

The trials of Miss Dinah Shurey

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In January 1930, another fabulously rude column by Film Weekly's Nerina Shute landed her publisher in court. The plaintiff was the film producer Dinah Shurey, smarting from Shute's use of her film *The Last Post* to argue that it was "pathetically obvious that women can't produce films". Shurey won this case and was awarded £500 but the trial is sometimes written about as if she had lost and had her career ended by the accusation that her films were "atrocious". Christine Gledhill has called Shute, Shurey's "nemesis".¹

[Hitchcock slide]

In fact Shurey's troubles did not end with Shute, who after all, like all the best baddies, was defeated. In the early 1930s, Shurey remained in the film industry. Her career as producer and film distributor was ended by a series of other factors. Other trials. Other nemeses. And it's those I want to talk about over the next few minutes. In the absence of her films, which unhappily do not survive, I'm going to talk about Shurey as a businesswoman, her companies and her financial backers. And we'll throw in some scandal to keep it interesting.

Dinah Shurey was born in 1888 into a prosperous middle class family. Her father was the penny paper publisher Harry Shurey. Shurey was the owner of *The Weekly Tale Teller*, the first publisher of Edgar Wallace's 'Sanders of the River' stories. He was also the proprietor of *Sketchy Bits* - best not to speculate - and from 1919-20, *Cinema Chat*.

[Cinema Chat]

I'd like to imagine a youthful Dinah's imagination being fired by reading about inspiring women working on both sides of the camera in her father's magazine but by 1919, Shurey was in her thirties and had already moved into a career in entertainment, having worked with Lena Ashwell to organise concerts for soldiers at the Front. She then went on to act as stage and business manager to the acting duo of Henry Vernon Esmond and his wife Eva Moore. (Her successor in at least one of these roles was Nigel Bruce, Watson to Basil Rathbone's Holmes). In court against Film Weekly, Shurey's lawyer Norman Birkett KC described the founding of Shurey's company Britannia Films:

"In 1924 she conceived the idea that there was an opening in this country for British films which expressed British sentiments and ideas and she had been successful in producing several of that character". He continued "[she] was in fact the company, having organised and founded it, being the managing director of it and doing all the responsible work connected with it. She had great organising ability and business acumen."

¹ Gledhill, Christine. "An Ephemeral History: Women and British Cinema Culture in the Silent Era." (2013): 131-148.

Nevertheless, quite quickly, the company found itself involved in a legal action.

[Afraid of Love]

Dinah's first day in court appears to have come in 1925 in what The Times liked to refer to as the 'Miss Sydney Fairbrother case'.² Miss Fairbrother, in reality Emily Sydney Lowe, address "Place O'Dreams, Chorley Wood" - there are two phrases you don't hear together very often - Miss Fairbrother, was expecting to receive £50 a week for 4 weeks work on the Britannia film 'Afraid of Love'. Afraid of Love starred Christabel Hulme Hart - Mrs John Russell - playing a very thinly veiled version of herself. Mrs Russell, described as "not altogether unknown in these courts" – was famously estranged from her husband after a divorce case so spicy that Parliament subsequently passed an act specifically to keep evidence from future such cases out of the newspapers. It was alleged that Mrs Russell was by no means 'Afraid of Love' -such that no fewer than four co-respondents had committed adultery with her. Mrs Russell fended off all these allegations and her husband failed to obtain a divorce. (Much later she gave him the heave ho). Miss Fairbrother was expecting £50 a week for four weeks but when she got in touch to commence work she was told her part had been cut from the screenplay possibly by the film's scenarist Walter Summers. Shurey herself then offered Fairbrother's agent one week's salary, whereupon Fairbrother took Britannia to court.

Britannia didn't dispute the basic facts of the case. A.V Bramble named as producer agreed "the scenario of the film was altered suddenly at the last moment." But in court Britannia's lawyer declared stoutly: "The defendants denied they entered into the contract alleged".

In cross examination, what Fairbrother knew about the film all seemed to have been gleaned in conversation with Shurey. "I understood from Miss Shurey", she told the court, "that mine was quite a good part which went through the film". The idea seems to have been to show another form of married life, alongside that of Mrs Russell. "From what Miss Shurey gave me to understand, I got more happy after my unhappy husband had gone to gaol". (Laughter in Court.)

In the final verdict Fairbrother got her £200 despite the fact that she could not produce a contract for her role. There's nothing remarkable about this case and I mention it only because it may be that Shurey drew a fatal lesson from it: that juries would award people what they were due, whether or not a contract existed.

In March 1929, the Times helpfully characterises all the main British film production companies.³ It doesn't take long. Britannia they call: "a small company but have the distinction of possessing the only British woman film director, Miss Dinah Shurey. With her is associated Mr F. J. Nettlefold as co-director. [We'll come back to him] Her pictures have generally been given a patriotic flavour and popular flavour and include Every Mother's Son, Second to None, Carry On and The Last Post".

[The Last Post Slide]

² The Times, October 17th 1925

³ The Times, March 19th 1929

The Last Post never seems to have achieved a proper nation-wide release. In December 1928 Gaumont-British announced they would distribute the film but this never happened. Shurey's lawyer admitted in court that "except for a pre-release show in February 1929, which lasted a week, it had never had a public performance, because, although a general release had been arranged to take place in October, it had been found difficult to turn it into a "talkie" that kind of film having become the "rage". This was unquestionably a blow to a woman whose films were said in court to be opening in 1,400 to 1,800 theatres. How was she to proceed? The answer was provided by her co-director at Britannia, Frederick John Nettlefold.

The surname might be familiar to some of you. Archibald Nettlefold bought Cecil Hepworth's studio at Walton on Thames. Nettlefolds was originally a hugely profitable screw company founded in the 1820s. The family were related to the Chamberlains, they were Unitarians and they were immensely wealthy but by the 20th century its scions were more interested in other industries. Frederick was Archibald's older brother and financed some theatre productions before turning to Shurey as a business partner. How wealthy was Frederick? Very.

[Cambridge Gardens slide]

Here is where he was living in 1922, as he went at the age of 54, through another deliciously messy divorce from his wife Lucy, 23. They had been married about six months before Lucy skipped off to first Mombasa and then Sri Lanka with an F.L Reeves, a man who appeared to specialise in rich and presumably bored young wives. She refused to return to her family in England until Frederick agreed not to prosecute Reeves, who was after all, not rich. (Hence presumably the need to be a professional co-respondent).

Unlike Frederick and Lucy, there was no clean break between Britannia Films and Shurey's new company Showman Films. Shurey started Showman alongside Britannia and began to switch operations across a few weeks before the start of the libel trial with Film Weekly. Perhaps hedging her financial bets against a loss in court. Six months after her court victory, Nettlefold put in £13,000 to the new company- somewhere in the neighbourhood of £2m in today's money. Equivalent figures for Britannia don't survive but fortunately we know quite a lot about Showman.

What did Showman do? Not make films. They were film renters, distributors. "In April and May 1930, the company acquired the sole licence for 5 years from 3 American film producers to exploit certain films in the United Kingdom and in January and February 1931 similar licences were obtained to exhibit British, Swedish and German films, also in the United Kingdom. Contracts for the exhibition of such films were obtained by the company through its agents in Cardiff, Birmingham, Manchester, Newcastle and Glasgow."

[Paul Retha slide]

Paul Rotha describes working for the company in this phase. Introduced by Miles Mander he very ungallantly describes Shurey as "a peculiar middle aged woman"

with "bird's nest hair".⁴ Rotha had no idea who was funding Shurey, saying her funding came from an "undisclosed source". Shurey and Rotha seem to have gone together to Berlin to attempt to acquire the British rights to G. W. Pabst's 1931 film *Kameradschaft*, a heart-warming tale of how a mining disaster can bring nations together. Rotha seems to have been incapable of comprehending Shurey in this distributor role. "Why this strange woman wanted to acquire the ... rights, puzzled me." Rotha wrote English subtitles for the film but describes Shurey as being "shamefully double crossed" and "defrauded" out of the UK rights and left kicking her heels in Berlin for a fortnight. Neither met Pabst.

[Showman staff]

This then was Showman. A staff of 10, Shurey herself - occupation "film director", her manager Henry Reynolds and assistant manager, Arthur Alcott, 5 clerks an office boy of uncertain origin and the cleaning lady.⁵ Nettlefold, being the money, didn't collect anything as bourgeois as a salary. Not perhaps Gaumont but nonetheless an apparently thriving company. Except of course, this is list of debts. The company went under in May 1932.

When we look at surviving accounts, we see the monies owing to Horace Coxall, paid commission by Showman to get films distributed in Scotland. These show the range of films being handled by the company. A print of *The Last Post*, supplied to the Eglinton Electric in Glasgow. Perhaps this was the last time this film was ever seen in public. This would be two years after a reel was shown by the London Film Society. Other films on the slate: *The Man in the Bush*, Richard Thomas' 'The Woman Who Was Forgotten', rather poignant in this context, some sound shorts featuring the Gorno Marionettes, but overwhelmingly what Coxall seems to be shifting is *Flip the Frog*, 26 instalments.

[Flip the Frog]

Flip the Frog was the creation of Disney collaborator Ub Iwerks. The shorts were, of course, talkies and some were even in colour. Showman obviously saw them as key to their future. We're a long way here incidentally from "British films expressing British sentiments". Unfortunately just as Shurey had suffered at the hands of GW Pabst's producer, her US producer, perhaps the tricky Pat Powers, broke his contract with the firm, by failing to deliver promised instalments of *Flip* necessitating costly legal action in America and causing Showman "serious damage". ~ 0 ^,

If it was Pat Powers, then Shurey is in the excellent if slightly surreal company of Walt Disney in feeling taken to the cleaners by him. Does this make Powers or even *Flip*, Dinah's real nemesis?

Not entirely. For two reasons. One is that there is no question that Showman was not a very tightly run operation. The auditors blamed its collapse on "mismanagement on the part of the directors in that the overhead charges and expenses, particularly as regards salaries and travelling expenses were unduly heavy and out of all proportion

⁴ Rotha, Paul. *A Paul Rotha Reader*. University of Exeter Press, 1999, p.245

⁵ The National Archives, J 13/13501

to the business actually transacted by the company". The company did indeed spend a fortune on travel and Shurey had to admit it had also lost £400 down the back of the sofa in unaccounted for petty cash. That would have been her salary for 9 months at Britannia. For her part, Shurey blamed the firm's collapse on the fact it was "brought into existence at a very unfortunate time ... it was brought into being at a time when we could not buy any goods to sell." A shortage of product, perhaps quality British product not already controlled by a large studio, she felt, had done for the company.

The second reason not to blame Flip is that the collapse of Showman still did not put pay to Shurey's ambitions.

In March 1932, a few months before the firm's collapse, Shurey read a review of a theatrical adaptation of a new biography of imperialist extraordinary Robert Clive written by R.J. Minney, which had been performed in Derbyshire, Manchester and Windsor but not yet in London. She was subsequently put in contact with the author of the adaptation, William Lipscomb. Shurey wanted to turn the play into a film ("well, I would have considered it", she said later rather wistfully."). Lipscomb later described himself in court as an "author by profession" and reels off his screenplays as "I was a Spy, Good Companions, Soldiers of the King, Loyalties, The Man From Toronto and many other films". He later had the distinction of winning a Best Screenplay Oscar for *Pygmalion*, alongside three other writers including George Bernard Shaw, was beside himself with rage to find he had been nominated for something so déclassé.

Lipscomb refused Shurey's approach. He would not agree to sell the film rights to his script without a West End production being produced first. Shurey, with her theatre background was undeterred and undertook to raise the money to put on the play at Wyndham's theatre. This was where things got messy. In her attempt to get signatures on a contract from Lipscomb and Minney, Shurey veered between boasting of the connections she would use to finance the play - and the subsequent film version she planned - and being mysterious about precisely where the funds would come from.

In court, the two claimed that what they could divine of these connections made them uncomfortable. Minney said that Shurey "repeatedly contradicted herself but when he told her on the phone he "did not like the play being used for the purpose of political propaganda, Shurey played hardball:

"All right," she was alleged to have told Minney, "if you won't act as a go-between between Mr Lipscomb and me, I shall get Mr Noel Coward to write a play for me. Mr Noel Coward is spending the week-end with Lord Lloyd and I shall soon get a play much better than yours."⁶

Lord Lloyd was a founding member of the India Defence League - as implacable an opponent of independence for the subcontinent as he was fond of surrounding himself with attractive young men. Lord Queenborough, another name mentioned in

⁶ The Times, 3rd November 1933

court, had been the founder of the Military Massage Corps. They were, of course, both Conservative peers.

Shurey was very reluctant for these peers to be named. Presumably they had also not signed on the dotted. As funders, they were not figments of her imagination but their names plastered all over The Times in a court action may have been unwelcome publicity.

Under pressure Minney signed. Shurey then met Lipscomb at Sound City Studios, which has the golden ring of California but was in fact Shepperton, I think I'm right in saying, and again presented him with a contract, signed by Minney. Lipscomb said he felt "jockeyed" into signing. He may have signed the document but he told Shurey he needed to think things over and the next morning he burned it.

At this point Shurey should have thrown in the towel. Instead she ploughed on. She took Lipscomb and Minney to court to force specific performance of the contract. I find this hard to explain but Shurey seems to have convinced herself that Lipscomb had signed and that was binding. Perhaps her mind went back to the Miss Sidney Fairbrother case where the court had decided the actress deserved her fee even though she could not present a contract. This time however the strategy was an failure. Shurey lost the case. The Judge's verdict was harsh, saying "he did not like the way in which she gave her evidence ... He thought she was able to persuade herself of the truth of any answer which it was in her own interests to give. He considered her quite unreliable as a witness."

Shurey was now liable to pay Lipscomb and Minney's court costs, as well as her own. With no company to shield her, it was this that drove her to declare personal bankruptcy. The transcript of her bankruptcy hearing is in the collection of the National Archives.⁷ Shurey is a spiky witness. She evaded having the papers served on her for days. Her interrogators are immensely suspicious that she is hiding money. She gives nothing away, apart from the identity of her other long term backer. Shurey transferred to the backer her shares in Britannia Film, still technically an entity.

"What was the point of it?", asked the Receiver. "Why go to the trouble of transferring something which is utterly valueless?"

"Because the moneys which were keeping Britannia Films then and now my mother had been providing.", Shurey replied.

Caroline Shurey is revealed as a key backer not only the abortive Clive of India but of Britannia Films in general. In his will of 1925 Harry Shurey left £10,000, so Caroline can never exactly have been Louis B. Mayer, but there's something rather fabulous in the idea of a film company not only run by a woman but bankrolled by one as well.

⁷ The National Archives, B 9/1237

Less than six months after Shurey's bankruptcy, Daryl Zanuck's version of Clive of India arrived in cinemas. It was directed by Richard Boleslawski and its script was credited to William Lipscomb and R.J. Minney.

[Clive of India]

I'm sorry we have to add Clive of India to our list of lost Shurey films. It seems hard to imagine Shurey representing Clive as the rather unscrupulous figure of Boleslawski's version and yet when we watch Ronald Colman and Loretta Young, we are seeing, at least in some measure, the script Shurey wanted to make. I do mourn the loss of her version of the Black Hole of Calcutta. In 1927, as part of the publicity for *Second to None*, Shurey boasted about having herself, her crew and all their gear lowered into the boiler room of a naval warship

"You can imagine our difficulties,' she told the press, 'getting all our lighting equipment, with yards and yards of cables, down there. The heat of course, was unbearable, and it was only practicable to work for very limited periods alternated with breathing spaces in a more pleasant atmosphere."

Borrowing the gung ho language of male directors, who of course in interviews like to vie with their actors as to who can tell the most gruelling tale of production hardship. When asked about his view of female directors Walter Summers told an anecdote from the set of one of his films in which own wife, in order to achieve the realistic effect of a street accident, repeatedly hurled herself in front of a lorry.

This seems to me to be an apt metaphor for Shurey's career. She was repeatedly pressed by the Receiver why she had transferred the Britannia shares.

"If they were valueless what was the point of transferring them?"

"There was not really much point."

"Was not the point this, in case they should turn out to be valuable? ... So that the creditors in this bankruptcy should not get at them? ... Had you not got that in mind?"

Of course she had. She wanted just one more take.