

Photos Are Evidence of a Tale of Pugilism, Piracy, and Copyright

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Among the treasures inventoried by 2009 Junior Fellows Hannah German and Leslie Tabor are several old photos of two men boxing. These pictures are frames from an early movie deposited with a claim to copyright on November 15, 1899, by the proprietor American Mutoscope and Biograph Company, a competitor of Thomas Edison's Vitagraph Company. The deposit is entitled *Jeffries-Sharkey Contest*.

Why were frames sent instead of the whole movie? Until 1912, motion pictures were not subject to copyright. To get around this omission of a new technology in the law, some film companies submitted prints representing all frames of a film and claimed copyright in the photographs, a class that had been protected since 1865. Other companies deposited only representative shots, as is the case here.

These slight photos, not really in focus, represent a tale of pugilism, piracy, and copyright. American Mutoscope obtained exclusive rights to film the 1899 heavyweight championship boxing match between James Jeffries, defending champ, and challenger Tom Sharkey. The fight, which occurred on Coney Island on November 3, yielded the first motion picture filmed under artificial light. American Mutoscope paid plenty to install 500 arc lights with reflectors that were attended by 11 electricians. The promoters decided not to remove the roof from the arena to allow the heat from the lights to escape. The temperature inside soared to 115 degrees, roasting the pugilists and possibly influencing the outcome of the brutal 25-round bout. In spite of American Mutoscope's precautions to protect its investment, which included filming with four cameras, a fuse blew at the last minute, and the final moments of the fight, when Jeffries's glove fell off, escaped capture on film.

Among the audience were rogue photographers, namely two scoundrels from Vitagraph, who, by means of a camera secreted under a pile of umbrellas, took full advantage of American Mutoscope's financial outlay for lighting in spite of Pinkerton men there to thwart pirates.

The irony of it all is that only Vitagraph's short film survives. Upon discovery of their camera and a resulting tumult in the audience that rivaled the battle in the ring, the rascally camera operators raced ahead of pursuing Pinkerton men to their offices, where they developed the film. By the morning of November 4, 1899, one pirate had stolen the film but turned it over to Vitagraph, which registered a copyright on November 4, 1899 (#72363). American Mutoscope's film, allegedly seven miles in length, is lost. However, a few still shots remain in the form of American Mutoscope's original copyright deposit that surfaced this summer. ©

