

successful play. His final Australian performance in *Sherlock Holmes* was at the Theatre Royal in Adelaide on September 10, 1904.<sup>11</sup>

*The Brisbane Courier* was particularly complementary to Hastings saying that:

*The revival of Sherlock Holmes last evening enabled Mr Cuyler Hastings to be seen in a role which he has made peculiarly his own. So far as Australia is concerned he created the part and set the standard by which those who may come after him will be judged.*<sup>12</sup>

The critic added, echoing a blessing and a curse that would affect several future actors playing Holmes on television and in film:

*He has so completely identified himself with the part that he probably finds it difficult to free himself from it.*

Acting can be a highly stressful and exacting occupation, whether a person is desperately waiting for parts or is doing too much as a victim of their success. In 1903, *The Evening World* carried a worrying story about Cuyler's brother, Ernest Hastings, who was also an actor. He was judged insane and delusional after a violent episode in New York. A contributory factor was that, over a period of two and a half years with one theatre company, Ernest had been giving ten performances a week and was learning over 85 different parts during that time.<sup>13</sup> Cuyler was himself playing other roles while starring in *Sherlock Holmes* during his long and exhausting Australasian tour.

The end of Cuyler Hastings' life was very sad. As reported by the *Poverty Bay Herald*, after suffering for some time with nervous strain he ended his misery by shooting himself in his room in New York on January 10, 1914. The newspaper reminded readers that Cuyler Hastings' most widely known role was that of playing Sherlock Holmes throughout Australasia, "for which he was so admirably suited in every respect."<sup>14</sup>

*The New York Times* reported that, "Illness which prevented him continuing on stage, together with losses he had sustained in speculation on Wall Street, are believed to be the cause for his suicide."<sup>15</sup> He was aged 50 and had been stricken by partial paralysis the previous spring which had compelled him to give up his stage work. Harry Plimmer, the first Sherlock Holmes in Australia before Cuyler Hastings, would make it through to 1947 reaching 80 years of age.



Mr. Cuyler Hastings.

NZ *Illustrated Magazine*, March 1, 1903



# Early BBC Holmes

## Adventures in Copyright

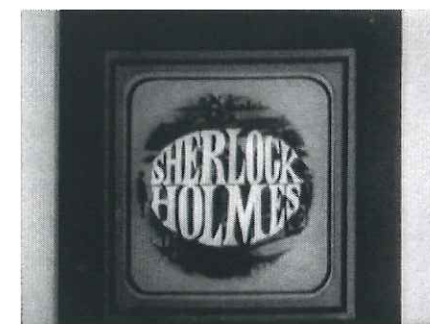
by Erin O'Neill

### 1951 - first adventure in copyright

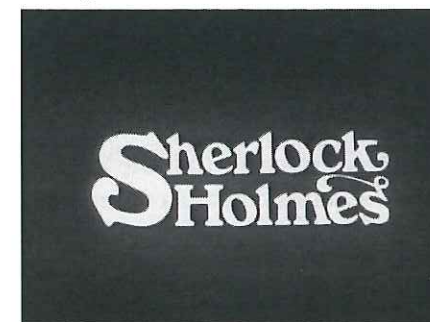
In 1951 the BBC embarked on a plan to show a series of six programmes based on the Sherlock Holmes stories. At this time material written by Sir Arthur Conan Doyle was still in copyright, so the producers of any adaptation had to seek permission from the Conan Doyle Estate to use either the stories or the characters and to negotiate over terms. The series was almost scuppered only a short time before it was meant to air due to a misunderstanding with the Estate partly owing to a lack of clarity as to who exactly controlled the legacy of Sir Arthur Conan Doyle.

The BBC had applied in advance to Adrian Conan Doyle, the younger son, explaining their intention to produce television adaptations of some of the Holmes stories. There had already by this time been a number of radio adaptations in Britain (and TV versions in the USA) but television was still considered a very different, and sometimes suspect, medium in the early 1950s in the UK, having only resumed in 1946 following a wartime hiatus. Adrian Conan Doyle had responded positively to the BBC's request, writing to the Corporation's Assistant Head of Copyright, Richard Walford, in July 1950 agreeing "to your proposal, as outlined in your letter of July 5<sup>th</sup>, for a television rendering of the Sherlock Holmes stories..." adding only that it needed to be understood that the contract be confined to broadcast in Britain.<sup>1</sup>

The BBC was therefore surprised to receive a letter from the Estate's solicitors in August 1951 informing them that the copyright was owned by the executor of the late Sir Arthur Conan Doyle's estate, this being Denis Conan Doyle, Adrian's elder brother, and further that Denis Conan Doyle did "not wish to make any arrangements for television rights of the works you mention".<sup>2</sup> Walford responded by pointing out that Adrian Conan Doyle had agreed to the series and he copied the letter to Adrian who was at that time in Tangier.<sup>3</sup> The solicitors rather surprisingly responded that the younger Doyle had cabled them "stating that he never agreed to any BBC television of any description" and claiming his original letter giving permission referred to "ordinary broadcasts" (presumably meaning radio). Further, the solicitors had been instructed to say "that any television



Banner for the 1964 BBC series with Douglas Wilmer as Sherlock Holmes



Banner for the 1968 BBC series with Peter Cushing as Sherlock Holmes

<sup>1</sup> BBC Written Archives Centre: RCONT1 Adrian Conan Doyle - Copyright File 3 1950-3 - Adrian Conan Doyle to R.G. Walford (27 July 1950)

<sup>2</sup> Ibid. - Vertue & Churcher to BBC Copyright Dept (2 Aug 1951)

<sup>3</sup> Ibid. - Walford to Vertue & Churcher (3 Aug 1951)

<sup>11</sup> 'Amusements', *The Advertiser*, Adelaide, September 10, 1904

<sup>12</sup> 'Entertainments: Sherlock Holmes', *The Brisbane Courier*, June 9, 1904

<sup>13</sup> 'Actor Insane at Lambs' Club', *The Evening World*, New York, August 27, 1903

<sup>14</sup> 'Cuyler Hastings Dead: Suicide in New York', *Poverty Bay Herald*, NZ, January 14, 1914

<sup>15</sup> 'Cuyler Hastings: A Suicide', *The New York Times*, January 11, 1914



Adrian Conan Doyle

of the kind contemplated would be without the consent of the owners of the copyright and would therefore be actionable" adding that, "As matters stand at present it is not possible for any permission for television to be given of the stories of Sir Arthur Conan Doyle."<sup>4</sup>

With plans for the series already well advanced, the BBC took steps to sort out the misunderstanding, writing to the solicitors enclosing copies of the original correspondence, which clearly did mention television, and requesting clarification from Adrian Conan Doyle.<sup>5</sup> The BBC's Legal Department even suggested that the letter from Adrian Conan Doyle could be said to be a binding contract but the Conan Doyle solicitors not surprisingly disagreed with this point and asked that production be postponed until Denis Conan Doyle (also overseas) returned, given that he was the legal executor.<sup>6</sup>

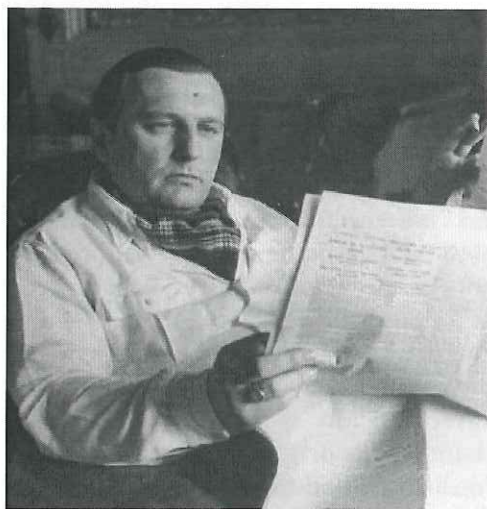
A written record of a telephone conversation between Walford and the producer of the proposed series, Michael Barry, reveals the real reason for the sudden rejection of the BBC plans on the part of the Estate. Denis Conan Doyle had apparently been trying to dispose of the TV rights in the Holmes stories in the United States and these rights could potentially be threatened if another TV series was authorised at the same time. Barry agreed to shut down press publicity about the new series until they could speak to Denis Conan

Doyle in person and hoped to settle the matter on the basis of the quality of the adaptations.<sup>7</sup> The BBC was in a bit of a bind as, not only had the series already been scheduled, but if it did not go ahead they were still committed to paying the scriptwriter for her work and would also incur some artist payments. It was therefore in their interest to get permission to broadcast the series, rather than just write it off.

Although there is no record of the date and place, it appears that the BBC representatives did indeed meet Denis Conan Doyle and were able to satisfy him with regard to the adaptations. On the 5<sup>th</sup> October 1951, Walford wrote to the Assistant Head of Drama that:

*It appears that Denis Conan Doyle has been able to remove the difficulties which at one time arose from the fact that he is selling world film and television rights in all Sherlock Holmes material for a very large sum of money, but this contract will not come into operation until after our scheduled television series.*

This timing meant that the BBC was free to go ahead with the series but, as a consequence, the Corporation would not be able repeat the programmes before the



Denis Conan Doyle

<sup>4</sup> Ibid. – Vertue & Churcher to BBC (10 Aug 1951)

<sup>5</sup> Ibid. – Walford to Mr HC Ellis of Vertue and Churcher (14 Aug 1951)

<sup>6</sup> Ibid. – L.P.R. Roche (Asst Solicitor) to H.Cop. (29 Aug 1951)

<sup>7</sup> Ibid. – Record of Phone Conversation between Michael Barry and R.G. Walford (6 Sept 1951)

film and TV contracts the Estate were trying to sell overseas ran out. This therefore meant it was not worthwhile "televising" the programmes.<sup>8</sup> Telefilming, or telerecording, was literally pointing a camera at a television monitor and filming the picture whilst the programme was broadcast live, thus creating a recording that could be used for repeats. Broadcasts were only recorded and retained when there were going to be recorded repeats, except in rare cases where a programme was considered very significant and therefore worthy of retention. The BBC's agreement with Actors' Equity also restricted the number of recorded repeats that could be shown as Equity believed repeats reduced the amount of work in which their members might potentially be involved. Contemporary opinion held that if a programme was not going to be re-used it was not worth recording and storing. This is basically why this series is "lost" to posterity.

Michael Barry noted in a memo to the Television Programme Organiser that the future use of the Conan Doyle material would depend on "good relations created between Mr Denis Conan Doyle and the BBC during this series." To this end Denis Conan Doyle was invited to visit the set and Barry planned to present him with photographs from the series. Photos were also sent to the Sherlock Holmes Society, which had provided a lot of advice.<sup>9</sup> Under the circumstances it is probably understandable that it was over a decade before BBC Television again ventured into Holmes territory.

### *1963 - second adventure in copyright*

As it turned out, the next attempts to adapt the Sherlock Holmes stories were also not without convoluted copyright negotiations. An initial approach to the Estate solicitors, Vertue and Churcher, was made in June 1963 by the BBC Assistant Head of Copyright, Edward Caffrey, on behalf of the television Light Entertainment Department (rather than the Drama Department).<sup>10</sup> The reply was favourable, stating that the rights were available, and requesting terms.<sup>11</sup> Unlike in 1951, the BBC no longer had a monopoly on television in Britain, ITV having started broadcasting in 1955. As a result Caffrey felt obliged to prompt Light Entertainment for a response on the grounds that the Holmes stories were "valuable property which might be snapped up by the opposition."<sup>12</sup> They must have lost interest, however, as Caffrey's reply to Churcher stated that the BBC had not yet made a decision, but wanted the BBC to be notified if anyone else enquired regarding the rights.<sup>13</sup>

In the meantime, the Drama Department had become interested in the idea of making a series of Holmes adaptations, starting with a single programme that would be expanded into a series if successful.<sup>14</sup> The TV and film rights in the Sherlock Holmes stories were now controlled by Adrian Conan Doyle's company Sir Nigel Films (Denis Conan Doyle having died in 1955) with



Douglas Wilmer, the BBC's 1964 Sherlock Holmes

<sup>8</sup> Ibid. – Asst Head of Copyright to A.H.D.Tel (5 Oct 1951)

<sup>9</sup> BBC WAC: T5/460/1 – Secty to A.H.D.Tel to Tel P.O. (8 Nov 1951)

<sup>10</sup> BBC WAC: RCONT18 Adrian Conan Doyle Copyright File 7 – E Caffrey to Vertue & Churcher (04/06/1963)

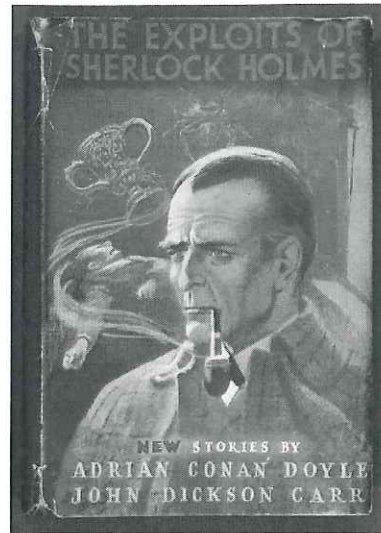
<sup>11</sup> Ibid. – Vertue & Churcher to Caffrey (01/07/1963)

<sup>12</sup> Ibid. – Caffrey to S.E.(L.E.) (17/07/1963)

<sup>13</sup> Ibid. – Caffrey to Churcher (26/08/1963)

<sup>14</sup> Ibid. – Head of Copyright to Mr Churcher (07/10/1963)

rights negotiations being dealt with by an agent for that company, Henry Lester, acting on behalf of Adrian Conan Doyle.<sup>15</sup> Richard Walford, now BBC Head of Copyright, met with Lester to negotiate the conditions of the contract. The proposed deal with the BBC was to cover all the Sherlock Holmes stories except possibly *The Hound of the Baskervilles*. This was due to an option granted to Hammer Films.<sup>16</sup> Interestingly the contract also covered the Holmes stories written by Adrian Conan Doyle and John Dickson Carr, published as *The Exploits of Sherlock Holmes*. The BBC was not, however, allowed to write their own original stories.<sup>17</sup> This latter point was to re-emerge at a later date.



There were a number of requests made during the contract negotiations, some of which would be binding, some not. For example, Adrian Conan Doyle wanted to exclude from the BBC contract the right to sell in Germany, France and Italy as he felt he could make a more profitable deal by selling the rights direct. He also stipulated that all material involving biographical information about Sir Arthur Conan Doyle, including publicity material, should be submitted to him for approval in order to ensure accuracy. In addition, he wanted the BBC to consider Michael and Mollie Hardwick as editors or scriptwriters because of their background knowledge of Sherlock Holmes although this was not a condition (the agent for the Hardwicks did later express their interest, but they didn't actually write any scripts until the Peter Cushing series). It was also suggested that Sherlock Holmes be played by either James Donald or John Neville.<sup>18</sup>

Adrian Conan Doyle did later enforce the clause relating to publicity material once the programme was developed into a series. The BBC had written a summary of the achievements of Sir Arthur Conan Doyle but Adrian Conan Doyle wanted to add two rather tedious paragraphs about the Doyle ancestry dealing with the military achievements of his ancestors and the fact that four of the family had been included in the Dictionary of National Biography. The producer of the series, David Goddard, wrote to Henry Lester on 4<sup>th</sup> February 1965 urging him to agree to omitting the paragraphs stating that, although he felt these things would be of great interest to the scholar, they could be "actively detrimental to the impact and effectiveness of the piece for the popular press" at whom the publicity material was of course aimed. "The result could be to alienate their interest and reduce the amount of coverage which we obtain."<sup>19</sup>

Lester was eager for the BBC to film the programmes, rather than using electronic telerecording, meaning recording onto videotape rather than film. Programmes were also no longer transmitted live although they were still mostly recorded in a single studio session with location shots added later in the editing suite. The reason Lester wanted film was because it would be easier to sell in the United States. He also wanted the BBC to show the Basil Rathbone films.<sup>20</sup> It should be noted that videotape was so expensive at this time that it was re-used whenever

<sup>15</sup> Ibid. – Head of Copyright to Henry Lester (10/10/1963)

<sup>16</sup> Ibid.– Lester to Walford (30/10/1963)

<sup>17</sup> Ibid.– Walford to Lester (28/10/1963)

<sup>18</sup> BBC WAC: T5/1907/1 – Head of Copyright to H.Series D.Tel (06/12/1963)

<sup>19</sup> BBC WAC: T5/1907/2 – David Goddard to Henry Lester (04/02/1965)

<sup>20</sup> T5/1907/1 *Op.Cit.* – Head of Copyright to H.SeriesD.Tel (27/02/1964)

possible so there were still restrictions on the retention of recordings, which is why so many television series of the period still have missing episodes.

The contract was finally agreed in January 1964 and ultimately covered all the Sherlock Holmes stories and novels by Sir Arthur Conan Doyle as well as those by Adrian Conan Doyle and/or John Dickson Carr. The only exceptions were *A Scandal in Bohemia*, *The Adventure of the Empty House* and *The Final Problem*. These could not be used without prior approval of the copyright owners, due to certain rights that had already been granted to the maker of a proposed musical show to be entitled *Baker Street*, although the Estate said it would do its best to make sure these stories were available. Rights to the *Hound of the Baskervilles* would only be available from May 1965,<sup>21</sup> due to the previously mentioned prior deal with Hammer Films.

Following the success of the BBC adaptation of *The Speckled Band*, which effectively acted as a pilot for the series, the BBC decided to go ahead and adapt more stories. At this point the Conan Doyle Estate pushed for a co-production deal with a US company. To this end, Dennis Scuse, General Manager of BBC Television Enterprises (now BBC Worldwide), spoke to Henry Lester and two representatives of the US Screen Gems company in June 1964. They were interested in a film series of Sherlock Holmes, but not in telerecording (which the BBC was still planning). More ominously, Scuse thought Screen Gems would want "a fair amount of say in casting" and to slant the series for the American market rather than the British domestic market. Scuse arranged for a copy of *The Speckled Band* to be sent to them, despite being "anxious to avoid a situation where the Domestic Service find themselves committed to a film series which they don't want; rather than an electronic series which they prefer."<sup>22</sup>

Walford reported this to the Head of Series, Drama, Television (Andrew Osborn), saying that it seemed that Lester was trying to force the question between filming or telerecording and stating that, "Surely you would not want an American company having a say in casting, production and slanting of the programme towards the American market, particularly in view of the immense success of the first programme due very largely to its having been so essentially English."<sup>23</sup> Script Editor John Gould was equally concerned, fearing that if an American company had a say in casting, production and programme slanting that this would mean Lester would also want to have input, which he believed "could be disastrous":

*I am also convinced from what Mr Lester has said to us that he wishes to be involved in those matters, but that any interference from him would be totally unnecessary. As you say, the success of the programme will depend very largely on its being essentially English. We can always ask Mr Lester's opinion, just so long as we are not bound to act on it.*<sup>24</sup>

Not surprisingly, Osborn wrote to Walford that the BBC needed to have complete control of the project. He had no theoretical objection to it being filmed, provided the money came from the US side, adding that "it would be amusing if we were for once able to insist upon our own terms with the Americans."<sup>25</sup> Lester, however, wrote to Walford in November saying that nothing had come of the negotiations with Screen Gems as the production values and pacing of *The Speckled Band* had not been up to the requirements of the American market and because the BBC did not want to share production decisions:

<sup>21</sup> Ibid.– Contract (06/01/1964)

<sup>22</sup> BBC WAC: T5/2359/1 – General Manager, TV Enterprises to H.Cop (12/06/1964)

<sup>23</sup> Ibid.– H.Cop to H.SeriesD.Tel (16/06/1964)

<sup>24</sup> Ibid.– John Gould to H.Cop (17/06/1964)

<sup>25</sup> Ibid.– H.Ser.D.Tel to H.Cop (17/06/1964)

*We all agreed from the start that any sort of co-production with the Americans where the Americans would endeavour to "Americanise" the series would be a potential danger. On the other hand, we cannot expect them to accept the series produced on the lines of present standards.*

Screen Gems also felt they should have foreign sales rights rather than the BBC, at least all those excluding the United Kingdom and the Commonwealth. "This again, is something that the BBC, understandably so, is apparently reluctant to relinquish." Lester was trying to take up negotiations with other companies although he considered that proceeding along the present lines would make a US sale unlikely.<sup>26</sup>

With the BBC not as keen on a co-production as the Conan Doyle Estate, this indeed proved to be the case. As a result, however, the Estate decided that it wanted the BBC to release the US rights back to them so they could exploit the stories there instead. They also didn't want the BBC spoiling a US network sale by selling the series to smaller stations. The Corporation initially did their best to put Lester off but the subject refused to go away<sup>27</sup> and ultimately the BBC did agree to release the North American rights on condition that they got first refusal on buying any proposed series made in the USA. In return the BBC asked for an extension to the time limit to which the BBC was tied to decide whether it wanted to produce further stories (making it the end of 1966 rather than 1965).<sup>28</sup>

### *1968 - third adventure in copyright*

The BBC's third foray into a Sherlock Holmes series came in 1968, with Peter Cushing now cast in the title role (Douglas Wilmer having elected not to continue). These programmes were considered successful enough that even before the series had finished its broadcast run the BBC became interested in producing a further series along the same lines. They asked the Estate if, in principle, they could also use the stories written by Adrian Conan Doyle and John Dickson Carr and wanted permission to write original stories based on the characters, in the style of Conan Doyle.<sup>29</sup>



Peter Cushing, the BBC's 1968 Sherlock Holmes

Whilst the Estate did not object to the idea of using stories from *The Exploits of Sherlock Holmes*, provided the same general principles as had applied to Sir Arthur's stories were followed, the BBC had to chase a decision regarding the idea of original stories,<sup>30</sup> to no avail. As it happened, impetus for a further series of stories died at this time, possibly as an indirect result of concerns expressed by the Mirish Film Company, distributors of *The Private Life of Sherlock Holmes*, who wanted to be sure any planned repeats of the BBC series would be over before the film was released in the UK,<sup>31</sup> a concern that presumably also applied to any new series.

<sup>26</sup> Ibid.— Lester to Walford (21/11/1964)

<sup>27</sup> T5/1907/1 Op.Cit. — H.Cop. to G.M.Tel.E (02/03/1965)

<sup>28</sup> Ibid.— Minute of meeting about Holmes with Henry Lester, G.M.Tel.E and H.Cop (4/09/1965)

<sup>29</sup> BBC WAC: RCONT18 Arthur Conan Doyle Copyright 1964-69 — H.Ser.D.Tel to H.Cop (30/08/1968)

<sup>30</sup> Ibid.— H.Cop to Henry Lester (03/09/1968)

<sup>31</sup> Ibid.— H.Cop to C.BBC-1 (28/01/1969)

Adrian Conan Doyle does not appear to have let go of the idea of his own Holmes stories being adapted, however, writing to Walford in June 1969 with the suggestion that the BBC might be interested in using his stories on either TV or radio. He stated that his *Exploits of Sherlock Holmes* had been "very successful over the years" with the book never having been out of print since it was first published in 1953. He suggested that Michael and Mollie Hardwick would "do a splendid job with the scripts" adding that "the general public have shown themselves very interested, even intrigued, in the continuity by the son of the particular type of story created by his father."<sup>32</sup>

Walford did put the idea forward to both TV and Radio Drama. Radio was not keen on the idea. In television, Osborn asked Walford to reply along similar lines to his 1968 proposal, namely that the BBC would be interested in principle, but only provided they were also given permission to write original scripts based on the characters. Osborn undertook to examine Adrian Conan Doyle's book with a view to dramatising the stories but did not wish to use them on their own adding that the BBC would not be able to go ahead with such a series before 1971.<sup>33</sup> In addition to wanting to reserve editorial judgement regarding the *Exploits*, Osborn also wanted to know what copyright fees the Conan Doyle Estate would demand.<sup>34</sup>

These proposals did not sit well with Adrian Conan Doyle. Irene Gillies, of the Arthur Conan Doyle Estates (Adrian Conan Doyle having parted company with Henry Lester), wrote to Walford on the 25<sup>th</sup> July 1969 stating that Adrian Conan Doyle's reaction was that there could be "no question of the BBC acquiring any rights in the basic characters for the purpose of writing new stories for television." He did, however, still want to know if the BBC would be interesting in using *Exploits*.<sup>35</sup> Osborn was not keen, however, stating to Walford:

*We seem to be in a bit of an impasse with Adrian Conan Doyle. I wonder if he understands that a very common package in series is twenty-six programmes. There is certainly not material in The Exploits of Sherlock Holmes to sustain this number. I wanted to have the book looked at again in order to get an accurate assessment of how many episodes we could possibly get from this source. We had considerable difficulty in laying our hands on a copy. To the best of our recollection we think that we might get around ten.*<sup>36</sup>

Walford therefore replied along these lines, and asked again about the possibility of using part *Exploits* and part original stories.<sup>37</sup> The Estate stood fast in finding the idea of the BBC making its own dramatisations unacceptable although Adrian Conan Doyle proposed the idea of a series of thirteen programmes, nine of which were to be from *Exploits* and the remaining four from Sir Arthur Conan Doyle's stories.<sup>38</sup> This idea must have had some appeal to the BBC because Osborn asked Walford to find out what the Estate would want by way of copyright if they were to proceed along these lines.<sup>39</sup>

This tentatively favourable reaction was seized upon by the Conan Doyle Estate with Adrian Conan Doyle agreeing, in October 1969, to a proposed fee and broad terms.<sup>40</sup> Osborn then

<sup>32</sup> Ibid.— Adrian Conan Doyle to Walford (17/06/1969)

<sup>33</sup> Ibid.— Head of Series, Drama to H.Cop (04/07/1969)

<sup>34</sup> Ibid.— Osborn to H.Cop (14/07/1969)

<sup>35</sup> Ibid.— Irene Gillies to Walford (5/07/1969)

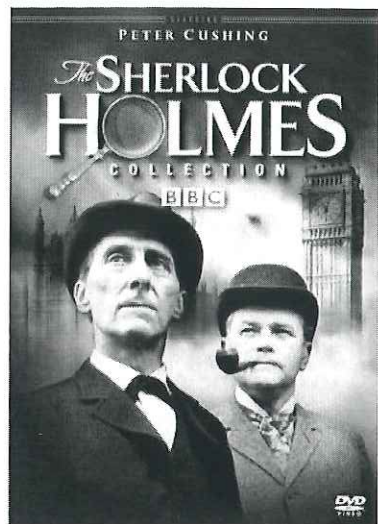
<sup>36</sup> T5/1907/1 Op.Cit. — H.Ser.D.Tel to H.Cop (04/08/1969)

<sup>37</sup> RCONT18 Copyright File 8 Op.Cit. — Welford to Gillies (05/08/1969)

<sup>38</sup> Ibid.— Gillies to Walford (12/08/1969)

<sup>39</sup> Ibid.— Osborn to Walford (07/10/1969)

<sup>40</sup> Ibid.— Gillies to Walford (21/10/1969)



agreed to discuss the idea with the Controllers of BBC-1 and BBC-2, who were responsible for commissioning programmes, but emphasised again that the series was not likely to take place until sometime in the future.<sup>41</sup> Adrian Conan Doyle followed up in April 1970, writing to Walford that he “would be glad to know if you have any news for me regarding the proposed television series on my *Exploits*”.<sup>42</sup> Walford replied to say that he knew nothing further<sup>43</sup> and the matter lapsed with the death of Adrian Conan Doyle in June 1970.

At this distance in time we can only speculate as to why Adrian Conan Doyle seemed so opposed to the idea of the BBC commissioning original stories based on the characters. It was not like there was no precedent for this as there had already been a number of films that weren't, even nominally, adaptations of the stories (including most of the Rathbone-Bruce movies). Original Holmes stories had also been made

for US television. Perhaps Adrian Conan Doyle was so keen to see his own stories adapted (although one of his stories had already been adapted in the US) that he did not want the BBC to dilute them by association with their own tales. Or perhaps he felt he could demand more money for use of his own and his father's stories rather than just for use of the characters so wanted to maximise the number the BBC might use.

Clearly there was often some monetary motivation in the actions of Denis and Adrian Conan Doyle in relation to their father's works. The contracts negotiated for the BBC contained clauses relating to deadlines by which the Corporation had to make a decision about making more stories or a date after which they could not show repeats. This is not unusual in itself but in the case of the Conan Doyle Estate the timing often seemed to coincide with a deal the Estate had made in the United States or for a cinema release, where the monetary stakes were higher. The stories that could be used were also sometimes restricted for the same reason. The brothers seemed less interested in how the Holmes stories were adapted, which gave a lot of freedom to the producers. This was obviously a good thing from the BBC's point of view although the Corporation did at least make some efforts towards authenticity – albeit with sometimes mixed results.

Copyright clearance is rarely straightforward. Technically, the copyright in the Sherlock Holmes stories, along with the rest of the works of Sir Arthur Conan Doyle, expired in 1980 in Britain, fifty years after the author's death. Prior to that time, all proposed adaptations or use of the characters had to be negotiated with the Conan Doyle Estate (following Adrian's death, this fell to his sister Jean).

Even that was not the complete story though as in 1996 Britain changed the law relating to how long works remain in copyright following the death of the author, in order to bring it into line with the rest of Europe. The new period of seventy years after death meant that for a few years the Holmes stories actually went back into copyright. Even after the works ceased to be covered

<sup>41</sup> Ibid.– Osborn to Walford (28/10/1969)

<sup>42</sup> BBC WAC: RCONT20 Sir Arthur Conan Doyle Copyright File 1970-4 – Adrian Conan Doyle to Walford (03/04/1970)

<sup>43</sup> Ibid.– Walford to Adrian Conan Doyle (27/04/1970)

by copyright in Britain, overseas rights could be a different issue. People who have read Michael Cox's book about the Granada adaptations might recall how that series faced problems because the copyright laws in the USA are different to the rest of the world meaning they still had to clear US rights in some stories despite them being out of copyright in the UK. There is a reason television companies have whole teams of people whose job it is to negotiate rights!

#### References:

Extracts from the following files, located at the BBC Written Archives Centre, Caversham, Reading, United Kingdom:

RCONT1 - Adrian Conan Doyle, Copyright File 3, 1950-3

RCONT18 - Adrian Conan Doyle, Copyright File 7, 1963-1964

RCONT18 - Arthur Conan Doyle, Copyright, 1964-1969

RCONT20 – Sir Arthur Conan Doyle, Copyright, 1970-1974

T5/460/1 – *Sherlock Holmes*, 1951

T5/1907/1-2 - *Sherlock Holmes*, General, 1963-70

T5/2359/1 - *Detective: Sherlock Holmes: The Speckled Band* (b/c 18/05/1964), 1964



**Gael Stahl:** Only now have I been able to dip into the 22nd May issue of The Passengers' Log and in the exact middle of the publication found Emanuel E. Garcia's essay comparing Sherlock Holmes with Don Quijote. ... This essay merits being in the BSJ if it takes things that have appeared elsewhere already. Perhaps it could be 'slightly revised' some more. It's so good I'm wondering if you could have it emailed to me so I don't have to retype it. I want to share it with some Sherlockian friends here starting with Hawk and with our small Great Books

discussion group. Garcia is very good and the information you appended about him might lead our folks reading other pieces by him. Mostly, I take every occasion I can to talk about articles you print and now by email to spread the word about 'the Sherlockian publication I find I most turn to' (Charles Prepolec turned me on to you with those words when we visited him in Calgary) and read closely. Hail to all and may you Aussies do well in the World Cup competitions. (Old Hickory, TN, USA)

**Dave Elsey:**<sup>1</sup> “Hi all, I'm going to officially start doing posters of my Sherlock Holmes Covers! If that's as exciting to you as it is to me, and you would like to order some (signed or unsigned), please encourage my good friend and publisher Mr Baden Kirgan by making an enquiry at Black House Comics, a division of Jeffries Printing Services (NSW) Pty Ltd, (ABN 78 001 897 178), 5/7 1a Milperra Road, Revesby NSW 2212. T: + 61 2 9792 1377 F: + 61 2 9773 6803. Or contact direct by email at [info@blackhousecomics.com](mailto:info@blackhousecomics.com).

<sup>1</sup> Dave Elsey is an Oscar nominated special effects artist who has worked on everything from *Helraiser* to *The Wolfman* and who creates the covers for *Sherlock Holmes - The Dark Detective*

