

Blues Alley EP 4
"The Same Old Song"

by
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Main and Jefferson in Memphis Tennessee - is where Memphis Blues - first went on sale - at Bry's Department Store - in September of 1912, and it was an instant failure! Or was it an instant hit?

We'll tell you the whole remarkable true story this time on Blues Alley!

Episode 4 - The Same Old Song

W.C. Handy had written Memphis Blues as a campaign song for Memphis Politician Boss Crump in 1909.

It quickly became a local favorite. The band played it to routine acclaim at Colonial Country Club, on Pattona Riverboat cruises up and down the Mississippi, at Dixie Park Dances, and the hottest spot in town, the Alaskan Roof Garden atop the brand new Falls building on Front Street.

So it seemed like a no-brainer to print up some copies and make a little money.

And that's just what Handy set out to do.

In the summer of 1912 L Z Phillips - the manager of the music counter at Bry's Department store in Memphis - agreed to put the sheet music of Memphis Blues on sale - if Handy would front the cost of printing.

The day they sealed the deal, Handy and Phillips were joined - by another man - Denver based - composer and publisher Theron C. Bennett.

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Bennett, a compact, stocky white man who had written, St Louis Tickle promoting the 1904 Worlds Fair, also owned a music publishing and distribution business, and the Dutch Mill Cafe in Denver, a music store/hangout for local and touring musicians.

The day he met Handy, Bennett offered the composer nation wide distribution for his upcoming sheet music release of Memphis Blues.

Handy jumped at the opportunity, and made Bennett his sales representative.

His first act was having Bennett arrange for the printing of Memphis Blues which Handy would pay for on delivery.

With national distribution arranged, and the product ordered, it looked like things were off to a great start.

On September 27, 1912 the copies of the song arrived, and went on sale the next day at Bry's.

Meanwhile Handy was out scouring the other department stores in town trying to get them to carry the tune as well.

He struck out at Lowenstien's - and at Goldsmith's - both well established department stores in Memphis.

Even his old friends at the O.K. Houck piano company turned him down, claiming that their clientele wouldn't buy music composed by a black song writer.

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Handy pointed out to Mr. Houck that nearly all of the music displayed in his store's window was Ragtime, written by black composers for a black owned publishing company in New York.

Mr. Houck smiled - and replied wryly, "I know that - but my customers don't."

That was the end of the conversation.

Dejected Handy returned to Bry's a few days later to check on sheet music sales there - and the news got even worse.

The stack of a thousand copies that Handy had ordered, still sat there - largely untouched.

Nobody was buying Memphis Blues.

Handy couldn't believe it - the song had been wildly popular every place he'd performed for the last three years.

But, according to Bennett and Phillips - customers complained, that the piece was too hard to play.

Handy's investment was a bust after all.

So with the stack of nearly a thousand unsold copies mocking his failure, Bennett made Handy an offer.

He'd buy the Memphis Blues copyright, and the printing plates, for fifty bucks, so Handy could at least make a small profit on his thirty three dollar investment.

Looking at the stack of unsold copies, and glad to get any return, Handy agreed to sell...

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and handed over the receipt for printing plates - and all rights to the song - except authorship.

He had the foresight to keep his name on the piece.

To make things look better for Handy, Bennett even valued the sale at \$100 - returning to Handy the remainder of the thousand copies of unsold sheet music - valued at five cents each, totaling another fifty bucks, bringing the total Handy received to a hundred dollars - on paper anyway.

Of course this "gift" completely ignored the fact that Handy had actually paid for those thousand copies himself.

They were already his!

But seeing no other viable option, Handy took the deal.

A week or so later - on October 7, 1912 Bennett placed an order - again at Zimmerman & Sons music printers - for ten thousand copies of Memphis Blues - this time with the Bennett publishing imprint on the cover.

By September he'd sold fifty thousand copies, and vaudeville star, George "Honey Boy" Evans, was planning a vocal edition, with a brand new lyric written by George A Norton.

George Norton - who also wrote Melancholy Baby created a lyric that would prove he'd had never been anywhere near Memphis, or even listened to the style music he was writing.

The second verse awkwardly refers to a "big bassoon." Not an instrument present in your average blues band.

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But the that didn't slow the tune down.

With Norton's lyric in place - Bennett sold the song to New York music publisher Joe Morris for "a small fortune."

Three months after that another fifty thousand copies were ordered.

Memphis Blues was a huge hit!

But - how the song had gone from failure to fortune in a couple of months was the million dollar question.

Memphis Blues was suddenly a run away hit. Handy had sold too soon.

What he didn't know - and wouldn't find out until Bennett wrote him a letter confessing the details in 1933, is that it was all an elaborate plot - engineered to get Handy to sell Bennett the song, by convincing him that Memphis Blues was a flop.

Bennett - who was supposed to have arranged for a thousand copies of the song from Otto Zimmerman and Sons, had - in fact - secretly ordered two thousand copies.

The stack of unsold copies Handy saw mocking him the day he checked in on sales at Bry's, were Bennett's second order, the one he had arranged for on the down low.

The first thousand copies - the ones Handy paid for - had sold out in three days.

Around the time of Bennett's confession letter, a routine audit at Otto Zimmerman and Sons, shed even more light on the deal.

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In what appears to be an intentional effort to hide the fact that the second order existed at all.

Bennett arranged for the first thousand copies to be delivered express, on September 27th, 1912. Those are the copies that immediately went on sale at Bry's music counter.

The second run, shipped standard delivery, arrived a few days later when Handy wasn't there to witness it.

The evidence - from a century's distance, certainly looks like a carefully crafted fraud.

Handy had only sold his copyright based on the information that his song wasn't selling.

And that was a straight up lie.

Now the only real source we have for details regarding the sale of the song, is Handy's autobiography, "Father Of The Blues."

Bry's sales records were lost in a fire, so there's no way to confirm how many copies of Memphis Blues were actually sold in that initial run.

All of the other written accounts detailing the song's sale - seem to - like this one - refer back to the single account in Handy's book.

And to be fair - Handy had in financial interest in the outcome of these events.

But based on his recounting, it does appear that the whole deal with Bennett had been a bait and switch.

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And that still appears to hold up when you look logically at who was likely involved.

Bennett - of course - had to be part of it. He had placed the order for the extra thousand copies - had them shipped separately, and ultimately ended up with the copyright.

L Z Phillips - the music manager at Bry's had to at least have had knowledge of the deception. He would have been the one who put the second thousand copies on display to mislead Handy when he checked in on sales.

Then there's the inventory management aspect. Could a department manager not know - and not account for - the fact that his department had sold their entire allotment of a thousand copies of sheet music in three days - and still had a thousand pieces left?

And there's one more piece of possibly damning evidence - from Handy's book - suggesting that Phillips was involved.

Shortly after Theron Bennett secured the copyright for Memphis Blues, L Z Phillips became the regional sales manager for Bennett's publishing company.

As for Bry's Department Store and the printers Otto Zimmerman and Sons, there's no evidence to suggest that they were aware of the deal. Both appear to simply be merchants doing business in good faith. It had been Zimmerman and Sons - after all - who revealed the subterfuge around the extra copies and how they had been delivered.

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For Handy though, it was just the same old song. This kind of thing has happened to artists, especially black artists, since the music business began.

Protecting creators from this kind of abuse was one of the driving reasons for the 1909 revision of the arcane copyright act.

A major provision in the 1909 law - split the 56 year copyright term in half, allowing creators an opportunity to recover their works after twenty-eight years.

It provided at least some recourse for artists who'd made a bad deal early on.

But in 1912 the law was irrelevant, as far as Handy was concerned.

Even if he'd tried to use the new copyright act, he lived in Jim Crow Memphis - the rights of a black artist were essentially non-existent. No court would rule in favor of a black plaintiff - and filing suit at all could get you lynched.

It's also unlikely that most white people back then, would've even thought Bennett and Phillips did anything wrong.

As bizarre as it sounds today, stealing from a black man in 1912 Memphis, was just business.

For Memphis Blues though, it was more than that - it was over - for Handy anyway.

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The composer was forced to sit on the sidelines and watch as his song became an international success, and other people made all the money.

Within a few years, James Reese Europe, a black orchestra conductor had adopted the song.

In his role of music director Europe introduced the song to the dance team of Vernon and Irene Castle.

The Castles slowed it down a bit and used it as the underscore for their new dance sensation the Fox Trot.

Back then that was a big deal.

The Castle's - often referred to - as the couple who "taught America to dance from the waist down," were the power couple of the day, and their dance the fox trot took the song to entirely new audience.

In 1918, James Reese Europe would further the song again, as he headed "Over There."

His band now known as the "369th Regiment Harlem Hellfighters," would take the song to France, making it part of the soundtrack for the first world war, and introducing blues to continental Europe in the process.

Even Mister Houck, at the O K Houck Piano company would carry the song in his front window, along side a life size photo of it's composer - W.C. Handy, the local boy made good.

All in - Memphis Blues was an enormous hit. The first piece of American music to capture the ear - and heart - of the old world.

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Unfortunately Handy was unable to claim any of the financial rewards, from the success of his tune.

Instead of lamenting the loss of Memphis Blues though - the indefatigable Handy did something extraordinary. He simply went back to work.

He'd proven he could do it once - Surely - he could do it again.

But could he?

We'll find out next time on Blues Alley.

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