s Kids* (“Season of 1899-1900”), *New York Clipper* 1 Apr. 1899: 98.

4C.A. Wilson, ad. for *Kelly’s Kidds* [sic] (“The Comedy Success of the Season”), *New York Clipper* 8 Apr. 1899: 117.

Blondell and Fennessy's *The Katzenjammer Kids*, based on the comic strip by Rudolf Dirks, was first produced during the 1899-1900 season, adding to the *Yellow Kid* shows already produced by Hill and the team of Gilmore and Leonard. The idea behind the comic strip and the show centered on two mischievous boys who played pranks on the adults, with them invariably being punished for their mischief. This production met with moderate success and toured under the direction of Blondell and Fennessy throughout the season of 1903-1904. After this it was produced for a single season (1904-1905) by Blondell and Kennedy. It was not the last time that these characters would be enacted, however, as Gus Hill and the producing team of Gazzolo, Gatts and Clifford fought over the dramatic rights and toured competing productions in the season of 1916-1917.

William A. Brady's *Foxy Grandpa*, based on the comic strip by "Bunny" (Carl E. Schultze) was first produced in the 1901-1902 season and as late as the 1906-1907 season. The production was the brain-child of Joseph Hart, who took early

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7This resulted from a circumstance where the cartoonist had left one newspaper and continued his comic strip for another newspaper. Subsequent to this, both active comic strips were licensed for theatrical production. This is similar to the situation discussed with the *Yellow Kid* theatricals. For a more complete explanation of this later incident, see Chapter IV.
precautions to protect the show,\(^8\) wrote the music, and starred in the shows as
Goodelby Goodman (better known as “Foxy Grandpa”). *Foxy Grandpa* was similar
to the idea behind *The Katzenjammer Kids*, but the pranks of the two mischievous
boys were always foiled by their Foxy Grandpa. *Foxy Grandpa* was also the first
cartoon theatrical to have an extended New York run, playing 120 performances at
the Fourteenth Street Theatre.\(^9\)

Melville B. Raymond’s *Buster Brown* was first produced in the 1903-1904
season and based on the comic strip by Richard Felton Outcault. The role of Buster
was played by Master Gabriel (a little person and professional actor) and his dog was
played by veteran vaudevillian George Ali.\(^{10}\) Both actors remained with Raymond’s
company for several years, only leaving in 1906 when the company experienced legal
difficulties.

Raymond’s *Buster Brown* was well received and was a popular show. In its
second season, it played an extended engagement of ninety-five performances at the


\(^9\)Burns Mantle and Garrison P. Sherwood, *The Best Plays of 1899-1909* (New
York: Dodd, Mead, 1944) 406.

\(^{10}\)“The Playgoer,” *Chicago Sunday Tribune* 31 July 1904, sec. IV: 1. Master
Gabriel (born Gabriel Weigel) was thirty-nine inches tall and weighed thirty-two
pounds when he was twenty years old, approximately one year after he began touring
with *Buster Brown*. This article includes other biographical information for Master
Gabriel and George Ali.
Majestic Theatre in New York.\textsuperscript{11} As with other cartoon theatricals, the show was a vaudeville show presented in a musical comedy structure.

The combination of art, journalism, and drama effected in "Buster Brown" will hardly satisfy that element of the population which is seeking for an elevated theatre, but it promises to provide a very considerable amount of amusement for persons who are willing to forgive the sad for the sake of the good, the former being in this case just the same old hodge-podge of indigestible vaudeville dished up in the so-called style of musical comedy.\textsuperscript{12}

The reviews of the Majestic Theatre run of the tour were positive and recommended the show for families and children.

John W. Bratton and John Leffler initially contracted for the dramatic rights for \textit{Buster Brown} with the intent of having Outcault write the script for the show.\textsuperscript{13} Soon after they gave exclusive license to Melville B. Raymond to produce the show and he did so for several seasons without incident. In 1906, Raymond stopped paying royalties to Leffler and Outcault, insisting that the \textit{New York Herald} and James Gordon Bennett were the rightful holders of \textit{Buster Brown}'s dramatic rights.\textsuperscript{14} Both parties initiated lawsuits and both decided to produce \textit{Buster Brown} shows for the

\textsuperscript{11}Mantle 483.


\textsuperscript{14}"Buster Brown Cutting up Some," \textit{Variety} 23 June 1906: 6; and "Who's Got \textit{Buster Brown}?," \textit{Variety} 30 June 1906: 4. Raymond claimed that the dramatic rights had always resided with the \textit{New York Herald} and that Leffler and Outcault were mistakenly paid $44,000 in royalties because of the misunderstanding. Raymond unsuccessfully sued for the return of the royalties and interest in the amount of $63,000. He was correct in his assumption that the \textit{Herald} held the copyright and trademark, but incorrect in his assumption that this also included the dramatic rights.
1906-1907 season. In August 1906, Leffler and Outcault formed the Buster Brown Amusement Company and published warnings for managers to not book Raymond’s show. They stated that the New York Herald had assigned Buster Brown’s dramatic rights to them on 1 October 1902 and that Raymond’s contract explicitly forbid his use of the title and characters after its expiration on 1 July 1906. An excerpt from their contract was reprinted in theatrical trade papers as proof to managers of Raymond’s untenable position:

and the right, title, and exclusive ownership of the said Richard F. Outcault to said Musical farce comedy, “BUSTER BROWN,” and to the name and title, “BUSTER BROWN,” and of the several characters therein, and to the reproduction on the stage, or otherwise, of said characters and of each of them, IS HEREBY AND FOR ALL PURPOSES EXPRESSLY ADMITTED.\(^{15}\)

Within two weeks of this announcement, Raymond secured two injunctions against Outcault and Leffler (preventing them from rehearsing or producing a Buster Brown show)\(^{16}\) and registered a dramatic copyright for Buster Brown’s Holiday.\(^{17}\) A week later Melville lost his petition for a permanent injunction when a court found that Outcault was well within his rights to produce a Buster Brown show.\(^{18}\)

Both Raymond and the Buster Brown Amusement Company proceeded with their competing productions. In September theatrical trade papers published reports


that Raymond was experiencing financial difficulties\textsuperscript{19} and was soon forced to abandon his shows and declare bankruptcy. Outcault and Leffler successfully sued Raymond and his trustee in bankruptcy, Lucien Bonheur, to recover $800 in royalties.\textsuperscript{20} After leaving Raymond’s \textit{Buster Brown} company in 1906, Master Gabriel and George Ali produced a condensed version of \textit{Buster Brown} for the Keith vaudeville circuit.\textsuperscript{21} They continued to perform \textit{Buster Brown} vaudeville acts until Master Gabriel was cast in the 1908-1909 production of \textit{Little Nemo}. Outcault and Leffler sued Al Lamar and Gabriel Weigel over the vaudeville act on the grounds of copyright infringement and unfair competition. The case was first decided in favor of Lamar and Weigel by the New York Supreme Court on 30 April 1909 and then appealed to the court’s Appellate Division. On 10 December 1909, the Appellate court reversed the earlier decision and ordered a new trial, despite the fact that the \textit{Buster Brown} vaudeville act had not been produced in over a year and Master Gabriel had been touring with \textit{Little Nemo}.\textsuperscript{22} The Buster Brown Amusement Company continued to produce \textit{Buster Brown} through the 1911-1912 season and versions of the show were produced as late as the season of 1919-1920.


\textsuperscript{20}\hspace{1em}Outcault v. Bonheur, 120 App. Div. 168, 104 N.Y.S. 1099 (1907). Bonheur was included in the lawsuit because he continued to produce Raymond’s \textit{Buster Brown} show after he declared bankruptcy.

\textsuperscript{21}“It’s Different Now,” \textit{Variety} 29 Sep. 1906: 11.

\textsuperscript{22}\hspace{1em}Outcault v. Lamar, 135 App. Div. 110, 119 N.Y.S. 930 (1909). There is no record of further lawsuits between these two parties.
Klaw and Erlanger's *Little Nemo*, based on Winsor McCay's *Little Nemo In Slumberland*, with music by Victor Herbert, was first produced in the 1908-1909 season. *Little Nemo* played 111 performances at the New Amsterdam Theatre in New York.\(^{23}\) In addition to featuring Master Gabriel in the title role, the show's cast also included veteran vaudevillians Joseph Cawthorn, Billy Van and Harry Kelly. Reviews of the show were very positive, but the cost of the production was quite high as noted by McCay's biographer, John Canemaker.

It cost $86,000 before it opened, and for its New York run the show spent in excess of $300,000 (and this in a time when the average production was budgeted between $20,000 to $30,000).\(^{24}\)

Victor Herbert’s biographer, Edward Waters, also noted the show’s expense.

It was staggeringly expensive for its time because of the number of scenes, the weird lighting, manifestations through trapdoors, and a vast array of exotic costumes. Up to 1910 it was supposed to be the most expensive production ever placed before the public, and after two years of performance the original investment had not been returned.\(^{25}\)

There were later rumors of a *Little Nemo* tour produced by A.H. Woods in the 1912-1913, but it is unknown if it actually toured or if it was even close to the opulence of Klaw and Erlanger’s production of the show.

The cartoon theatricals produced from 1899 to 1909 included several for which the dramatic rights were challenged and others that broke new ground for longer New

\(^{23}\)Mantle 571.


York runs. Neither Happy Hooligan or Alphonse and Gaston were distinguishable from other shows by their New York engagements, but both were the subject of multiple copyright registrations and the rights for both shows were contested. Unlike Hill’s experience with Kelly’s Kids and Panhandle Pete, he was able to adequately protect his rights and demonstrate that his shows were authorized.

Happy Hooligan (1901-1902)

Frederick Burr Opper’s comic strip Happy Hooligan first appeared in Hearst’s newspapers in March 1900 (possibly earlier) and was “a gag strip about a touching and ludicrous Irish hobo whose well-meaning efforts always landed him in trouble.”26 This comic strip was first adapted as a cartoon theatrical in the fall 1901 and versions of this show were produced as late as the season of 1925-1926.

Theatrical producers Blondell and Fennessey were possibly the first parties to recognize a theatrical potential to Happy Hooligan. On 31 August 1900, they registered their dramatic copyright for Something Doing, Happy Hooligan, but remained silent about their intent to produce. Fairly soon after this registration, in October 1900, the Edison Manufacturing Company announced their release of seven films in the “Adventures of Happy Hooligan” series.27 Several months later, on 25 March 1901, the second Happy Hooligan dramatic copyright was registered. This

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pattern is similar to the *Yellow Kid* registrations with an early registration/copyright deposit, followed by an extended period of time before the second registration. Unlike the *Yellow Kid* copyright deposits, there was not a sudden upsurge in the number of applicants in the first year. There were only three *Happy Hooligan* registrations in the first year of a total of fifteen titles registered from 1900 to 1929, compared to twenty-nine *Yellow Kid* registrations in its first year from a total of thirty-seven titles registered from 1896 to 1916. Changes in copyright law and legal protection helped to reduce the number of applicants and applications for dramatic copyright for a given property.

One of the first theatrical companies to announce intent to stage a Happy Hooligan show was Blondell and Fennessey’s Enterprises in early March 1901. In the midst of touring their three successful *Katzenjammer Kids* shows, they noted that they were preparing “an elaborate pantomimic spectacle” of *Happy Hooligan in Topsy Turvey Land*. The record does not reflect further development of this production, if it existed.

A second application for dramatic copyright of a similar title, *Happy Hooligan* (as a “three act dramatic composition, by Henry Fenton”) was registered on 25 March 1901, a little over two weeks after Blondell and Fennessey’s announcement. The next mention of intent to stage was made by Gus Hill on 11 May 1901, when *Happy Hooligan* was included in the 1901-1902 season announcements for Gus Hill’s

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28 Blondell and Fennessey, ad. for Blondell and Fennessey’s Enterprises (“North, South, East and West will Laugh”), *New York Clipper* 9 Mar. 1901: 40.
Enterprises.²⁹ Gus Hill filed the third application for the copyright of *Happy Hooligan* (as “a comedy in three acts, by Frank Dumont”) registered on 20 May 1901. Registrations of dramatic copyrights for *Happy Hooligan* were surprisingly sparse for the first year, with only three applications filed between 1900 and the end of 1901.

If there was much initial controversy about the ownership of the dramatic rights for *Happy Hooligan* it is not reflected in the record. From Hill’s initial inclusion of the title in his 1901-1902 season list, to the time of production in the fall 1901, few advertisements and news items were published. Even the interest of the other parties seemed to disappear. Advertisements by Blondell and Fennessy mentioned the possibility of a *Happy Hooligan* show only once, with later advertisements discussing their production of *The Katzenjammer Kids* and other possible shows.

Hill’s first company call for *Happy Hooligan* appeared in an illustrated advertisement in the *New York Clipper* on 24 August 1901, without a mention of the title of the show. The illustration features Happy Hooligan being kicked under the jaw by Maud the Mule (another Opper character). The show opened at Easton, Pennsylvania on 25 September 1901, then toured through Pennsylvania, New Jersey, and New York. The company included Ross Snow as Happy Hooligan and a cast of more than twenty people.

For his production, Hill used Frank Dumont’s script and musical direction by Nicholas Brown. Popular songs of the day were inserted into the show and were subject to change with public taste. An advertisement from the Howley, Haviland and Dresser music company noted that three of their songs were being sung in Hill’s *Happy Hooligan*. These included “Mr. Volunteer” by Paul Dresser, “Goodbye, Dolly Gray” by Cobb and Barnes, and “Don’t You Never Take No Ten Cent Drink On Me” by Hughie Cannon.\(^{30}\) In a similar advertisements they noted that “Mr. Volunteer” was also being featured in Hill’s *McFadden’s Row of Flats*, *Gus Hill’s New York Stars*, and in shows produced by the Wills’ Comedy Company and by Rice and Barton. This practice, commonly referred to as “song plugging,” was employed by many performers and sometimes led to situations where songs were sung as part of more than a half dozen different shows.

After only a few weeks touring, Hill was already trumpeting the success of *Happy Hooligan*. On 12 October 1901, Hill placed an advertisement in the *New York Dramatic Mirror* in which he proclaimed that the show had been a “tremendous success,” with superlative elements including a “star cast of famous comedians, pretty girls, gorgeous scenery and magnificent costuming.”\(^{31}\) Hill also claimed that the show was “playing to the capacity at every performance” and its audience responded with “one continuous round of applause and laughter.” To those who might be

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envious of his success, he pointed out that all of his stage effects were legally protected and ominously warned “Pirates, Beware.”

On 25 January 1902, Hill placed an advertisement which stated that four of his shows, *Royal Lilliputians*, *Are You A Buffalo?*, *McFadden’s Row of Flats*, and *Happy Hooligan*, were “four of the most successful box office attractions on the road” and “breaking all records” (see Fig. 3). Hill’s claims for the shows were even more elaborate:

Nothing like it ever known in the history of theatricals. Theatres not large enough to accommodate the masses. Facts that no one can deny -- every manager will vouch for this assertion.

WHY THIS TREMENDOUS BUSINESS?
We deliver the goods that the public demands. Two dollar Broadway attractions at popular prices. If you have the goods the public demand, you will get the money. It is the attraction that does the business -- not the theatre.

At that point in the season Hill had at least ten shows touring road houses. Hill was devoted to his theatrical enterprises, but extremely busy with booking shows, securing favorable contracts, and battling theatrical pirates.

Hill’s *Happy Hooligan* played a brief engagement at the Metropolis Theatre in New York in early March 1902. The reviewer for the *New York Dramatic Mirror*

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33Hill “Four of the Most Successful Box Office Attractions.”
Fig 3. *Happy Hooligan* (1902), detail from a theatrical advertisement; Gus Hill, ad.
for Gus Hill’s Enterprises ("Four of the Most Successful Box Office Attractions on
noted that "the entertainment is a jolly one" and "the specialties are clever and the latest catchy music is furnished." Reviews of the show were generally positive.

Happy Hooligan's popularity encouraged further theatrical copyright applications in 1902. Apart from three applications registered from 1900 to 1901, seven additional titles were submitted in 1902 and demonstrate attempts to claim the dramatic rights for the comic strip. Hooligan's Misfortunes, the first of the 1902 scripts was registered on 16 January, to Charles B. Goes. A month later Goes submitted his second Opper related copyright application for a theatrical version of Alphonse and Gaston. On 11 March 1902, Ross Snow, who was playing the title character in Hill's Happy Hooligan, submitted his registration for the title of the show. On 31 March 1902, Opper's publisher, William Randolph Hearst, submitted a registration for Gloomy Gus, or Happy Hooligan's Brother accompanied with a three page synopsis by Rudolph Block.

There were four more applications submitted in 1902, with one in May, two in June, and the fourth in December. In the years immediately following there were two more applications submitted in 1904 and one in 1905. Hill later submitted a script to be copyrighted for the Hillsdale Amusement Company in 1925, and one in his own name in 1929. Overall there were fifteen applications for dramatic copyright registration for titles and scripts relating to Happy Hooligan with at least nine of these submitted with a script. Of the fifteen applications, it appears that Gus Hill's 1901

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registration of Frank Dumont’s script was the only script that was authorized by the
cartoonist Frederick Burr Opper and William Randolph Hearst’s *New York Journal*. 
Table 2.

A Chronological Listing of Dramatic Copyright Registrations Involving *Happy Hooligan*.

<table>
<thead>
<tr>
<th>Year.mn.dy</th>
<th>Title, author and submission information</th>
<th>Copyright applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900.07.31</td>
<td><em>Something Doing, Happy Hooligan</em>. 1900 A: 19042.</td>
<td>Blondell and Fennessey</td>
</tr>
<tr>
<td>1901.03.25</td>
<td><em>Happy Hooligan</em>, 3 act dramatic composition, by Henry Fenton. D: 364.</td>
<td>Dan Fenton and William J. McDermott</td>
</tr>
<tr>
<td>1901.05.20</td>
<td><em>Happy Hooligan</em>, a comedy in 3 acts, by Frank Dumont. D: 489. 47 p. 40. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1902.01.16</td>
<td><em>Hooligan's Misfortunes</em>, 3 act farce comedy.  D: 1304.</td>
<td>Charles B. Goes</td>
</tr>
<tr>
<td>1902.03.11</td>
<td><em>Happy Hooligan</em>. D: 1719.</td>
<td>Ross Snow</td>
</tr>
<tr>
<td>1902.03.31</td>
<td><em>Gloomy Gus, or Happy Hooligan's Brother</em>, a musical farce comedy, by Rudolph Block. D: 1633. 3 p. 40. Ts. (Words only.)</td>
<td>William Randolph Hearst</td>
</tr>
<tr>
<td>1902.05.08</td>
<td><em>Happy Hooligan's Fortune</em>, a comedy in 3 acts, by V. and M. Harvey. D: 1849. 35 p. f0. Ts.</td>
<td>Victor and Mae Harvey</td>
</tr>
<tr>
<td>1902.06.12</td>
<td><em>Hooligan's Troubles</em>, an original musical farce in 3 acts, by Mark E. Swan. D: 2029. 179 p. 40. Ts. (Libretto only.)</td>
<td>Union Amusement Company</td>
</tr>
<tr>
<td>1902.06.30</td>
<td><em>Hooligan's Luck</em>, a sensational comedy drama in 4 acts. D: 2113. 92 p. obl. 240. Ts.</td>
<td>Jasper Newton Rentfrow</td>
</tr>
<tr>
<td>1904.12.01</td>
<td><em>The Doings of Hooligan</em>, by W. Dunlap. D: 5907.</td>
<td>Willis Dunlap</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information</td>
<td>Copyright applicant</td>
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<tr>
<td>1905.01.19</td>
<td><em>Hooligan in New York</em>; a comedy drama in 4 acts, by Harry Sheldon. D: 6092. 45 p. f°. Ts.</td>
<td>Charles B. Marvin and Sam Morris</td>
</tr>
<tr>
<td>1925.10.26</td>
<td><em>Happy Hooligan</em>; by Gus Hill. D: 73239.</td>
<td>Hillsdale Amusement Co., Inc.</td>
</tr>
<tr>
<td>1929.07.25</td>
<td><em>Happy Hooligan’s Dream</em>; by Nat LeRoy. [D: unpub. 2715; 35857.]</td>
<td>Gus Hill</td>
</tr>
</tbody>
</table>

Frank Dumont’s *Happy Hooligan* Script

Gus Hill registered Frank Dumont’s *Happy Hooligan* script for copyright and used the script as the basis for his production in the 1901-1902 season. The plot of Dumont’s script does not focus on Happy Hooligan, but on the rivalry of Messrs. O’Shaughnessy and Pinwheel for the hand of Miss Bridget Moriarit. Hooligan appears as comic relief, without being integral to the show. The show would not be materially different if all of Hooligan’s appearances were deleted. The first act opens in a barber shop with an opening chorus number featuring “typewriter girls” who have recently become unemployed due to a stock market crash. The following exposition reveals that the barber shop is closing; Bridget Moriarit (the scrub woman) has suddenly become very wealthy through her investments in the Northern Pacific railroad; and O’Shaughnessy and Pinwheel both contend for Bridget’s hand in matrimony for the financial reward. Bridget promises herself to the one of the two who is able to amass the most money by the end of the year.

Finding themselves without any capital, O’Shaughnessy and Pinwheel confront the owner of the barber shop, Knickerbocker, for unpaid wages. However, Knickerbocker, like most other characters in this show, has lost all of his money in unwise dealings at the stock market and the horse track; he decides to designate O’Shaughnessy and Pinwheel as his partners in the barber shop. The balance of the act is then centered on the two rivals trying to fleece their customers in order to earn more money than the other so that they might be the one to marry Bridget.
Only after these events and a mock wedding rehearsal, Happy Hooligan makes his first appearance on the stage as a customer in the barber shop. He first appears in an extended pantomime characteristic of “tramp” acts:

Enter Hooligan, the tramp, C.D.[center door]. Chutney brushes him and holds out his hand. Hooligan puts chew of tobacco from his mouth in it. Chutney disgusted, runs out C.D. Barbers have skipped to their chairs, yelling “Next,” and prepared for a customer. Hooligan goes to water cooler and washes his face, goes to dry it on a hanging towel, which flips out of sight into a slit. Brushes his hair with curry-comb and brush -- comes down and wipes his face on barber chair covering. Barbers now and then cry “Next.” Hooligan goes to table, drinks from hair oil and tonic bottles. Takes a shaving cup and squirts bay rum, oil, etc. into it and as he is about to drink the cup flies out of his hand (by string or rubber) back to it’s [sic] place on shelf. Hooligan uses powder puff on face, puts it in his pocket -- puts bay rum bottle in his pocket. For the last time barbers climb into their barber chairs and yell “You’re Next.”

Following this, Hooligan utters his first line: “You can bet I’m next to everything in this place.” Hooligan is immediately arrested and removed from the barber shop “waving his hand to barbers, who are delighted over his arrest.” All of Hooligan’s appearances on the stage are similarly limited in stage-time and action. In most of the instances, Hooligan is on stage for a brief time, engages in mischief, and is soon arrested. The character was not vital to the plot of the show and if any of the entrances were missed by the actor, the content of the show would not have suffered for it. Happy Hooligan appears to have capitalized on “tramp acts” that were popular in theatre and vaudeville at that time. These acts were highly situational and focussed on the character, without emphasis on a story.


36 Dumont 10.
Alphonse and Gaston (1902-1903)

Frederick Burr Opper’s comic strip Alphonse and Gaston first appeared in 1900. The comic strip centered on the adventures of two bumbling, overly-polite Frenchmen whose graciousness often obscured their sense of events around them, usually leading to disaster (see Fig. 4).

A theatrical adaptation of the comic strip was promised by Hill in November 1901 when he announced that Alphonse a la Carte and Gaston Table D’Hote was in “active preparation” for the 1902-1903 season. Although he asserted his rights to the material, he did not disclose from whom he secured the rights.

Two months later, the D.E. Lester Company (a theatrical printing firm) advertised that they held the rights to Alphonse and Gaston which they were interested in leasing (on royalty) with a generous supply of advertising papers to accompany the show. This company appeared to have little interest in producing the show and motivated only by the lease of shows and sale of advertising materials. Although the D.E. Lester Company claimed that their enterprise reduced “the cost usually attached to a production,” lessees still had to assume the riskier costs of hiring a cast and

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39 D.E. Lester Company, ad. for the D.E. Lester Company, New York Dramatic Mirror 18 Jan. 1902: 11. The ad mentioned the company had nine productions for lease on royalty, including Alphonse and Gaston, At Valley Forge, Her Worst Enemy, Alone in the World, Weary Willie Walker, Caught in the Web, The Hottest Coon in Dixie, Maloney’s Wedding, and Since the Baby Came. They stressed that Alphonse and Gaston was “by permission.”
Fig. 4. Alphonse and Gaston (1903), detail from a cartoon; Frederick Burr Opper, “Alphonse and Gaston in India; They and Their Friend Leon Have a Mix-up with the Idol Juggernaut,” San Francisco Enquirer 15 Mar. 1903, comic supplement: 2.
crew, purchase or lease properties and sets, and arrange for travel, bookings and lodging. It also appears that the company intended to lease the shows, collect royalties and contractually require their lessees to purchase their advertising materials from the D.E. Lester Company.\textsuperscript{40} If a show failed, it would be of little financial concern to the firm, but a significant financial burden to a theatrical producer.

Following the initial announcements in the theatrical trade papers, both Hill and the D.E. Lester Company applied for dramatic copyright registration from the Library of Congress. The D.E. Lester Company applied for the copyright on the dramatic title of \textit{Alphonse and Gaston} on 31 January 1902, followed by two separate copyright applications for the same title filed by Gus Hill on 10 February and 22 March, and a fourth application filed by Charles B. Goes on 17 February.\textsuperscript{41} Of the four applications, the Lester Company and Hill’s second application were accompanied with scripts.\textsuperscript{42} There were relatively few \textit{Alphonse and Gaston} registrations with a total of four, compared with the thirty-seven \textit{Yellow Kid} and fifteen \textit{Happy Hooligan} registrations. The dramatic copyright registrations were narrowly focussed to those who were directly interested in producing the show, rather than a flood of applications from many people.


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<tr>
<td>1902.01.31</td>
<td><em>Alphonse and Gaston</em>; a comedy in 3 acts. D: 1381.</td>
<td>D.E. Lester Company</td>
</tr>
<tr>
<td>1902.02.10</td>
<td><em>Alphonse and Gaston</em>; a farcical comedy in 3 acts, by Frank Dumont. D: 1424.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1902.03.22</td>
<td><em>Alphonse and Gaston</em>; a farce-comedy, by Frank Dumont. New York, The Empire city job print, 1902. D: 1636. 27 p. 8°</td>
<td>Gus Hill</td>
</tr>
</tbody>
</table>

To add to the confusion at hand, Barney Gilmore (of Hogan's Alley fame) advertised that he had registered the copyright for Alfonse [sic] and Gaston (as written by Miss Mina Shirley), that he intended to produce this show in the 1902-1903 season, and that his attorney would pursue legal action against any infringements.\footnote{Barney Gilmore, ad. for Alfonse and Gaston ("After you, Alfonse!"). New York Clipper 15 Feb. 1902: 1125.} In this notice, Gilmore assured his loyal fans that he would still appear in his production of Kidnapped in New York, and not Alfonse and Gaston, which he would merely be producing. Despite Gilmore's assertions, there is no record of a dramatic copyright registration for the title of Alfonse and Gaston or any variation thereof either under Miss Shirley's name or his own.\footnote{It is further possible that Gilmore applied for the dramatic copyright and it was refused, or that his application is somehow related to that of Charles B. Goes (registered 17 Feb. 1902).} Apparently Gilmore did not pursue this matter further and did not further attempt to produce a version of this show.

The week following Gilmore's announcement, on 22 February, the D.E. Lester Company issued a lengthy warning to any prospective pirates of the material:

WARNING! KEEP YOUR HANDS OFF OF ALPHONSE AND GASTON

The New York Journal, Chicago American and San Francisco cartoons of "Alphonse and Gaston" depict a story and are accompanied with reading matter which makes them subject to dramatization. These cartoons are fully protected by copyright by W.R. Hearst, as is also the dramatization thereof. We, the undersigned, have purchased the exclusive rights to the dramatization and production of "Alphonse and Gaston" and propose to protect our interest in this property. Any one infringing upon our rights will be prosecuted in the fullest extent of the law. The penalty--fine or imprisonment or BOTH. You, who are contemplating or advertising the production of the play or characters

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of "Alphonse and Gaston," or an infringement thereon, will do well to select
another vehicle to carry you to fame and wealth.

WARNING TO MANAGERS OF THEATRES. Any one attempting to
book "Alphonse and Gaston" with you without our consent is an imposter, and
if you permit the production of this play or an infringement thereon in your
theatre after the publication of this notice we will hold you equally responsible
with the producer.

$100 REWARD will be paid for the conviction of any person or
persons producing "Alphonse and Gaston," or an infringement thereon,
without our consent.

NOTICE.--We will cause the arrest of any manager or actor who
produces or performs "Alphonse and Gaston," or any infringement thereon,
without our consent after the publication of this notice.

D.E. LESTER COMPANY, Room 3, 1358 Broadway, New York.

All rights to dramatize and produce a play founded on the "Alphonse
and Gaston" series of cartoons which have appeared in the "New York
Journal," the "Chicago American," and the "San Francisco Examiner" were
fully covered by copyright obtained by Mr. W.R. Hearst, and have been by
his authority transferred EXCLUSIVELY to the D.E. Lester Company.

We will prosecute, under section 4965 of the United States Revised
Statutes, any person who produces, without their authority, a play based upon
these cartoons.

EINSTEIN, TOWNSEND, GUITERMAN & SHEARN,
Counsellors-at-Law, 32 Nassau St., N.Y.45

As stated here, the D.E. Lester Company obtained their theatrical rights from
representatives of William Randolph Hearst, but Hill was not forthcoming about his
authorization. It is possible that Hill assumed that he had some agreement with
Oppe, having already staged versions of his Happy Hooligan.46 The week

45D.E. Lester Company, ad. for the D.E. Lester Company ("Warning! Keep Your
Perhaps it is more than coincidence that the D.E. Lester Company held offices in the
Sheridan Building (1358 Broadway) in room 3, while Gus Hill's offices were rooms 4
and 5 in the same building. See Gus Hill, ad. for Gus Hill's Enterprises and Are You
A Buffalo? ("The Standing Room Only Attraction"), New York Dramatic Mirror 16
Nov. 1901: 8.

46Clear support for this hypothesis has not yet been uncovered, yet Hill's
developing pattern of production suggests that he only produced a show when he was
following the D.E. Lester Company’s advertisement, Hill announced that he intended to produce *Alphonse and Gaston* in the 1902-1903 season.\(^47\)

Hill retaliated against Lester, albeit indirectly. Members of the Managers’ Association of America (of which Gus Hill was the President and his general manager Hollis E. Cooley was the Secretary) met early in March 1902 to discuss the emerging conundrum of printers entering the field of amusements and leasing shows. The managers sent a form letter that warned printers that they would no longer receive theatrical business from members of the Managers’ Association if they continued to offer shows on lease.\(^48\) The managers felt that printers who expanded their business to include the leasing of shows had an unfair advantage and infringed on Managers’ Association members’ production opportunities. The letter met with some positive response from printers who agreed that the position of the organization was fair. If the D.E. Lester Company responded, their reply was not noted.

At that moment in time both Lester and Hill were actively asserting their rights, with Hill expanding his campaign with postcards stating that his show was “the

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\(^{47}\)“Gus Hill’s Enterprises,” *New York Dramatic Mirror* 1 Mar. 1902: 21. The announcement was incidental in the midst of the publication of Hill’s plans for the upcoming season.

only authorized production." However, perhaps it is odd that both Hill and Lester paid for advertisements in the interim which made no reference to *Alphonse and Gaston*, or their perceived difficulties with the other party, as they attended to other business at hand. Both Hill and the D.E. Lester company seemed to overlook the use of the characters by the Powers Brothers, who incorporated Alphonse and Gaston in their vaudeville cycling act.

The D.E. Lester Company again announced on 19 April 1902, that they were offering "to lease on royalty" their *Alphonse and Gaston* for production "in territory West of [the] Mississippi River." The *New York American and Journal* made the following statement on behalf of the D.E. Lester Company:

> The New York "American and Journal" has not authorized Gus Hill to produce "Alphonse and Gaston." Mr. Hill negotiated for the purchase of the dramatic rights of "Alphonse and Gaston" offering to pay for them in notes. This was declined. Subsequently Mr. Hill advertised, and is advertising, "Alphonse and Gaston," claiming that it is the "only authorized production." The New York "American and Journal" makes this statement in justice to the owner of the dramatic rights of "Alphonse and Gaston," and who really has

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50 This is odd because Hill would customarily take out advertisements in which he announced his entire season for the present or approaching season. In this case, Hill made an early announcement regarding *Alphonse and Gaston* (see above), yet it appears that he made no mention of the show in his advertisements between 16 Nov. 1901 and his announcement on 1 Mar. 1902. Particularly note the season advertisements: Gus Hill, ad. for Gus Hill's Enterprises, *New York Dramatic Mirror* 25 Jan. 1902: 28; and Hill, ad. for Gus Hill's Enterprises, *New York Dramatic Mirror* 22 Feb. 1902: 28.


received authorization for this production.--N.Y. JOURNAL, April 11, 1902.\textsuperscript{53}

It is significant that Hill negotiated for the *Alphonse and Gaston* dramatic rights with the *New York American and Journal* and offered to "pay for them in notes." Essentially Hill offered to pay royalties for these rights rather than a lump sum. Hill was able to successfully set up this arrangement with others, although it did not work out to his advantage with *Alphonse and Gaston*.

Hill did not seem deterred or disheartened by either Lester or the *New York Journal* and responded to the situation by incorporating the Empire City Amusement Company, transferring ownership of *Alphonse and Gaston* to the corporation and rushing the show into production for the last days of the 1901-1902 season. Hill formed the corporation in order to protect himself and his assets in case the D.E. Lester Company or the *New York Journal* sued for copyright infringement over his unauthorized production of *Alphonse and Gaston*.

The Empire City Amusement Company, with Gus Hill as director, became the sole owner of Hill's version of *Alphonse and Gaston*. In a rather bold move, Hill announced that the corporation put *Alphonse and Gaston* into production and that the corporation would prosecute any infringement of their "rights."

\begin{verbatim}
Tremendous Success of the Funniest Show on Earth
*Alphonse and Gaston*
Nothing But Fun.
Now Playing to the Capacity at Every Performance.
Warning! Warning!! Warning!!!
\end{verbatim}

TAKE NOTICE that the EMPIRE CITY AMUSEMENT CO., a corporation organized by and under the laws of the State of New York, is the sole and exclusive owner of the farcical comedy entitled ALPHONSE and GASTON, and the title thereof, and that the same is duly copyrighted and protected pursuant to the provisions of the Copyright Laws of the United States, and all dramatic and book rights to the use of said title and play have been duly reserved and are the property of the undersigned.

MANAGERS are hereby warned that all persons other than the undersigned portraying or producing said play or using the title in connection therewith, is an infringement and contrary to the Laws of the United States and is punishable by both fine and imprisonment. All such acts of infringements against the undersigned will be prosecuted to the fullest extent of the law and severely dealt with.

EMPIRE CITY AMUSEMENT CO, Sole Owners.
Gus Hill, Director, 1358 Broadway, New York City.\(^{54}\)

The Empire City Amusement Company, produced *Alphonse and Gaston* in London, Ontario, Canada on 5 May 1902, to “great success.”\(^{55}\) Following this initial performance the musical ran for another two weeks “trial run.”\(^{56}\) The plot was briefly described as centering on the two characters in their three act tour of familiar New York locations:

It deals with the adventures of Alphonse and Gaston and their party on board of a yacht which starts on a voyage to America. The Frenchmen meet two American girls and fall desperately in love with them, and then their troubles commence. Like all Frenchmen they are politeness itself and try to outdo each other in every act of courtesy, and in doing so get themselves into innumerable difficulties. The second act introduces the two characters “seeing New York,” and the scene opens in a gilded gambling room that abounds with comedy situations. In the third act Alphonse and Gaston are at Coney Island. They travel from the Bowery to the West End and from the West End to the Beach

\[^{54}\text{Empire City Amusement Co., ad. for Alphonse and Gaston ("Tremendous Success of the Funniest Show on Earth"), New York Dramatic Mirror 10 May 1902: 9.}\]

\[^{55}\text{"Matters of Fact," New York Dramatic Mirror 17 May 1902: 7.}\]

in a search for novelties, and find them in abundance. They take a trip in an
airship with dire results. They also take a trip in the Ferris Wheel, from
which they barely escape with their lives. They are so disgusted with their
treatment while in this country that they determine to go back to their native
soil, never to return.\footnote{Alphonse and Gaston Produced.}

Frank Dumont’s \textit{Alphonse and Gaston} Script

The content of the Hill/Dumont \textit{Alphonse and Gaston} described above is
similar to that of Dumont’s copyright script, although the scenes are in a different
order. In the script, the first act takes place aboard a ship, the second act takes place
at Coney Island, and the third act opens in a gambling casino. However, the plot
lines of the production and the copyright script are very close.

The script demonstrates several points about cartoon theatricals, the first being
that the cartoon characters are aware that there are cartoon characters based on them,
although they frequently distinguish between a “real” life and one imitated by a
cartoonist. The first appearance of Alphonse and Gaston brings them out singing:

\begin{verbatim}
ALPHONSE AND GASTON
You’ve seen our lovely photographs
in ze Morning Journale,
It makes ze fun of both of us,
Sometimes I turn quite pale,
I wish to catch ze editor,
I make ze duel fight,
I kill him dead, upon se spot,
Wiz one great big delight.
I beg of you, to let me kill,
You first, my dear Alphonse,
Oh no, Gaston, I beg of you,
Let me be first, for once.
\end{verbatim}
I fill him full of bullet shots,
The sabre I cut him on,
He will be killed by me Alphonse,
I shoot him dead, Gaston.

FULL CHORUS

They bow polite, and wish to fight,
each strives to be the one,
Excusez moi -- my dear Alphonse,
I beg of you Gaston.
They wish to make me fall in love,
wiz rich Americaines,
But after you, my dear Alphonse,
Gaston will beg again.
So hand in hand, from La Belle France,
We journey cross ze sea,
Alphonse, my name, oh that is me,
Gaston, Yes, that is me.⁵⁸

This portion of the script includes examples of the playwright seizing upon features that the cartoonist employed in delineating the characters of Alphonse and Gaston.

These qualities include their excessive politeness, the mimicry of the cartoon’s dialogue (“excusez moi,” “ze,” “wiz,” “I beg of you,” “after you,” and “La Belle France”), and the use of ethnic stereotypes (here portrayed with the Romantic ideal of the “French” appetite for duels, politeness, and love). These elements exist in both the comic strip and in Dumont’s script. Unlike Dumont’s Happy Hooligan script, his Alphonse and Gaston centered on the activities of the two cartoon characters, who are central to the plot of the piece.

While Hill had formed a corporation, registered the copyright for a script, and produced a version of the show which ran for two weeks, he had not yet

demonstrated that he had any right to produce *Alphonse and Gaston*. This last matter had not escaped the attention of the D.E. Lester Company. In June 1902, the D.E. Lester Company "instituted proceedings in the United States Circuit Court for the Southern District of New York against the Empire City Amusement Company and Gus Hill, to restrain them from producing the new farce comedy, *Alphonse and Gaston*." 59 In a further curious set of circumstances, Lester and Hill "amicably" resolved their differences out of court, with Hill buying the Eastern rights from Lester, with Lester retaining the Western rights. 60

Hill's use of the Empire City Amusement Company as a shield was reinforced in early August 1902, as he advertised his company calls for *Alphonse and Gaston* and *Happy Hooligan* under his own name rather than that of his new-found corporation. 61 When threatened with possible litigation, Hill advertised as the Empire City Amusement Company while company calls for the same show appeared under his own name. Hill's company for *Alphonse and Gaston* was called on Monday, 8 September. It was later announced that the "three-act farce comedy" would begin its tour on 22 September, in Bridgeport, Connecticut. 62 However, even before the company had assembled, the characters of Alphonse and Gaston were being

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enacted in New England. Unfortunately, this was the result of an unauthorized
production under the auspices of Alf T. Wilton.

_Empire City Amusement Co. v. Wilton_ (1903)

Before Hill’s cast for _Alphonse and Gaston_ first assembled on 8 September to
rehearse for the 1902-1903 season, Alf T. Wilton’s _Looping the Loop_ began touring
through New England on 25 August. The three act “musical farce-comedy” by Dave
Marion, featured the characters of Alphonse and Gaston along with a whole cast of
other “borrowed” newspaper comic strips characters.

The first act shows Mrs. Katzenjammer’s Summer hotel, where Happy
Hooligan and Tumble Tom are employed as waiters. Lady Bountiful is a
Summer girl living at a nearby Summer hotel and has under her care Johnny
Boston Beans and Fedders McGinnes, who are nephews of Mrs.
Katzenjammer, whom Foxy Grandpa is engaged to. Alphonse and Gaston are
introduced as guests at the Summer hotel.63

In addition to Opper’s _Alphonse and Gaston, Looping the Loop_ incorporated
characters from Opper’s _Happy Hooligan, Dirks’ The Katzenjammer Kids, Schultze’s
Foxy Grandpa, Gene Carr’s Lady Bountiful, William F. Marriner’s Johnny
Bostonbeans, and several other comic strips. Wilton and Marion appeared to be well
aware that they were including characters from the best known and best loved comic
strips of the day.

Wilton was so pleased with the success of _Looping the Loop_ that he placed an
advertisement in the _New York Dramatic Mirror_ proclaimed the show “A Hit! A Hit!!

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A Hit!!!,” quoted a dozen reviews and endorsements, and cited the box office receipts for two weeks of performances.\textsuperscript{64} A typical review of the show mentioned several successful elements, including the music, the costumes, comedians, and the chorus. It was also noted at that time that the entertainment was already booked for twenty-four weeks out of the season.\textsuperscript{65}

Hill was far from pleased with Wilton’s success. The Empire City Amusement Company and Gus Hill sued Wilton for the infringement of the Opper’s characters (Happy Hooligan, Alphonse and Gaston) and attempted to have an injunction placed on the show until the case could be further tried. At the conclusion of a preliminary hearing, on 29 January 1903, Judge Lowell of the United States Circuit Court (Boston) decided in favor of Wilton.

Hill’s claim was based on three arguments regarding his rights:

\begin{itemize}
\item The dramatization of Alphonse and Gaston in Wilton’s show infringed on Hill’s exclusive dramatic rights as granted by William Randolph Hearst on behalf of the \textit{New York Journal}.
\item The use of these characters in Wilton’s show infringed on Hill’s two dramatic copyright registrations for \textit{Alphonse and Gaston}.
\item Hill took issue with Wilton’s right to use the \textit{New York Journal} as a source for illustrations for \textit{Looping the Loop} advertising, which he felt created the impression that their production was sanctioned and gave Hill’s show unfair competition.
\end{itemize}


\textsuperscript{65}“\textit{Looping the Loop},” \textit{New York Dramatic Mirror} 20 Sep. 1902: 15.
Hill’s petition was denied and the court refuted each of his arguments for the sake of a preliminary injunction. Although Hill maintained that he held the dramatic rights to the *Alphonse and Gaston* comic strip from Hearst, he could offer no proof that the rights had been transferred. Additionally Hill charged that *Looping the Loop* infringed on the two *Alphonse and Gaston* plays which he registered for copyright, but the evidence presented at the hearing was not sufficient to warrant an injunction. The court interpreted the copyright law narrowly in this case, in that both shows contained the characters of Alphonse and Gaston, but that the plots, dialogue and supporting characters were different. While the two plays had some similarities, there were enough differences to refuse an injunction based on copyright infringement.

The third point of Hill’s complaint was concerned with Wilton’s advertisements for *Looping the Loop*. He argued that Wilton imitated the *Alphonse and Gaston* advertisements, “with intent to mislead the public” and misrepresented *Looping the Loop* as authorized by the *New York Journal*. The court found that since Hill was not the creator of the drawings, he had no recourse in the complaint that another party imitated them.

The plays and advertisements of both complainant and defendant are based upon cartoons of the New York “Journal,” and their similarity is due to their common source. If one should “dramatize” the frieze of the Parthenon and should use a cut of the frieze for an advertisement, he could not be heard to

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complain merely because a later independent dramatizer used a similar advertisement.\textsuperscript{67}

Hill’s case, as presented to the court, appeared to have been more inclined toward a complaints of unfair competition and willful misrepresentation. However while the court found that Wilton clearly intended to profit from the use of the New York Journal comic strip characters, Judge Lowell could find no evidence that Wilton attempted “to profit by a confusion between [Hill’s] . . . play and his own.”\textsuperscript{68} The court did not feel that a theatrical consumer who wished to see Hill’s Alphonse and Gaston would accidentally see Wilton’s Looping the Loop.

Wilton was ecstatic. Immediately upon the injunction being denied, he placed a large advertisement in the New York Dramatic Mirror proclaiming his victory. He noted that Looping the Loop would “continue on the road of popularity and prosperity, all reports to the contrary notwithstanding.”\textsuperscript{69} He also reprinted excerpts from ten reviews from the New York, New Jersey, and Virginia segments of the tour and noted that the show was being booked for the 1903-1904 season.

However Wilton had been far from obtaining absolute victory in this matter. Although Hill was not successful in obtaining an injunction against Looping the Loop, the litigation between the two parties was not complete. The second round of the legal battle came to a conclusion in the same court, still presided over by Judge

\textsuperscript{67}“Important Copyright Suit Decision.”

\textsuperscript{68}“Important Copyright Suit Decision.”

Lowell, and decided on 4 April 1903.\textsuperscript{70} The facts established in the case included, first, that Rudolph Block and Frederick Burr Opper were the authors of the \textit{Alphonse and Gaston} comic strip as it appeared in the \textit{New York Journal} and other papers. Second, that Hearst owned the copyright to the comic strip under an agreement with Block and Opper. Third, that Hearst assigned Block and Opper “the sole and exclusive right for theatrical purposes, and the dramatic rights arising from the title and cartoons.” Fourth, that Block and Opper assigned these rights to the D.E. Lester Company. Fifth, that the D.E. Lester Company then “duly secured as proprietor the copyright of a dramatic composition.” Sixth, that the D.E. Lester Company “duly assigned to the complainant [Hill] the entire right, title, and interest east of the Mississippi in and to the dramatic rights in the title ‘Alphonse and Gaston’ and in the cartoons and in the copyrighted dramatic compositions above mentioned.” Seventh, that Hill additionally owned the copyright to a second \textit{Alphonse and Gaston} script, written by Frank Dumont.

Hill’s complaint was that \textit{Looping the Loop} used characters “and incidents similar to those represented” from the \textit{Alphonse and Gaston} comic strip, thereby infringing on his assigned “exclusive rights to dramatize.” Second, Hill maintained that “dramatic representations are unfair and misleading to the public.” The third part of Hill’s complaint was that Wilton’s advertising was similar to his own.

\textsuperscript{70}\textit{Empire City Amusement Co. v. Wilton}, 134 F. 132-134 (C.C.D. Mass. 1903). All subsequent quotations regarding this case are from this source.
Wilton’s attorneys, Southgate and Southgate, moved to have the case dismissed for several reasons. First, they attacked the basis of Hill’s complaints by noting they were multifarious, in that the plaintiff (Empire City Amusement Company) could not sue Wilton for the infringement of both Opper’s cartoons and Dumont’s script. In the interest of expediency, the court ruled that the two matters could be joined for the sake of this trial.

Second, the defendants argued that copyright was more of a literary protection, and that the only infringement could be against the content of the D.E. Lester Company script and/or the Dumont script, as the cartoons had no inherent theatrical rights. The court found it curious that the defendants, in efforts to discount the charge of copyright infringement on the comic strips, noted that the only possible infringement could be against the scripts involved. The District Judge supported the concept that a series of cartoons could be protected in this manner by copyright, noting that “the Supreme Court has lately shown a tendency to widen, rather than to narrow, the scope of the copyright act.”

Third and fourth, they took issue with the merit of the case because William Randolph Hearst was not named as one of the plaintiffs on the bill. They noted that Hill had not obtained the initial dramatic rights from the New York Journal, but was a lessee of the D.E. Lester Company, who in turn had purchased the dramatic rights to Alphonse and Gaston. The defendant’s argument was that a licensee under a patent could not sue in their name alone, thus a licensee of a copyright (with “exclusive right to dramatize”) could not sue in their own name alone. The court cited previous
cases, in which an "assignee of the exclusive right to act and represent a copyrighted dramatic composition for one year could sue in his own name." The court overruled this objection as well.

Judge Lowell found no reason to dismiss the case, stating that the defendant’s demurrers were without foundation in efforts to have the whole of the case dismissed. The overall effect of the legal process, however, was that nothing was really decided in the preliminary hearing of January 1903, or in the subsequent April 1903 hearing. Hill was not able to stop Wilton from producing Looping the Loop and Wilton was not able to demonstrate that he had any rights to the material. A concluding note in the April 1903 opinion relayed the fact that the "bill in each case [was] dismissed, without prejudice and without costs, pursuant to agreement of counsel, December 22, 1904." In the time that it had taken for due process to run its course, the issues involved in the case had largely become moot. The case was dropped only after another twenty months of disagreements and inaction.

_Alphonse and Gaston_ in the 1902-1903 Season and After

Apart from the competition offered by Wilton’s Looping the Loop, Hill experienced moderate success with _Alphonse and Gaston_. When the show played the Metropolis Theatre in New York, one reviewer commented that the show was "a
conglomeration of fun and nonsense without [a] visible plot, but for plenty of laughs to make up for the omission.\textsuperscript{71}

The success of Hill’s \textit{Alphonse and Gaston} paled in comparison to his productions of \textit{McFadden’s Row of Flats} and \textit{Happy Hooligan}. Hill produced \textit{Alphonse and Gaston} shows for the 1902-1903 and 1903-1904 seasons. The show was then produced by Al Dolson for the single season of 1904-1905. In May 1906, while Hill was advertising a combined show of \textit{Happy Hooligan} and \textit{A Hot Old Time}, he advertised that \textit{Alphonse and Gaston} was for lease, on a royalty agreement.\textsuperscript{72} Two years later in 1908, \textit{Alphonse and Gaston} was included in a list of more than a dozen titles which Hill was offering for sale or lease.\textsuperscript{73} By mid-1908, Hill made the pretense of retiring from show business and entered into an agreement with Charles Barton and Louis Wiswell, by which they began producing many of his shows.\textsuperscript{74}

\textit{Happy Hooligan} in the 1902-1903 Season and After

When Hill’s \textit{Happy Hooligan} played New York’s Fourteenth Street Theatre in April 1903, the \textit{New York Times} commented that

In its entirety the play is quite funny, save for the jokes apparently selected for presentation as a study in antique. The barbers who use a mop as a lathering


\textsuperscript{72}Gus Hill, ad. for Gus Hill’s Attractions (“The Banner Box Office Attractions on Earth”), \textit{New York Dramatic Mirror} 12 May 1906: 17.


\textsuperscript{74}“Gus Hill’s Attractions Leased,” \textit{New York Dramatic Mirror} 27 June 1908: 3.
brush again belabor runaway victims with no gentle hand, and last night got at least no small amount of loud applause. There are the usual number of topical songs, and marches by pretty girls with skirts not over long.\textsuperscript{75}

The following month, when the show played New York's Star Theatre, the New York Dramatic Mirror noted that the show possessed "all the qualities that make Gus Hill's concoctions so popular" with Ross Snow as Happy Hooligan, "a picturesquely faithful embodiment of the well known caricature."\textsuperscript{76}

Hill's use of postcard advertising for Happy Hooligan's Trip Around the World in the fall 1905 included printing the receipts of one week's one-night stands and reports of brawls which broke out at certain theatres. The latter appeared in the Memphis Commercial Appeal on 26 September 1905 and was quoted on one of Hill's postcards the following week.

There was a mad scramble for admission to the Bijou Theatre last night. In fact the desire to see "Happy Hooligan" on his "Trip Around the World" was so great that the rush to the main entrance when the doors were thrown open reminded one of circus days. The crowd began arriving early. It also came later. The reserved seats were sold during the afternoon and large numbers who were unable to obtain tickets with a coupon attached crowded and jostled each other upon the sidewalk for a full half hour before anyone was admitted and were content to stand throughout the performance. In fact, two of the great throng were so eager and anxious for a prominent position in the gallery that they concluded to fight it out and determine in that way which was entitled to the first place in the line, and one of the pair was carried away in an ambulance with an ugly knife thrust in his body.\textsuperscript{77}

\textsuperscript{75} "Happy Hooligan in Front; He Begins a Week of Reckless Behavior at the Fourteenth Street Theatre," rev., New York Times 21 Apr. 1903: 6.


\textsuperscript{77} Gus Hill, postcard to Charles Osgood ("Happy Hooligan's Trip Around the World"), 3 Oct. 1905, Klaw and Erlanger papers, Shubert Archive, New York.
Happy Hooligan continued to be a staple in Hill’s repertory well into the 1920s in a variety of versions that included Happy Hooligan and his Mule Maud (1908-1909) and Happy Hooligan Down on the Farm (1921-1922). The show was even produced in the late 1920s for the Columbia Burlesque Wheel when cartoon theatricals were made part of that circuit.

Conclusion

From his involvement with McFadden’s Row of Flats, Gus Hill continued to produce cartoon theatricals with his productions of Happy Hooligan and Alphonse and Gaston. Issues of copyright were of significant concern for both shows, although neither attracted as much attention as the Yellow Kid shows of the previous decade. Hill met with moderate success with the two shows, but his biggest successes with cartoon theatricals were the Mutt and Jeff and Bringing Up Father shows that he produced in the 1910s.

Postcard which referenced $3,689.75 in receipts for one week of one-night stands was sent to Charles Osgood the following day.
CHAPTER IV

MUTT AND JEFF AND BRINGING UP FATHER

Introduction

In the mid-1910s through the early 1920s, Gus Hill’s productions of *Mutt and Jeff* and *Bringing Up Father* dominated his road theatre schedule. Although more than twenty other cartoon titles were adapted as musical comedies in the ten years between 1915 and 1925, Hill’s *Mutt and Jeff* and *Bringing Up Father* were the most visible and profitable of his touring cartoon shows.

The value to Hill of *Mutt and Jeff* and *Bringing Up Father* was demonstrated in 1919 when Hill refused to continue to pay royalties for dramatic rights for *Mutt and Jeff* to cartoonist Bud Fisher as a result of what was construed to be copyright infringement. He continued to produce versions of the show while Fisher initiated legal proceedings. Hill was also later sued by Frederick V. Peterson for breach of contract, when Peterson was denied the opportunity to manage one of Hill’s *Bringing Up Father* companies for the season of 1919-1920. The legal difficulties resulting from these incidents, coupled with the decline of production in the road theatre, were offset by a flurry of cartoon theatrical activity in the early 1920s, as Hill appeared to search for another cartoon show to equal or surpass the success of *Mutt and Jeff*. 
Among the best known cartoon theatricals were Gus Hill’s *Mutt and Jeff* shows. *Mutt and Jeff* began as Harry Conway "Bud" Fisher’s *A. Mutt*, first published on 15 November 1907 in the *San Francisco Chronicle*’s “Sports” section.\(^1\) Fisher added the character of “Jeff” to the comic strip on 27 March 1908, when Mr. Augustus Mutt visited a mental hospital. Jeff was a supporting character that gained popularity and remained in the comic strip. The comic strip centered on the relationship and interaction of these two characters as their lives centered around horse races and a variety of money making enterprises. Other recognizable gimmicks of the comic strip included the factor that Mutt was tall and Jeff was short.

Fisher fiercely protected his characters with copyright, trademark, and legal stances. While this had been done in the past by cartoonists including Palmer Cox and R.F. Outcault, Fisher’s success in protecting the rights of his comic strip was part of his overall success as a cartoonist and a businessman. From the first appearance of *Mutt and Jeff* material on 15 November 1907, Fisher positioned himself to protect his creations in the first months of their existence.

Several weeks before Jeff made his first appearance in the comic strip, Fisher’s application for the theatrical copyright to *A. Mutt* was registered on 10 March 1908.\(^2\) Unfortunately, Fisher did not submit a script with the application, but

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only a title page in order to secure the copyright. At this time it was infrequent for a
cartoonist or a newspaper to submit copyright applications for subsidiary rights to
their features. Other examples of cartoonists applying for dramatic copyright include
a series of applications by T.E. Powers (1883-1890), R.F. Outcault (1899), Grace
Cameron Kenworthy (1906), Fisher (1908), and R.L. Goldberg (1911) (see Table
6).^{3}

While Fisher appeared to be successful in marketing the characters for a
variety of pursuits and ploys, he apparently had some difficulty convincing producers
that *Mutt and Jeff* were desirable cartoon characters for theatrical adaptation. In early
1910, cartoon theatricals had been an element of the road theatre for more than a
decade. In the 1909-1910 season the musicals *Buster Brown* and *The Newlyweds and
Their Baby* were among the popular cartoon shows touring the road theatre to good
business. At that time Fisher and his representative canvassed New York managers
and producers to locate interest in the theatrical rights for his comic strip.

Fisher was willing at that time to dispose of the stage rights on a royalty basis,
with an advance payment of $1,000, or sell outright for $5,000. Practically
every one of the popular price producers replied to the solicitations of the

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^{3} Of these the only copyright applications which had to do with specific comic
strips or cartoons were Fisher’s *A. Mutt* and Kenworthy’s *Little Dolly Dimples, or
The Little Goose Girl*. Kenworthy’s application was accompanied by a fifteen page
typescript for C. Herbert Kerr’s “A Mad Dog,” with Kerr’s typewritten title
obliterated, and “Little Dolly Dimples or The Little Goose Girl,” “property of Grace
Cameron Kenworthy” handwritten on the title page. The submitted script has nothing
to do with Kenworthy’s *Little Dolly Dimples*. See C. Herbert Kerr, “Little Dolly
Dimples, or The Little Goose Girl,” (A Mad Dog), unpublished ts. (15 pp.), D:
newspaperman's representative that the day of the cartoon extravaganza was past. 4

Hill initially agreed with Fisher in early 1910 that he would produce a theatrical version of Mutt and Jeff on a royalty basis. This implies that Hill paid Fisher $1,000 for the initial rights with an agreement to pay royalties, when Hill could have purchased the rights for only $5,000. For whatever reason, Hill did not gamble on the possible success of a theatrical version of Mutt and Jeff. As a result, Hill's royalty obligation to Fisher from 1910 through the 1920s was in excess of $100,000. 5

One of the first reports of a theatrical version of Mutt and Jeff appeared on 30 July 1910, in a company call that noted that the call for Mutt and Jeff and two other shows would appear in a later issue. This call did not appear in Variety or the New York Dramatic Mirror during the following months. However it was soon noted that Hill had purchased the theatrical rights to the characters of Mutt and Jeff, that the

4"Mutt and Jeff" Royalty $25,000," Variety 1 Nov. 1912: 19.

5The exact amount of the royalties that Hill paid Fisher has not yet been determined. Of the available figures, Fisher was paid $25,000 in 1912 with an additional advance of $2,500 in April of that year. In 1914 it was estimated that Fisher had been paid between $60,000 to $70,000 up to that time. Figures from 1914 to 1919 have not yet been found. In 1924, Fisher was awarded $23,864 for unpaid royalties from 1919 to 1924. In total, Fisher earned between $100,000 to $150,000 in royalties from Hill's Mutt and Jeff shows. See "Mutt and Jeff" Royalty $25,000"; "Cartoonist Elopes," Variety 27 Apr. 1912: 5; Hill v. Whalen and Martell Inc., 220 F. 359-360 (S.D.N.Y. 1914); and "Hill Nicked Again, Gus Consistent Loser; Bud Fisher Awarded $23,864 for Mutt and Jeff Royalty," Variety 17 Jan. 1924: 8.
book, lyrics and music were being written, and that he expected to produce the show early in the 1910-1911 season.⁶

Two years after the fact, a source noted Hill had “spent a large amount” on the initial production which took place in September 1910 in Newport News, Virginia.

The showing of the first night was to be the test and Hill billed the town like a circus. The Newport News house ordinarily plays to small returns. From $350 to $450 is a “Denman Thompson” showing. “Mutt and Jeff” played to more than $800.⁷

While it is possible that such a production took place, a careful examination of the theatrical reports from the 1910-1911 season has not revealed any kind of Mutt and Jeff show during that season. It remains likely that Hill produced a version of Mutt and Jeff, either as a test of the show’s potential or as a copyright performance, and that this production did not receive any notice in the press. Tryouts and copyright performances without a full production touring during the season were in evidence for other cartoon theatricals previous to Mutt and Jeff.⁸ While Hill appeared to be in earnest about his intention to tour a full production of Mutt and Jeff in the 1910-1911 season, records of such a tour are not in evidence. References to the show during the


⁷“Mutt and Jeff Royalty $25,000.”

⁸One example of testing the audience’s response to the material is noted in Chapter II with Hill’s test performance of McFadden’s Row of Flats; a copyright performance is noted in “Performance of Newlyweds,” New York Telegraph 10 Aug. 1907, The Newlyweds and Their Baby clipping file, Billy Rose Theatre Collection, New York Public Library.
1910-1911 season shifted from announcements of an impending production to notices that several companies would be produced for the season of 1911-1912. As early as 11 December 1910, the title appeared in Hill’s general advertisements of his current and upcoming shows.\(^9\)

Although Hill had expressed interest in the theatrical rights to *Mutt and Jeff*, Fisher exploited his characters in vaudeville. In early October 1910, Fisher appeared at Hammerstein’s in New York, where he performed at twelve minute act assisted by the cartoonist Tom Mack. Dash, writing for *Variety*, remarked that it was surprising that images of the characters had not “appeared in vaudeville before, having appeared almost everywhere else.”\(^10\) Fisher and Mack presented two series of drawings, the first featured “‘Mutt’ chasing ‘Jeff’ in the usual style and ‘Mutt’ down and out at the finish, with a bucket of paint over his head. A second series brings ‘Mutt’ to the altar.”\(^11\) Dash noted that the performance was “interesting” and worthy of vaudeville. Fisher’s potential for further involvement with the popular priced theatre and other personal appearances in vaudeville caused him to acquire offices in the Gaiety Theatre Building, “so as to be in closer touch with theatrical affairs in which he is to become interested” in the 1911-1912 season.\(^12\)

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\(^11\)Dash.

Despite the Hill's early announcements and defensive postures, he had not yet finalized the final arrangements for the dramatic rights with the cartoonist. On 20 February 1911, Bud Fisher signed Hill's contract. The contract was written primarily for Hill's interests, granting him rights to protect his *Mutt and Jeff* shows from a variety of imitations.

The first party hereby assigns, transfers, conveys, grants and sets over to the second party all his right, title and interest in and to the right of dramatic representation of the said "Mutt and Jeff" which said rights are now owned by the first party, and which said transfer hereby made is to include any rights by renewals or otherwise that the first party now has or may have in and to said right of dramatic representation; and the first party further grants to the second party full right and privilege to use any and all dialogue, matter, names, etc., covered by said right of dramatic representation.

The second party agrees to pay to the first party in consideration of the rights hereby granted, a sum equal to three per cent (3%) of the gross receipts of the second party from said dramatic production or productions.

Said payment of three per cent shall be made at the end of each and every week and shall be made at the office of the first party at the Borough of Manhattan, City of New York, and shall be accompanied by duplicate box office statements signed by the Treasurer of the theatre in which said dramatic production shall be made.\(^{13}\)

While the language of the contract was fairly specific, the use of the term "dramatic representation" was sufficiently vague for Hill to assume rights to all enactments of the characters, while Fisher felt free to further license his characters, including the assignment of rights for live action and animated films, without violation of this agreement. Fisher also used the characters in his own vaudeville act, both before and after the signing of this contract. The exact definition of "dramatic representation"

became a contentious issue between Hill and Fisher when their professional
association became strained.

On 12 April 1911, the New York Dramatic Mirror announced that Hill
intended to produce three companies of Mutt and Jeff for the 1911-1912 season.\(^{14}\)
Several months later Hill purchased an advertisement in Variety that was typical of his
earlier postures to protect his cartoon theatrical titles.

You are warned that the United States Copyright Law will be strictly enforced
by the undersigned, who is the sole owner of Bud Fisher’s world famous and
original creations “Mutt and Jeff,” against the use of said characters in any
form whatever or by a colorable imitation thereof, for advertising purposes or
in any public display or in any manner for any stage or other public or private
representation in which the characters or recognizable imitations thereof are
introduced, including plays, sketches, burlesques or vaudeville acts. Any
infringement will be prosecuted to the fullest extent of the law.\(^{15}\)

Hill attempted to curtail some of the activity that plagued cartoon theatricals in the
past, namely the rampant overexposure of cartoon characters in a variety of
amusements. He tried to control and limit the exposure of these characters to
enhance their value as a theatrical commodity. But Hill assumed rights that he had
not contracted from Fisher with his self-reference as the “sole owner” of Mutt and
Jeff. The rest of his statement is directed toward other producers with a caveat
“against the use of said characters in any form whatever or by a colorable imitation
thereof.”


\(^{15}\) Gus Hill, ad. for Mutt and Jeff (“You are warned”), Variety 10 June 1911: 33.
If taken seriously by Fisher, Hill’s warnings would have curtailed any and all licensing of *Mutt and Jeff* except for that initiated or sanctioned by Hill. However Fisher licensed Mutt and Jeff items from the very beginning, including reprint books, statuettes, and postcards.\(^{16}\) The agreement should have also limited Fisher from exploiting his characters in a theatrical setting, although he performed in vaudeville throughout the 1910s, drawing Mutt and Jeff and other subjects. Hill did not appear to be concerned with Fisher’s use of the characters at that time, although he was not as gracious with others who violated his perceived rights. Parts of the contract were conveniently ignored by both Fisher and Hill, resulting in disagreement when other issues became complicated.

Additionally, the material was also being exploited by the Nestor Company with a series of live action films that included “Mutt and Jeff Discover a Wonderful Remedy” and “Mutt and Jeff Join the Opera.”\(^{17}\) Nestor first announced the acquisition of *Mutt and Jeff* film rights on 3 June 1911.\(^{18}\) Steven Higgins noted that the producers launched the initial film, “Mutt Joins the Force,” with mid-Summer

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\(^{16}\)For examples of some products licensed by Fisher and the newspapers for which he worked (the *San Francisco Chronicle* and the *New York American*) see Ted Hake, *Hake’s Guide to Comic Character Collectibles* (Radnor: Wallace-Homestead, 1993) 118-119.


tours to the Midwest (visiting "fifteen cities in two weeks") and of the Northeast ("covering twelve [cities] in the same number of days").\textsuperscript{19} The roles were cast with "veteran vaudevillians" Sam Dade Drane as Mutt and Gus Alexander as Jeff.\textsuperscript{20} The second release, "Mutt and Jeff at the Fortune Teller," suffered from a defect that became more pronounced in later films:

The first part of the scene at the fortune teller's is an illustration of the "too talky" effect. Mutt sometimes has the unpleasant habit of facing front and explaining his action, which is not an eccentricity of the character, but something which will spoil his characterization in time.\textsuperscript{21}

The films, twenty-five in all, declined in popularity for several reasons. Higgins notes a visual disparity between the "broad slapstick of the action and the punning slang of the subtitles" was perhaps one of the chief reasons for the failure of the films.\textsuperscript{22} The actors were also using "bizarre make-up" which created a "jarring

\textsuperscript{19}Higgins 40, cf. Motion Picture World 15 July 1911: 42.

\textsuperscript{20}A photograph of Drane and Alexander was published on the dust jacket and page 119 of Charles W. Stein's American Vaudeville as Seen by its Contemporaries (New York: Knopf, 1984). The note that accompanies the photograph in the book briefly notes "Drane and Alexander, a pair of vaude comics who were popular circa 1915." The performers were also featured on the cover of George H. Diamond's "Mutt and Jeff March and Two-step," (New York: Diamond, 1912), which noted that the pair was "the original Mutt & Jeff of the Nestor Co., impersonating Mutt & Jeff."


\textsuperscript{22}Higgins 41.
effect” for the audience. On 7 February 1912, Nestor announced that it would discontinue production of these cartoon related films.

By June 1911, Hill’s plans for the 1911-1912 season had solidified. The announcement stated that Hill intended to produce four companies of his Mutt and Jeff shows, with “a prospect, if the opening looms up strongly, a place may be found for the production in a New York theatre.” The routes for each of the shows was intended to cover territory centering on the Pacific coast, Midwest, New England, or New York area. It was also announced that each of the companies would include forty-two people. On 1 July 1911, Hill wrote Jake Shubert about Mutt and Jeff as the “biggest thing in show business for next season” and querying the availability of Shubert theatres. The following day, Shubert responded that he thought the show would “make a very good attraction for some of our theatres.”

In September 1911, three of the four Mutt and Jeff companies began their tours in the eastern section of the United States. Hill made extensive preparations for these shows and placed large orders for promotional items.

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23Higgins 41.


25“Four Mutt and Jeff Shows,” Variety 24 June 1911: 8. This report was confirmed a few days later in another paper; see “Mutt and Jeff,” New York Dramatic Mirror 28 June 1911: 16.

26Gus Hill, letter to J.J. Shubert, 1 July 1911, file 96 (Gus Hill), Shubert papers, Shubert Archive, New York.

27J.J. Shubert, letter to Gus Hill, 2 July 1911, file 96 (Gus Hill), Shubert papers, Shubert Archive, New York.
Gus Hill claims to have contracted for the largest single order of printing in the history of theatricals. The order is for his Mutt and Jeff companies. In all there will be over eighty different varieties. The contract has been divided among four printing firms. Bud Fisher, George McManus, and Otto Hughtaff have furnished the sketches. 28

These items included letterhead, postcards, posters, blotters, souvenir sheet music, and programs. While some of the pieces featured drawings by Fisher, uncredited illustrations by other artists were also included. At this time the success of the three initial companies was noted in an article which noted that this was the “first instance of record where a producer has simultaneously, and before a public verdict has been given, taken the hazard of organizing and equipping a trio of companies for one piece.”29 This source also noted that the first company earned $2,000 in its first week of performances, leading Hill to expect gross receipts of approximately $200,000 from these shows during the 1911-1912 season.

The first Mutt and Jeff show to play Manhattan opened at New York’s Grand Opera House on Monday, 23 October 1911, where it played a one week engagement. The public responded to Hill’s advertising campaign, the title of the show, and the positive reviews in the press. Variety reported that there was a “big overflow all week at the Grand Opera House,” in addition to the interest of others in the profits of the show.

Tuesday evening Jack Welch offered Mr. Hill $6,000 for his share on the week. Hill refused it. The show is playing a sliding percentage scale with the theatre, commencing at 50-50.


Anna Held holds the house record, around $14,000. Mr. Hill thinks he can take it away from the French-woman with “Mutt and Jeff” at $1 top price in the box office. Miss Held’s scale ran to $1.50.

It is possible Hill will organize a special company to play the piece at some Broadway theatre.\(^30\)

The timing and generosity of Welch’s offer testifies to the box office potential of the *Mutt and Jeff* shows. A *Variety* reviewer noted that while people were purchasing tickets for the Tuesday performance “the sale had to be stopped, with a large crowd around the doors.”\(^31\) Other references to attendance and financial figures for the first season noted that the *Mutt and Jeff* shows “broke all house records.”

The initial success of *Mutt and Jeff* was credited to Hill’s talent for promotion and his awareness of the public recognition of the *Mutt and Jeff* characters. However, after the shows opened, reviewers noted the success of the show was also due to a well-conceived production, including a well-written script (by Frank Tannehill, Jr. and Bud Fisher), excellent staging (by Frank Tannehill, Jr.) and a talented cast.

The show was entertaining partially because it was funny but also because it was a variety entertainment. Sime Silverman described it as having something for everyone to enjoy.

To those who do not care particularly for cartoons or the comic supplements, this “Mutt and Jeff” show will appeal, for beyond the principal roles there is a story, closely followed (and not of the cartoons), with songs, dances and a


chorus. "Mutt and Jeff" is a well set, nice musical comedy, with a melodramatic dash.32

The show had a plot, albeit a convoluted one, with many things happening on the stage apart from the "story" of Mutt and Jeff.

In this adventure Mutt and Jeff take a trip to South America and quell a South American revolution. At the races, where the two make a wheelbarrowful of money by Jeff playing jockey, they learn through a Spanish tourist of a chickel claim in South America. The Chewing Gum Trust is trying to buy this claim of a certain young man that cannot be found. With the help of the Spaniard an American millionaire hopes to supersede this young man. He is foiled by a band of Americans who have set out to join the insurrection, while Mutt and Jeff serve their turn at being the President of this republic, and incidentally aid the young man.33

Of the three acts, the first took place at "the lawn and club house of [the] Saratoga Race track," the second on the "deck of the steamer Insurgent," and the third on the "palace and grounds of the Nicadorian President at Valayo."34

Despite a fairly busy plot, the main characters were "not allowed to remain on the stage long enough at any time to make one tire."35 The show featured twenty-six choristers (fourteen male and twelve female, described by one source as "adequate but not at all exceptional")36 and seventeen musical numbers which included several elaborate dance routines. One of the more lauded numbers was "The Tale of the

32Sime.


34"Grand Opera House -- Mutt and Jeff."

35Sime.

36"Grand Opera House -- Mutt and Jeff."
Mermaid” featuring Lillian Goldsmith and “the prettiest costume scheme of the evening . . . with some girls in half tights and others in long dresses.”\textsuperscript{37} Yet even with all of the activity on stage, Silverman remarked that “the staging of the show runs so nicely it could be adopted as a model.”\textsuperscript{38}

The humor of the show was derived from several factors in the show, including physical humor. For example, in the second act Tannehill included a tried-and-true “bit” featuring collapsible stairs. Silverman noted that “‘slippery stairs’ are no novelty by any means, but in this show they are the best proof in the world that it isn’t the business, but how the business is handled.”\textsuperscript{39} The old business was so managed, that it elicited a startling response: “for fully five minutes there is one continuous scream from the audience.”\textsuperscript{40}

However the physicality of the comic strip characters was also something which the audience found humorous.

“Mutt” and “Jeff” on their entrance receive a prolonged laugh. The oddly contrasted pair, a dwarf against the full grown lean and lank fellow, both grotesquely dressed and made up, and still following out Mr. Fisher’s so well known and popular cartoon series, are funny on looks alone. From that moment everything the pair do gets a howl, especially the dwarf, who is made to assume humorous poses and positions, always unexpectedly and after his long partner has taken the lead.\textsuperscript{41}

\textsuperscript{37}Sime.

\textsuperscript{38}Sime.

\textsuperscript{39}Sime.

\textsuperscript{40}Sime.

\textsuperscript{41}Sime.
The Eastern company of *Mutt and Jeff* featured Roger Grey as Mr. A. Mutt ("Mutt") and "Shorty" Edwards as Othello Montgomery Jeffries ("Jeff"). The reviewer for the *New York Dramatic Mirror* noted that the two actors' "perfect caricature and make-up is the delight of the piece, while the suggestive situations and humor of the lines are calculated to awaken hilarity in a soul of somberest shade."\(^{42}\)

The elements of the show came together in such a way that it was possible for Hill to produce several companies of the same show, with every confidence that each of the duplicate companies would do as well as the others. This was so apparent, in fact, that Silverman observed that "it doesn't matter who plays 'Mutt' or 'Jeff' so much, or any other character, in fact. The show plays itself."\(^{43}\) At this point, Hill succeeded in producing a popular entertainment that was of value to his audience and locating a property over which another mania appeared to develop.

With the success of the first three *Mutt and Jeff* shows, Hill announced that a fourth company would play the $1.50 legitimate houses in cities such as Newark, Baltimore, Brooklyn and Philadelphia.\(^{44}\) In addition, reports continued that he would open his "No. 1" company of the show in New York, although the exact theatre remained open to speculation. Hill negotiated with no fewer than five theatre managers over the possibilities.\(^{45}\) The fourth company opened in Atlantic City in

\(^{42}\) "Grand Opera House -- *Mutt and Jeff*."

\(^{43}\) Same.

\(^{44}\) *Mutt and Jeff at $1.50,*" *Variety* 4 Nov. 1911: 10; "Gossip of the Town," *New York Dramatic Mirror* 22 Nov. 1911: 10.

\(^{45}\) "Looking for Dollar House," *Variety* 11 Nov. 1911: 12.
late November, amidst Hill’s plans to open a fifth company of the show due to two companies being in indefinite runs in Chicago and Boston. The Chicago company of *Mutt and Jeff* was reported to be “effective in restoring a much abused playhouse [The Globe] to the money winning class.” The Boston company ran for twelve weeks at the Globe theatre there before moving on to other engagements. Hill’s Christmas advertisement in *Variety* proclaimed the show “the sensation of the year,” one of the “biggest box office attractions on Earth,” with “four companies now playing to capacity.”

These productions were doing so well, that Hill’s organization released figures for the income of the *Mutt and Jeff* shows for the week before Christmas. Even for a week that was traditionally slow, the receipts were well above average. Two companies each grossed $6,000 for the week, one performing one-night stands between Oklahoma and Texas, and the other playing a full week in Boston; the company at the Walnut Street Theatre in Cincinnati earned $6,700, and the company at the Academy of Music in Baltimore brought in an astounding $9,000. All four companies of the show did exceptionally well with their box office grosses.

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49Gus Hill, ad. for *Mutt and Jeff*, *Variety* 23 Dec. 1911: 95.

50“Poor Gus Hill; He’s Starving,” *Variety* 6 Jan. 1912: 10.
Additionally, there was sustained interest in productions of *Mutt and Jeff* for international markets, such as England and Germany. In December 1911, it was announced that Frank Tannehill Jr. secured the “English and American rights” for *Mutt and Jeff* and would leave for England in the following month to arrange the production of the show.\(^{51}\) In January 1913, Tannehill made plans to travel to Berlin with John H. Springer to arrange for a production of the show there. It was further noted that Tannehill held “all foreign rights to the piece” and expected to “make further productions of the show on the Continent” if the Berlin performances proved successful.\(^{52}\)

However, even with the tremendous success the shows experienced, there were still differences and difficulties with the direction of specific companies of the show. In early December 1911, one company summarily dismissed six members in New Orleans on Saturday night, without return fare to their homes, and replaced them the following Monday. A seventh member, Al Hoyt, resigned from the company over “managerial incompatibility of temper.”\(^{53}\) New Orleans’ Mayor Behrman eventually offered return transportation for the six players. In late January it appeared that Hill

\(^{51}\) *Mutt and Jeff Abroad,* *Variety* 9 Dec. 1911: 14. It is doubtful that Tannehill had really obtained the American rights to *Mutt and Jeff*, as this source suggests, but possible that he retained some rights to the production through Hill. This will be discussed at greater length later in this chapter.

\(^{52}\) *Mutt and Jeff in Berlin,* *Variety* 3 Jan. 1913: 10.

was still interested in a fifth company of *Mutt and Jeff* as he advertised for “two
clever comedians” for the roles.\(^\text{54}\)

In April 1912, Bud Fisher eloped with Pauline Welsh, an actress and
vaudeville performer, with reports that Hill had advanced $2,500 on Fisher’s royalties
for the *Mutt and Jeff* shows.\(^\text{55}\) Miss Welsh was “‘breaking in’ a new act” with
George Moore, when Fisher and Welsh decided to get married.

Mr. and Mrs. Fisher sailed for Bermuda on the next boat following the
ceremony, Mr. Fisher leaving behind him a $500 contract for his Hammerstein
engagement this week, and taking chances on his newspaper job.\(^\text{56}\)

Mrs. Fisher remained off of the stage until December 1914, when she returned to the
Victoria in New York singing the praises of her husband’s creations with “Give Me
Good Old Mutt and Jeff--That’s Real Art.”\(^\text{57}\) Bud Fisher was back in vaudeville by
the Fall 1912, sporadically touring the United States with his act through 1916.

On 18 July 1912, Hill wrote to a theatre manager in Atlanta regarding
percentages of the box office for the booking of the 1912-1913 season of *Mutt and
Jeff*. Hill felt that he deserved more money because of the superior business that the
show attracted.

The principle [sic] paper in Atlanta has the cartoons of Mutt and Jeff. This
means thousands of dollars worth of advertising for this attraction. I’ll do

\(^{54}\)Gus Hill, ad. for *Mutt and Jeff*, *Variety* 27 Jan. 1912: 30.

\(^{55}\)“Cartoonist Elopes,” *Variety* 27 Apr. 1912: 5.

\(^{56}\)“Cartoonist Elopes.”

25% more business. So why should I not get 70%. Why you would give any attraction 80% if they spent thousands of dollars for advertising.58

Hill’s letterhead for *Mutt and Jeff* had become more elaborate, featuring drawings of the two characters and proclaiming the show “the attraction with a record,” “the most talked of show of the age,” and that it was “playing to the most remarkable business in the history of theatricals.”

Hill’s concern with his percentage of the box office receipts was a constant theme in his correspondence of this time. In a 10 October 1912 letter to the offices of Klaw and Erlanger, Hill wrote of his frustration in dealing with an organization that seemed to continually sided with theatre managers over theatrical producers.

Gentlemen:

I just received contracts for “Mutt and Jeff” at Venice, Cal., for January 26 with the terms cut to 70%. It will be impossible for me to play this attraction at these terms. I do not think it is fair to reduce the terms with a big musical show of fifty people. After a producer signs a contract if the terms are not satisfactory the contracts ought to be returned and the date called off. It seems all my contracts that come through your office are cut. I have been a Klaw and Erlanger man all my life but these things make a man put his thinking cap on.

Yours very truly,
Hill59

The letter was torn in half and placed in Klaw and Erlanger’s correspondence file for Hill.

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58Gus Hill, letter to Charles [Osgood], 18 July 1912, Klaw and Erlanger papers, Shubert Archive, New York.

59Gus Hill, letter to the Klaw and Erlanger offices, 10 Oct. 1912, Klaw and Erlanger papers, Shubert Archive, New York.
**Table 4.**

A Chronological Listing of Dramatic Copyright Registrations Involving *Mutt and Jeff*.

<table>
<thead>
<tr>
<th>Year.mm.dd</th>
<th>Title, author and submission information</th>
<th>Copyright applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1908.03.10</td>
<td><em>A. Mutt</em>; by H.C. Fisher. D: 12525.</td>
<td>Harry C. Fisher</td>
</tr>
<tr>
<td>1912.09.03</td>
<td><em>In Cartoon Land</em>; musical mix-up, by Charles W. Daniels and Edgar Selden. D: 30726. [1], 60 p. 4. Ts. [Libretto only.]</td>
<td>Harry Martell</td>
</tr>
<tr>
<td>1926.08.17</td>
<td><em>Mutt and Jeff’s Honeymoon</em>; by Nat LeRoy. D: 76493.</td>
<td>Gus Hill</td>
</tr>
</tbody>
</table>

**Mutt and Jeff Copyright Infringements**

In August 1912, Hill was concerned with two possible *Mutt and Jeff* copyright infringements. The first concerned the dancers Moon and Morris, who used Mutt and Jeff makeups in their act at the Winter Garden theatre in New York. On 6 August 1912, Hill wrote to J.J. Shubert.

My Dear Shubert,

Bud Fisher had me on the phone. He wanted his attorneys to go after you in regards having the characters of Mutt and Jeff at the Winter Garden. I informed him I would write you as you will take it off as it infringes on our copyright. Trusting you will see to this. I am

Yours as usual,

Gus Hill

However, while Fisher and Hill viewed Moon and Morris’ act as copyright infringement, Shubert was surprised that any offense was taken by a brief usage of the characters. The following day, Shubert responded to Hill and Fisher’s concerns.

My dear Mr. Hill:--

I have your favor of the 6th with reference to the Mutt & Jeff proposition. I doubt very much if there is any infringement, Moon & Morris make up like Mutt & Jeff and do a dance for one minute and they never speak a word. I am sure if you saw the performance you would find no fault with it whatsoever, besides, at the Winter Garden we play to a different audience than you play to with Mutt & Jeff. I would like to have you see it and see whether you find any fault with the act.

Part of Hill’s concern was with the protection of his copyright. If he allowed even a minor use of the characters, then he risked sanctioning other unauthorized uses and

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60Gus Hill, letter to J.J. Shubert, 6 Aug. 1912, file 96 (Gus Hill), Shubert papers, Shubert Archive, New York.

61J.J. Shubert, letter to Gus Hill, 7 Aug. 1912, file 96 (Gus Hill), Shubert papers, Shubert Archive, New York.
perhaps losing control of his copyright. Shubert’s response about there being two
different classes of audience for the Winter Garden and Hill’s Mutt and Jeff shows is
really quite beside the point. By late August, under advice from Hill’s attorneys,
Moon and Morris stopped using the character makeups in their act.⁶²

_Hill v. Whalen and Martell Inc._ (1914)

Although Hill held the theatrical rights to “Mutt and Jeff,” he still was forced
to contend with producers who sought to exploit these characters. Hill sued Whalen
and Martell, Inc. over their production of _In Cartoon Land_, which featured the
characters of “Nutt” and “Giff,” and was the first act of _The Whirl of Mirth_ (1912–
1913).⁶³ _In Cartoon Land_ was similar to _Looping the Loop_ (discussed in Chapter
IV) as it borrowed characters from several popular comic strips, including Bud
Fisher’s Mutt and Jeff, Gus Mager’s _Sherlocko the Monk_, TAD’s series of cartoons
on Judge Rummy and Silk Hat Harry, Rudolph Dirks’ _The Katzenjammer Kids_, and
Harry Hershfield’s _Desperate Desmond._

Harry Martell’s application for the dramatic copyright to _In Cartoon Land_ was
registered on 3 September 1912. Martell submitted a sixty page typescript credited to
Edgar Selden and Charles W. Daniels, with the subtitle “A musical mix up


⁶³The program submitted with the “In Cartoon Land” typescript noted that the
second act of _The Whirl of Mirth_ was titled “Rubbing It In, or A Funny Mug in a
Face Foundry” and featured characters with names like I. Berryem, Wood B.
Spauter, Wanta Sample, and Daisy Trimmer. A script for “Rubbing It In” was not
included in the copyright application with “In Cartoon Land.”
supplemented by sumptuous surroundings, comical cut-ups and a glare of gladsome glitter.”  

64 In the copyright script, one of the characters notes that the show was intended to “burlesque the characters in Cartoon Land,” yet the text only goes as far as to satirize just the names of well known cartoon characters.  

65 The content of Daniels and Selden’s script is fairly typical of Hill’s cartoon shows. It relies on the use of recognizable elements from the comic strips that it intends to portray, with little if any doubt as to what the material is intended to represent. At one point in the script, Nutt and Giff have a typical Mutt and Jeff exchange:

    Nutt: For the love of Mike -- be REASONABLE.

    Giff: If you can’t be REASONABLE -- (Imitating Nutt) Be as REASONABLE as you CAN.

66 The script is rife with similarities between the comic strips and the supposed “burlesque” that the dialogue presumed to represent.

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65 Daniels and Selden 1. In addition to Nutt and Giff, the script substitutes the names of Esmond for Desmond, Barry for Harry, and Catsinheimer for Katzenjammer in addition to others. The comic strips used for this production were already a comic statement or satire of social mores. A burlesque of a comic strip would have to include another level of commentary that could be made to look ridiculous. “In Cartoon Land” used the pre-existing elements of these comic strips (characterization, dialogue, situation/plot) and “borrowed” them without adding any further commentary.

66 Daniels and Selden 15. Emphasis as in original.
Whalen and Martell first produced a version of The Whirl of Mirth (without In Cartoon Land) for the Western Burlesque Wheel in the season of 1911-1912.\textsuperscript{67}

However, the show’s second season in 1912-1913 became highly controversial with the addition of the one-act cartoon farce. Sime Silverman for Variety reported that the actors playing Mutt and Jeff and Desperate Desmond were among the more humorous performers, but noted that the producers should have done more with the cartoon portion of the show.

The scheme of cartoon characters in the first part would have made a bully evening’s performance. If the management will play it up strongly, it should become a drawing card, for the characters were applauded as they appeared, being recognized immediately. All the impersonations were creditably made up.\textsuperscript{68}

Silverman’s review of The Whirl of Mirth does not refer to the cartoon characters by their burlesqued names of Nutt, Giff or Esmond, but by their recognizable counterparts of Mutt, Jeff and Desmond. Additionally, while this reviewer recommended that the producers further capitalize on these characters, he did not acknowledge Hill nor his attempts to protect himself from copyright infringements.

However, Whalen and Martell’s use of Mutt and Jeff in The Whirl of Mirth was not resolved as easily. When initially contacted by Hill’s attorney, Harry Martell referred the matter to his attorneys.\textsuperscript{69} A month later Hill initiated litigation “over


\textsuperscript{69}“Mutt and Jeff Going?”
alleged copyright infringement” in *The Whirl of Mirth.* A month after this it was announced that the matter had been amicably resolved between the two parties and Hill’s application for an injunction withdrawn, noting that “Martell agreed to take out the material in his show which Hill objected to as an infringement on his copyright and to change the name of the principal characters to ‘Tom and Jerry.’” However, the steps Whalen and Martell took to appease Hill were not enough to end the suit against them.

Ultimately Hill sued Whalen and Martell for copyright infringement. He won the suit on 3 December 1914, in the New York District Court, Justice Rose presiding. One of the key issues in the case centered on the question of whether *In Cartoonland* was a parody of *Mutt and Jeff* or if it was designed to capitalize on the success of the comic strip and/or Hill’s shows. Similar to Moon and Morris’ act, the use of the characters did not constitute a majority of the performance. However, *In Cartoonland* featured the characters in such a way as to have the potential to significantly dampen the business for Hill’s shows.

Counsel for Hill noted that Nutt and Giff “were costumed to represent the cartoon characters, who gave many direct quotations from the cartoons, and who were intended to be understood, and were understood, to be the same characters.” There

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72*Hill v. Whalen and Martell Inc.*, 220 F. 359-360 (S.D.N.Y. 1914). All subsequent references to this case are from this source, unless otherwise noted.
was also great concern expressed over the possible damage of this infringement, as
the dramatic rights were considered of "great value" with estimated royalty payments
to Bud Fisher ranging from $60,000 to $70,000.\footnote{Fisher's royalties of $60,000 to $70,000 indicate that the companies of \textit{Mutt and Jeff} to 1914 earned gross receipts in the amount of $2 to $2.3 million.}

Counsel for Whalen and Martell countered that the use of Nutt and Giff was
"a mere parody or burlesque of the original, and was so intended." As such, the law
allows for the parody of copyrighted work, which can include "words,
representations, pictures, or suggestions" from the original work. Justice Rose
specified that the test for whether Nutt and Giff was a parody or an infringement was
the question of "whether or not so much as has been reproduced as will materially
reduce the demand for the original."\footnote{Rose continues, noting "a word of explanation will be here necessary. The
reduction in demand, to be a ground of complaint, must result from the partial
satisfaction of that demand by the alleged infringing production. A criticism of the
original work, which lessened its money value by showing that it was not worth
seeing or hearing, could not give any right of action for infringement of copyright."}

Rose was satisfied that \textit{In Cartoonland} was an infringement in that it fulfilled a
"desire" to see the characters of Mutt and Jeff.

Having seen the former, they would be more likely to spend the next dime or
quarter they had available for such purpose on a show other than the
authorized dramatization of the latter. A good many of them would probably
think that they had already seen those characters. They would not be far
wrong in so thinking. The next time they would prefer to see something else.

Hill was awarded the injunction, $750 in damages, and court costs. More
significantly, this decision bolstered Hill's claim to the dramatic rights for "Mutt and

\footnote{Fisher’s royalties of $60,000 to $70,000 indicate that the companies of \textit{Mutt and Jeff} to 1914 earned gross receipts in the amount of $2 to $2.3 million.}

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satisfaction of that demand by the alleged infringing production. A criticism of the
original work, which lessened its money value by showing that it was not worth
seeing or hearing, could not give any right of action for infringement of copyright.”}


As noted above, even minor disagreements with Hill or his offices usually resulted in colorful conflict resolutions. In one instance during this season, Hill and an employee could not agree over a small matter.

Gus Hill had a little tilt with one of his "Mutt and Jeff" agents over salary one day last week. The difference was only a few dollars. Hill finally ended the controversy by saying he would pay all sleepers. This the advance man agreed to, calculating he would use three or four nights weekly travelling. The next day he received the route of the one-nighter -- not a sleeper jump on it, all trolley car rides.\[78\]

Cartoon theatricals were often the subject of harsh criticism with regards to their box office draw when compared with more serious dramas. Certainly no exception, *Mutt and Jeff* was able to attract patrons at the box office where other offerings could not.

Two of the Toronto newspapers last week complained in their editorial columns that "that sterling actor, William H. Crane, played the Grand Opera House to most unsatisfactory returns, while the people fairly fought to get in to see such a rough arrangement of horseplay as 'Mutt & Jeff.'"\[79\]

In the Summer of 1913, an unauthorized production of *Mutt and Jeff* played a few weeks, but soon closed when it experienced financial difficulties.\[80\]

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\[79\]"Mutt & Jeff Royalty $25,000."

\[80\]"Park Show Quits," *Variety* 20 June 1913: 10.
Mutt and Jeff in Panama (1913-1914)

In February 1913, Hill announced that he expected to open the 1913-1914 season with four companies of Mutt and Jeff in Panama (see Fig. 5).\textsuperscript{81} It was planned that Bud Fisher would once again collaborate on the book, while Leo Edwards and Will D. Cobb were to write the music and lyrics. Apparently there was to have been a company that opened in Boston before the season began, however Hill had the show “tried out for a couple of weeks in New York” and decided to hold off on any further productions until the Fall.\textsuperscript{82} By early July 1913, Hill’s offices decided to send out five companies of Mutt and Jeff in Panama for the upcoming season, under the direction of Hill’s general producer, Ed. Hutchinson.\textsuperscript{83}

Ultimately, Hill’s offices sent out six companies of the show.

On 12 April 1913, Hill wrote to the offices of Klaw and Erlanger, once again to complain about a reduction in the percentages that he required for the Mutt and Jeff shows.

Regarding Charleston, W. Va., I am afraid I will have to pass the town up as I cannot afford to play a big musical show like “Mutt and Jeff” at 70%. You know I have the biggest box office attraction on the road so if Mr. Burlew cannot see his way clear to give me the same terms as last season 75%, I will have to pass his town up.\textsuperscript{84}

\textsuperscript{81}“New Mutt and Jeff,” Variety 21 Feb. 1913: 10.

\textsuperscript{82}“Mutt and Jeff Later,” Variety 6 June 1913: 12.

\textsuperscript{83}“Five Companies,” Variety 5 July 1913: 5.

\textsuperscript{84}Gus Hill, letter to the Klaw and Erlanger offices, 12 Apr. 1913, Klaw and Erlanger papers, Shubert Archive, New York.
Fig. 5. *Mutt and Jeff* (1914), detail from a theatrical advertisement; Gus Hill, ad. for *Bringing Up Father* and *Mutt and Jeff* ("The Box Office Twins"), *New York Dramatic Mirror* 14 Jan. 1914: 30.
Klaw and Erlanger’s offices turned this section of the letter over to a Mr. Thurner in Charleston. On 1 July 1913 Hill wrote to Thurner in exasperation over the percentages quoted him by the Schloss theatres in North Carolina.

As a show cannot live down South on one night stands at 70% and you know it, especially a musical show like Mutt and Jeff, give me 2 towns in place of Raleigh and Wilmington Sept. 5 & 6 as I’m in Florence the 8. Is Clarksville, Oxford, Henderson, Sanford, Fayetteville, Aberdeen or Darlington any good? This is the show that plays New Orleans. 80% in these towns are better then 70% in Schloss towns.\(^{85}\)

On 11 July, Hill wrote to Klaw and Erlanger’s offices to express even more frustration and anger over the situation.

Kindly cancel

\[
\begin{array}{ll}
\text{Sept. 5} & \text{Raleigh N.C.} \\
\text{" 6} & \text{Wilmington N.C.}
\end{array}
\]

as I cannot play Mutt and Jeff at 70% and live. I may as well get out of business, or run a turkey show and bunk the public. I’ve got what the public will buy.\(^{86}\)

On 31 July, Hill wrote back to Thurner to increase the pressure on Mr. Schloss and to improve his percentages.

Unless Mr. Schloss gives Mutt and Jeff 75% at his towns, kindly pass them up and re-arrange my route thusly as per enclosed, or make an appointment and I’ll send my representative over to see you. Mr. Schloss has agreed upon 75% in all of his towns except Wilmington, Raleigh, Charlotte, and Asheville. 5% is not worth fighting over for 4 towns, but you know I cannot live at 70%. I gave the show to Mr. Schloss in all of his towns small and large and you know I’m not taking advantage in regards terms.\(^{87}\)

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\(^{85}\)Gus Hill, letter to Mr. Thurner, 1 July 1913, Klaw and Erlanger papers, Shubert Archive, New York.

\(^{86}\)Gus Hill, letter to the Klaw and Erlanger offices, 11 July 1913, Klaw and Erlanger papers, Shubert Archive, New York.

\(^{87}\)Gus Hill, letter to Mr. Thurner, 31 July 1913, Klaw and Erlanger papers, Shubert Archive, New York.
In December 1913 Hill claimed that his six productions of *Mutt and Jeff in Panama* were "playing to more business on their return dates this season (third for the show) than at any time before" and that "*Mutt and Jeff* has played Chicago 32 weeks during the time the reproduced cartoon piece has been on the boards."  

*Bringing Up Father*—The Musical Comedy Adaptations

George McManus' *Bringing Up Father* first appeared on 12 January 1913 in Hearst's *New York American*. McManus mentioned that his comic strip was based William Gill and Billy Barry's touring production of *The Rising Generation* in the 1890s. The play told the story of a poor working class Irish couple who found sudden wealth. Billy Barry's portrayal of Martin McShayne had a profound influence on a young McManus, who later recalled the play fondly:

One feature of the play was a poker game on stage. The actors liked poker, and they made it a real game, with real stakes; each night for 20 minutes, while the game went on, the players ad-libbed. Barry would get really furious if he lost, with no make-believe at all, and his language was colorful, to say the least. People crowded to the show to see that poker game and to hear Billy Barry's picturesque ad-libbing, and I, just a boy then, was among them. I went several times, something I could do easily, as the old man ran the theater. He didn't, as a usual thing, like my going to the shows much; but for some reason he let me see Billy. In the play, the participants in the poker game were all old cronies of the little Irishman. They had known him before he got rich and moved to Fifth Avenue. But his socially ambitious wife and daughter were ashamed of his uninhibited naturalness and they could not abide his old pals. Therefore he had to sneak off to the poker game, which was in

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the back room of a saloon run by another friend in the district from which the Irisher came.  

McManus used his memory of Billy Barry after he had become an established comic artist as the inspiration for his best known strip, *Bringing Up Father*.

*Bringing Up Father* was the first McManus comic strip that Hill adapted for the stage, but there were other McManus comic strips staged previous to this. There were musical comedy versions of McManus’ *Panhandle Pete* (first produced in the 1906-1907 season by Joseph Plunkett), *The Newlyweds and their Baby* (first produced in the 1908-1909 season by the Leffler-Bratton company) and *Let George Do It* (first produced in the 1911-1912 season by the Leffler-Bratton company). Additionally Hill was interested in McManus’ material when *Panhandle Pete* first appeared, having printed promotional letterhead for *The Mishaps of Panhandle Pete* as early as January 1906. Hill billed the potential show as “an entertainment on new and original lines,” “a gorgeous glittering spectacular comedy full of novel surprises,” “4 big shows in one,” and classified the show as a “pantomime -- comedy -- vaudeville and drama.” Complications between January and May 1906 forced Hill to sue for the

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92Charles Barton, letter to Klaw and Erlanger, 30 Jan. 1906, Klaw and Erlanger papers, Shubert Archive, New York.
rights to this comic strip. He subsequently lost his bid to produce a Panhandle Pete show.93

After Bringing Up Father first appeared, it took Hill a little over eight months to announce his intentions to stage a theatrical version of the comic strip. By mid-September 1913, Hill added a printed note to some of his Mutt and Jeff in Panama stationary that George McManus’ “latest cartoon sensation, ‘Bringing Up Father’” (“the most talked of cartoons of a century”) was “in active preparation.”94 In late September 1913, Hill announced that he had acquired the rights to George McManus’ Bringing Up Father and was organizing a company. This new venture prompted the observation that “Hill’s record stands a lap and a half ahead of his nearest competitor in the cartoon staging stakes.”95 On 19 December 1913, Hill placed an advertisement illustrated by George McManus for Bringing Up Father in Variety noting that the show was to be “a companion piece to Mutt and Jeff,” reiterating that the comic strip was “McManus’ latest success” (see Fig. 6).96

The dramatic copyright registrations for Bringing Up Father were sparse when compared with the earlier registrations for other cartoon titles (see Table 5). Frederic

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93“A Boomerang for Gus Hill,” Variety 5 May 1906: 5.

94Gus Hill, letter to the Klaw and Erlanger offices, 18 Sep. 1913, Klaw and Erlanger papers, Shubert Archive, New York. The collection at the Shubert archive of Hill’s correspondence with the Klaw and Erlanger offices for 1912-1913 is fairly extensive with several hundred pieces. The 18 Sep. 1913 letter is the first mention of a Bringing Up Father cartoon show.

95“Bringing Up Father Staged,” Variety 26 Sep. 1913: 6

96Gus Hill and George McManus, ad. for Bringing Up Father, Variety 19 Dec. 1913: 42.
Fig. 6. Bringing Up Father (1914), detail from a theatrical advertisement; Gus Hill, ad. for Bringing Up Father and Mutt and Jeff (“The Box Office Twins”), New York Dramatic Mirror 14 Jan. 1914: 30.
Table 5.

A Chronological Listing of Dramatic Copyright Registrations Involving *Bringing Up Father*.

<table>
<thead>
<tr>
<th>Year.mm.dd</th>
<th>Title, author and submission information</th>
<th>Copyright applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1915.08.05</td>
<td><em>Bringing Up Mother</em>; play in 2 acts, by John Fowler. D: 41481. 2 v. 4 . Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1916.03.03</td>
<td><em>Bringing Up Father</em>; play in 3 acts, by George McManus [Charles W. Goddard]. D: 43213. 16 p. 4 . Ts.</td>
<td>Star Company [New York Journal] [International Film Service]</td>
</tr>
<tr>
<td>1923.10.27</td>
<td><em>Jiggs and Maggie at Home</em>; a dramatic composition in 3 acts, by Burt Stoddard. D: 65864. 25 p. 4 . Ts.</td>
<td>Burt Stoddard</td>
</tr>
<tr>
<td>1925.10.23</td>
<td><em>Bringing Up Father in Ireland</em>; a musical comedy in two acts, by Nat LeRoy. D: 73238.</td>
<td>Hillsdale Amusement Co., Inc. [Gus Hill]</td>
</tr>
<tr>
<td>1926.06.10</td>
<td><em>Bringing Up Father in Florida</em>; a musical comedy in two acts, by John P. Mulgrew. D: 75885.</td>
<td>Hillsdale Amusement Co., Inc. [Gus Hill]</td>
</tr>
</tbody>
</table>

Chapin’s “Bringing Up Father, comedy drama in 3 acts” was registered on 12 December 1913. Hill registered a script for “Bringing Up Mother” nearly two years later, although the script appears to only contain a parallel in the title and does not have anything else in common with McManus’ comic strip. In March 1916, the Star Company (the parent company of the New York Journal) submitted a sixteen page typescript that they registered for copyright and credited McManus with writing the script. The first page of the registered script originally credited Charles W. Goddard as the author and the International Film Service as the copyright applicant, but both names were struck out and replaced with McManus and the Star Company. In 1923, Burt Stoddard registered his twenty-five page “Jiggs and Maggie at Home.” Hill registered two more scripts in 1925 (“Bringing Up Father in Ireland”) and 1926 (“Bringing Up Father in Florida”) under his corporate name of the Hillsdale Amusement Company.

In 1936, the Samuel French company registered their publication of Bruce Brandon’s Bringing Up Father and licensed the play to amateur theatrical groups. The introduction of Brandon’s play noted the flexibility of the script, in that it could “be played as a straight farce or, if desired, popular numbers may be interpolated,

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98It is not known how many amateur productions of this script were mounted. An inquiry with the Samuel French offices in New York confirmed that they did not retain those kinds of records from the 1930s and 1940s.
special places being designated in the manuscript for specialties." Brandon also supported the necessity and popularity of his script based on Hill's successful touring of the shows in the 1910s and 1920s.

On the strength of the many years that this sensational play toured the principal cities of the United States and Canada, the very title of "Bringing Up Father" should mean a complete sell out for you at the box office; to say nothing of its exceptional record as America's funniest and most popular cartoon . . . . "Bringing Up Father" will need no introduction to your audiences. They'll howl, they'll scream, they'll love it--just as we've all been doing for all these years every time we read George McManus's famous cartoon.

Brandon notes here that the title Bringing Up Father should be enough to guarantee the success of the show, and implies that even the most meretricious of productions should do well based on the title alone.

Gus Hill was almost immediately attracted to Bringing Up Father as a possible show and made several announcements that he sought to produce it as soon as was possible. In the first year Hill announced that there would be a production touring before the end of the 1913-1914 season. Hill was able to make good on his promise, with a company that featured Ross Snow as Jiggs and a script and music supplied by Thomas Swift and John P. Mulgrew. The entertainment joined the other Gus Hill companies on the road, including the five touring companies of Mutt

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99 Bruce Brandon [pseud. of Wilber Braun], Bringing Up Father (New York: Samuel French, 1936) 3.

100 Brandon 3-5.


and Jeff in Panama. Correspondents for the New York Dramatic Mirror reported that
the show was playing to "crowded houses" but that audience reaction was
definitely mixed. Some reporters noted that audiences were pleased with the
entertainment, while others noted that the show "failed to make much of an impression."

At the end of the 1913-1914 season, Bringing Up Father played a four week
engagement at the Globe Theatre in Boston. During the first week of the run, the
Boston American (which just happened to publish the Bringing Up Father comic strip)
published several short pieces about the show, all of which gushed with enthusiasm.

About the nearest approach to the craze for dancing is the present-time vogue
of dramatized newspaper comics. This leads us to "Bringing Up Father,"
which is having a merry and prosperous run at the Globe Theatre. The
George McManus pictures in the Boston AMERICAN which show "father"
and his family in an awful struggle with society present human nature at its
best--and at its funniest. In the musical comedy version, which Gus Hill has
embellished with a score of pretty girls, lively music and attractive specialties,
the brightest features of Mr. McManus' quaint pictures are faithfully
reproduced. "Bringing Up Father" is really musical farce--and worth
seeing.  

On the same page, the Boston American also noted that the play was just entering its
second week, was "providing a new brand of fun for play-goers," and that Ross
Snow's performance was "a joy that cannot be adequately described in unemotional
type."

105 Nicholas Young, "Real Novelty of the Week are the Vernon Castles at Boston
In June 1914, Gus Hill announced that for the season of 1914-1915 he was sending out four companies of *Bringing Up Father* and five companies of *Mutt and Jeff in Mexico*. Hill also announced that he was sending three other attractions on the road, including a show in which the entire cast and crew were female. But for *Bringing Up Father*, there was to be an interesting twist:

Mr. Hill will offer a decided innovation next season with his production of the George McManus cartoon play, “Bringing Up Father.” Each one of the three traveling companies will use a different version of the play. There will be three distinctly different scenic productions, books, music, and costuming, etc. While “Father and Mother” will be in each version, the secondary characters will vary. By this method it cannot be claimed that there is any Number Two, Three, or Four organization. They will all be Number One companies. The Eastern company of this season will be the Western of next season. Indications are that “Bringing Up Father” will rival the extraordinary success of “Mutt and Jeff.”

There was no further mention of the three different versions of *Bringing Up Father* after this initial announcement. This innovation was not widely advertised nor commented on further, if it was used at all.

**Subsequent Productions of *Mutt and Jeff* and *Bringing Up Father***

In the 1914-1915 season, Hill had eight productions on the road (five companies of *Mutt and Jeff in Mexico* and three companies of *Bringing Up Father*)

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107 "Gus Hill Active," *New York Dramatic Mirror* 17 June 1914: 11. There is conflicting information in this article being the announcement of four *Bringing Up Father* companies followed with a discussion of the “three traveling companies” with “three distinctly different” productions. There were in fact three productions of this show during the 1914-1915 season.

108 "Gus Hill Active."
and depended only on cartoon theatricals for his income during that season.\textsuperscript{109} In
December 1914, Hill wrote to the \textit{New York Dramatic Mirror} to respond to rumors of
unfavorable business conditions, which he disputed based on his own experience.

While the air is full of howls of dismay concerning bad business, my shows are doing fully as well as last season. I have not, and do not intend to close any of them. There must be a reason for this. I am giving the people just what they want—light comedy with music. If the theatrical managers would get out and hustle, instead of getting cold feet and laying down, this so-called business depression would quickly disappear. Without exaggeration, my office is the only one on Broadway in which there is an air of cheerfulness. Never-changing business enthusiasm is my motto. When things look the darkest I make my greatest efforts. Surely you can afford to accept the advice of a successful man. President Wilson’s remark about the hard times being psychological was more truth than fiction. The people have the money, but have lost their aggressiveness and will not circulate it. They have closed up like a clam. American business men have lost their nerve. To my mind it is incomprehensible that the American public have allowed a war in Europe to whip them without a fight. Think this over.\textsuperscript{110}

Hill’s comments here were typical of other remarks that he passed regarding business conditions or management strategies in the course of his career. However, with
World War I approaching, Hill was offering cartoon theatricals to the public, and they responded to his shows with enthusiasm.

Many of the notices in the press for \textit{Mutt and Jeff} and \textit{Bringing Up Father}
read as if they came directly from Hill’s advance publicity people. The \textit{Los Angeles Herald} noted that “theatrical history records the fact that a cartoon play is seldom successful unless it is under the banner of the ‘Daddy’ of cartoon play productions,


\textsuperscript{110}“On The Rialto.”
Two days later, another article praised Hill for his business sense in adapting comic strips for the theatre.

Mr. Hill was the first manager to see possibilities in Bud Fisher’s “Mutt and Jeff” series of pen sketches and his foresight has netted him a small fortune. This season he duplicated his original idea by introducing George McManus’ “Bringing Up Father” family to the spotlight. Last night’s performance is proof that his judgement was again right, if an enjoyable entertainment can be taken as a criterion.

The characters in the play are strikingly similar to those you have seen in the comic pages of the newspapers, only they move and talk and are lifelike, just as though they have leaped out of the inanimate cardboard on the artist’s easel. Father and Mother, the chief figures of the story, are hilariously amusing in their grotesque make-up, while the others sing and dance after the usual fashion seen in popular-priced musical comedy.

If “Bringing Up Father” depended solely upon the singing or the facial beauty of its girls it wouldn’t have one chance in a thousand of “getting by,” and evidently Mr. Hill realized this, for he has woven most of the play around the two leading characters, Father and Mother, and these two individuals are themselves a whole show.112

Similar statements about the show (credited to Hill’s publicity person) were published when the west coast company of *Bringing Up Father* (Co. 2) toured up the coast to a one night stand at the Clunie Theatre in Sacramento.

The producer has arranged a cast of specialty people and, in fact, the show is a big vaudeville performance, continuous and equal to any three of the big time programs, according to the enthusiastic press agent. He bubbles over also into the announcement that the comedy is all charm, ginger and pretty girls.113

Four days of advance publicity followed, with announcements and advertisements in the local newspapers. The *Sacramento Bee* wearily published another brief article

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about the show, noting that “special claims as to the beauty and elaborateness of the costumes and the effectiveness of the stage equipment are made by the press agent.”114 The day after (when the Bringing Up Father company was making its way to Chico) the review told another story. E.S. Carroll wrote that “not a thing about the conglomerate of caperings, bandying of coarse remarks and attempted warbling of songs branded the piece as amusing in any particular.”115 Carroll found fault with nearly everything in the show, including poor material, bad acting, and tasteless humor.

Tom Haverly, in the character of father, did slapstick comedy of the coarsest and most unlikable kind. He is crude in his methods, slow in action, awkward and evidently lacking in versatility and without a vestige of talent. Some of his lines were so vulgar they should have been barred from utterance. His attempts at humor were so far-fetched as to be wearied with the journey and too weak then to get over the footlights.

As the butler, Nat H. Webster gave a disgustingly effeminate character impersonation which could have found approval only in the mind of degeneracy. He enacted the most offensive role that has been seen here for lo, these many seasons.

The girls of the chorus were not young, pretty or shapely. Over the faces of a number of them age and world weariness played peek-aboo with vanishing youth in almost as kaleidoscopic manner as the shades of changeable silk come and go with the play of lights.116

Carroll’s criticisms were not unique and represent one end of the spectrum of reviews for cartoon shows. A company of a show received widely mixed reviews during its


115E.S. Carroll, “McManus Musical Comedy Sets New Record at Clunie: Limit of Extreme Punkness was Reached When the Cartoon Production was Turned Loose,” Sacramento Bee 25 Feb. 1915: 14.

116Carroll.
tour depending on a variety of factors. Company two of *Bringing Up Father* continued up the west coast to Seattle, where it played a week-long engagement. A correspondent with the *New York Dramatic Mirror* wrote that the show was “presented in a highly entertaining manner by a capable company before houses averaging good business.” Despite mixed reviews, Hill’s offices continued to report that the three companies of *Bringing Up Father* and the five companies of *Mutt and Jeff in Mexico* were playing to full houses wherever they went during the 1914-1915 season.

The following season, 1915-1916, Hill produced three companies of *Bringing Up Father*, four companies of *Mutt and Jeff in College* and one company of *The Boy Scouts*. For the next season Hill continued to send out multiple companies of both shows, with two companies of *Bringing Up Father in Politics* and three companies of *Mutt and Jeff’s Wedding* touring in the 1916-1917 season.

During the 1917-1918, Hill sent out only one company each of *Bringing Up Father Abroad* and *Mutt and Jeff’s Divorce*, although he sent out a dozen shows in the course of that season. Hill’s focus on the *Mutt and Jeff* and *Bringing Up Father* shows in the 1914-1915 season broadened to include other cartoon theatricals toward the end of the 1910s and a variety of other shows, all of which were produced at “popular prices.”

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118 Hill was challenged on his use of the title and was forced to change it to *Momma’s Baby Boy*. See “Changes Scouts Title,” *Variety* 10 Mar. 1916: 3.
Fisher v. Hill (1925)

Hill’s control over the Mutt and Jeff cartoon theatricals began to slip on 30 September 1919, when he ceased payment of dramatic royalties to Fisher.\textsuperscript{119} Hill’s reasoning was simple: in 1916, Fisher began to produce and license others to produce a series of brief animated cartoons based on the Mutt and Jeff comic strip, which Hill perceived as an infringement of his theatrical rights. As discussed earlier in this chapter, Hill had a precedent with his 1914 case against Whalen and Martell which affirmed that Hill had recourse against those who diminished the demand for his shows by producing shows based on the same material. It is unclear whether this was Hill’s true reason for non-payment of royalties to Fisher, or if there were other factors which motivated this decision. The lack of clarity derives from the fact that Hill continued to pay royalties to Fisher from 1916 through 1919, although the cartoonist assigned rights for the animated short features.

Another key factor in the disagreement between Hill and Fisher was the series of court cases between the Star Company (New York Journal), the Wheeler Syndicate and Fisher. Fisher did not agree with Hill’s position and sued him for non-payment of royalties.

In 1923, Hill decided to counter-sue Fisher for the amount of $750,000 “damages as his share of the picture rights.” Hill’s claim was summarily dismissed.

\textsuperscript{119}Royalty payments for the Mutt and Jeff shows were three percent of the gross receipts. Hill paid this percentage from 20 Feb. 1911 (when the agreement was initially ratified) to 30 Sep. 1919 (when he abruptly ceased payments). \textit{See} “Gus Hill Loses Appeal on Bud Fisher’s Judgement,” Variety 6 May 1925: 20.
and he was further enjoined from producing *Mutt and Jeff*. Hill’s organization released an announcement that they would “withdraw *Mutt and Jeff* from the road next season, having planned to keep the cartoon piece on the shelf for at least two years, after which it will be revived.” Hill quickly decided that *Mutt and Jeff* would be replaced with another cartoon theatrical, *The Gumps*.

In 1924, Fisher was awarded $23,864.39 for unpaid royalties, following a jury trial in the New York Supreme Court. Fisher eventually won the legal battle, culminating on 1 May 1925 with a decision rendered by the Appellate Division of the New York Supreme Court. Ultimately, the verdict was decided on the merits of how each party defined “dramatic representation.” Fisher contractually assigned Hill with the rights to dramatic representation, which Fisher later said related only to the live theatre and Hill claimed included any type of enactment outside of Fisher’s comic strip.

There were several early film ventures that featured *Mutt and Jeff* characters (with live actors and with animation) that Hill was not involved with. The Nestor Company produced twenty-five live-action films featuring the comics Drane and

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122"Hill Nicked Again, Gus Consistent Loser; Bud Fisher Awarded $23,864 for *Mutt and Jeff* Royalty," *Variety* 17 Jan. 1924: 8. The award reflected the unpaid royalties on *Mutt and Jeff* for the four year period from late 1919 to early 1924 on estimated gross receipts of $795,479.66.

123*Fisher v. Hill.* All further references to this case are from this citation.
Alexander as “Mutt and Jeff” between 1911 and 1912. Pathé Frères Company released at least thirty-six animated Mutt and Jeff cartoons throughout 1913. The Mutt and Jeff Weekly, Inc. (also referred to as Mutt and Jeff Films Inc.) was formed in early 1916 with the goal of producing three hundred feet of film per week of Mutt and Jeff animated cartoons; the company released at least seventeen of the films in 1916. From 1917 through 1926, Bud Fisher Film Corporation and the Associated Animators companies produced more than 250 other Mutt and Jeff cartoons.

Initially, Hill contracted these rights in order to produce musical comedies. The court recognized that he “produced by actors on the stage as distinguished from screen picture productions,” and that Fisher’s animated cartoons featured “neither living actors, dummies, puppets or silhouettes” but were “produced entirely by means of pen and ink outline drawings.” It is obvious from the court’s description that an account of the Nestor Company’s Mutt and Jeff films did not enter this discussion of Fisher’s licensing. Fisher’s counsel argued that since Hill did not object to Fisher’s animated cartoons, nor attempt to produce other forms of “dramatic representation,” he agreed with the implicit limitations of the contract and silently sanctioned Fisher’s rights to produce and license the animated cartoons.

124 “Mutt and Jeff Film,” Variety 7 Jan. 1916: 25. Fisher was noted to be responsible for the weekly plotting of the series, which was designed to be topical and “follow the news to a certain extent.” See also “Mutt and Jeff Coming,” Variety 3 Mar. 1916: 24.

There were several small details lost in this trial and perhaps forgotten by Hill at the time. Aside from the twenty-five *Mutt and Jeff* films of the Nestor Company in 1911-1912 that featured live actors, Hill briefly entered the business of film with the Nonpareil Film Company Corporation in 1914. As mentioned in Chapter I, Hill announced his intention to produce filmed versions of all of his stage successes, particularly his cartoon shows *Bringing Up Father*, *Mutt and Jeff*, and *Happy Hooligan*. Despite the arguments of Fisher’s counsel and the court, *Mutt and Jeff* had appeared as a film with “living actors” and Hill had shown an interest in the film versions of his cartoon shows, although he never became a successful film producer. It is unclear why these details not mentioned or why Hill lost this case on these grounds.

Hill’s stance with his cartoon shows was extremely protective, as is evidenced from his efforts to protect his material. By 1923, his measures had become extreme in that he had been writing a clause into his contracts for several years that prohibited theatres booking his cartoon shows from booking any other cartoon shows either thirty days previous or following the dates for Hill’s show. This became a significant problem when the producers of *Barney Google* adopted a similar contractual clause, forbidding the booking of other cartoon shows just before or just after within a certain period of time.

The bookings for the five companies of *Bringing Up Father* were made after the two *Barney Google* companies. To correct the situation, Hill tried to intimidate the managers to either cancel their other booking or possibly face Hill’s boycott of
their theatre. Several managers relented and rearranged their schedules, but the
*Barney Google* producers countered with the threat of cancelled engagements. The
producers flooded “theatre managers throughout the country with advertising matter
and letters which say that their individual shows are the best” with claims based on
their shows’ early season grosses.\textsuperscript{126}

*Bringing Up Father in Ireland* at the Lyric (1924-1925)

Hill produced at least three companies of *Bringing Up Father* for the 1924-1925 season, with the “first” company (managed by Gus Hill), a “second” company
(managed by Hill’s brother, Harry), and a “third” company (managed by E.J.
Carpenter). As noted above, the “first” company of a show was given the longer
engagements in larger East coast cities, the second company usually toured to smaller
Eastern and Midwestern cities, with third or forth companies touring to either the
Southern states or to the Pacific coast and Canada. Gus Hill’s company was intended
to be the “first” company with higher quality and better engagements, Harry Hill’s
company toured through the East and Midwest, and Carpenter’s company began its
tour near Chicago and then travelled to the Pacific coast.\textsuperscript{127}

Although descriptions of the plots from the three shows are very similar, there
were at least two different creative teams credited with having written them. Gus

\textsuperscript{126}“Contracts Confuse Country Managers; *Barney Google* and Gus Hill in Conflict

\textsuperscript{127}“Shows Opening,” *Variety* 16 July 1924: 13.
Hill’s company of the show, *Bringing Up Father in Ireland*, featured a book by Nat LeRoy, lyrics by R.F. Carroll and music by Seymour Furth and Leo Edwards.\(^{128}\) Harry Hill’s company, *Bringing Up Father*, featured a book by John P. Mulgrew and music by Leo Edwards, but appeared to have the same plot as Gus Hill’s company of *Bringing Up Father in Ireland*.\(^{129}\) Carpenter’s company was publicized as *Bringing Up Father in Ireland*, but the limited sources do not include these credits.\(^{130}\)

Harry Hill managed a company that was produced not by his brother, but by the Hillsdale Amusement Company. This version featured Pete Curley as Jiggs Mahoney and Belle Belmont as Maggie. An anonymous reviewer from *Variety* saw the show in Worcester, Massachusetts and noted that it would “please those who like an entertainment that requires no mental strain.”\(^{131}\) The review praised the entire production except for the script, which provided “an excuse for the funny lines and hokum.” Although Belle Belmont was noted as having “a Sandow physique,”\(^{132}\) the reviewer noted that the casting was excellent, the performers highly skilled, and the makeup was “perfect.”


\(^{132}\)Sandow was a famous strong man who made appearances in vaudeville and other entertainments. *See* Laurie 33.
Hill faced certain financial limitations with his productions during the 1924-1925 season. By that time he had been sued by James J. Dealy, Frederick V. Peterson, and Bud Fisher, and was liable for approximately $60,000 in settlements and costs to the three men. In late 1924, Hill filed for bankruptcy in the New Jersey Federal Court under his legal name of Gustave Metz, drawing the attention of his creditors and the press (including the New York Times and Variety). On 28 December, the New York Times briefly noted Hill’s unsuccessful attempt to file bankruptcy without due notice to his creditors, but they did not publish further articles about Hill or his difficulties. Variety followed suit soon after with a front page story of Hill’s attempt to file bankruptcy and they continued to regularly publish reports of Hill’s difficulties. Hill was regularly accused in the 1924-1925 season of a cheapness with his shows, which is better understood in the context of his legal and financial difficulties.

Gus Hill’s company of Bringing Up Father in Ireland became quite possibly the best known of the cartoon theatricals, or at least the most notorious. Early in the tour Variety noted that the production was substandard, even for a cartoon theatrical. In late January it was announced that the show would open at the

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134“Gus Hill’s Own Bankruptcy Stopped; Bud Fisher Alleged Concealed Assets by Manager,” Variety 7 Jan. 1925: 1, 60.

Lyric Theatre in New York in the spring as a regular attraction.\textsuperscript{136} Just before the New York segment of the run, Gus Hill’s company of the show played a week-long engagement in Baltimore, where it grossed nearly $14,000 from a top ticket price of $1.50. \textit{Variety} noted that reviews of the show were divided on the show, with the \textit{Sun} finding “little to praise” but that the Hearst newspapers “warmed up to it quite nicely.”\textsuperscript{137} The chief difference between the newspapers was that Hearst’s carried the \textit{Bringing Up Father} comic strip and the \textit{Sun} did not. It appears that Hearst’s theatre critics thought it was in bad form to criticize a show based on a popular comic strip published in their newspaper.


The most positive review was published in the \textit{New York Daily Mirror}, which praised the show.


\textsuperscript{137}"$14,000 for Father; New Cartoon Show in Baltimore at $1.50 Last Week," \textit{Variety} 25 Mar. 1925: 23.
With the addition of melodious music, breezy dances, droll comedians, pretty and peppy girls, picturesque scenery and colorful costumes, the theatrical realization of McManus’ famous cartoon proved a laugh riot with the first nighters.¹³⁸

The most rational review appeared in the *New York Times*, whose critic noted that the show partially disarmed criticism by calling itself a “cartoon musical comedy.”¹³⁹

The writer continued that “it may be that the Lyric should also be visited by students of Americana, for *Bringing Up Father* is at least a minor American phenomenon, and perhaps a major [one].”

A third positive review was from Alan Dale of the *New York American*, who nostalgically recalled the *Foxy Grandpa* cartoon show at the Fourteenth Street Theatre in 1902. Dale noted how natural it was for cartoon theatricals to exist.

The theatre takes heed of the popular cartoonist, naturally. The theatre has viewed all the youths and youthesses who pore o’er the cartoonists imaginings, shriek o’er them, and never miss them. So, the wily theatre dramatizes them, and hopes for the best.¹⁴⁰

He also noted that there was a specific audience for this kind of material.

George McManus’ types were all there for the benefit of those who like living cartoons, and who seem anxious to view their newspaper pets in the glow of the footlights.

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He further commented that the enactment of cartoon characters was a difficult enterprise in that the actors had to make specific choices that were not explicit in the source material.

They may have had their own ideas as to how their favorites would “act” or “speak” or “sound,” but the theatre loves to inject its ideas into those they may have formed themselves. Far be it from me to project my own poor thoughts on the subject of these types. They are too popular to stand for the interference of such an unpopularity as a mere critic.

If Dale found any fault with the show it was with the book by Nat Leroy, which he felt worked against the actors. Dale’s review was far from recommending the show to anyone, except to people “who like living cartoons.” However these three reviews were the least sarcastic and damning of those published in the first three days following the show’s opening.

The other reviews criticized the show unmercifully and perhaps rightfully so. The *New York Graphic* included a guest review of the show by a housewife, Mrs. H.M. Andrus, who commented on the uneven quality of the show: “Yet, on the whole, I found the comedy amusing, and don’t think it a bad night’s entertainment, if one cares for that sort of thing.”*141* Mrs. Andrus admitted that parts of the show were “really good,” with other parts were “disgustingly bad,” concluding “I suppose there are people who like slapstick comedy seasoned with divertissements that take in dancing, singing, monologues and violin solos.”

The reviewer from the *New York Times* noted that versions of the show had been touring for some time and the present production had some chance of success in a New York Theatre.

It was designed in the beginning as road entertainment, and its continued success there has finally encouraged the management to bring the production to New York. This has not been a decision hastily arrived at, for “Bringing Up Father,” in its various editions, has been entertaining the lesser towns for some ten seasons, and on occasions there have been half a dozen companies on tour. It is more than probable, accordingly, that there is a public for it in New York.\(^{142}\)

The other reviews created the false impression that this was the first time a *Bringing Up Father* show played a New York theatre, previously only touring to road houses and playing to uneducated and unenlightened audiences. The reviewers made numerous acerbic references that contributed to this:

“Bringing Up Father” stepped out of George McManus’s comic strip on to the stage of the Lyric Theater last night to make its bow to New Yorkers after touring the country for ten years.\(^{143}\)

It is said that they have been “Bringing Up Father” for a long time, on the road—bringing him up to Broadway. He is not very funny after he gets here and it is hardly to be imagined that his stay will be protracted.\(^{144}\)

The misguided person who brought “Bringing Up Father” into town after a career of some years on the road neglected to put his name on the program. He was wise, for even the most hard-headed producer would hesitate a long time before connecting his name with such a mess of rubbish . . . . The

\(^{142}\)“*Bringing Up Father* Here.”

\(^{143}\)Andrus and F.M.

whole thing might meet the demands of a small town "sociable" or ten-twenty-thirty, but it doesn't belong on Broadway.  

"Bringing Up Father" is an intrepid venture, in that it shows Mr. Hill introducing the much-vaunted cartoon play of beloved memory in the hinterland and taking root on Broadway--or environs.

It is said that entertainments of similar title and intent have been touring rural districts for ten years. It was only a trifle better company than the usual one-night stand aggregation that entertains at the Lyric.

"BRINGING UP FATHER," the McManus cartoon musical comedy, which made its Broadway debut last night at the Lyric Theater, is Gus Hill at his best. It is a hall show that would be a knock-out in Newton, Kan., glorified enough to make it "get over" in Topeka. As a Broadway attraction, it just isn't.

For the last decade or thereabouts "Bringing Up Father" has been known as a "popular road show." As a matter of fact, to the provincial playgoer it has taken a place in musical comedy somewhat similar to that held by "Uncle Tom's Cabin" in our American drama.

A majority of the reviews were similar to each other, focussing on the fact that the show had been touring for ten years and had just recently come to Broadway. Many


reviewers considered the show poorly executed and one compared watching the show to "looking at a thousand comic strips of the same characters."¹⁵⁰

Variety began a campaign against Bringing Up Father in Ireland in their 1 April issue, with a review by Edba and references to the show in two other articles. Edba’s review was the cornerstone in the campaign, which developed the argument against the show with a series of key points.

- Hill was not taking credit for the production;
- Hill’s promotion of the show was false and misleading;
- the show was a road show;
- the actors were non-professional (non-Equity);
- the production was amateurish and low in quality;
- the musical’s book and music were poorly written;
- the scenery was inappropriate to the settings described;
- the tickets were overpriced ($2.75 each); and
- audience members walked out of the show in large numbers.

Edba’s greatest complaint against the show was its poor quality, but noted that not everything associated with the show was bad.

The redeeming feature was the chorus of mostly good lookers and at all times good steppers. Six of the girls contributed solo work in the first act that was the outstanding feature of the performance.¹⁵¹


Edba’s second greatest complaint was against Hill for his presumption in bringing the inferior production to Broadway with claims of the show’s adequacy.

The two other articles that appeared in *Variety*’s 1 April issue were also critical of the show, using *Bringing Up Father in Ireland* as a case in point for two different stories. The front page carried the story “1st Non-Equity Show in N.Y. Flops: ‘Terrible Turk’ Is Applied to Gus Hill’s *Bringing Up Father*.” The article claimed that the show was “the first cartoon-play to reach Broadway” and the “first completely non-Equity attraction to play New York in five years.”

Actors’ Equity, a professional union for actors, was reported to have no interest in interfering with the show or requiring the cast to join the union. The stage hands and musicians’ unions also ignored the production rather than press the issue. *Variety*’s second article, “‘Turkey’ Show on Broadway Starts Street Laughing,” discussed *Bringing Up Father In Ireland* as it typified the “slack periods in the spring” when poorer quality shows were able to book time in New York theatres.

*Variety* made several references to the show in the weeks that followed, including theories as to why the show even opened at the Lyric Theatre. One article forwarded the information that Hill had only a small investment in the show and that he was probably able to work out a special deal with the managers of the theatre. From the available reports on the show, it appears that Hill prepared for this New

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152“1st Non-Equity Show in N.Y. Flops: ‘Terrible Turk’ Is Applied to Gus Hill’s *Bringing Up Father,*” *Variety* 1 Apr. 1925: 1, 8.

153“‘Turkey’ Show on Broadway Starts Street Laughing,” *Variety* 1 Apr. 1925: 21, 22.
York engagement as he would for any other city, including his use of "road frame" displays in the theatre lobby.

Hill's lobby display at the Lyric is getting many laughs. In the front frames, the regular three-sheets are stuck, jammed in, as they are too large for the frames. On the side of the frames small heralds are tacked, while inside the road frames are displayed and on other frames cheap pictures and drawings of the cartoon strip are also tacked but not framed.\[154\]

It appears that Hill was investing less in production or promotional costs in his later years, possibly due to his financial difficulties and attempts to file bankruptcy.

In addition to complaining about the quality of the show, Variety accused theatre critic Alan Dale with nepotism for "side-stepping" a legitimate opinion and writing a (falsely) positive review of the Lyric Bringing Up Father.\[155\] In their 8 April issue, they guessed that Dale's affiliation with the New York American prevented him from having a negative opinion of the show, as McManus' comic strip appeared in the same newspaper. Variety also intimated that Dale left the theatre during the first act and could not possibly render an informed opinion of the show.

In Variety's 15 April issue, they happily noted that Bringing Up Father in Ireland was closing at the end of its third week at the Lyric.\[156\] A week later, in the 22 April issue, Variety noted that one of the other companies of the show closed with a $10,000 loss for the season, the first reported loss for a Bringing Up Father


show.\textsuperscript{157} Gus Hill’s company of the show was still scheduled to open the week of 26 April at the Olympic Theatre in Chicago with promotional materials carrying the proclamation “Direct from the Lyric, New York.”\textsuperscript{158} Instead of the indefinite run for the summer that Hill had planned, the company closed after only two weeks due to the poor quality of the show.\textsuperscript{159} Little was written about the third company of the show (managed by E.J. Carpenter) and it is unknown if it was successful, but the first and second companies were both financial and critical failures.

\section*{Conclusion}

Gus Hill’s productions of \textit{Mutt and Jeff} and \textit{Bringing Up Father} were tremendous financial successes through the 1910s and into the early 1920s and he depended on these two shows for his income for several seasons. Hill’s rights for \textit{Mutt and Jeff} were later called into question by Bud Fisher, which created a situation whereby Hill was pirating his own show because he was not paying royalties to the cartoonist. Hill was further challenged with other lawsuits and by a critical lambasting of \textit{Bringing Up Father in Ireland} when it played New York’s Lyric Theatre in 1925. These later events were difficult for Hill to overcome and he next

\textsuperscript{157}“Hill’s \textit{Father} ‘Turk’ Lost $10,000 on Road; New York Notices Boomeranged After Flop at Lyric, New York,” \textit{Variety} 22 Apr. 1925: 17.

\textsuperscript{158}“\textit{Father} in Burlesque,” \textit{Variety} 22 Apr. 1925: 17.

\textsuperscript{159}“Same \textit{Father} in Chi.,” \textit{Variety} 6 May 1925: 23.
produced his cartoon theatricals for the Columbia Burlesque Wheel, that he helped found as the Columbia Amusement Company in 1902.
CHAPTER V

CARTOON THEATRICALS IN BURLESQUE --
MUTT AND JEFF AND BRINGING UP FATHER

Introduction

From the season of 1925-1926 to 1927-1928, the primary venue for the cartoon theatrical was the burlesque circuit, although some were still produced for other parts of the road theatre and abbreviated shows appeared as “tabloids” in vaudeville. This chapter discusses the three seasons in which these shows were in burlesque theatres. These cartoon theatricals were not performed in what is typically thought of as a “burlesque” style, but were added to the Burlesque repertory for several season.

Cartoon Theatricals and the Columbia Burlesque Circuit

The description of a “typical” burlesque show does not apply to all of the shows that played burlesque theatres. A standard definition of burlesque is “a variety show characterized by broad ribald comedy, dancing, and striptease”¹ often including the perception of the “commercialized sex show” featuring “lavish . . . tempting and

beautiful women.” While this may describe many of the shows that played burlesque theatres, there were usually also a small handful of “clean” burlesque shows and other entertainments included for variety. The gap between “typical” and “clean” burlesque was defined by efforts for reform led by Variety’s Sime Silverman. Irving Zeidman noted that a reform pattern for burlesque developed after 1905 when the form became “established and entrenched.”

1. A handful of clean shows and the prediction that in contrast to prior periods of dirt and smut, burlesque had at last come of age and was now clean, specializing in slapstick and/or satire.

2. A preponderance of dirty shows which, inexplicably, made money.

3. Sensational newspaper articles alleging that in contrast to prior periods when burlesque was clean, specializing in slapstick and/or satire, current shows were dirty and smutty.

4. The inevitable police raids and cries for reform.

5. The burlesque producers promising to overhaul their shows, to institute their own censorship committees: “We will personally see to it that nothing offensive will henceforth be tolerated in any of our shows.” Then, waiting out the storm for a few weeks, then proceeding as if nothing had happened.

6. Sime Silverman tearing his hair out.

Gus Hill’s involvement in burlesque included his public pronouncements of intolerance for anything improper or sensational. This earned him a reputation as

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3Zeidman 12-13.
being “a great champion for female decency” in the morally suspect world of burlesque.

“Our girls,” he declared, “didn’t show so much as a bare arm. They were covered up to their wrists and even if they did wear tights they were never flesh-colored, always some other color.”

Similarly, he tried to avoid the use of the word “burlesque” in connection with his shows as a suggestion of anything off-color or improper. In 1905, Hill’s affiliation with the Eastern Burlesque Managers’ Association led to a slight change in policy.

As the Eastern burlesque managers have so many first-class theatres to play these attractions in, it has been decided to not use the word “Burlesque,” but to advertise and get out printing with no objectionable features and call them musical extravaganzas. The companies will be organized on a larger scale and costumers and scene painters are working day and night. The best talent has been secured and nothing will be left undone to make these attractions the largest and most refined musical entertainments on the road.

Hill remained associated with burlesque throughout his career and regularly made public statements to clarify his position on the genre.

Hill was involved with burlesque in the late nineteenth century and formalized his connection in the early twentieth century. The Columbia Amusement Company was incorporated on 12 July 1902 by Hill and fifteen other theatrical producers. The Columbia Amusement Company was a burlesque organization from the day of its founding. In later years it became better known as the Columbia Burlesque Circuit,

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5Sobel 99.


Columbia Burlesque or the Columbia Wheel. The “wheel” referred to a repertory system that had, in theory, a set number of shows (28-32, on average) play an equal number of theatres for that number of weeks. Each show was then given one week in each of the wheel theatres. This system guaranteed the producers (with each operating a “franchise”) and the theatres a full season of bookings. This was supposed to eliminate certain risks in planning a tour. Hill and Bob Manchester were active co-producers with Columbia’s first season of 1903-1904, with their offering *The Crackerjacks*. For several years, the two continued to produce three burlesque shows per season, including *The Crackerjacks, The New York Stars, Vanity Fair,* and *Gay Masqueraders*. Hill began out-leasing his two franchise options in the early 1910s, when his *Mutt and Jeff* shows increased in popularity and demanded more of his attention.

In the mid-1920s, cartoon theatricals formerly seen in the American road theatre began appearing on the Columbia Amusement Company’s Burlesque Circuit. During the 1924-1925 season the directors of the Columbia Burlesque Circuit decided that they were going to vary the types of shows produced on the wheel “in an effort to inject more divertissement into the regular burlesque attractions.”

While this change of policy was primarily intended for the following season, they immediately experimented with Hurtig and Seamon’s *Seven-Leven* in the 1924-1925 season.

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8“Columbia Burlesque Planning Change of Present Policy,” *Variety* 28 Jan. 1925: 15. Columbia Burlesque made the announcement mid-season to change their “present policy” of burlesque to be more inclusive of other popular entertainments. “Policy” in this context has roughly the same meaning as “repertory.”
Hill's *Mutt and Jeff* and *Bringing Up Father* were later tested on the Columbia circuit during two open weeks during that season. Both Hill shows were then slated for production in the 1925-1926 season as part of the expanded repertory, introduced to attract more patrons who were "suffering from an overdose of similarity." It was further explained that

The fault lies with the producers who seem reluctant to spend money for new books, preferring to stick to old tried and true bits. As a result several shows on the circuit are using identical comedy scenes with slight variations. The same thing applies to dialogue and songs. One song last season was sung by 19 different Columbia shows at one time or another.10

Cartoon theatricals were tested to see if they could provide some necessary variety to the burlesque audiences. The result was that Hill's cartoon shows attracted large audiences and outgrossed the other shows playing the Columbia circuit.11

**Burlesque and the 1925-1926 Season**

Several cartoon theatricals were produced for the Columbia Burlesque Wheel during the 1925-1926 season: *Bringing Up Father* (produced by Hurtig and Seamon by arrangement with Gus Hill), *Mutt and Jeff* (produced by Moeller and Irons by arrangement with Gus Hill) and the late addition of *Happy Hooligan* (produced by

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9“Columbia Burlesque Planning Change of Present Policy.”

10“Columbia Burlesque Planning Change of Present Policy.”

11“Columbia Burlesque Planning Change of Present Policy.”
Irons and Clamage). In their first full season in burlesque, cartoon theatricals gained the reputation for outgrossing the regular burlesque shows.\(^\text{12}\)

Hurtig and Seamon's *Bringing Up Father* (1925-1926) was not different from Hill's productions of the show from previous years. The plot still centered on the marital spats between Jiggs and Maggie, and the structure of the show was still vaudeville loosely connected around the story. However the sharing agreement Hurtig and Seamon held with Gus Hill began falling apart by mid-October, after a little over a month of production. One reason for this was that Hill placed a manager from his office, Joe Pettingill, with the show so that the receipts from ticket sales could be sent directly to Hill's offices for a preliminary accounting. Hurtig and Seamon were dissatisfied with this arrangement and seized the receipts when *Bringing Up Father* played their theatre in New York. Hill responded by sending his representatives to Sam Scribner, the president of Columbia Burlesque, where they "threatened to prevent the show from opening . . . in Philadelphia unless an adjustment was made with Hurtig & Seamon."\(^\text{13}\) Hill also tried to fortify his position by applying for the dramatic copyright for Nat Leroy's *Bringing Up Father in Ireland* of the behalf of the Hillsdale Amusement Company, Inc., registered on 23 October 1925.


Hurtig, Seamon and Hill fought bitterly over the show. Of thirty-five shows on the Columbia circuit, only ten were reported to be making money. *Bringing Up Father* and *Mutt and Jeff* were two of Columbia’s most lucrative shows, but were also charged with being the most lacking in quality. Producers were charged with cutting “salaries and production to the bone . . . in an effort to break even or avoid the losses” of the previous season. Shows appeared to be “cheap” because producers were unable to spend adequate amounts on casts, sets, and costumes.

Scribner’s response was that if *Bringing Up Father* did not play Philadelphia, Hill would violate his franchise contract and it could be cancelled. The show was making money, but was not “manufacturing any good will for the show behind it.” Despite Hill’s threats, *Bringing Up Father* played Philadelphia. Accusations surfaced that “freak attractions” such as *Bringing Up Father* and *Mutt and Jeff* were creating problems wherever they went.

The reasons for dissatisfaction with the cartoon shows is said to have crystallized from complaints of Columbia house managers and owners of Columbia booked houses, that while both cartoon shows have drawn satisfactory grosses, the show failed to please as an entertainment and consequently the following shows had to discount through loss of patronage.

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15“Hurtig & Seamon Seize Cartoon Show.”

The reviewer also suggested that “the chief complaint against both attractions is the casts and the productions.”

Scribner’s viewing of Bringing Up Father in Philadelphia led to a series of discussions with Hurtig, Seamon, and Hill. Scribner ordered changes to the show before it was allowed to continue its tour. It was not fixed to Scribner’s satisfaction and was soon ordered off the circuit for major changes in cast, costumes and scenery. Of the original cast, Pete Curley was retained as Jiggs, Beatrice Harlowe as Maggie, and Jimmy Connors as Dinty Moore. The show was scheduled to reopen in Baltimore two weeks following its closing. Bringing Up Father was back on the road within a few weeks. Hill dissolved his partnership with Hurtig and Seamon and became the primary producer of the show. The receipts for the show were held by the Columbia theatres until the controversy was resolved. Complete control of the show eventually reverted back to Hill.

In spring 1926, Variety’s Jack Conway wrote an unenthusiastic review, recalling the brief run of Bringing Up Father in Ireland at New York’s Lyric Theatre during the 1924-1925 season. Conway complained that “it’s just as much of a turk now as it was then despite it has been doing business on the Columbia Circuit and is

17“Cartoon Musicals Not Up to Standard.”

18“Cartoon Show Ordered In: Bringing Up Father Not Up to Columbia Stand,” Variety 4 Nov. 1925: 13, 57.

reported as among the first 10 money-getters." He wrote that any success of Hill’s shows was due to audience identification with the comic strips rather than the content of the show:

Any drawing ability must be credited to the title and George McManus’ cartoon strip, which has been running for years. The patrons at this house, who turned out in healthy numbers, lured, no doubt, by visions of a comedy on a par with his comic strip genesis, failed to laugh at the mass of ancient wheezes and medicines and mud show bits that were plastered all over the two acts.\(^{21}\)

Conway made note of some of the show’s “jokes,” as

a blanket of antiquity that includes such bon mots as “He can’t be shot at sunrise; he don’t get up that early”; “Which is correct, I am a fool?”\(^{22}\) and such bits as the tearing of Jiggs’ pants while he is impersonating Pan in a grotesque costume.\(^{23}\)

This version also included “the old seasickness gag” and an “old-timer” bit with “wise pills” which were “abandoned by stock burlesque shows as too far fetched to be funny.”\(^{24}\) This description of the show’s stage business is identical to reports from the 1924-1925 season’s *Bringing Up Father in Ireland*.


\(^{21}\)Conway. .

\(^{22}\)Conway is referring to the following joke:
Jiggs: Which is proper -- I *are* a fool or I *am* a fool?
Dinty: Why *I am* a fool of course.
Jiggs: That’s what I always thought.

\(^{23}\)Conway.

\(^{24}\)Conway.
Other *Variety* writers, including "the Skirt," noted that the show leaned away from burlesque and toward bad musical comedy. While "the Skirt" was primarily interested in the colors and textures of the women's costumes, the writer also observed that "Pete Curley is a weak Jiggs," but Beatrice Harlowe was "happily cast" as the "image of Mr. McManus' Mrs. Jiggs."\(^{25}\) Another *Variety* writer criticized the nine-member chorus, recounting the numbers, costumes, entrances and exits for the whole of the show. While the title of the review was "Burlesque Show Girls No Columbia Sensation," the writer noted "the girls are fairly good singing and the majority good dancers."\(^{26}\)

Warren Irons' *Mutt and Jeff* (1925-1926) was received in the same manner as *Bringing Up Father*. *Variety*’s Edba classified this one as a "freak," closer to a musical comedy rather than a real burlesque. He wrote that the show was "roughed up in spots, perhaps, to give it the burlesque flavor it may have lacked as a low rate road musical."\(^{27}\) One of the problems with the production was that since it was not a burlesque show, people who saw it in burlesque theatres then skipped the next three or four shows. In effect, this destroyed business for the real burlesque shows which immediately followed. This was a problem for owners of the theatres and of the other Columbia Burlesque franchises. The book for this *Mutt and Jeff* was written by

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Frank Tannehill and Bud Fisher. It appeared to be a composite of previous shows, including *Mutt and Jeff at the Races* and *Mutt and Jeff in Mexico*, with scenes at a race track in Havana and a variety of places in Mexico.

The financial success of *Bringing Up Father* and *Mutt and Jeff* led other producers to open cartoon shows for the burlesque theatres. The character of Happy Hooligan was revived for the stages of the Columbia Wheel for the 1925-1926 season by Irons and Clamage, changing the title of their *Gay Old Time* to *Happy Hooligan* in October 1925. The producers easily made the change because the two lead actors were "tramp" comedians. Similarly in December 1925, the Columbia Burlesque show *Chuckles* was retitled *Barney Google* with some minor modifications made in the restaging some of the musical numbers. A fifth show, *Abie's Trip to Paris* (based on Harry Hershfield's *Abie the Agent*) was produced at that time without extensive comment or review. The Columbia Burlesque Wheel began the season with a ratio of one cartoon theatrical per sixteen shows touring the burlesque circuit. By the end of the season this ratio was closer to one cartoon theatrical per six shows.

Another venue for cartoon theatricals in the 1925-1926 season was in vaudeville. "Tabloids" of Hill's cartoon musicals were announced for vaudeville houses in May 1926. Tabloid shows were condensed versions with abbreviated

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28 "Cartoon Musicals Outgross Burlesque on Columbia."


scripts, smaller casts, and limited scenery. These shows were intended to have a running time of forty to sixty minutes and function as one of several acts incorporated into a longer vaudeville show. “Several” of the shows were to be sponsored by Al Lewis with a share of each production held by Hill. Each show was to have six lead actors with eight chorus girls. 31 Unfortunately, tabloid productions are extremely difficult to track and it is unknown if these shows were actually produced and if they met with success in vaudeville.

**Burlesque and the 1926-1927 Season**

Columbia Burlesque’s *Bringing Up Father* for the 1926-1927 season was titled *Jiggs, Maggie and Dinty*, named for the three lead characters. *Variety’s* Edba suggested that these shows shifted from the road theatres to the burlesque circuits “when road spots were no longer plentiful,” still recalling the disastrous run of *Bringing Up Father In Ireland* at New York’s Lyric Theatre in 1925. 32 While time had passed, little had changed. Edba wrote that it was not a burlesque nor a musical comedy but a “freak” and “an anomaly attraction” in the ranks of the “all-colored shows and some of the black-and-white revues.”

The plots of the shows were somewhat formulaic, retaining the basic device of Jiggs’ sudden acquisition of a great deal of money, swiftly followed by Maggie’s

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interest in societal prominence. Maggie desires all of the trappings of wealth, while Jiggs wishes for the pleasures of his simple life, including cards, beer, and corned beef and cabbage. The complication is presented with Maggie’s hopes that her daughter, Kitty, will marry a nobleman. However, Kitty, Jiggs and Dinty prefer someone closer to the dreams and desires of the working class. Maggie’s nobleman is found to be an imposter and the rough youth (usually Dinty Moore’s son) wins Kitty’s hand in marriage. Jiggs’ working class values are validated and Maggie’s social pretensions are mocked.

Edba wrote that Pete Curley as Jiggs, Beatrice Harlowe as Maggie and Ray Mack as Dinty Moore acted out the machinations of the comic strip in a manner “always broad and of the old-school slapstick variety.” He concluded that “Jiggs, Maggie and Dinty may get along as a freak in spots where the road show has not previously traversed, and where character makeup suffices for comedy and the homespun plot still prevails as entertainment.”

Columbia Burlesque was not the only place where Bringing Up Father appeared during the 1926-1927 season. Louis O. Macloon produced a version of Jiggs, Maggie and Dinty which played the Heilig Theatre in Portland, Oregon the same week that Hill’s production appeared in New York. Macloon’s show was similar to Hill’s show, although not identical, as both shows depended on the particular talents of their casts:

The entire show moves much as vaudeville revue and as such keeps the audience amused very much as a characteristic vaudeville show does . . . . The fact that this is the thirteenth or fourteenth visit of Jiggs to Portland in musical comedy is sufficient testimony to the perennial popularity of the Jiggs-
Maggie combination, which seems this season to be bowling along with all the vitality of previous years.\textsuperscript{33}

It appears that Hill authorized this production and collected a percentage of the receipts, but was able to distance himself from being identified with the production. Hill was able to license or lease several of his cartoon shows over the years, but many of these shows have also been difficult to locate as they were often not advertised in the national theatrical trade papers.

Irons and Clamage’s \textit{Mutt and Jeff’s Honeymoon} (1926-1927) opened on the Columbia Burlesque Circuit on August 16 at the Gayety Theatre in Detroit and played one-week engagements at the Gayety Theatres in Buffalo and Rochester, respectively.\textsuperscript{34} Interestingly enough, Nat LeRoy’s script for \textit{Mutt and Jeff’s Honeymoon} was the only authorized or produced \textit{Mutt and Jeff} script registered for copyright. The typescript in the Manuscript collection of the Library of Congress reflects a production that relied heavily on the established relationship between the two characters, vaudeville gags, gender reversals, and screwball comedy. The two acts of the comedy began in the garden of the Grand Hotel in Long Island (I.i) and subsequently moved to a street (I.ii), Honeymoon flats (I.iii), Dr. Yaps’ Sanitarium (II.i), a street (II.ii), ending at the Honeymoon flats (II.iii).\textsuperscript{35}


\textsuperscript{35}Leroy iv.
The humor of the script depends on derisive comments about Jeff’s height, general misunderstandings, verbal play, and longer “vaudeville” jokes. The following exchange between the two characters is typical for this script, and appears also to typify dramatizations of the characters as described in reviews of many of the *Mutt and Jeff* shows:

Jeff

(Cries while he sings)
(Stops him)
Please don’t sing that song Mutt, please don’t.

Mutt

What’s eating you. I’ll sing if I feel like it.

Jeff

Please don’t feel like it Mutt. That song brings back recollections, I don’t want to recollect.

Mutt

Go and hang yourself, I’ll sing when I please.
(Starts to sing again)

Jeff

(Stops him -- cries)
Mutt, for the love of Mike don’t sing.

Mutt

(Surprised)
Why not?

Jeff

Listen Mutt. I lived on a farm with my dear wife and I raised per-tatoes, per beets and per cabbages. I had an old jackass I used to work in the field while I raised my Per-tatoes, per beets and per cabbages and sometimes per-turnips. One day my wife died.

Mutt

Poor L’il Jeffie.
Jeff
And I was left all alone with my per-tatoes, per onions and per cauliflower and one day that old jackass died.

Mutt

Hard luck Jeff.

Jeff
And I sure was left alone with my pertatoes, per parsnips and per horseradish. But how I missed that old jackass. He was a willing worker.

Mutt
For the love of Mike what's all this got to do with my singing?

Jeff
Please Mutt don't sing, please don't.
(On his knees to Mutt -- cries)
Please Mutt Little Jeff is asking a favor,
(Cries -- rises)
Please don't sing Mutt. Please don't.

Mutt
(Affected -- wipes eyes)
Well, what's all your troubles got to do with my singing?

Jeff
I ask you please don't sing, every time you open your mouth, you remind me of that poor jackass.
(Runs off L.1.E. laughing)

Mutt
You Villain, come back here.
(Runs after him)\textsuperscript{36}

The second act includes a long segment that incorporates the use of \textquote{sex change pills} (accidentally taken by the title characters in place of \textquote{headache pills}) to explore the comic possibilities of gender role reversals and transvestism. For an extended period

\textsuperscript{36}Leroy 38-39.
of time Mutt and Jeff become Flossie and Angie, while their female counterparts Gloria and Lucette become George and Harry.  

When *Mutt and Jeff's Honeymoon* played the New York's Columbia Theatre in October 1926, *Variety*’s Conway wrote that the show “laid enough eggs to feed the starving Armenians,” it was “almost 100 per cent barren of comedy,” and “neither Don Clark as Mutt nor Paul Paulous, the midget, as Jeff had a funny moment.”

*Mutt and Jeff’s Honeymoon* closed early in the season, lasting only until early March before ending its tour. Another cartoon theatrical from the season prior, *Abie’s Trip to Paris*, was produced again in the 1926-1927 season, but was ordered off the Columbia Burlesque Circuit in late September by Sam Scribner. Columbia Burlesque produced (or allowed production of) three cartoon theatricals during the 1926-1927 season. Of these three, only *Bringing Up Father (Jiggs, Maggie and Dinty)* lasted through to the close of the season.

**Burlesque and the 1927-1928 Season**

Cartoon theatricals ceased to be a regular part of the American road theatre during the 1927-1928 season. The two notable (and lamentable) cartoon theatricals produced for Columbia Burlesque this season were Gus Hill’s *Bringing Up Father in

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Politics and Moeller and Irons’ *Mutt and Jeff in Paris*. Both shows failed early in the season amid suggestions that the shows were substandard, although the producers blamed other factors such as the unjustifiable expense of royalties for these shows. Of the twenty-two shows on the Columbia circuit at the start of the season, five failed by November 1927, with indications that there were serious financial and artistic problems with those shows. By mid-season, the Columbia Wheel had only half the number of productions from only two seasons previous.

Art Moeller and Warren Irons’ production of *Mutt and Jeff in Paris* opened its season on the Columbia Burlesque circuit on 29 August 1927 in Detroit, Michigan.\(^{41}\) Unfortunately, the show was on the road for only two weeks when substantial problems were noted and that the producers would take steps to “fix” the show.\(^{42}\) The following week it was announced that the production was being removed from the Columbia Wheel.\(^{43}\)

Gus Hill’s *Bringing Up Father in Politics* opened the season on the Columbia Burlesque Circuit on 29 August 1927, in Providence, Rhode Island.\(^{44}\) *Variety’s* Liniam wrote that the humor depended on tried, and tired, jokes.

They have heard most of the wheezes of this show in earlier years and had believed them dead when the new prohibition laughs came in during the war.

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\(^{41}\)“Columbia’s Route.”


\(^{43}\)“*Mutt and Jeff* Taken Off Columbia Wheel,” *Variety* 21 Sep. 1927: 39.

\(^{44}\)“Columbia’s Route,” *Variety* 17 Aug. 1927: 41.
But they all came back, including the old seasick gag and its original line, "Shall I bring your dinner up?" which had many aged companions.\textsuperscript{45}

The same reviewer also noted that the music in the show was "refreshing," singling out the spirit of the songs "Goodie Girls," "Girlie Girls," "Beautiful Faces," and "Hail to the Bride." However, the plot of the show was negligible. The title of the show was \textit{Bringing Up Father in Politics}, the reviewer wrote that the "theme of the production is thin, but serves the purpose of a framework" and that "what politics had to do with the show is still to be determined."\textsuperscript{46} This version still featured seasoned \textit{Bringing Up Father} veterans Pete Curley and Beatrice Harlowe as Jiggs and Maggie, with Jimmy Connors as Jiggs' pal, Dinty Moore.

For the next two months the show played week-long engagements in the northeast before closing in November 1927. Hill claimed that he was forced to close the show due to being over-burdened by royalty payments.\textsuperscript{47} Hill re-opened the production under the title of \textit{Peek-a-Boo} in December 1927 to replace \textit{Bringing Up Father in Politics}.\textsuperscript{48} The casts were the same, but the comic strip characters were omitted from the show. It is unknown if \textit{Peek-a-Boo} fared any better than \textit{Bringing Up Father in Politics}.

\textsuperscript{45}Liniam, "Burlesque Reviews: \textit{Bringing Up Father} (Columbia)," \textit{Variety} 14 Sep. 1927: 39.

\textsuperscript{46}Liniam.

\textsuperscript{47}"Hill Drops Title," \textit{Variety} 9 Nov. 1927: 41; "2 Columbia's Off; Wheel's List 17 Now," \textit{Variety} 30 Nov. 1927: 44.

\textsuperscript{48}"Hill's \textit{Peek}," \textit{Variety} 14 Dec. 1927: 42.
The 1927-1928 burlesque season was financially difficult for many producers, with the failure of shows that had flourished in previous seasons.\(^{49}\) By the end of November there were only seventeen shows on the Columbia Wheel in stark contrast to the thirty-five at the same time during the 1925-1926 season. The collapse of the Columbia Burlesque Circuit was blamed on the unusually poor quality of the shows, but also on the reluctance of producers to invest substantially in the shows. Cartoon theatricals were present during the collapse and possibly indicate faulty strategies that led to the downfall of the Circuit.

**Cartoon Theatrical Activity After 1927-1928**

In the years following the 1927-1928 season, cartoon theatricals appeared in the legitimate theatre, although less frequently. Gus Hill retained his interest in the cartoon theatrical as form of entertainment and source of income. On several occasions, trade papers noted his plans to bring cartoon theatricals to the entertainment-starved masses in remote parts of the country. In 1930 Hill noted his plans to resurrect one of the *Bringing Up Father* shows with a troupe of fifty people for a bus tour of New England and upstate New York to “hit spots where they haven’t seen a show in 15 years.”\(^{50}\) This writer has not yet uncovered if Hill was successful with these plans from the late 1920s until his death in 1937.


\(^{50}\)"Gus Hill’s Incurable,” *Variety* 19 Feb. 1930: 55.
In January 1933, there was another production of *Bringing Up Father* that opened for a trial run tour. Hill did not seem to be associated with this version of the show. However, Ed Hutchison, one of the authors and producers of the show, previously wrote lyrics for at least six Hill cartoon theatricals between the years 1911 and 1921. When the show played Baltimore, the *Variety* critic responded with little enthusiasm, describing the production as “amateur,” “hopeless,” “cheap,” “weak,” and “puerile.” The plot of the show was concerned with a “bogus count who wants to marry Jigg[s]’s adopted daughter for her coin,” but was loosely strung together between long intervals of singing and dancing by members of the company and the fourteen member chorus. Furthermore, the humor of the show was reported to be successful “only on the strict burlesque moments of hokum.” The reporter also noted Bob Capron to be one of the more exceptional performers with his “pansy butler,” further noting “most of the laughs and the real workmanship go to him.” The 1933 *Bringing Up Father* toured for two weeks prior to its premature closing.\(^{52}\)

**Conclusion**

Following Hill’s announcement in 1930, he did not appear to discuss cartoon theatricals with the intent to produce. His discussion of his work became nostalgic and reminiscent, with his focus remaining on retaining his active vaudeville performances and participation in “old-timer” shows. The three seasons from 1925-

\(^{51}\)“Plays Out Of Town,” rev. of *Bringing Up Father*, *Variety* 31 Jan. 1933: 52.

\(^{52}\)“Cartoon Revival Test Ends as *Father* Folds,” *Variety* 14 Feb. 1933: 45.
1926 through 1927-1928 were particularly disastrous for Hill’s cartoon shows and brought an end to his career as a theatrical producer.
CHAPTER VI
CONCLUSION

Introduction

With his participation in the 1927-1928 season, Hill appeared to give up his professional career as a producer. He lived out the final years of his life performing in benefits and nostalgia shows, but never entirely gave up his aspirations to produce shows. This chapter discusses the final years of Hill’s life and the popular perception of his character traits during his life and after his death. This chapter incorporates an overview of patterns and themes in cartoon theatricals from the 1890s through the 1920s and concludes with theories as to why cartoon theatricals succeed or fail.

Gus Hill—After the Cartoon Theatricals

Hill ended his career as a theatrical producer while he was in his early seventies, but he remained active in the theatre as a performer and was still interested in production. He appeared in benefits and nostalgia shows with his club swinging act, but he did not seem to earn a living from performing. Hill performed his act for
several events, including the *Friar's Club Frolic* (1933)\(^1\) and Joe Laurie Jr.'s *Memory Lane* (c. 1935).\(^2\) He performed for other special occasions, including one of the Weber and Fields banquets.\(^3\) In a 1936 article, Zoe Beckley noted that

> He is apt to appear on any stage from Union Square to The Bronx at any minute, tights, medals, glittering Indian clubs and all, and juggle with the same old skill and agility at seventy-eight that dazzled his audiences at twenty-eight.\(^4\)

In the week preceding his death in 1937, Hill wrote to a gentleman that he identified only as "Ray," in hope of co-producing a show featuring the "old-timer" vaudevillians.\(^5\) On 20 April 1937, the day after his third letter to "Ray," Gus Hill died of a heart attack in a hallway of a New York apartment building at the age of

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\(^2\) Gus Hill and Joe Laurie Jr., flyer for *Gus Hill's Minstrels* and *Memory Lane* (c. 1935), Fred Pffening III collection, Jerome Lawrence and Robert E. Lee Theatre Research Institute, Ohio State University Libraries.

\(^3\) "Everybody was surprised when I swung those clubs at the Weber and Fields banquet,' said Gus Hill, Invincible Champion Light and Heavy Weight Club Swinger and Juggler of the World, who meditates a comeback. ‘They didn’t know I [had] been practicing with them every day.’" See A.J. Liebling, "‘Any Man in the House!’ And the Great Gus Hill With His Clubs Outswung Them All," *New York World-Telegram* 7 Nov. 1932, Gus Hill file, Museum of the City of New York. It is possible that Hill performed for the Weber and Fields Jubilee, but he is not specifically mentioned in those reviews.


\(^5\) Gus Hill, three letters to "Ray," 16, 17, and 19 Apr. 1937, Billy Rose Theatre Collection, New York Public Library.
seventy-nine. It is unlikely that Hill left a last will and testament or an appreciable estate. Reports following his death confirmed only scattered possessions and indebtedness, including some four hundred plays (for which Hill held the production rights), many of his club swinging medals and debts in excess of $280,000. Hill was regarded as one of the more affluent managers of his day, but he was considered a pauper at the time of his death.

**Hill’s Character Traits—Patterns and Themes**

Popular perception of Hill’s reputation varied throughout his career, but there were several stories and anecdotes that discussed his character traits that remained consistent. He was known for his tireless energy, enthusiasm, business sense, eccentricity, and prosperity. The earlier reports were generally more positive and reflected a more optimistic perception of his personality. His reputation suffered from several stories that circulated in the late 1910s and early 1920s, particularly about his legal difficulties. Hill was unable to repair the public’s opinion of him from the 1920s until his death in 1937. Hill’s reputation continued to suffer from negative reports after his death.

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7“Gus Hill’s Will Hunted Vainly By 2 Brothers; Fail to Find an Estate, Although Believing He Died Leaving $200,000,” *New York Herald Tribune* 19 May 1937: 20. This is discussed at greater length in Chapter I.
One of Hill’s more enduring traits was that he was reputed to be extremely devoted to his business practices and was described at times as inexhaustible. Articles frequently reported that he was usually engaged in more than one thing at a time.

Every detail of the work is in his grasp. He is known as the man who can do three things at once—receive you at his office, answer the telephone and write a letter simultaneously.\(^8\)

Hill was also recalled as being a somber person with a reputation for being honest and polite.

The secret of Mr. Hill’s success can possibly be ascribed to his shrewd sagacity, his untiring energy and his unquestionable honesty in all dealings. He is a man that grasps a situation and is quick to see what the public demand and quicker to supply it. This is shown by his selection of attractions and the timely titles he gives them. Personally, Mr. Hill is a man of few words, with a quiet disposition, but always genial with all who come in contact with him.\(^9\)

The candor of these reports may be called into question as many appeared in newspapers that accepted and published Hill’s advertising, but other writers have also confirmed his positive attributes. M.B. Leavitt portrayed Hill as shrewd, energetic, intelligent, and innovative.\(^10\) Robert Grau described Hill as “the true type of American showman . . . characterized by integrity while they have been

\(^8\)"The Theatres: Behind the Scenes," interview with Gus Hill, Cincinnati Times-Star 12 Dec. 1914: 3.


uncompromisable on the most basic of their aims—that of purifying their stage performances."\textsuperscript{11}

Hill’s commitment to advertising and self-promotion was also a marked trait from his early days as a performer. One source in 1902 noted his extensive use of promotion.

Mr. Hill is a firm believer in advertising, and has used every means at his disposal to call the attention of the public and the managers to what he has to offer. By means of the newspapers, postal cards, circulars, blotters, memorandum books, and many other ways, Gus Hill’s attractions are kept always in the public eye. This has made Mr. Hill’s name a trade-mark for what is good in popular-priced offerings. The fruits of his energetic advertising are shown in the large business to which his companies almost invariably play.\textsuperscript{12}

A decade later Leavitt confirmed this observation, noting that Hill was “a firm believer in printer’s ink and lithographer’s colors.”\textsuperscript{13} From the 1890s through the 1910s Hill’s advertisements were common in the pages of \textit{Billboard}, \textit{New York Dramatic Mirror}, \textit{Variety}, and in popular newspapers where his shows toured. Hill’s letterhead, blotters, postcards, circulars and pieces of souvenir sheet music have survived in various collections. His use of paid advertisements and promotional materials tapered off in the late 1910s and vanished almost completely in the 1920s.


\textsuperscript{13}Leavitt 303.
There are several reasons for this, including the fact that Hill was named in several
lawsuits at the time, he had taken steps to protect his assets and he avoided publicity.

Hill also had an eye for sensationalism in popular entertainments that explains,
in part, his attraction to cartoon theatricals. In his later years reports surfaced that
Hill was planning tours of shows based on sensational court cases, notorious shows
and controversial events. Included in Hill’s plans were:

- (Title unannounced) (1910). A version of the “Crippen” murder case.\(^{14}\)

  industry.\(^{15}\)

- *Sex* (1926). Hill purchased the one-night rights for Mae West’s
  notorious production and intended to tour a clean version of the
  show.\(^{16}\)

- *Who’s Guilty?* (1926). A version of the “Hall-Mills” trial.\(^{17}\)

Hill determined a pattern for favoring topical material that was well established in the
public eye. Cartoon theatricals were one type of show (of several) that exploited a
public awareness and fostered a context for Hill’s publicity. His other shows were
either in popularly known genres (minstrelsy, burlesque, vaudeville, “freak” shows,

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\(^{14}\)“Gossip About Actors, Managers, and Events,” *New York Dramatic Mirror* 13
Aug. 1910: 9. Dr. Hawley Crippen was tried for the murder of his wife; cf. “The

noted that “the piece is said to lift the lid of the inside picture situation on the coast,
with the principal characters carrying names that will make them easily recognizable.”

\(^{16}\)“Sterilized Sex for Road; Hill’s ‘Production’ Piece,” *Variety* 16 June 1926: 1.

\(^{17}\)“Columbia Calls Off Play Based on Hall-Mills Case,” *Variety* 8 Dec. 1926: 1.
and melodrama) or made use of sensational current events. Hill was able to successfully locate an audience desire to see his shows based on their prior exposure to the source material.

Hill had a reputation for being difficult to work for and being somewhat eccentric. M.J. Middleton, Gus Hill’s general manager from 1914 to 1919, wrote to J.J. and Lee Shubert on 30 August 1917 to inquire about possible job openings and complain about his employer:

In your rapidly growing business, if you have an opening for the hardest working showman in New York, I am open for a change. As General Manager for Gus Hill, I do everything from engage actors to book 14 shows. Am probably set for life here if I could stand Mr. Hill’s eccentricities, but I fear it is impossible.\(^\text{18}\)

Hill employed seven different general managers for his offices in the twenty years from 1899 to 1919, with only two of the seven remaining in his employ for more than two years. Middleton’s letter to the Shuberts is the only known complaint against Hill from one of his managers.

There were many people who perceived Hill as extremely wealthy within his lifetime. Several press releases helped add to this image.

- 1900 -- A press release reported that Hill “wears upon his watch chain a diamond horseshoe, which is typical of his unusual good fortune.”\(^\text{19}\)
- 1903 -- Hill attempted to corner the market on rhinestones, purchasing more than 50,000 ersatz gems in a sixty day period.\(^\text{20}\)

\(^{18}\)M.J. Middleton, letter to J.J. and Lee Shubert, 30 Aug. 1917, file 96 (Gus Hill), Shubert papers, Shubert Archive, New York.


1911 -- Hill was reportedly offered $1,000 a week to headline a vaudeville show, with the article noting “he gave up the variety stage for the duties and obligations of a manager, since acquiring much wealth and great prominence.”

1920 -- Hill announced that he was presenting more than five hundred of his employees with initial memberships in the Actors’ Fund of America.

1921 -- Hill announced that he was leaving his Locust Point, New Jersey estate (including an $80,000 home and twenty-eight acres of land) as a retirement home for aged managers and agents.

Such reports and announcements were common throughout Hill’s career, noting his wealth and generosity. Hill never left his estate for a theatrical retirement community, because he was forced to sell the Locust Point property in 1932 following a series of financial difficulties.

Reports of Hill’s wealth circulated from the early 1900s through the mid-1930s. Apart from the reports of Hill’s extravagance, theatrical trade papers regularly published the gross receipts for many shows and Hill’s shows were often noted for earning more than average. The success of his shows led to speculation about his worth and public estimations of his wealth. In 1912, he was listed in an article titled “Wealthy Show People,” that placed his worth at $300,000. Other reports that surfaced at this time did not cite specific amounts, but added to rumors of

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Hill’s expansive wealth. In the mid-1920s, when he declared bankruptcy, estimates of his assets were between $500,000 and $2,000,000, reinforcing the notion that Hill was in fact one of the more affluent managers of his day. Following his death, Harry Hill and William F. Metz estimated their brother’s earnings for the entirety of his career to be near $3,000,000 with final assets of at least $200,000.

Although Gus Hill’s reputation was questionable in the late years of his life, his public persona suffered greater damage in the years following his death. Of the few that have included Hill in their writing, most refer to him only in negative terms. This has culminated in the most recent account, describing him as an unsavory character with questionable motives and painting him as a “charlatan, a hustler, a skinflint, a resourceful manager, and by the turn of the century, one of the wealthiest men in show business.”

**Cartoon Theatricals--Patterns and Themes**

One of the most significant factors of cartoon theatricals was the aspect of co-promotion between the shows and the comic strips. The fact that many of the shows

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26“Gus Hill Slips In Only On Sundays; Dodging Dealy Judgement for $24,124--Worth $500,000,” *Variety* 30 Sep. 1925: 11; and “Gus Hill After 5 Years Settles Dealy’s $33,000 Claim for $12,500; Hill Worth $2,000,000 Dodged Sheriffs and Lived in New Jersey to Prevent Payment of Damage Suit Judgement--In New York on Sundays Only,” *Variety* 15 Sep. 1926: 1, 57.

27“Gus Hill’s Will Hunted Vainly By 2 Brothers.”

were adaptations of successful comic strips enhanced their success as theatrical ventures. Nationally published comic strips offered a basis for cartoon show promotion. Cartoon theatricals were able to draw on the reputations of comic strips and borrow from their success. Additionally cartoon theatricals offered a period of intense publicity for the comic strip, adding to public awareness and success of the newspaper feature. Hill’s shows favored character identification in the show and in the show’s advertising. Many of the advertisements featured comic strip characters drawn by the cartoonist-creators and other illustrators. Hill made the most of the relationship between his shows and nationally known comic strips.

It was important for Hill’s cartoon shows to contain identifiable characters to which he had some legal right. It was not important for Hill’s cartoon shows to closely follow the story-line or character development of the comic strip or to recreate the environment of the cartoonist’s drawings in the stage set. There are exceptions to these observations, but these are rare and occur in non-Hill cartoon shows. Two examples of the use of setting inspired by the cartoonist include the 1908 *Little Nemo* (reported to have settings designed by cartoonist Winsor McCay) and the 1922 *Krazy Kat, A Jazz Pantomime* (which included a characteristic setting created by its cartoonist, George Herriman). As few of the scripts for cartoon theatricals have survived, it is difficult to determine to what extent the scripts followed the plot or character development of the cartoon features.

Dramatic copyright registration was a significant factor for cartoon theatricals from the 1880s through the 1920s (see Table 6). Between 1883 and 1929 there were
over 150 dramatic copyright registrations submitted that were directly related to a
cartoonist or comic strip, with a third of the applications related to Richard Felton
Outcault’s cartoons. Outcault’s creations inspired fifty-one applications, with thirty-
seven related to the *Yellow Kid*, six related to *Kelly’s Kids*, and eight related to *Buster
Brown*. In contrast, Gus Hill was responsible for only eighteen cartoon theatrical
scripts of fifty-one dramatic copyrights registered either to Hill or his corporation, the
Hillsdale Amusement Company (*see Table 7*). Unfortunately, few of the deposited
scripts were actually used in the productions that toured from the 1890s through the
1920s.

The value of the copyright records is their documentation of the *Yellow Kid*
theatrical controversies of the 1890s and the ongoing interest in cartoon theatricals as
a dramatic property. After the *Yellow Kid* applications, the decline in number of title-
specific applications was affected by changes in copyright registration and
enforcement. This drop in number of applications does not indicate diminished
interest in a property, but an increased awareness of copyright law issues and better
enforcement of rights.

Litigation related to copyright issues was also a significant factor in the staging
of cartoon theatricals. While copyright law pertaining to the theatre was only a little
better defined, ownership issues for cartoons were defined and tested through the
legal system from the 1890s through the 1920s. In some cases lawsuits related to
cartoon ownership and subsequent rights were discouraged by the fact that “due
process” took longer than a standard theatrical season. The months of trial could
easily outlast the months of production, if the show was not closed down immediately by an injunction or restraining order. Overall, the legal system was hesitant to grant protective rights to producers of cartoon theatricals in all but the most clear-cut of cases. Pirated productions were discouraged but it was costly to prosecute their producers. Many of the pirate shows were intimidated out of existence rather than sued as litigation remained a largely ineffective tool for the authorized producers.

Public reaction to the shows has generally been through the media, primarily in newspapers. However there is a bias in theatre reviews and reports of cartoon theatricals that appears to be affected by a variety of factors. In examining print reports of a touring cartoon show, one should ask the following questions.

- Does the reviewing newspaper also publish the comic strip?
- Does a competing local newspaper publish the comic strip?
- Did the show's producers purchase advertising in that newspaper?
- Did the show's producers purchase advertising in a competing local newspaper?
- Does the piece read as an unedited press release?
- Is anyone who is considered a "local" connected with the show?

A large number of reviews are biased (as either too favorable or as too harsh) based on whether or not the newspaper carries the comic strip or whether it is carried by a competing newspaper. It appears that in some instances positive reviews have resulted from editorial instructions to treat kindly all things connected with the newspaper. This appears to have been the case with Alan Dale's review of Bringing Up Father In Ireland in 1925. In other cases, it appears that reporters were using
their reviews of cartoon shows as veiled attacks on competing newspapers that ran the comic strips.

Another factor in the bias of some newspaper reporting appears to have been the question of whether or not a producer purchased advertising in that newspaper. It appears that some newspapers allowed producers to “buy” reviews and positive notices with a certain volume of advertisements. In these instances the articles tend to read as a series of press releases from the producer’s office, with little deviation or original thought from the newspaper’s staff. It is unknown how widespread this practice was, but it did exist in the popular press from the 1890s through the 1920s. This also appeared to be an element of some theatrical trade papers, such as the New York Dramatic Mirror, which regularly published brief “articles” that were related to paid advertisements elsewhere in the issue. Some newspapers tried to cultivate a better relationship with an advertiser in order to secure more advertisements. In several cases, this appears to have been a significant and practical approach for the newspapers and the theatrical producers. Unfortunately, this situation has warped much of the press related to early cartoon shows.

The Success of Cartoon Theatricals

In The Dramatic Imagination, Robert Edmond Jones described and recreated the feel of great events in theatre history, noting that theatrical “fashions do, indeed, change.” He continued.

We are not living in the Stone Age any more, nor the time of the Renaissance, nor the time of the Restoration, nor in the Mauve Decade. These are the days
of the candid camera and the comic strip and television and reducing diets and strange-new dance-steps. We have to work in the theatre of our own time with the tools of our own time . . . 29

Jones's interest in the theatre of the past and the tools of the present was in creating a theatre of "a dream—an excitement, a high, rare mood, a conception of greatness."30 While comic strips were a part of Jones's world they were artifacts of a mundane existence no longer held the wonder or the splendor of the past: "The plain truth is that life has become so crowded, so hurried, so commonplace, so ordinary, that we have lost the artist's approach to art."31 Additionally, Jones recognized that the theatre of his era had largely become "a prose theatre, and of late it has become increasingly a theatre of journalism."32 The theatre of journalism had become so complete, in fact, that it even included its own cartoon supplements. While the impact of sensational journalism on the popular theatre has yet to be fully accounted, it would be a fruitful investigation to link the production of the mass media to the rise of sensationalism in road shows.

There have been several theories forwarded as to why comic strips succeed or fail as adaptations for film or the live theatre. William Morrison noted elements common to comic strips and stage musicals that contribute to a successful adaptation:

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30Jones 64.

31Jones 64-65.

32Jones 132.
Both ... lean towards the same large-stroke characterization, and both rely heavily on humorous situation and audience recognition.\textsuperscript{33}

Morrison noted other factors (referring to them as "liabilities") that impeded the success of cartoon theatricals:

\begin{itemize}
  \item ... strips are designed to continue indefinitely, so they lack a conventional storyline with beginning, middle and end.
  \item ... the two-dimensional unvarying personality of the comic strip character may not transfer well to flesh and blood actors and a three-dimensional set.
  \item ... there is the short, four-panel quick-set up and payoff nature of most comic strips -- a formula which would be tedious if presented over and over on the stage.\textsuperscript{34}
\end{itemize}

Other writers have cited similar concerns with cartoon theatricals, noting that the form of the comic strip was more of a deficit than a credit to a successful theatrical adaptation.

Comic strips have been criticized for being less desirable for adaptation because of their structure. It has also been suggested that comic strips have been preferred for adaptation because of their popularity and the relative ease in promoting an offshoot of an established successful work. Richard Woodward discussed this aspect, noting that "as with any other commercial property, producers have liked comic strips as material because they offset risk with instant recognition."\textsuperscript{35}


\textsuperscript{34}Morrison 26.

Woodward’s remark is fitting of Hill’s experience with cartoon theatricals, because the producer valued comic strips’ popularity as a promotional tool. It is likely that subsequent cartoon theatrical producers have been attracted to these shows because of similar promotional advantages. More recently, Peter David has observed that film adaptations of comic strips fail particularly when they undervalue their source material and make an appreciable effort to make the viewer aware that they are watching an adaptation of a comic strip.\(^{36}\)

Cartoon theatricals succeed or fail due to merits not specifically linked to similarities between comic strips and theatre. Cartoon theatricals differ little from other shows in that they have succeeded when they were well written and skillfully performed, and failed when they were poorly conceived or badly acted. It is unnecessarily apologetic to claim that a comic strip is any more difficult to adapt for the stage specifically because of its structure. Cartoon art contains the same narrative elements as other forms of story-telling.\(^{37}\) Faults in the adaptation of comic strips must be attributed generally to difficulties in the process of adaptation or in an adapter’s underestimation of the comic strip as a valid or complex narrative form.

A common factor with many cartoon theatricals has been with producers’ preoccupation with promotion. As Peter David has noted, this focus has been quite noticeable with failed adaptations when producers stress audience identification with a


popular comic strip to generate box office appeal. Promotion is an element with all cartoon theatricals and appears to be overwhelmingly important to producers of shows with substandard scripts or casts, but concentration in this area should not be construed as a sign of a poor show. Cartoon theatricals are not faced with unique challenges just because they are adaptations of comic strips, but succeed or fail for the same reasons that face other shows.

Conclusion

Gus Hill’s contributions to the American theatre have been overlooked and undervalued in later writings. Few theatre historians have referred to Hill or his shows and have discussed only the most superficial aspects of his career, even though he was active as a producer and performer for more than five decades from the 1880s through the 1930s. Hill’s career as a popular producer of a wide range of entertainments for a half-century is significant, as is his active promotion and production of cartoon theatricals for more than thirty years.

Cartoon theatricals have been a significant part of the American theatre from the 1890s through the 1920s, but they have been overlooked in historical reviews of early twentieth century entertainment. These shows have received little attention since 1930, with few writers discussing these productions and addressing only a fraction of the known productions. Writers have underestimated cartoon theatricals’ popularity and significance to the American theatre. Some authors have attributed failures in early cartoon theatricals to problems in adapting comic strips for the
theatre. These claims have been overstated and are inaccurate in their explanation of
the failure of some cartoon theatricals. Some cartoon theatricals have failed
artistically due to uninspired adaptations or poorly executed productions, but many
have succeeded financially because of slick promotional campaigns or their connection
to exceptionally popular comic strips.

It has been the purpose of this study to investigate the career of Gus Hill with
a focus on five of his more successful cartoon shows. This work is not intended to be
the last word on Hill or cartoon theatricals, as there is substantial information outside
the scope of this dissertation that deserves further examination. It is clear that there
is still a need for a complete biography of Hill and a thorough history of cartoon
theatricals from the 1890s through the 1920s. It is hoped that this dissertation will
contribute to a fuller understanding of the American road theatre, one of its
producers, and one type of show that flourished for nearly thirty years.
APPENDIX A

A CHRONOLOGICAL LISTING OF DRAMATIC COPYRIGHT REGISTRATIONS INVOLVING CARTOON CHARACTERS AND/OR CARTOONISTS

Table 6.

A Chronological Listing of Dramatic Copyright Registrations Involving Cartoon Characters and/or Cartoonists.

<table>
<thead>
<tr>
<th>Year.mn.dy</th>
<th>Title, author and submission information.</th>
<th>Copyright applicant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1883.08.22</td>
<td><em>Hoolahan's Castle</em>; a comedy in 1 act, 5 scenes, by T.E. Powers. 1883: 15456.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1887.01.22</td>
<td><em>Tobogganing</em>; a musical comedy in 3 acts, 3 scenes, by T.E. Powers. 1887: 1829.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1887.02.10</td>
<td><em>The Kirmess</em>; a musical comedy in 3 acts, 3 scenes, by T.E. Powers. 1887: 3280.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1887.03.03</td>
<td><em>Triplets</em>; a musical comedy in 3 acts, 3 scenes, by T.E. Powers. 1887: 5004.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1889.03.06</td>
<td><em>Abadiah Squaffles from Squashtown</em>; a new and original comedy-drama in 4 acts, 4 scenes, by T.E. Powers. 1889: 7168.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1889.12.10</td>
<td><em>Queen of the Washtub</em>; a new and original musical comedy in 3 acts, 3 scenes, by T.E. Powers. 1899: 37592.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
<td>Copyright applicant</td>
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<tr>
<td>1890.06.06</td>
<td><em>The Donkey Party</em>; a new and original musical comedy in 3 acts, 7 scenes, by T.E. Powers. 1890: 18454.</td>
<td>Thomas E. Powers</td>
</tr>
<tr>
<td>1893.01.12</td>
<td><em>Brownies</em>; a spectacle in 3 acts, by P. Cox. 1893: 2854.</td>
<td>Palmer Cox</td>
</tr>
<tr>
<td>1893.10.09</td>
<td><em>The Brownies in Fairyland</em>; a play in 2 acts, by P. Cox, music by Malcolm Douglas. 1893: 44962.</td>
<td>Palmer Cox</td>
</tr>
<tr>
<td>1894.11.26</td>
<td><em>Brownies and Fairies in Flowerland</em>; a cantata, by Mrs. W. Perry. 1894: 55168.</td>
<td>Mrs. Wm. Perry</td>
</tr>
<tr>
<td>1896.03.21</td>
<td><em>Hogan's Alley</em>; a musical comedy in 3 acts, by Gilmore and Leonard. 1896: 17992.</td>
<td>Gilmore and Leonard</td>
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<td>1896.06.25</td>
<td><em>Hogan's Alley</em>. 1896: 36927.</td>
<td>Joseph M. Freeman</td>
</tr>
<tr>
<td>1896.10.10</td>
<td><em>McFadden's Row of Flats</em>; comedy in 3 acts, by C.A. Loder. 1896: 56158.</td>
<td>Chas. A. Loder</td>
</tr>
<tr>
<td>1896.10.12</td>
<td><em>The Yellow Kid of Hogan's Alley</em>; a musical farce comedy in 3 acts. 1896: 57211.</td>
<td>Albert Herman Woods</td>
</tr>
<tr>
<td>1896.10.15</td>
<td><em>The Yellow Kid in McFadden's Row of Flats</em>. Ts. 1896: 56828.</td>
<td>Daniel A. Kelly</td>
</tr>
<tr>
<td>1896.10.20</td>
<td><em>McFadden's Row of Flats</em>; by M. Gallagher. 1896: 57739.</td>
<td>Matt Gallagher</td>
</tr>
<tr>
<td>1896.10.21</td>
<td><em>A Yellow Kid</em>; a 3 act farce comedy, by Lemuel North Woolcott. 1896: 58791.</td>
<td>L.N. Woolcott and C.H. Jackson</td>
</tr>
<tr>
<td>Year.mm.dd</td>
<td>Title, author and submission information.</td>
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<tr>
<td>1896.10.22</td>
<td><em>McFadden's Row of Flats</em>; a comedy, by G. Hill. 1896: 58094. Ts. [Synopsis.]</td>
<td>Gus Hill</td>
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<tr>
<td>1896.10.26</td>
<td><em>McFadden's Flats</em>; a play, by G.M. McCarthy. 1896: 58809.</td>
<td>George M. McCarthy and William Black</td>
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<td>1896.10.27</td>
<td><em>McFadden's Reception</em>; a comedy, by M. Brannan. 1896: 59088.</td>
<td>Michael Brannan</td>
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<td>1896.11.02</td>
<td><em>The Yellow Kid of McFadden's Flats</em>; an Irish comedy in 3 acts, by G.I. Pitt. 1896: 60298.</td>
<td>George I. Pitt</td>
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<tr>
<td>1896.11.09</td>
<td><em>Hoogan's Alley in Greater New York</em>; a 3 act farce comedy, by W. Gilson. 1896: 61326.</td>
<td>William Gilson</td>
</tr>
<tr>
<td>1896.11.09</td>
<td><em>O'Hooligan, or McFadden's Yellow Kid</em>; a farce comedy in 3 acts, written and arr. by W.B. Watson. 1896: 61355.</td>
<td>W.B. Watson</td>
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<tr>
<td>1896.11.25</td>
<td><em>The Yellow Kid in a Hot Chase</em>; a comedy in 3 acts, by J.C. Fulton. 1896: 64351.</td>
<td>Jas. C. Fulton</td>
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<tr>
<td>1897.01.20</td>
<td><em>A Trip Around the World With the Yellow Kid, or Yellow Kid's Trip Around the World</em>; a musical farce comedy, by E.W. Townsend. 1897: 6163.</td>
<td>Gus Hill</td>
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<tr>
<td>1897.01.21</td>
<td><em>Hogan's Alley Afloat and Ashore</em>; a 3 act Irish comedy, by Gilmore and Leonard. 1897: 6286.</td>
<td>Bernard F. Gilmore and John F. Leonard</td>
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<tr>
<td>1897.03.19</td>
<td><em>The Yellow Kid of McFadden's Flats</em>; a farce comedy in 3 acts, by H.E. O'Grady. 1897: 18101.</td>
<td>Henry Edwin O'Grady</td>
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<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
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<tr>
<td>1897.03.19</td>
<td><em>The Yellow Kid of Hogan's Alley</em>; a farce comedy in 3 acts, by H.E. O'Grady. 1897: 18102.</td>
<td>Henry Edwin O'Grady</td>
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<tr>
<td>1897.09.18</td>
<td><em>Hogan's Alley Circus and Band</em>; by W.S. Lutton. 1897: 52156.</td>
<td>William S. Lutton</td>
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<td>1897.11.24</td>
<td><em>Hogan's Christening</em>; by J.F. Leonard. 1897: 65476.</td>
<td>John F. Leonard</td>
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<td>1898.08.15</td>
<td><em>McDoodle's Flats</em>; a comedy-drama in 3 acts, by Frank Dumont. 1898: 48027.</td>
<td>G.W. Rice and Chas. Barton</td>
</tr>
<tr>
<td>1898.10.19</td>
<td><em>Katzenjammer Kids</em>; a musical farce comedy in 3 acts. 1898: 61452.</td>
<td>Blondell and Fennessy</td>
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<td>1899.02.16</td>
<td><em>Kelly's Kids</em>; by J. Pettingill. 1899: 12742.</td>
<td>Joseph Pettingill</td>
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<tr>
<td>1899.03.02</td>
<td><em>Kelly's Kids</em>; a farce comedy in 3 acts, by James A. Galvin. 1899: 16371.</td>
<td>James A. Galvin</td>
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<td>1899.03.04</td>
<td><em>Kelly's Kids</em>; comedy-vaudeville, by R.F. Outcault. 1899: 16757.</td>
<td>R.F. Outcault</td>
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<td>1899.03.09</td>
<td><em>Kelly's Kid</em>; by W.B. Van. 1899: 17896.</td>
<td>William B. Van</td>
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<td>1899.03.13</td>
<td><em>Kelly's Kids</em>; the musical farce comedy in 3 acts, by Joseph Le Brandt. 1899: 18694.</td>
<td>Gus Hill</td>
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<td>1899.03.13</td>
<td><em>Kelly Kids</em>; the musical farce comedy in 3 acts, by Joseph Le Brandt. 1899: 18695.</td>
<td>Gus Hill</td>
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<td>1900.07.31</td>
<td><em>Something Doing, Happy Hooligan.</em> 1900 A: 19042.</td>
<td>Blondell and Fennessy</td>
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<td>1900.12.15</td>
<td><em>The Awakening of Pipp</em>; in 1 act, by C.E. Grapewin. 1900 A: 30306.</td>
<td>Charles Ellsworth Grapewin</td>
</tr>
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<td>1901.03.25</td>
<td><em>Happy Hooligan</em>; 3 act dramatic composition, by Henry Fenton. D: 364.</td>
<td>Dan Fenton and William J. McDermott</td>
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<td>1901.05.20</td>
<td><em>Happy Hooligan</em>; a comedy in 3 acts, by Frank Dumont. D: 489. 47 p. 4o. Ts.</td>
<td>Gus Hill</td>
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<tr>
<td>1902.01.16</td>
<td><em>Hooligan's Misfortunes</em>; 3 act farce comedy. D: 1304.</td>
<td>Charles B. Goes</td>
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<td>1902.01.31</td>
<td><em>Alphonse and Gaston</em>; a comedy in 3 acts. D: 1381.</td>
<td>D.E. Lester Company</td>
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<tr>
<td>1902.02.10</td>
<td><em>Alphonse and Gaston</em>; a farcical comedy in 3 acts, by Frank Dumont. D: 1424.</td>
<td>Gus Hill</td>
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<tr>
<td>1902.02.15</td>
<td><em>Lady Bountiful</em>; a 1 act farce for five characters, by R.H. Davis. D: 1449.</td>
<td>Robert Hobart Davis</td>
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<tr>
<td>1902.03.11</td>
<td><em>Happy Hooligan</em>. D: 1719.</td>
<td>Ross Snow</td>
</tr>
<tr>
<td>1902.03.22</td>
<td><em>Alphonse and Gaston</em>; a farce-comedy, by Frank Dumont. New York, The Empire city job print, 1902. D: 1636. 27 p. 8o.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1902.03.31</td>
<td><em>Gloomy Gus, or Happy Hooligan's Brother</em>; a musical farce comedy, by Rudolph Block. D: 1633. 3 p. 4o. Ts. [Words only.]</td>
<td>William Randolph Hearst</td>
</tr>
<tr>
<td>1902.04.15</td>
<td><em>Foxy Grandma, or Two Foxy Kids</em>; by E.G. Estey. D: 1737.</td>
<td>Ern G. Estey</td>
</tr>
<tr>
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<td>Title, author and submission information.</td>
<td>Copyright applicant</td>
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<tr>
<td>1902.05.08</td>
<td><em>Happy Hooligan's Fortune</em>; a comedy in 3 acts, by V. and M. Harvey. D: 1849. 35 p. f°. Ts.</td>
<td>Victor and Mae Harvey</td>
</tr>
<tr>
<td>1902.06.12</td>
<td><em>Hooligan's Troubles</em>; an original musical farce in 3 acts, by Mark E. Swan. D: 2029. 179 p. 4°. Ts. [Libretto only.]</td>
<td>Union Amusement Company</td>
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<tr>
<td>1902.06.30</td>
<td><em>Hooligan's Luck</em>; a sensational comedy drama in 4 acts. D: 2113. 92 p. obl. 24°. Ts.</td>
<td>Jasper Newton Rentfrow</td>
</tr>
<tr>
<td>1902.07.07</td>
<td><em>Buster Brown</em>; an original 3 act musical comedy, by Murt E. Swan. D: 2159.</td>
<td>Union Amusement Company</td>
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<td>1902.10.23</td>
<td><em>Foxy Mrs. Katzenjammer</em>; by S. Hart. D: 2810.</td>
<td>Sadie Hart</td>
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<td>1902.11.17</td>
<td><em>Mr. Pipp</em>; comedy in 3 acts, by C.E. Grapewin. D: 2996. 106 p. 4°. Ts.</td>
<td>Charles E. Grapewin</td>
</tr>
<tr>
<td>1902.12.03</td>
<td><em>Happy and Gloomy Gus</em>; a comedy in 3 acts, by W.W. Haigh. D: 2794.</td>
<td>Cliff W. Grant</td>
</tr>
<tr>
<td>1903.10.29</td>
<td><em>Foxy Mrs. Katzenjammer</em>; comedy in 3 acts, by S. Hart. D: 4156. 60 p. f°. Ts.</td>
<td>Sadie Hart</td>
</tr>
<tr>
<td>1904.01.25</td>
<td><em>Bird Center, Cap Fry's Birthday Party</em>; a play in 1 act, by George Ade. D: 4549. 8 p. 8°. Ts.</td>
<td>John T. McCutcheon</td>
</tr>
<tr>
<td>1904.02.25</td>
<td><em>Hooligan's Hot Finish</em>; 1 act dramatic composition, by F.J. Beaman. D: 4653. 15 p. 4°. Ts.</td>
<td>Fred J. Beaman</td>
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<tr>
<td>1904.05.22</td>
<td><em>Widow Wise</em>; a 1 act comedy, by Charles Horwitz. D: 5326. 12 p. 4°. Ts.</td>
<td>Flora M. Landsey</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
<td>Copyright applicant</td>
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<tr>
<td>1904.06.02</td>
<td><em>The Gibson Girl</em>; a complicated musical drawing in 3 acts, book by M. Ott, music by Milan Bennett. D: 5113. 86 p. 4¢. Ts. [Words only.]</td>
<td>Matt. Ott</td>
</tr>
<tr>
<td>1904.12.01</td>
<td><em>The Doings of Happy Hooligan</em>; by W. Dunlap. D: 5907.</td>
<td>Willis Dunlap</td>
</tr>
<tr>
<td>1904.12.08</td>
<td><em>Hall Room Boys</em>; a farce in 1 act, by Charles Horwitz. D: 5888. 15 p. f¢. Ts.</td>
<td>Elias J. Marks</td>
</tr>
<tr>
<td>1905.01.19</td>
<td><em>Hooligan in New York</em>; a comedy drama in 4 acts, by Harry Sheldon. D: 6092. 45 p. f¢. Ts.</td>
<td>Charles B. Marvin and Sam Morris</td>
</tr>
<tr>
<td>1905.02.02</td>
<td><em>Panhandle Pete</em>. D: 6166.</td>
<td>Joseph L. Plunkett</td>
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<tr>
<td>1905.05.27</td>
<td><em>Mr. and Mrs. Nagg</em>; a sketch, by E. Selden. D: 6739. 50 p. 4¢. Ts.</td>
<td>Edgar Selden</td>
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<tr>
<td>1905.08.23</td>
<td><em>Fatty Felix</em>; a comedy in 3 acts, by S. Morris. D: 7186. 57 p. 4¢. Ts.</td>
<td>Sam Morris</td>
</tr>
<tr>
<td>1906.01.19</td>
<td><em>The Gibson Girl</em>; a play in 4 acts, by S.E. Taylor. D: 7875.</td>
<td>Samuel Elmer Taylor</td>
</tr>
<tr>
<td>1906.02.08</td>
<td><em>Panhandle Pete, or The Mishaps and Adventures of Panhandle Pete</em>; a musical comedy in 2 acts, by Willard Holcomb. D: 8022. [125] p. 4¢. Ts. [Libretto only.]</td>
<td>Joseph L. Plunkett</td>
</tr>
<tr>
<td>1906.03.14</td>
<td><em>Memo in Dreamland</em>; by C.C. Taylor. D: 8167. 3 p. f¢. Ts.</td>
<td>Colin C. Taylor</td>
</tr>
<tr>
<td>1906.03.21</td>
<td><em>Little Memo's Dream</em>; vaudeville sketch in 1 act, by Sarony Lambert and M. Owen. D: 8201. 5 p. 4¢. Ts.</td>
<td>May Owen</td>
</tr>
<tr>
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<tr>
<td>1906.03.24</td>
<td><em>Buster Brown’s Sister</em>; a dramatic composition, by C.W. Grant. 8 p. 4°. Ts.</td>
<td>Clifford W. Grant</td>
</tr>
<tr>
<td>1906.04.24</td>
<td><em>Buster Brown in Chinatown</em>; a musical farce comedy, by Jean Barrymore and Raymond Lowe. D: 8474.</td>
<td>Lowe and Barrymore</td>
</tr>
<tr>
<td>1906.04.26</td>
<td><em>Hall Room Boys</em>; musical farce-comedy, by J.S. Lopez and Albert Edward Ullman. D: 8427. 8 p. 4°. Ts.</td>
<td>John S. Lopez and A.E. Ullman</td>
</tr>
<tr>
<td>1906.05.11</td>
<td><em>Slumberland</em>; a comedy in 2 acts and 4 scenes, by H.A. Levin. D: 8516.</td>
<td>Henry A. Levin</td>
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<tr>
<td>1906.05.21</td>
<td><em>Buster Brown’s Holiday</em>; by Earle G. Jones and M.B. Raymond. D: 8606. 16 p. f°. Ts.</td>
<td>Melville B. Raymond, jr.</td>
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<tr>
<td>1906.08.06</td>
<td><em>Little Dolly Dimples,</em> or <em>The Little Goose Girl</em>; a farcical comedy in 3 acts, by C. Herbert Kerr. D: 8923. 15 p. f°. Ts.</td>
<td>Grace Cameron Kenworthy</td>
</tr>
<tr>
<td>1906.10.04</td>
<td><em>A Foxy Tramp</em>; a comedy drama in 4 acts. D: 9189. 86 p. f°. Ts.</td>
<td>Mary E. Hill</td>
</tr>
<tr>
<td>1906.10.20</td>
<td><em>The Hall Room Girls</em>; by R. Crosby-Dimmick. D: 9282. 6 p. 4°. Ts.</td>
<td>Ruth Crosby Dimmick</td>
</tr>
<tr>
<td>1906.11.08</td>
<td><em>Buster and the Yellow Twins</em>; a comedy in 3 acts, by Joseph Olcott. D: 9400. 35 p. f°. Ts.</td>
<td>Harry F. Mathews</td>
</tr>
<tr>
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<tr>
<td>1907.01.14</td>
<td><em>Billy Bounce and Bogieman</em>. D: 9785.</td>
<td>W.W. Denslow and Dudley A. Bragdon</td>
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<tr>
<td>1907.03.27</td>
<td><em>Mr. E.Z. Mark, the Rarebit Fiend</em>; a comedy in 1 act, by R.F. Staley. D: 10217. 11 p. 4c. Ts.</td>
<td>Richard Felix Staley</td>
</tr>
<tr>
<td>1907.05.13</td>
<td><em>Fluffy Ruffles</em>. D: 10555.</td>
<td>New York Herald Company</td>
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<td>1907.06.07</td>
<td><em>Gibson's Little Model</em>; by M. Rohde. D: 10785. 5 p. 4c. Ts.</td>
<td>Mary Rohde</td>
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<td>1907.06.10</td>
<td><em>Hans and Nix</em>; in 3 acts, by Ernest Watters. D: 10731. 67 p. 4c. Ts.</td>
<td>Harry F. Mathews</td>
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<tr>
<td>1907.06.19</td>
<td><em>Fluffy Ruffles</em>; comedy in 3 acts, by C. Wells. D: 10804.</td>
<td>Carolyn Wells</td>
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<tr>
<td>1907.07.10</td>
<td><em>Little Nemo</em>. D: 10946.</td>
<td>New York Herald Company</td>
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<tr>
<td>1907.07.20</td>
<td><em>Fluffy Ruffles</em>; a 1 act play, by F.R. King. D: 11009. 5 p. 4c. Ts.</td>
<td>Frances Rockfeller King</td>
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<tr>
<td>1907.07.25</td>
<td><em>Newlyweds and Their Baby</em>; a musical comedy in 2 acts, by Paul West. D: 11041. 32 p. 8c.</td>
<td>John Leffler</td>
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<tr>
<td>1907.07.31</td>
<td><em>Little Nemo in Slumberland</em>. D: 11088.</td>
<td>New York Herald Company</td>
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<td>1907.07.31</td>
<td><em>Dream of the Rarebit Fiend</em>. D: 11089.</td>
<td>New York Herald Company</td>
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<td>1907.09.20</td>
<td><em>Fluffy Raffles</em>; an original comedy drama, by C. Sidney Cusack. D: 11384. 95 p. 4c. Ts.</td>
<td>Chishmore Homer Packard</td>
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<td>1908.01.06</td>
<td><em>Buster Brown</em>. D: 12130.</td>
<td>Al Lamar</td>
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<td>1908.03.10</td>
<td><em>A. Mutt</em>; by H.C. Fisher. D: 12525.</td>
<td>Harry C. Fisher</td>
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<td>1908.05.25</td>
<td><em>Her Name Was Maud</em>; a comedy in 3 acts. D: 13086. 52 p. 1c. Ts.</td>
<td>Mary E. Hill</td>
</tr>
<tr>
<td>1908.08.01</td>
<td><em>Fluffy Raffles</em>; a comedy sketch, by Charles De Argentage. D: 13483. 7 p. 16c. Ts.</td>
<td>C. De Argentage</td>
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<tr>
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<tr>
<td>1909.01.11</td>
<td><em>Winsome Dolly Dimple</em>; a comedy drama for outdoor setting only. D: 14966. 14 p. f. 40. Ts.</td>
<td>Frederick K. Ricker and Lewis V. Curry</td>
</tr>
<tr>
<td>1909.09.23</td>
<td><em>Comic Supplement</em>; dramatic composition, by J. Burke. D: 16864. 9 p. 40. Ts.</td>
<td>John Burke</td>
</tr>
<tr>
<td>1910.04.06</td>
<td><em>Katzenjammer Kids</em>; dramatic composition in 1 act. D: 20717. 29 p. 80. Ms.</td>
<td>Richard Kuschel and Frederick Dreuth</td>
</tr>
<tr>
<td>1910.05.31</td>
<td><em>Comic Supplement</em>; in 3 acts, by G.V. Hobart. D: 21219. vii, 65 p. 40. Ts.</td>
<td>George V. Hobart</td>
</tr>
<tr>
<td>1910.08.26</td>
<td><em>Katzenjammer Kids</em>; by R. Kuschel and F. Dreuth. D: 21882. 68 p. f. 40. Ts.</td>
<td>Richard Kuschel and Frederick Dreuth</td>
</tr>
<tr>
<td>1912.09.03</td>
<td><em>In Cartoon Land</em>; musical mix-up, by Chas. W. Daniels and Edgar Selden. D: 30726. [1], 60 p. 40. Ts. [Libretto only.]</td>
<td>Harry Martell</td>
</tr>
<tr>
<td>1912.11.20</td>
<td><em>Little Snookums</em>; vaudeville farce in 1 act, by M. Ott. D: 31426. [3], 18 p. 40. Ts.</td>
<td>Matthew Ott</td>
</tr>
<tr>
<td>Year.mn.dy</td>
<td>Title, author and submission information.</td>
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<td>1914.06.20</td>
<td><em>Billy Bouncer</em>; play in 1 act, by Erwin K. Nadel. D: 37363. 2 p. f°. Ts.</td>
<td>Patrick J. Casey</td>
</tr>
<tr>
<td>1914.08.08</td>
<td><em>The Refining of Father</em>; musical comedy, by M. Ott. D: 37784. [1], 13 p. 4°. Ts. [Libretto only.]</td>
<td>Matthew Ott</td>
</tr>
<tr>
<td>1915.04.08</td>
<td><em>The Pest Family</em>; musical comedy in 2 acts, by Frank Dumont. D: 40206. 85 p. 4°. Ts. [Libretto only.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1915.08.05</td>
<td><em>Bringing Up Mother</em>; play in 2 acts, by John Fowler. D: 41481. 2 v. 4°. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1916.03.03</td>
<td><em>Bringing Up Father</em>; play in 3 acts, by George McManus [Charles W. Goddard]. D: 43213. 16 p. 4°. Ts.</td>
<td>Star Company</td>
</tr>
<tr>
<td></td>
<td>[New York Journal] [International Film Service]</td>
<td></td>
</tr>
<tr>
<td>1923.10.27</td>
<td><em>Jiggs and Maggie at Home</em>; a dramatic composition in 3 acts, by Burt Stoddard. D: 65864. 25 p. 4°. Ts.</td>
<td>Burt Stoddard</td>
</tr>
<tr>
<td>1925.10.26</td>
<td><em>Happy Hooligan</em>; by Gus Hill. D: 73239.</td>
<td>Hillsdale Amusement Co., Inc.</td>
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</tbody>
</table>
Table 6 (continued)

<table>
<thead>
<tr>
<th>Year.mn.dy</th>
<th>Title, author and submission information.</th>
<th>Copyright applicant</th>
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<tr>
<td>1926.06.10</td>
<td><em>Bringing Up Father in Florida</em>; a musical comedy in two acts, by John P. Mulgrew. D: 75885.</td>
<td>Hillsdale Amusement Co., Inc.</td>
</tr>
<tr>
<td>1926.08.13</td>
<td><em>Abie's Trip to Paris</em>; by Nat LeRoy. D: 76453.</td>
<td>Gus Hill</td>
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<tr>
<td>1926.08.17</td>
<td><em>Mutt and Jeff's Honeymoon</em>; Nat LeRoy. D: 76493. [37867.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1929.07.25</td>
<td><em>Happy Hooligan's Dream</em>; by Nat LeRoy. [D: unpub. 2715; 35857.]</td>
<td>Gus Hill</td>
</tr>
</tbody>
</table>

APPENDIX B

A CHRONOLOGICAL LISTING OF DRAMATIC COPYRIGHT REGISTRATIONS

LISTING GUS HILL AS COPYRIGHT APPLICANT

Table 7.

A Chronological Listing of Dramatic Copyright Registrations Listing Gus Hill as Copyright Applicant.

<table>
<thead>
<tr>
<th>Year.mn.dy</th>
<th>Title, author and submission information.</th>
<th>Copyright applicant</th>
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<tr>
<td>1896.10.22</td>
<td><em>A Black Cat</em>; a comedy, by G. Hill. 1896: 58093.</td>
<td>Gus Hill</td>
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<tr>
<td>1896.10.22</td>
<td><em>McFadden's Row of Flats</em>; a comedy, by G. Hill. 1896: 58094. Ts. [Synopsis.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1897.01.20</td>
<td><em>A Trip Around the World With the Yellow Kid</em>, or <em>Yellow Kid's Trip Around the World</em>; a musical farce comedy, by E.W. Townsend. 1897: 6163.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1897.02.11</td>
<td><em>Tammany Tigers</em>; spectacular farce comedy in 3 acts, by Fred J. Huber. 1897: 10605.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1899.03.13</td>
<td><em>Kelly's Kids</em>; the musical farce comedy in 3 acts, by Joseph Le Brandt. 1899: 18694.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1899.03.13</td>
<td><em>Kelly Kids</em>; the musical farce comedy in 3 acts, by Joseph Le Brandt. 1899: 18695.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1901.05.20</td>
<td><em>Happy Hooligan</em>; a comedy in 3 acts, by Frank Dumont. D: 489. 47 p. 40. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1901.05.20</td>
<td><em>Are You A Buffalo</em>; a comedy in 3 acts, by Harry B. Marshall. D: 490. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
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<tr>
<td>1902.02.10</td>
<td><em>Alphonse and Gaston</em>; a farcical comedy in 3 acts, by Frank Dumont. D: 1424. 4o. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1902.03.22</td>
<td><em>Alphonse and Gaston</em>; a farce-comedy, by Frank Dumont. New York, The Empire city job print, 1902. D: 1636. 27 p. 8o.</td>
<td>Gus Hill</td>
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<tr>
<td>1908.10.15</td>
<td><em>Around the Clock</em>; musical comedy, in 3 acts. D: 14062. 109 p. 4o. Ts.</td>
<td>Gus Hill</td>
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<tr>
<td>1908.10.15</td>
<td><em>Cracker Jacks</em>; burlesque and travesty in 2 acts, by Joseph Le Brandt. D: 14063. [92] p. 4o. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1908.10.15</td>
<td><em>Gay Masqueraders</em>; burlesque and travesty, by G. Hill. D: 14064.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1908.10.15</td>
<td><em>The Smart Set</em>; musical comedy in 3 acts, by Edwin Hanford. D: 14065. 101 p. 4o. Ts. [Libretto only.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1908.10.15</td>
<td><em>Vanity Fair</em>; extravaganza and burlesque, by G. Hill. D: 14066.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1915.04.08</td>
<td><em>The Pest Family</em>; musical comedy in 2 acts, by Frank Dumont. D: 40206. 85 p. 4o. Ts. [Libretto only.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1915.08.05</td>
<td><em>Bringing Up Mother</em>; play in 2 acts, by John Fowler. D: 41481. 2 v. 4o. Ts.</td>
<td>Gus Hill</td>
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<tr>
<td>1915.12.04</td>
<td><em>Have You Seen Stella? or, Faust Up to Date</em>; play in 3 acts, by Junie McCree and John Oliver. D: 42484. 92 p. f0. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1916.03.11</td>
<td><em>My Mother's Rosary</em>; play in 4 acts, by Hal Reid [i.e. James Halleck Reid]. D: 43317. [98] p. 4o. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
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<tr>
<td>1916.03.25</td>
<td><em>Polly and Her Pals</em>; musical comedy in 3 acts, suggested by G. Hill, written by Junie McCree. D: 43481. [108] p. 4.&quot;. Ts.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1916.05.19</td>
<td><em>My Mother’s Rosary</em>; by Hal Reid. D: 43951.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1925.10.26</td>
<td><em>Happy Hooligan</em>; by Gus Hill. D: 73239.</td>
<td>Hillsdale Amusement Co., Inc.</td>
</tr>
<tr>
<td>1926.03.10</td>
<td><em>A Night in a Music Hall</em>; a one-act comedy in two scenes, by Gus Hill. D: 74690.</td>
<td>Hillsdale Amusement Co., Inc.</td>
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<tr>
<td>1926.03.31</td>
<td><em>The Mysterious Stranger</em>; a comedy drama in two acts, by Nat LeRoy. D: 75241.</td>
<td>Hillsdale Amusement Co., Inc.</td>
</tr>
<tr>
<td>1926.05.19</td>
<td><em>Woman in Red</em>; comedy drama in two acts, by John Fowler. D: 77237.</td>
<td>Gus Hill</td>
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<tr>
<td>1926.05.29</td>
<td><em>Around the World in 80 Days</em>; a spectacular drama in seven acts and nine tableaus adapted from the French of Jules Verne, by Felix G. de Fantaine, Harry Harwood Leech, and Charles Dimitry. D: 75659. [24705.]</td>
<td>Gus Hill</td>
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<tr>
<td>1926.06.03</td>
<td><em>My Mother’s Rosary</em>; a drama in four acts, by Hal Reid [i.e. Jas. H. Reid]. D: 75665.</td>
<td>Gus Hill</td>
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<tr>
<td>1926.06.03</td>
<td><em>A Hot Old Time</em>; a farce comedy in three acts, by Edgar Selden and George M. Cohan. D: 75674. [28686.]</td>
<td>Gus Hill</td>
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<tr>
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<tr>
<td>1926.06.10</td>
<td><em>Bringing Up Father in Florida</em>; a musical comedy in two acts, by John P. Mulgrew. D: 75885.</td>
<td>Hillsdale Amusement Co., Inc.</td>
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<tr>
<td>1926.07.15</td>
<td><em>Uncle Isaac</em>; a comedy drama in four acts, by Fred G. Maeder. D: 76144.</td>
<td>Hillsdale Amusement Co., Inc.</td>
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<tr>
<td>1926.08.03</td>
<td><em>What Happened to Father</em>; a comedy in 3 acts, by Frederic Chapin. D: 76422.</td>
<td>Gus Hill</td>
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<td>1926.08.12</td>
<td><em>Under the City Lamps</em>; a comedy drama in 4 acts, by Leander Richardson. D: 76443.</td>
<td>Gus Hill</td>
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<tr>
<td>1926.08.13</td>
<td><em>Abie's Trip to Paris</em>; a two act musical comedy, by Nat LeRoy. D: 76453.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.08.17</td>
<td><em>Mutt and Jeff's Honeymoon</em>; a musical comedy in 2 acts, by Nat LeRoy. D: 76493. [37867.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.10.23</td>
<td><em>The Cohens and the Caseys</em>; in two acts by Glenn McDonald. D: 77220. [48153.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.10.26</td>
<td><em>Through the Breakers</em>; a melodrama in 4 acts, by Owen Davis. D: 77232.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.10.30</td>
<td><em>Lost in the Desert</em>; a melodrama in 4 acts by Owen Davis (revised and rewritten by Walter Woods). D: 77654. [52218.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.11.30</td>
<td><em>The Rising Generation</em>; a comedy drama in 3 acts and a prologue, by John W. Fowler. D: 77648.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.12.04</td>
<td><em>Cattle King</em>; a Western comedy drama in five acts, by Hal Reid [i.e. J.H. Reid]. D: 77695.</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.12.20</td>
<td><em>After Seven Years</em>; a melodrama in four acts, by Daniel A. Kelly. D: 77918. [61030.]</td>
<td>Gus Hill</td>
</tr>
<tr>
<td>1926.12.20</td>
<td><em>McKenna's Flirtation</em>; a comedy drama in 3 acts, by Edgar Selden. D: 77880. [60478.]</td>
<td>Gus Hill</td>
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<td>1928.05.11</td>
<td><em>A Hot Old Time</em>; a farce in two acts, by Edgar Selden.  D: 83908.  [24673.]</td>
<td>Gus Hill</td>
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<tr>
<td>1929.07.25</td>
<td><em>Two Married Men</em>; by Gus Hill.  D: unpub. 2714; 35857.</td>
<td>Gus Hill</td>
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<tr>
<td>1929.07.25</td>
<td><em>Happy Hooligan's Dream</em>; in two acts, by Nat LeRoy.  [D: unpub. 2715; 35857.]</td>
<td>Gus Hill</td>
</tr>
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</table>

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