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Pathé versus Pathé, Exhibit A: Reading an Archival Document

ABSTRACT: Looking at an isolated and seemingly banal document in the Pathé archives, this article tries to show how such an archival source can be made significant through a series of contextualizations. The starting point here is the question of why this apparently meaningless fragment of a letter has ended up in the archive and what purpose it was meant to serve.

KEYWORDS: Théophile Pathé, Pathé frères, early cinema, distribution, lawsuits

From time to time, when going through a file in an archive, the historian may come across an item that triggers the question: why did anyone care to preserve this document? Take this one, for instance: a reproduction of the first page of a letter, the letterhead identifying the sender as “Pathé Frères Aktiengesellschaft, Théophile Pathé, Berlin” (see fig. 1). The letter is dated January 28, 1905, and addressed to a Monsieur Vallouy [?], telling him that Monsieur Pathé has received the lease agreement for a pavilion, but demands some changes. He wants in particular to get rid of a clause according to which he has to preserve some trees. Vallouy is asked to have the contract modified and pay the owner. Monsieur Pathé will sign when he comes to Paris in the early days of February and then also bring the money. The letter being incomplete, this is all one learns about this transaction. The document appears perfectly banal, and in order to make it “speak” to the historian, it obviously needs a context. But why bother?

I stumbled on this document more or less by chance, and when I did, I was actually quite excited. But I should start at the beginning: in 2008, I was contacted by Stéphanie Salmon, head of archives at the Fondation Jérôme Seydoux-Pathé.¹ She had received a typescript of the memoirs of Suzanne Pathé, daughter of Théophile Pathé, and wondered whether it might be of interest to German film historians, as Suzanne Pathé had accompanied her father to Berlin, where he opened the first Pathé frères office in Germany in 1903.² The

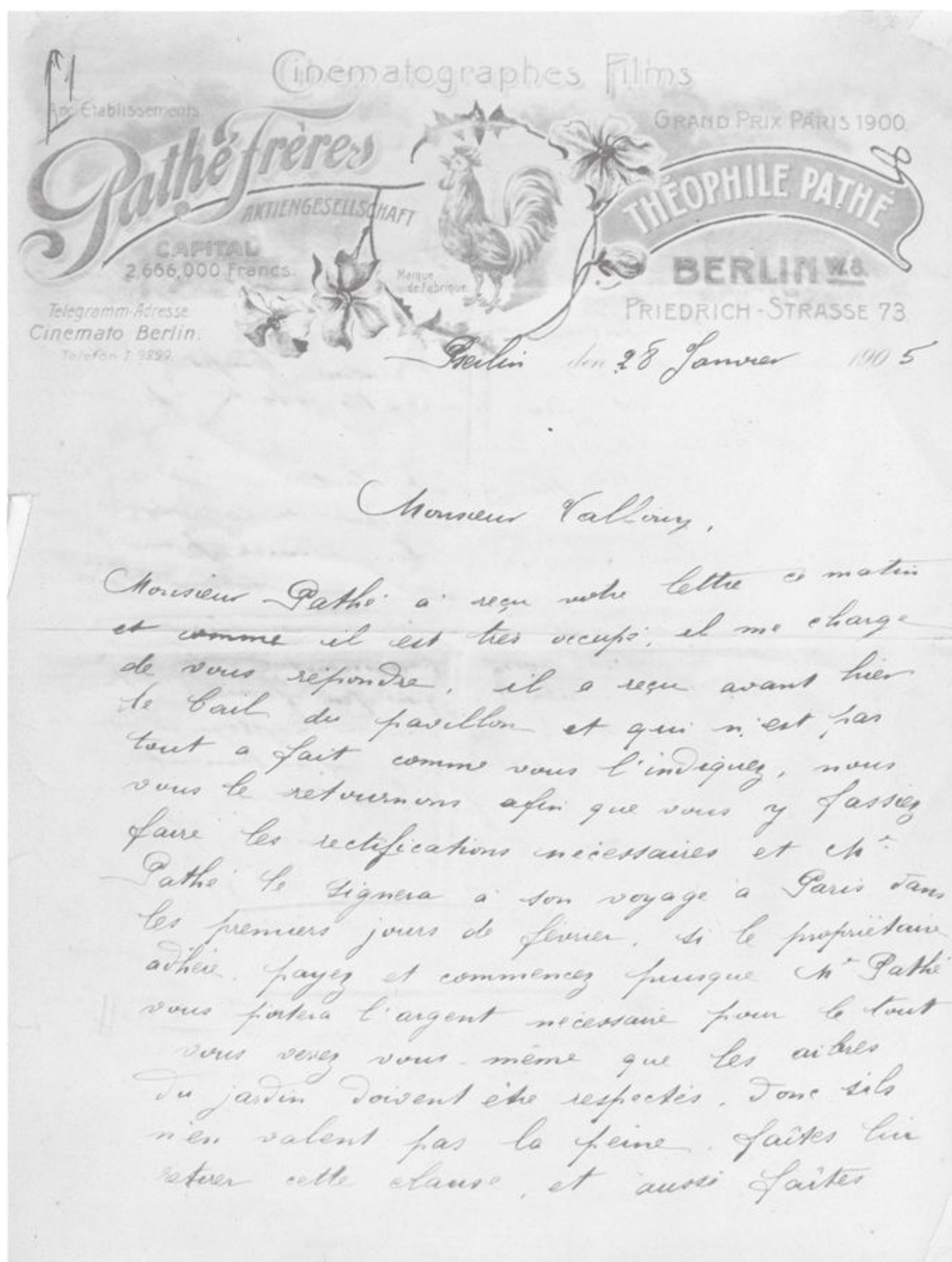


Fig. 1: The letter, January 28, 1905. Courtesy of Fondation Jérôme Seydoux-Pathé

typescript belonged to Nouchka Pathé, granddaughter of Suzanne, who was inquiring whether this text could be published, either in French or in a German translation. So Sabine Lenk and I read the text and finally met with Nouchka Pathé in Paris.

We had come to the conclusion that this autobiographical testimony could be prepared for publication from at least two perspectives. First, it was a quite fascinating document of a girl growing up around the turn of the century, with her parents trying to make ends meet by engaging in various enterprises, while her father's brothers were getting rich by investing in a new popular mass medium. Second, it was an interesting film-historical account describing the early days of the moving picture business in Germany from the point of view of a French adolescent. We proposed to Nouchka Pathé that we would translate mainly the cinema-related sections of the typescript, publishing them with extensive comments and contextualizing Suzanne Pathé's story with the help of some more archival research. The volume would be part of the *KINtop-Schriften* series that we coedit together with Martin Loiperdinger. This was agreed upon, and we started to get busy, both with the translation and with our own investigations.

THE YOUNGEST PATHÉ BROTHER: VICTIM OR BLACK SHEEP?

Théophile Pathé (1866–1923) was the youngest of the four Pathé brothers.³ The first-born, Jacques, apparently never played a prominent role, either within the family or in terms of the cinema business, while Emile and Charles started building their immensely successful international empire in the late 1890s. The professional career of their younger brother Théophile was marked by many ups and downs. Several times he tried to build his own business, among others as owner of two café-restaurants and a hotel, but all of these initially prospering enterprises failed in the long run. In 1903, Charles and Emile offered him the opportunity to represent their firm in Germany, so he moved to Berlin in December 1903, together with his wife Stéphanie and his eldest daughter, Suzanne. According to the typescript, the agreement was sealed with a handshake. The fact that there never was a contract signed between Pathé frères and Théophile Pathé became an issue in the conflict between the two parties that ensued a little more than a year later.

It is difficult to reconstruct exactly how the situation came to escalate. According to Suzanne Pathé's memoirs, by the end of 1904, the Paris headquarters increasingly interfered with the way the Berlin office was run. Her father travelled to France to meet with his brother Charles to discuss matters, including also the possibility for him to take over the firm's New York bureau, something Emile had suggested earlier during a visit to Germany. As for the latter issue, Charles said he'd think about it; other problems were discussed and resolved. While in Paris, Théophile Pathé also went to see Georges Méliès, offering to represent Star Film in Germany. His daughter claims that Pathé frères were not only informed of this initiative, but had also granted their approval.⁴ Nevertheless, early in March 1905, her father received an order from Paris to immediately stop selling Méliès's

films. Once again, he went to see his brothers and managed to convince them that he had acted in the company's best interest.⁵ Yet, according to Suzanne Pathé's account, at the beginning of May 1905, he learned that another branch of Pathé frères was about to open in Berlin, just a few blocks from his own office, which in his eyes constituted a clear breach of the agreement he had with his brothers.⁶

Théophile Pathé reacted rapidly: he refused to pay the bills he received from Pathé frères and, more importantly, left for Paris to set up his own production facilities and a company in his own name, discovering in the process that his assistant—a protégé of Charles whom he had been more or less forced to take on—had been spying on him since their arrival in Berlin.⁷ What followed were several lawsuits, and, as Suzanne Pathé claims, also attempts to sabotage her father's new enterprise. She herself, at the age of fifteen, acted for more than a year as director of the Berlin office representing the newly founded *Compagnie des Cinématographes Théophile Pathé* in Germany.⁸

In Suzanne Pathé's account of the events, her father appears as a victim of his brothers' erratic business decisions: first allowing him to distribute Méliès's films alongside their own, and then ordering him to stop, only to have another change of mind when he comes to see them; also, sending him to Berlin to represent Pathé frères, and then opening a competing office right under his nose. However, contemporary sources show a more complicated situation. Thus, for instance, there are already ads in the German trade journal *Der Komet* in 1904 (see fig. 2), in which Théophile Pathé presents himself as the exclusive representative of Méliès in Germany and Austria-Hungary, several months before the trip to Paris in the course of which, as his daughter claims, he contacted Méliès for the first time.⁹ So why exactly did Pathé frères establish a competitor for their first representative in Germany in 1905, and what was the reason for this rather bitter dispute between Théophile Pathé and his two brothers? This takes us back to the archival material.

ARCHIVAL EVIDENCE OF QUARRELS AND LAWSUITS

The Fondation Jérôme Seydoux-Pathé in Paris, which takes care of the Pathé company's historical archive, also keeps a box of files concerning Théophile Pathé. It contains a few letters, some clippings from newspapers, documents related to Théophile Pathé's various companies, handwritten records of several lawsuits and the courts' decisions. Obviously, Pathé frères did not preserve all this material out of a sense of family. Quite on the contrary, its initial function was to archive items that were linked to the ongoing legal affairs or documents that might become relevant in the future.

Thanks to the records of the lawsuits, it is possible to identify the formal complaints the brothers addressed to each other, which differ slightly from what

Nr. 991. Der Komet.



J. B. Wertz & Sohn
alleiniger Inhaber: Jean Wertz
Mülhausen (Els.)
Goldene Medaille Paris. Goldene Medaille Berlin.
Spezialfabrik
für
Zelte, Chapiteaux, Buden, Karussell- u. Schaukel-Dächer, Malerleinen, Klappmöbel etc.
Wir bitten unsere Firma nicht mit anderen zu verwechseln.

Films • Kinematographen

Théophile PATHÉ

Der Reisekoffer Barnums	125 m	Russisch-japanisch. Seegefecht	65 m
Der Theaterbrand in Chicago	55 m	Verteidigung von Port Arthur	30 m
Ein Blick in jedes Stockwerk	120 m		

Der russisch-japanische Krieg auf dem Lande!!

I. Serie: Angriff einer Festung	III. Serie:	IV. Serie:
II. Serie:	Alarm	Vorpostengefecht
Verhaftung eines Spions } 50 m	Eroberung einer Kanone } 65 m	Überraschung des Vorpostens } 65 m
Die Hinrichtung desselben }	Verteidigung einer Pagode }	

Firma Méliès. Théophile Pathé Vertreter.
Letzte Neuheit der Firma Méliès:
Die Verdammung Faust's. Preis Mk. 650.—.
Nicht zu verwechseln mit dem Film „Faust in der Hölle“. Dieser Film ist ein deutsches Stück und ist dasselbe eingerichtet, um mit Instrumenten jeder Art begleitet werden zu können.
Katalog franko. — Verlangen Sie bitte die Dezemberliste. 1426

BERLIN W. 8, Friedrichstrasse 73.

Telegramm-Adresse: Cinemato-Berlin.

Verantwortlicher Redakteur: Oskar Feld in Pirmasenz. — Druck und Verlag von H. Neumann in Pirmasenz

Fig. 2: Ad in *Der Komet*, April 9, 1904. Théophile Pathé acting as representative for Georges Méliès

Suzanne Pathé relates in her memoirs. On April 28, 1905, Théophile Pathé took legal action against Pathé frères, stating that, out of the blue and disregarding their agreement, the firm had stopped supplying him with films, which in turn made him lose his clients and thus effectively put an end to his commercial activities in Germany.¹⁰ Given the fact that there was no written contract between Théophile Pathé and his brothers, it was important for him to prove that he had been sent to Berlin as an official representative of the firm, and that their decision in February 1905 to no longer supply him with films was, in fact, a breach of this unwritten understanding, with devastating consequences for him. According to the records, Pathé frères counterclaimed that they had never considered Théophile Pathé a formal representative of the firm, and that the proposition to sell their films in Germany had simply been an act of charity toward a “brother in need.”¹¹ In order to explain why they discontinued sending films to him, Pathé frères pointed out that Théophile Pathé had also distributed the product of a competitor. Even though the name is never mentioned, this clearly referred to Méliès.¹²

While Suzanne Pathé in her memoirs writes mainly about a parallel lawsuit in Berlin, the two issues she repeatedly insists upon—that her father was sent to Berlin by his brothers as a representative of Pathé frères, and that they had given their approval to his suggestion to also distribute Méliès’s films in Germany—were, in fact, at the center of the legal dispute in Paris. Her fervent plea in favor of her father notwithstanding, contemporary documents rather suggest that the court’s decision was justified. With regard to Méliès, as we have seen, advertisements in the German trade press reveal that Théophile Pathé acted as a distributor for Star Film several months before he supposedly discussed this with his brothers. As for the status of Théophile Pathé in relation to his brothers’ company, it is interesting to observe that he appears in the Pathé frères account books simply as one of their “*débiteurs divers*.” In contrast, right from its installation in March 1905, what they then considered their own Berlin office is referred to as “*succursale*,” just as were the Pathé branches in New York or Moscow.¹³

The dossier in the archive of the Fondation Jérôme Seydoux-Pathé contains another document that casts even more doubt on Suzanne Pathé’s account of the events. It backs an additional reason given by Pathé frères during the lawsuit as to why they put an end to their business relations with their brother and opened their own office in Berlin. Théophile Pathé, in fact, had founded a competing enterprise—not as a reaction to the new situation he saw himself confronted with, as Suzanne Pathé writes, but sometime earlier, and his plan was to call this new company . . . Pathé frères! On March 28, 1905, Théophile Pathé, together with two cousins, Eugène and Edouard Pathé, signed an act to found the “Compagnie des Cinématographes Théophile Pathé,” which was to operate under the

Nr. 1091. Der Komet.

Société Th. Pathé Frères
Directeur
Théophile PATHÉ
Fabrik in Paris, 6 rue de Lancry
 Vertreter: Suzanne Pathé Vertreter: Suzanne Pathé
Berlin SW. 68, Friedrichstr. 211 v. l. (Ecke Kochstr.)
 Telegramm-Adresse: Cinémato. Telegramm-Adresse: Cinémato.



Da von Konkurrenten ein ähnlicher Apparat wie der meinige angeboten wird, so bitte ich meine geehrte Kundschaft ganz besonders auf die Schutzmarke **Théophile Pathé** achten zu wollen.

Deutsches Reichs-Patent No. 127913.

Jede Feuergefahr ausgeschlossen.

Nur ich habe das Recht, an meinem Apparat ein neues, patentiertes Feuerstutz-System anzubringen.

Alle Wochen Neuheiten in Films.

Films-Liste:

Komische Szenen:		Dramen und Komödien:	
An die falsche Adresse	20 Mk.	Elend	110 Mk.
Wettstreit der Feinschmecker	35 Mk.	Vernunftheirat	120 Mk.
Besetzt	40 Mk.	In Versuchung geführt	120 Mk.
Erstes Liebesabenteuer eines Studenten	55 Mk.	Die beiden Strassenkinder	105 Mk.
Ein mit Vorsicht zu behandelnder Koffer	120 Mk.	Die verummten Männer der Revolution	145 Mk.
Es wird ein Wachhund verlangt	135 Mk.	Der Zwangsarbeiter	175 Mk.
Szenen, die schwarz oder koloriert geliefert werden können:			
Die Rache der Schmetterlinge	80 Mk.		
Tanz einer kleinen Ballettschülerin	20 Mk., Koloration extra 10 Mk.		
Blumentas	30 Mk., Koloration extra 20 Mk.		
Grosse Wasser von Versailles	60 Mk.		

Mollès-Films. **Mollès-Films.**

Verantwortlicher Redakteur: Gustav Zeis in Pirmasens. — Druck und Verlag von W. Neumann in Pirmasens.

Fig. 3: Ad in *Der Komet*, February 17, 1906, Société Théophile Pathé Frères

corporate name “Établissements Pathé frères.”¹⁴ Being indeed brothers, Eugène and Edouard brought into the company the justification of the corporate name. Furthermore, Edouard Pathé’s contribution consisted of his professional skills, while his brother provided the production facilities. Théophile Pathé supplied the assets and stocks from his Berlin office (10,000 francs in cash, plus 15,000 francs from bills he still had to collect), his German clients, and his experience in the film business.¹⁵

Thus, the name was indeed based on a fact, but it constituted, of course, a rather unequivocal provocation directed at the “Compagnie générale de phonographes, cinématographes et appareils de précision (anciens établissements Pathé frères)”¹⁶ and also an attempt to cash in on the reputation of the market leader. In at least one of the advertisements in the German trade press, the company appeared as “Société Th. Pathé Frères.”¹⁷ (See fig. 3.) On November 18, 1905, the court finally ruled in favor of Charles and Emile Pathé, denying their brother Théophile the indemnification he had hoped to receive. This was but the first in a series of lawsuits opposing the brothers. The later ones generally concerned issues of unfair maneuvers by either competitor, and in particular, the fact that clients or suppliers could (and apparently, in some cases, did) mistake Théophile Pathé’s firm for the much more prominent company run by his brothers, especially once he had opened his office at 99, rue Richelieu, while the headquarters of Pathé frères was situated a little further down the street at 98, rue Richelieu.¹⁸

In light of the documentation collected in the archive, it is impossible to see Théophile Pathé as a helpless victim of his brothers’ business strategies. While the discrepancies concerning the dates might be due to the fact that Suzanne Pathé wrote her memoirs almost seventy years after the events, it is obvious that her account suggests a linear chain of causes and effects, of actions and reactions, that is at least in part contradicted by the archival sources. Also, Théophile Pathé clearly had an agenda of his own and here’s where the fragment of a letter that served as our starting point comes in again.

A PURLOINED LETTER?

Given the original function of the dossier compiled by Pathé frères, it seems that the fragment of this letter addressed to Monsieur Vallouy may have actually been a piece of evidence that was used to build the company’s case against Théophile Pathé. But what did this “exhibit A” attempt to prove? Why was it considered important enough to be entered into the dossier and preserved? The fragment of the letter reads as follows:

Berlin, January 28th, 1905

Monsieur Vallouy [?],

Monsieur Pathé has received your letter this morning, and as he is very busy he asked me to send a reply, the day before yesterday he received the lease agreement for the pavilion, which is not quite as you said, we return it so that you can have it modified where it is necessary and M. Pathé will sign it when he travels to Paris in the first days of February. If the owner agrees, pay and get started, because M. Pathé will bring you the money that is necessary for doing everything. You will see for yourself that the trees in the garden have to be respected. But they aren't worth it. Make him withdraw this clause and also make . . . ¹⁹

In the light of the other documents, and contextualized within the legal dispute between the brothers, this letter was quite probably submitted as proof that Théophile Pathé was trying to rent a building to be used as a studio. The issue of the trees could thus be due to the fact that it was important to avoid shadows, which could interfere with the shooting. The date suggests that Théophile Pathé must have been preparing for his move into production for quite a while, looking for a spot where he could set up his studio, and also negotiating with Eugène and Edouard Pathé to persuade them to join him in this enterprise. In court, Pathé frères could argue that their brother had betrayed their trust and their generosity by secretly preparing his way out of his dependence on their product, by not only distributing the films of their competitor Méliès, but also by setting up his own company, which was to include production as well.

At this stage of our research, it is difficult to say whether Théophile Pathé's initiative was the reason Pathé frères opened a new branch in Berlin or whether they had planned this all along, even though they must have been aware of the consequences: clearly this competition would have an impact on their brother's position on the German market. While it is impossible to reconstruct the exact sequence of events, it seems that Théophile Pathé had already taken his first steps to gain more independence from Pathé frères before he could have learned about their intention to open another Berlin office. But then the question is when exactly his brothers found out that he was pursuing these plans.

At this point, the materiality of the document comes into play. The archival object is not a piece of ordinary paper, but rather looks like a photograph. Obviously, it has to be a copy of the original letter, but it is not a carbon copy. And how did it get into the hands of Pathé frères? Being part of a probably rather confidential business correspondence, Théophile Pathé would certainly not have

wanted his brothers to be informed about his projects. A possible answer can be found in Suzanne Pathé's memoirs. According to her, shortly after the confrontation between her father and his brothers had occurred, her parents discovered that their assistant, Paul Pigeard, whom Charles Pathé had practically forced upon them when they moved to Berlin, systematically went through all of their correspondence and undoubtedly reported everything he came to know to the Paris headquarters. The photographic reproduction of the letter thus may have come from Pigeard, indicating that Charles and Emile Pathé never did trust their brother that much to begin with.

As a historical source, this document is ambivalent. On the one hand, it can be read as disconfirming Suzanne Pathé's memoirs, providing evidence that her father was, in fact, planning to go his own way already before his brothers decided to open a competing office next to his. On the other hand, it also can be taken as proof of the rather nonbrotherly attitude Charles and Emile Pathé had vis-à-vis their sibling, having his assistant spy on him right from the start. Questions of guilt concerning the breakup are difficult to answer on the basis of this letter; what it reveals, however, is that from both sides, business interests clearly came before family loyalty.

ARCHIVAL ORPHANS

An archival document such as this fragment of a letter will seem of little value to the historian who happens to come across it without having at least some idea of the context in which it should be read. Had I not read Suzanne Pathé's memoirs beforehand and had I not tried to find out more about the quarrel between the brothers, I probably would have put it aside as some kind of archival "noise": a piece of paper, a banal and incomplete letter, an isolated document that appears not to be connected to any of the others in the dossier. When going through a box of files, one quite often encounters such items that, at first glance at least, do not contain any valid information. Not knowing what to make of them, the historian is inclined to discard them as irrelevant, as something that once may have had some importance for someone, a significance that is impossible to retrieve, because there appears to be nothing left to which such an item could be related.

In a way, such a document is similar to an "orphan film" in an archive. Unless someone knows how to put it into context, it seems to be utterly devoid of interest. Yet, as recent initiatives by film archivists and scholars have demonstrated, there is a lot that we can learn from these "orphans." But in order to do so, we first need to discover how we have to look at them so that we may get a chance to find out what they can tell us. An archival orphan is like an answer to which the scholar has yet to find the question. This may often prove a very difficult, sometimes even an almost impossible, task. There is, however, a starting point

to such an investigation. The first questions to ask are: What was the original objective when this archive or collection was established? Why were these documents kept, by whom, and for what reason? It does make a difference, whether one is dealing with an official repository, a company archive, or the papers of an individual related to her or his work, whether the material was kept for a well-defined purpose such as, for instance, copyright issues, or for personal and sentimental reasons. Every archive has its *raison d'être*; to understand this may be the key to being able to interpret an “archival orphan” and to explain why it has been preserved. In the case of the Théophile Pathé file in the archive of the Fondation Jérôme Seydoux-Pathé, it was crucial to realize that the documents had been collected in connection with the court cases. Only then, when considered as a potential piece of evidence, did the presence of this fragment of a letter start to make sense. But in order to be able to come to this conclusion, I had to come prepared. Archival research, ultimately, is as much about what one can bring to the documents as about what one can take from them.

Notes

The author would like to thank the Fondation Jérôme Seydoux-Pathé and Stéphanie Salmon, who have been extremely generous in providing access to the archive, as well as a digital copy of the letter that is discussed in the article. He wants to express his gratitude to Herbert Birett, who never fails to magnanimously supply information from his extraordinary collection of data, and also to Nouchka Pathé, who has trusted us with her grandmother's memoirs and other documents. Special thanks are due to Sabine Lenk for her invaluable help and the many discussions we had on the subject.

1. All of the following is based on archival research that Sabine Lenk and I have conducted together over the past three years. It is sheer accident that I happened to be the one to go through the Théophile Pathé files at the Fondation Jérôme Seydoux-Pathé and to come across the document that is at the center of this article and led to these reflections.
2. Suzanne Pathé, *Souvenirs de jeunesse. Paris-Berlin 1892–1907* (unpublished manuscript, n.d. [late 1960s? early 1970s?]).
3. Little research has been done on Théophile Pathé so far. The history of his company after 1905 is discussed in a well-documented essay by Jean-Claude Sequin, “La Compagnie des Cinématographes Théophile Pathé,” in *La Firme Pathé Frères*, ed. Michel Marie and Laurent le Forrestier (Paris: AFHRC, 2004), 107–120.
4. See Suzanne Pathé, *Souvenirs de jeunesse*, 188–95.
5. See *ibid.*, 210–11.
6. See *ibid.*, 213–14.
7. See *ibid.*, 218–27.
8. See *ibid.*, 259–60.
9. See, for instance, *Der Komet*, April 9, 1904.

10. "Compte rendu du jugement," 18 November 1905, file 4, dossier Théophile Pathé, Fondation Jérôme Seydoux-Pathé, Paris; this collection hereafter cited as dossier Théophile Pathé.
11. Ibid. The French expression used is "*frère malheureux*."
12. Ibid.
13. See Pathé, "Journaux comptables," vols. 6, 7, 8. The Pathé frères account books can be consulted at the Fondation Jérôme Seydoux-Pathé archive in a digitized form on DVDs.
14. "Acte de fondation de la Compagnie des Cinématographes Théophile Pathé, extrait des minutes de greffe de la justice de paix du 6^e arrondissement de Paris, 28/3/1905," 28 March 1905, file 3, dossier Théophile Pathé. Up until now, it has not been possible to establish the exact family relationship between Theophile Pathé and his two partners.
15. Ibid.
16. The official name of the "Compagnie générale de phonographes, cinématographes et appareils de précision (anciens établissements Pathé frères)" dates back to 1897 when the firm was set up, but in ads and for other business purposes, Charles and Emile Pathé continued to use Pathé frères.
17. *Der Komet*, February 17, 1906.
18. Bills concerning Théophile Pathé, erroneously addressed to Pathé frères, file 11, dossier Théophile Pathé.
19. Monsieur Théophile Pathe to Monsieur Vallouy [?], 28 January 1905, file 2, dossier Théophile Pathé; my translation.