The Battle for the "Battle of Vittoria"

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Table of Contents

Introduction 4
Johann Nepomuk Mälzel (1772-1838) 6
Historical Context 13
The Tradition of "Battle Music" 13
Beethoven's Political Works 14
Wellingtons Sieg 15
The Origin 15
The Motivation 15
The Composition 16
The Premiere 18
The Controversy 19
The Resolution 21
Ignaz Moscheles (1794-1870) 22
Moscheles's "Unimpeachable Testimony" 22
Relationship with Beethoven prior to 1814 22
Relationship with Beethoven after 1814 24
Analysis of the Autographs 25
The Character of Johann Mälzel 28
Chess-Player Automaton 28
Trumpet Player Automaton 30
Mälzel's Metronome 31
Gurk's Panharmonicon 32
Mälzel's Character Reexamined 35
An Analysis of Thayer's Account 37
Thayer's Chronology 37
Thayer's Characterization of the Lawsuit 39
Thayer's Acceptance of Moscheles's Testimony 40
Thayer and Anton Schindler 40
Conclusion 42

Appendix 45
Beethoven's Deposition 45
Explanation and Appeal to the Musicians of London 47
Certificate 48
Beethoven's Statement of Gratitude 49
Grove Article on Mälzel (1880) 50
Bibliography 52

List of Figures

Figure 1: Illustrations of Mälzel's 1805 and 1812 panharmonicons 7
Figure 2: Mälzel's 1805 panharmonicon and cylinders 8
Figure 3: Illustration of the *Conflagration of Moscow* 10
Figure 4: The Mälzel Ear Trumpets 12
Figure 5: The Chess Player Automaton 29
Figure 6: Gurk's panharomonicon, front and rear view 33
Figure 7: Programs from Gurk's Concert in London in November 1811 34

List of Tables

Table I: List of Prominent Battle Pieces 13
Table II: Chronology of the Beethoven-Mälzel dispute 20
Table III: Comparison of the versions of *Wellingtons Sieg* 25

Introduction

On June 21, 1813, General Arthur Wellesley, the Marquess of Wellington, defeated the French army near Vittoria, Spain. The battle led to an eventual victory in the Peninsular War, marking a major turning point in the war. On August 12, 1813 Austria again declared war on Napoleon. Austrian troops fought alongside their German allies to defeat France in the great 'Battle of Nations' at Leipzig on October 16, 1813. Inspired by these events, Beethoven composed his *Wellingtons Sieg, oder die Schlacht bei Vittoria*, Opus 91[2] for a Vienna engulfed in fervent nationalism.

Although this bombastic propaganda piece was widely popular in the year following its premiere, a positive legacy would not endure. In the scholarly literature today, *Wellingtons Sieg* is discussed in disparaging terms and almost always in connection with the property rights dispute between Beethoven and his collaborator, the inventor Johann Mälzel.

In his seminal biography, *The Life of Beethoven*, Alexander Wheelock Thayer analyzed this dispute in great detail. Thayer, relying primarily on anecdotal recollections and ignoring Beethoven's own written account of the dispute, concluded that Beethoven treated Mälzel unfairly in the affair since "the composition beyond all doubt was Mälzel's property."[3] Thayer characterized the lawsuit, not as a Beethoven's defense of own intellectual property, but as Beethoven's futile attempt to legally establish ownership of the work, hinging on the question: "did the arrangement of the work for orchestra at Mälzel's suggestion and request, transfer the proprietorship?"[4] Thayer concluded:

> Candor and justice compel the painful admission that Beethoven's course with Mälzel is a blot – one of the few – upon his character, which no amount of misrepresentation of the facts can wholly efface; whoever can convince himself that the composer's conduct was legally and technically right, must still feel that it was neither noble nor generous.[5]

[1] On the cover page is an engraving on the title page to the first edition of *Wellingtons Sieg* in the arrangement for fortepiano from the collection of Ira F. Brillant Center for Beethoven Studies. Sloane, Donald F, "Beethoven and Mälzel: A Re-evaluatiion of Mälzel's character and the history of *Wellington's Victory,*" *Beethoven Journal 25 no 2* (Winter 1997): 55.

[2] Throughout the last two centuries, Beethoven's Op.91 has been referred by numerous different names, such as *Wellington Sieg*, *The Battle of Vittoria*, *The Battle Symphony*, and the generic *battle piece*. To avoid confusion, this paper refers to the work only as *Wellingtons Sieg*. Unless otherwise indicated, the title *Wellingtons Sieg* refers to Beethoven's orchestrated version and not the partial version for Mälzel's panharmonicon organ.

[3] Alexander W Thayer, *Thayer's Life of Beethoven*, revised and edited by E Forbes, (Princeton, NJ: Princeton University Press, 1973), 580.

[4] Ibid.

[5] Ibid, 1099.

Thayer's account formed the sole scholarly foundation for all subsequent discussions on the topic of *Wellingtons Sieg*. Thayer's conclusion that Mälzel contributed significant musical material to the work, and thus had a legal basis for a claiming ownership, reverberates through the scholarly literature:

> Mälzel evidently made a kind of programme of the work as he wanted it, and laid it before the composer, who in this one instance, seems to have listened patiently to the ideas of another.
>
> Diehl (1908)[6]

> Naturally, it was not his own idea, but that of a shrewd manager which he carried out, the only instance of this kind in his entire life.
>
> Ludwig (1943)[7]

> There is no question but that most of the ideas for this farrago of a composition were Mälzel's.
>
> Marek (1969)[8]

> Mälzel enthusiastically brought to Beethoven the idea and a partial draft for a new composition… *The Battle of Victory*, which Beethoven orchestrated.
>
> Solomon (1977)[9]

> Ignaz Moscheles, an eyewitness, later reported apolitically that Beethoven had taken this whole plan from Mälzel.
>
> Lockwood (2003)[10]

This paper will review the events surrounding the composition and premiere of *Wellingtons Sieg* as well as the events of the resulting legal dispute between Beethoven and Mälzel. The primary sources used to document this affair are the three legal documents from Beethoven's side of the dispute, Anton Schindler's 1840 biography, footnotes and forward to Schindler's biography by translator and editor Ignaz Moscheles, and Thayer's 1879 biography. Secondly, this paper will reexamine the life and character of Johann Mälzel. Finally, this paper will analyze Thayer's argument and analysis of the dispute in order to examine his mistakes, misunderstandings, and misinterpretations and to speculate on Thayer's motives for defending Mälzel despite overwhelming evidence of Mälzel's strong tendency to borrow from others for his own financial benefit.

[6] Alice M Diehl, *The Life of Beethoven*, (London: Hodder and Stouchton, 1908), 272-73.
[7] Emil Ludwig, *Beethoven: Life of a Conqueror*, translated by G. S. McManus, (New York: G.P. Putnam's Sons: 1943), 202.
[8] George R Marek, *Beethoven: Biography of a Genius*, (New York: Funk & Wagnalls, 1967), 457.
[9] Maynard Solomon, *Beethoven,* (New York: Schirmer Books, 1977), 221.
[10] Lewis Lockwood, *Beethoven: The Music and the Life*, (New York: W.W. Norton & Company, 2003), 338.

Johann Nepomuk Mälzel (1772-1838)

Johann Nepomuk Mälzel was born August 15, 1772 in Regensburg, Germany, the son of an accomplished organ builder. Trained as a pianist, Mälzel moved to Vienna in 1792 to begin a career as a teacher and performer. Once in Vienna Mälzel began to construct various music-making machines.

In 1800 Mälzel completed his first successful automaton, a mechanical organ he called the orchestrion. The mechanical organ operated similarly to a traditional pipe organ, but, instead of a keyboard, the machine operated by clockwork driven weights that played music encoded on wooden cylinders. Self-playing mechanical organs were first invented in the 15th century[11] and throughout the centuries numerous inventors, including Mälzel, experimented with various designs.[12] Mälzel's orchestrion played short works by Mozart, Haydn, and Crescentini.[13] In 1803 he sold the device to Archduke Charles of Austria for 3000 florins.[14]

In 1805 Mälzel completed the panharmonicon, an improved version of his orchestrion (see Figures 1 and 2, pages 7 and 8). This barrel organ "consisted of an entire mechanical orchestra, including trumpets, clarinets, violins, and cellos and percussion, all packed into a machine measuring six feet wide, six feet deep, and five feet tall, and controlled by a rotating studded drum, like an enormous music box."[15] Unlike most barrel organs, this version played "not the usual organ pipes imitating flute, oboes and trumpet sound, but a whole range of real instruments."[16] In 1807 Mälzel exhibited the organ in Paris where he eventually sold the machine for 60,000 francs.[17] This organ was housed in the *Industrial Museum* in Stuttgart until it was destroyed during the Second World War.

[11] Arthur W.J.G Ord-Hume, *Barrel Organ: The story of the mechanical organ and its repair*, (New York: A.S. Barnes and Company, 1978), 52.
[12] One of the earliest barrel organs was designed by Thomas Dallam in 1599 and given by Queen Elizabeth I to the Sultan of Turkey. Since then, numerous barrel organs have been constructed under various names, such as Clockwork organ, Automatic Organ, *Orchestrion*, *Apollonicon*, *Harmonicon*, and *Panharmonicon.* See Ord-Hume for a review.
[13] Girolamo Crescentini (1766-1846) was an Italian composer and achieved fame throughout Europe as a castrato mezzo-soprano.
[14] Phillipe John Van Tiggelen, *Componium: The Mechanical Musical Improvisor*, (Louvain-la-Neuve, Belgium: Institut Superieur D'archeologie et D'histoire de L'Art College Erasme, 1987), 173.
[15] Tom Standage, *The Turk: The Life and Times of the Famous Eighteenth-Century Chess-Playing Machine*, (New York: Walker & Company, 2002), 104.
[16] Van Tiggelen, *Componium,* 178.
[17] Ibid.

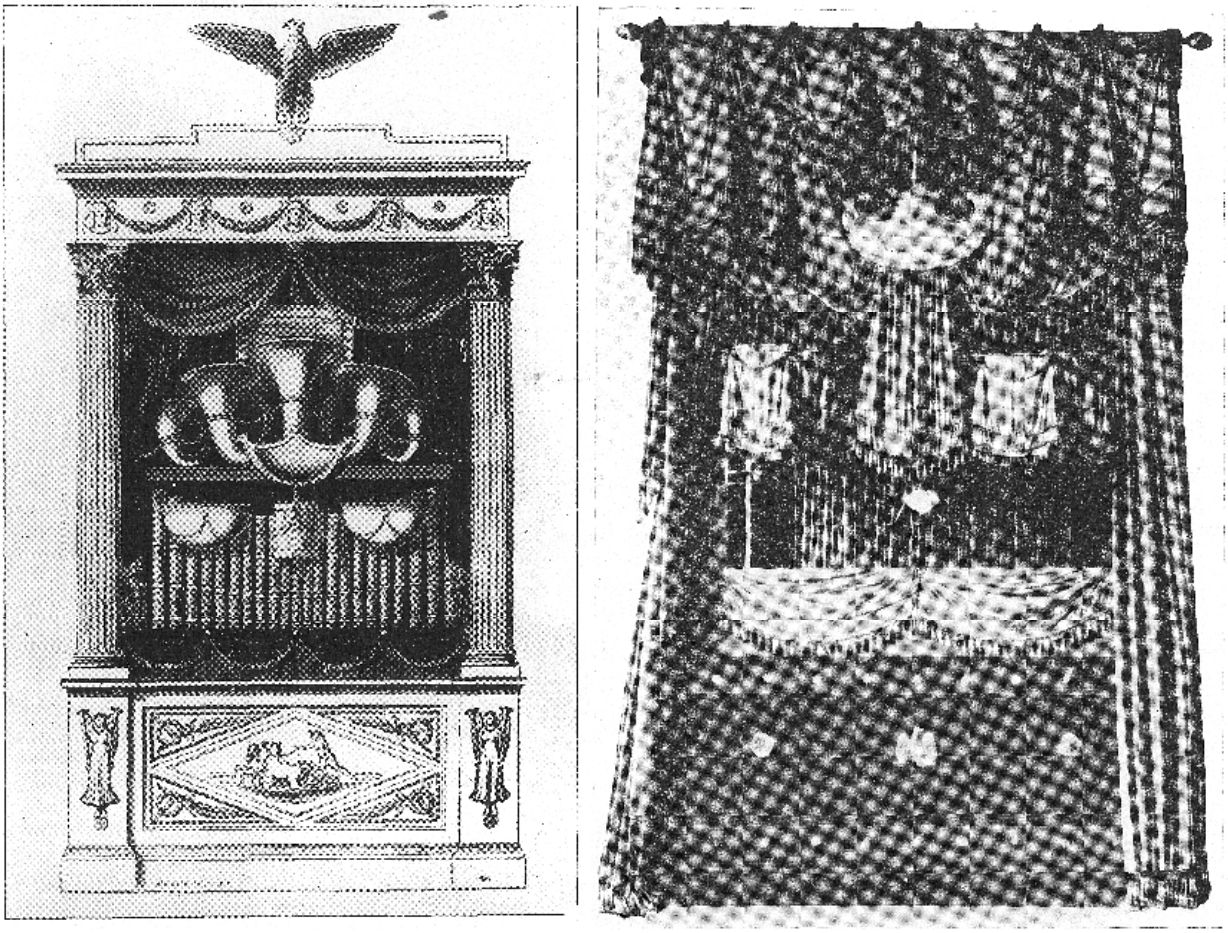


Figure 1: Illustrations of Mälzel's 1805 (left) and the 1812 (right) panharmonicons.[18]

[18] Ord-Hume, *Barrel Organ*, 179-80.



Figure 2: Mälzel's 1805 panharmonicon (above) and cylinders (below).[19]



[19] Pictures of the panharmonicon from a catalog of the *Industrial Museum* in Stuttgart, <http://www.pianola.org/history/history_orchestrions.cfm>, (Accessed 18 March 2008).

Also in 1805, Mälzel purchased the Chess Player automaton from the estate of its recently deceased inventor, Wolfgang von Kempelen. The mechanical automaton, known in its day as "The Turk," appeared to play a game of chess against a human opponent. In reality, the device actually concealed a slender human chess player, hidden within the device. The Chess Player, under the ownership of Mälzel, defeated thousands of opponents, including Napoleon and Benjamin Franklin, and the mystery surrounding the player inspired Edgar Allen Poe to write an article speculating on the device's true *modus operandi.*[20]

In 1808 Mälzel first exhibited the Trumpet Player automaton, a life-size mechanical trumpeter that played various Austrian and French cavalry marches. Although Mälzel presented the invention as his own, it was actually built by his younger brother, Leonard.[21] Nevertheless, the popular intrigue of this clockwork trumpeter brought Johann instant fame in Vienna and abroad. The same year he was appointed as official court mechanician, and Emperor Francis granted him workspace in Schönbrunn Palace. The following year Napoleon took control of Schönbrunn, and Mälzel remained in Vienna but moved his workshop to the factory of Stein Fortepiano Company.

In these new quarters, Mälzel began work on a larger version of the panharmonicon. The second panharmonicon "combined the common instruments employed in the military bands, with a powerful bellows—the whole being enclosed in a case. The motive power was automatic and the keys were touched by pins fixed in a revolving cylinder."[22] In the winter of 1812, Mälzel opened his *Kunstkabinett* (Art Cabinet) as a public exhibition in Vienna where he demonstrated his inventions, including the mechanical trumpeter and the new panharmonicon.

In September of 1812 Mälzel visited Moscow where he witnessed the great fire that partly thwarted the French occupation of the city. Upon returning to Vienna, Mälzel successfully exploited the political atmosphere following Napoleon's first significant defeat, constructing his *Conflagration of Moscow*, a large and extravagant diorama depicting Moscow in flames (see Figure 3, page 10). The diorama featured painted wooden façades representing the Kremlin, churches, and various other buildings that could be knocked over as the "fire" slowly destroyed the city. Complementing a background curtain depicting fire and smoke, additional flames and smoke were produced by fireworks and pans of burning charcoal. The stunning visual display was accompanied by the sounds of war, including musket and cannon fire imitated by specially constructed mechanical devices as well as the trumpet and drum calls of an approaching army, played on an organ.[23]

[20] Edgar Allen Poe, "Maelzel's Chess Player," *Southern Literary Messenger*, April 1836.
[21] Van Tiggelen, *Componium*, 176.
[22] Thayer-Forbes, *The Life of Beethoven,* 560.
[23] Joseph Earl Arrington, "John Maelzel, Master Showman," *The Pennsylvania Magazine of History and Biography,* v. 84 (1960), 56-92.



Figure 3: Illustration of the *Conflagration of Moscow.* [24]

[24] Albert Allis Hopkins, *Magic: Stage Illusions and Scientific Diversions*, (New York: Munn & Co., 1901), 362-64.

In 1813, Mälzel completed his *chronometer*, a musical time-keeping device mechanically quite different from the modern metronome invented a few years later. Throughout the 18th century numerous musical time keeping devices were proposed. In 1796, the *Deutsche Monatsschrift* published a full description of a chronometer built by G.E. Stöckel and later another description of his improved, more compact design, dating from 1803. Mälzel's chronometer was largely inspired by Stöckel's second design.[25]

A clever and successful businessman, Mälzel understood the importance of positive press and notable endorsements. He demonstrated the chronometer to many composers throughout Europe and solicited their endorsement. In October of 1813, the *Wiener Vaterländische Blätter* published an article entitled "Mälzel's musikalischer Chronometer":

> On his journeys through Germany France and Italy, as a consequence of his approved knowledge of mechanics and music, Herr Mälzel had repeatedly been solicited by the most celebrated composers and conservatories to devote his talent to an invention which should be useful to the many, after many efforts by others had proved defective. He undertook the solution of the problem and succeeded in completely satisfying the first composers of Vienna with the model which was recently exhibited, which will be followed soon by the recognition of all others in the countries mentioned. The model has endured the most varied tests which the composers Salieri, Beethoven, Weigl, Gyrowetz, and Hummel applied to it. Court Kappelmeister Salieri made the first application of this chronometer to a work of magnitude, Haydn's *Creation,* and noted all the tempos according to the different degrees on the score, etc. Herr Beethoven looks upon this invention as a welcome means with which to secure the performance of his brilliant compositions in all places in the tempos conceived by him which to his regret have so often been misunderstood.[26]

In December of the same year, the *Allgemeine Musikalische Zeitung* dedicated two full pages to a description of Mälzel's device. Although Mälzel's fame and position permitted him access to these notable endorsements and positive press, there is no indication his device was superior to other contemporary designs.[27]

In 1812, Mälzel fashioned four ear-trumpets to assist Beethoven with his failing hearing (see Figure 4, page 12). Although Beethoven would later claim that none of the hearing devices were of any use to him, Beethoven used at least one of the devices until 1818. Mälzel would later claim that Beethoven agreed to compose to *Wellingtons Sieg* for his panharmonicon out of gratitude for these ear trumpets. However, since the ear trumpets were completed prior to the conception of *Wellingtons Sieg*, it is more likely that Mälzel created the hearing aids in gratitude for Beethoven's important endorsement of the chronometer. Around the same time several other inventors created similar hearing devices for Beethoven. The sagacious Mälzel

[25] Van Tiggelen, *Componium,* 145.
[26] Thayer-Forbes, *The Life of Beethoven,* 544.
[27] Van Tiggelen, *Componium,* 145-48.

likely saw yet another opportunity to receive another positive endorsement from Beethoven and the public acclaim such an endorsement would secure.



Figure 4: The Mälzel Ear Trumpets.[28]

In 1813, Mälzel approached Beethoven and asked him to write a "battle piece" for his newly improved panharmonicon. Beethoven complied, eventually orchestrating the work. Soon afterwards, Mälzel produced the work as his own in two concerts in Munich, prompting Beethoven to initiate a lawsuit against Mälzel. These events, the subject of this paper, are described in detail in a subsequent section.

Following the dispute with Beethoven, Mälzel fled Vienna and traveled throughout Europe exhibiting his various automata and other inventions. In 1815, Mälzel again copied the design of another chronometer, this time the invention of the Dutch clockmaker Diederich Nicolaus Winkel (1777-1826). Mälzel quickly patented the device as the metronome throughout Europe. Although Mälzel's theft was well documented shortly afterwards,[29] even today Mälzel's name remains synonymous with the metronome.

In 1825, Mälzel moved to America where he traveled from city to city exhibiting his Chess Player and other automata. In 1838, while returning to Philadelphia from Havana, Mälzel fell ill and was buried at sea.

[28] From the Beethoven-Haus digital achieve: <http://www.beethoven-haus-bonn.de/sixcms/detail.php/3072>, (Accessed 8 March 2008).
[29] Especially in the writings of the Belgian musicologist François-Joseph Fétis (1784-1871).

Historical Context

The Tradition of "Battle Music"

Wellingtons Sieg continued as part of a tradition of programmatic battle music that stretches back to at least the 15th century. Unlike other music written on militaristic themes, such as Haydn's "Military" Symphony or his Mass "In time of war," battle pieces seek to depict the scene of a specific battle by presenting an idealized account of the sounds of war, complete with military marches, clashing of swords, and gunfire.

Heinrich Isaac	*A la battaglia*	1495
Clément Janequin	*La battaille*	1529
Orazio Vecchi	*Battaglia d'amore e dispetto*	1587
William Byrd	*Battell*	1591
Adriano Banchieri	*La bataglia*	1596
Claudio Monteverdi	*Il combattimento di Tancredi e Clordina*	1624
Andrea Falconiero	*Batataglia de Barabosso yerno de Satanas*	1650
Heinrich Biber	*Battalia*	1678
Frantisek Koczwara	*Grande Battaille for Orchestra; Battaille de Prague*	1788
Johann Baptist Vanhal	*Le combat naval de Trafalgar et la mort de Nelson*	1806
Ludwig van Beethoven	***Wellingtons Sieg, oder die Schlacht bei Vittoria***	**1813**
Johann Friedrich Reichardt	*Schlachtsymphonie*	1814
Peter Winter	*Schlactsymphonie*	1814
Carl Maria von Weber	*Kampf und Sieg* Cantata	1815
Hector Berlioz	*La Révolution grecque: Scène héroïque*	1826
Franz Liszt	*Hunnerschlacht*	1857
Pyotr Ilyich Tchaikovsky	*Overture Solenelle* (1812)	1880
Anton Dvořák	*Husitská*	1883
Krzysztof Penderecki	*Threnody to the Victims at Hiroshima*	1960
Benjamin Britten	*War Requiem*	1961

Table I: List of Prominent Battle Pieces

An early and influential battle piece was Clément Janequin's *La battaille* (1529) which, through its onomatopoeic text and militaristic rhythms, commemorates the victory of François I of France over the forces of Duke Ercole Sforza of Milan at the Battle of Marignano in 1515.[30] Banchieri's *La battaglia* (1596) embeds the sounds of trumpets ('Ta ra ra tun ta ra') and drums

[30] Alan Brown, 'Battle Music,' *Grove Music Online* ed. L Macy (Accessed 18 March 2008), <http://www.grovemusic.com>

('Tra pa ta pa ta pa') in the vocal text.[31] Biber's *Battalia* (1678) emulates the sounds of musket fire through the rapid repetitions of pizzicati in the double basses.

By the 18th century, battle music had become primarily an instrumental genre, often relying heavily on percussive effects to emulate the sounds of war. Beethoven's *Wellingtons Sieg* employs rattles to produce the sounds of musket fire and large offstage bass drums to imitate cannon fire. The work also employees two separate wind and brass bands representing the French and English armies. In addition to *Wellingtons Sieg*, several other composers depicted conflicts from the Napoleonic era including Johann Baptist Vanhal, Johann Friedrich Reichardt, Peter Winter, and Carl Maria von Weber, whose Cantata *Kampf und Sieg* celebrated the final defeat of Napoleon at the Battle of Waterloo.

Beethoven's Political Works

Wellingtons Sieg was not the only of Beethoven's works inspired by historic and political events. Beethoven's "ideological/heroic" style originates in the two "Emperor" cantatas of 1790 – one written to commemorate the death of Joseph II and the other to celebrate the coronation of Leopold II (woO 87 and 88).[32] Following two minor war songs of 1798 (woO 121 and 22), Beethoven's heroic style matures in his Third and Fifth Symphonies of 1803 and 1806. In addition to *Wellingtons Sieg*, Beethoven's political voice emerged again in his *Incidental Music to Goethe's Egmont*, Op. 84 (1810); *Fidelio,* Op. 72 (1814); *Der glorreiche Augenblick*, Op. 136 (1814); as well as in his "mock-heroic" works of *The Ruins of Athens*, Op 113 (1811) and the *King Stephen* overture, Op. 117 (1811).[33] Beethoven's interest in the heroic ideal parallels the Napoleonic era, from the French Revolution of 1789 to the Congress of Vienna in 1814.

Although Beethoven wrote *Wellingtons Sieg* near the end of this political period, there is no reason to doubt the sincerity of his intentions. Following the premiere, Beethoven wrote that *Wellingtons Sieg* "gave me the opportunity long and ardently desired by means of the composition… to lay a work of magnitude upon the altar of the Fatherland under the existing conditions."[34]

[31] Brown, 'Battle Music.'
[32] Solomon, *Beethoven*, 223.
[33] Ibid.
[34] See Beethoven's Deposition, Appendix I.

Wellingtons Sieg

The Origin

When news of Wellesley's victory at Vittoria reached Vienna, the inventor Johann Mälzel immediately recognized the opportunity to capitalize on the surge of nationalistic fervor. The previous year Mälzel had successfully exploited another current event with his *Conflagration of Moscow*. Although Mälzel had toured much of continental Europe, he had yet to travel to London. A clever showman, Mälzel thought that a commemorative battle piece replete with English nationalistic tunes would appeal to the English public and therefore guarantee the success of his planned exhibit in London of his panharmonicon and other automata. Furthermore, Mälzel surmised that a piece written by a composer as famous as Beethoven would undoubtedly assure his successful reception in London. He of all people understood the power of a notable endorsement. The previous year, testimonials from Salieri, Weigel, and Beethoven had ensured the positive reception of his chronometer.

Mälzel envisioned a grand battle piece for his newly improved panharmonicon. He approached Beethoven, who consented to compose the piece for Mälzel's panharmonicon.

The Motivation

In addition to his political motivations and his alleged debt to Mälzel for the hearing devices, Beethoven's composition of *Wellingtons Sieg* was undoubtedly motivated by economic necessity as well. In the years 1811-13, Beethoven suffered extreme financial hardships. In March of 1812, as a result of the pressures of the ongoing Napoleonic conflict, the Austrian state bank suffered bankruptcy and the national currency was devalued to a third of its previous value.[35] Further complicating his financial situation, his patron Prince Kinsky suddenly and unexpectedly died after being thrown from his horse in November 1812. Kinsky's annuity to Beethoven immediately ceased, in spite of Beethoven's attempts to request a continuation of these payments from the Prince's estate.[36] Also in 1812, the bankruptcy of another of Beethoven's important patrons, Archduke Lobkowitz, caused Beethoven even further financial turmoil.[37]

Mälzel and Beethoven met several times in the summer of 1813 and together the two men planned a mutual trip to London. Mälzel had previously profited handsomely from the success

[35] Otto Enrich Deutsch, "Austrian Currency Values and their Purchasing Powers (1725-1934)", *Music & Letters*, 15, No.3, 236.
[36] Thayer-Forbes, *The Life of Beethoven,* 554.
[37] Lockwood, *Beethoven: The Music and the Life*, 334.

of his exhibits in several other European cities and foresaw in London, and in Beethoven, another such opportunity:

> He knew by experience the principal cities of the Continent and London well enough to foresee, that the noble compositions of Handel, Haydn and Cherubini secured the success of his Panharmonicon there; but that if he could add to its repertory some new, striking and popular piece, bearing the now great name of Beethoven, he would increase both its attractiveness and the public interest and curiosity in the composer. [38]

Motivated by his dire financial straits, Beethoven foresaw great financial prospects in a trip to London. In 1809 the Scottish publisher George Thomson commissioned from Beethoven forty-three settings of various Scottish, Irish, and English folk songs,[39] although Beethoven would not complete most of the songs until several years later. Beethoven thought that a trip to London might bolster his current financial situation through potential concert performances and publications in the English capital, made possible with the help of his contact George Thompson. Encouraged by Mälzel, Beethoven agreed to accompany him to London where Beethoven might perform *Wellingtons Sieg* (with a dedication to the King) and Mälzel could display his Trumpet Player and panharmonicon. In anticipation of concert returns of the proposed "Battle Symphony" in London, Mälzel loaned Beethoven 50 ducats in gold. Unlike the composition, the trip would never materialize.

The Composition

According to Thayer, Mälzel "wrought out the plan and explained it to [Beethoven], who, for once, consented to work out the ideas of another."[40] Thayer cites the account by Ignaz Moscheles who claimed that Mälzel devised the entire plan of the work, including the use of *God save the King*, *Rule Britannia*, and *Marlborough s'en va-t-en guerre*. According to Moscheles, Mälzel even wrote out all the drum-marches and trumpet-flourishes as well as suggesting the fugal treatment of *God save the King*. The accuracy of Moscheles's account and his status as an "eyewitness," as Lewis Lockwood describes him, will be questioned in the next section.

Beethoven wrote the version for the panharmonicon in the summer of 1813 while residing at Baden, returning to Vienna intermittently. By October the piece was completed and ready to be transcribed on the cylinders for the panharmonicon.[41] Anton Schindler falsely claims to have heard the piece on the panharmonicon, stating that "the effect of this piece is so unexpected that Mälzel requested its author to arrange it for orchestra. Beethoven, who had long

[38] Thayer-Forbes, *The Life of Beethoven*, 560.
[39] Lockwood, *Beethoven: The Music and the Life*, 231.
[40] Thayer-Forbes, *The Life of Beethoven*, 561.
[41] Ibid.

entertained the plan of writing a grand battle piece, acceded to Mälzel's proposal, and immediately set about completing the work."[42] As Thayer correctly notes, Schindler could not have heard the piece on panharmonicon since, in Beethoven's own words, the piece had only just begun to be transferred to cylinder when Mälzel requested the work be orchestrated.[43] Thayer's doubt is confirmed by recent scholarship which firmly established that Schindler did not know Beethoven except in passing until 1820.[44]

While in the process of transferring the work to cylinder in October of 1813, Mälzel learned of preparations for a November concert in Vienna to benefit the victims of the recent Austrian military offensive.[45] Mälzel, perhaps additionally motivated by the Austrian defeat at the Battle of Hanau on October 31, began to envision another such benefit concert, one centered on "his" battle piece. Thayer posits that Mälzel, eager to resume his tour of Europe, decided that the cumbersome panharmonicon was too expensive to transport and instead wished for an orchestra piece written by the famous composer.[46]

Whatever the impetus, Mälzel returned the panharmonicon score and Beethoven scored the work for full orchestra throughout the fall of 1813. While Beethoven labored on the score, Mälzel made all the arrangements for the upcoming December concert. Because of his popularity and the charitable intentions of the concert, Mälzel secured a list of celebrity performers. However the preparation was not solely Mälzel's; Beethoven wrote letters to the Archduke Rudolph and Baron Joseph von Scheiger humbly requesting use of the University Hall for the benefit concerts.[47]

[42] Anton F Schindler, *The Life of Beethoven* (1840 ed), translated by I. Moscheles, (Mattapan, Massachusetts: Gamut Music Company, 1966), 149.
[43] Thayer-Forbes, *The Life of Beethoven,* 563. See Beethoven's *Deposition* in the Appendix.
[44] KM Knittel, "Schindler, Anton Felix", Grove Music Online ed. L. Macy, <http://www.grovemusic.com>, (Accessed 3 March 2008).
[45] Thayer-Forbes, *The Life of Beethoven,* 564.
[46] Ibid, 563.
[47] Letters 439 & 440. Emily Anderson, ed., *The Letters of Beethoven*, (New York: St Martin's Press., 1961), 428-30.

The Premiere

The first performance occurred on December 8, 1813 at the concert hall of the University of Vienna as a fundraiser for Austrian and Bavarian soldiers injured in the Battle of Hanau. The program consisted of the following:[48]

1. An entirely new Symphony by Beethoven (*Seventh Symphony).*
2. Two marches, one by Dussek, the other by Pleyel, played by Mälzel's Mechanical Trumpeter, with full orchestral accompaniment.
3. *Wellington's Victory.*

The concert featured a veritable list of prominent Viennese musicians including: Ignaz Schuppanzigh (concertmaster), Louis Spohr and Joseph Meyseder (violin), Bernhard Romberg (cello), Domenico Dragonetti (contrabass), Anton Romberg (bassoon), Ignaz Moscheles (cymbals), Johann Nepomuk Hummel (bass drum), and Jakob Meyerbeer (timpani). Antonio Salieri directed the instrumentalists representing the French army and the Joseph Weigl, those of the English army.[49] The concert was so successful that the full program was repeated four days later on December 12. The concerts, with ticket prices set at 5 and 10 florins, netted 4006 florins after expenses, which were donated as intended.[50]

Beethoven was delighted with the success of the two benefit concerts. Soon afterward he prepared a statement of gratitude to all the participants for publication in the *Intelligenz Blatt* of the *Wiener Zeitung*. In the final paragraph of the letter, Beethoven explicitly thanked Mälzel for organizing the concert.

> But our greatest thanks are due to Hr Mälzel, since it was he who first conceived the idea of this academy and there fell to him afterward the management care and arrangement—the most arduous labors of all. I must also thank him in particular because by the projection of this concert, he gave me the opportunity long and ardently desired, by means of the composition especially written for this philanthropic purpose and delivered to him without pay, to lay a work of magnitude upon the altar of the fatherland under the existing conditions.
>
> Ludwig van Beethoven

The letter, preserved by Anton Schindler, was never published.

[48] Marek, *Beethoven: Biography of a Genius,* 459.
[49] Gregory Matthew Maldonando, *Critical Reception of Beethoven's Wellington's Victory,* (University of California, Los Angeles, August 2005), 14-15.
[50] Thayer-Forbes, *The Life of Beethoven,* 566.

The Controversy

The conflict between Beethoven and Mälzel first arose when Mälzel printed concert posters ahead of the December 8 premiere, referring to *Wellingtons Sieg* as his own property. Beethoven objected and Mälzel revised the placards stating that the work was composed "out of friendship for his journey to London." Beethoven later wrote that he consented to this "because [he] thought that [he] was still at liberty to fix the conditions on which [he] would let [Mälzel] have the work."[51]

Beethoven held another concert on January 2, 1814 in which he excluded Mälzel entirely. Unlike the December charity concerts, Beethoven planned the event as a personal concert of his own music, his first personal concert since the premiere of the Sixth Symphony in 1808.[52] Beethoven did not invite Mälzel to share in the planning or profits of this January concert. In the place of the marches played by Mälzel's trumpeter, Beethoven substituted excerpts from the *Ruins of Athens*. Apart from this, the program was identical to that of the concert given in December. Most of the same celebrity musicians, those that Mälzel had originally organized, again participated.[53] The concert and *Wellingtons Sieg* in particular again received high praise by the *Weiner Zeitung,* which called the concert a "veritable feast."[54] *Wellingtons* Sieg was performed as part of another personal benefit concert on February 27, alongside the Seventh Symphony and the premiere of the Eighth.

Mälzel, who remained in Vienna during these months, thought he was entitled to share in Beethoven's success. In frustration, he began to devise a furtive plan to acquire the piece he thought of as his own. Since Mälzel had previously returned the panharmonicon version of the work to Beethoven for orchestration, Mälzel was not in possession of the authentic complete copy of the score. Instead, from his musician friends who played in the December benefit concerts at his request, he meticulously collected various individual instrumental parts. With a mutilated version of the full score reconstructed from these borrowed parts, Mälzel departed for Munich where he produced *Wellingtons Sieg* in two orchestral concerts on March 16th and 17th.[55]

In April, news of Mälzel's concerts reached Beethoven. Further inciting Beethoven, Mälzel allegedly spread rumors in Vienna and abroad that he had generously given to Beethoven 400 ducats in exchange for ownership of the work. Mälzel had previously loaned 50 ducats and,

[51] Deposition, see Appendix I.
[52] Peter J Davies, *The Character of a Genius: Beethoven in Perspective*, (Westport, CT: Greenwood Press, 2002), 110.
[53] Marek, *Beethoven: Biography of a Genius,* 463.
[54] Ibid, 462.
[55] *Allgemeine musikalische Zeitung*, XVI (1814), 291.

although it cannot be confirmed, Beethoven later claimed to have repaid Mälzel immediately following the December 1813 concerts.

According to Thayer, "Beethoven's wrath was excited and, instead of treating the matter with contemptuous silence, or at most making an appeal to the public in the newspapers, he committed the absurdity of instituting a lawsuit against a man already far on his way to the other side of Europe."[56] Fearing that Mälzel would produce the work in London, Beethoven consulted the lawyer Dr. Adlersburg. At the same time, Beethoven prepared a copy of the work and sent it to the Prince Regent of England to whom the work is dedicated. The Prince, to the composer's dismay, never acknowledged the receipt of the work.

14	October	1809	Treaty of Schönbrunn; Austria defeated by Napoleon.
21	June	1813	Duke of Wellington defeats the French in the Battle of Vittoria.
	Summer		Mälzel approaches Beethoven and suggests *Wellingtons Sieg.*
			Beethoven resides at Baden and composes the version for Mälzel's panharmonicon.
12	August		Austrian declares war on Napoleon for the fourth time.
20	September		Beethoven returns to Vienna.
	October		Panharmonicon version completed.
			Beethoven's endorsement of Mälzel's chronometer is published.
19			Germany and Austria defeat Napoleon at the Battle of Leipzig.
31			French defeat Austria at the Battle of Hanau.
8	December		Benefit concert and premiere of orchestral version of *Wellingtons Sieg* and premiere of the Seventh Symphony.
12			Second benefit concert.
2	January	1814	Beethoven's personal concert; Mälzel excluded.
27	February		Beethoven holds second personal concert; premiere of the Eighth Symphony.
16-17	March		Mälzel's concerts in Munich
30			Sixth coalition enters Paris.
	April		Beethoven learns of Mälzel's March concerts.
25	July		Beethoven's writes the plea to the musicians of London.
20	October		Statement by Beethoven's lawyer.
1	November		Congress of Vienna convenes.
18	June	1815	Battle of Waterloo; Napoleon's final defeat.

Table II: Chronology of the Beethoven-Mälzel dispute

[56] Thayer-Forbes, *The Life of Beethoven,* 580.

Schindler preserved three documents describing Beethoven's side of the dispute (included as Appendices I-III). The first is a *Deposition* penned by Beethoven which Thayer dismissed as "nothing more than an *ex-parte* statement prepared for the use of his lawyer by a very angry man, in whom a tendency to suspicion and jealousy had strengthened with advancing years."[57] The second is a letter dated July 25, 1814 addressed to the "Musicians of London" in which Beethoven defended the work as his own. The last is a statement by the lawyer Adlersburg documenting his presence at several mediated conferences between Beethoven and Mälzel and that, since "Mälzel did not appear at the last meeting arranged for, nothing came of the matter."[58]

The Resolution

After the lawsuit, Mälzel traveled throughout Europe displaying his inventions, careful to avoid Vienna. Thayer supposed that both men paid their own legal expenses in 1814. Since Mälzel fled town without signing his documents but did not again attempt to perform the work, the lawsuit was never resolved and was soon forgotten.

In 1817, Mälzel finally returned to Vienna seeking to patent his new metronome. He wrote to Beethoven and again asked for his endorsement and, according to Schindler, promised to build another acoustic hearing device for Beethoven.[59] In several letters, Beethoven spoke positively and amicably about Mälzel's metronome. Unfortunately, the specific details of the unusual reconciliation between Beethoven and Mälzel are lost. Thayer posited that Beethoven's uncharacteristic forgiveness of Mälzel indicated that he did not have a legitimate legal case against Mälzel in the first place. More likely Beethoven, now financial secure in 1817, considered himself victorious, since the lawsuit, although legally inconclusive, had been enough of a threat to prevent Mälzel from again producing unauthorized concerts of *Wellingtons Sieg*.

[57] Thayer-Forbes, *The Life of Beethoven,* 1097.
[58] *Certificate* signed by Beethoven's lawyer. See Appendix III.
[59] Schindler, *The Life of Beethoven* (1840), 155.

Ignaz Moscheles (1794-1870)

Moscheles's "Unimpeachable Testimony"

> I witnessed the origin and progress of this work, and remember that not only did Mälzel decidedly induce Beethoven to write it, but even laid before him the whole design of it; himself wrote all the drum-Marches and the trumpet-flourishes of the French and English armies; gave the composer some hints, how he should herald the English army by the tune of 'Rule Britannia'; how he should introduce 'Malbrook' in a dismal strain; how he should depict the horrors of the battle and arrange 'God save the King' with effects representing the hurrahs of a multitude. Even the unhappy idea of converting the melody of 'God save the King' into a subject of a fugue in quick movement, emanates from Mälzel. All this I saw in sketches and score, brought by Beethoven to Mälzel's workshop, then the only suitable place of reception he was provided with.[60]

Ignaz Moscheles wrote these words in a footnote to his 1841 translation of Anton Schindler's *The Life of Beethoven*, twenty-eight years after the events they detail. In the scholarly literature, this account formed the principle evidence indicating that Mälzel contributed significant musical material to the creation of *Wellingtons Sieg* and therefore was subsequently treated unfairly by Beethoven. Thayer's conclusion that "the composition beyond all doubt was Mälzel's property"[61] has framed every discussion of *Wellingtons Sieg* since he wrote these words.

To fully appreciate the implications of Moscheles's testimony, we must first examine his relationship with Beethoven in these years.

Relationship with Beethoven prior to 1814

Ignaz Moscheles was born in 1794 in Prague. His life-long idolization of Beethoven began at age ten when he secretly copied out and practiced the *Pathétique* Sonata.[62] In 1808, the fourteen year old Moscheles moved to Vienna where he pursued study with Johann Georg Albrechtsberger and Antonio Salieri—men who were, not by coincidence, both former teachers of Beethoven. Reminiscing many years later, Moscheles wrote "if a Beethoven could still learn something from a Salieri, then with how much more reason could I."[63] His admiration of Beethoven even partially motivated his relocation as he later wrote "above all, I longed to see

[60] Editorial note in Schindler, *The Life of Beethoven* (1840), 153-54.
[61] Thayer-Forbes, *The Life of Beethoven,* 580.
[62] Carolyn D Greham, *Ignaz Moscheles: An Illustrious Musician in the Ninteenth Century*, (University of Rochester, 1980), 106.
[63] O.G. Sonneck, ed., *Beethoven: Impressions by His Contemporaries* (New York: Dover, 1967), 93.

and become acquainted with that man, who had exercised so powerful an influence over my whole being; whom though I scarcely understood, I blindly worshipped."[64]

In 1810 in the shop of the music publisher Domenico Artaria, Moscheles first met Beethoven. This passing encounter left a lasting impression, as he recounts:

> Presently Ataria called me in, and said '*This is Beethoven!'* and, to the composer, 'This is the youth of whom I have just been speaking to you.' Beethoven gave me a friendly nod, and said he had just heard a favorable account of me. To the somewhat modest and humble expressions which I stammered forth he made no reply, and seemed to wish to break off the conversation. I stole away with a greater longing for that which I had sought than I had felt before the meeting, thinking to myself – "Am I then indeed such a nobody that he could not put one musical question to me? – nor express one wish to know who had been my master, or whether I had any acquaintance with his works?"[65]

Moscheles continues, describing his relationship with Beethoven before 1814:

> But I made up my mind that the more I was excluded from the private intercourse which I so earnestly coveted, the closer I would follow Beethoven in all the productions of his mind. I never missed the Schuppanzigh Quartets, at which he was often present, or the delightful Concerts at the Augarten, where he conducted his own Symphonies. I also heard him play several times, which however he did but rarely, either in public or private. […] I also used to meet him at the houses of MM. Zmeskall and Zizius, two of his friends, through whose musical meetings Beethoven's works first made their way to public attention: ***but, in place of better acquaintance with the great man, I had mostly to content myself on his part with a distant salute***.[66] [*emphasis added*]

The panharmonicon version of *Wellingtons Sieg* was completed by October 1813, several months before Moscheles became personally acquainted with Beethoven. At this time Mälzel maintained his workshop in the backrooms of Stein piano factory.[67] In the summer of 1813, Moscheles wrote "a few marches" for Mälzel's panharmonicon and "during their preparation much frequented the workshop."[68] It is here in Stein's factory in the autumn months of 1813 that Moscheles would have witnessed Beethoven's similar collaboration with Mälzel.

Although Moscheles played the cymbals at the December orchestral premiere of *Wellingtons Sieg*, it was Mälzel, not Beethoven, who organized the list of celebrity performers. For instance, Meyerbeer, whom Beethoven had not yet met, played the drum. In 1813, Moscheles was a friend and collaborator with Mälzel and merely a distant admirer of Beethoven, a fact which heavily diminishes the credibility of his recollection written twenty-eight years later.

[64] Greham, *Ignaz Moscheles*, 5.
[65] Sonneck, *Beethoven: Impressions by His Contemporaries*, 89-90.
[66] Ibid, 90.
[67] Thayer-Forbes, *The Life of Beethoven,* 561.
[68] Ibid, 560.

Relationship with Beethoven after 1814

In 1814, upon recommendation by Domenico Ataria, Beethoven hired the twenty year old Moscheles to arrange *Fidelio* for pianoforte. The final version of *Fidelio* premiered on May 23, 1814 and Moscheles completed the piano reduction by the end of June.[69] During these months he came to know Beethoven more intimately, and, on at least one occasion, he visited the composer at his home.[70]

Although Moscheles idolized Beethoven throughout his whole life, the two men were never close friends. Moscheles left Vienna in 1816 to begin a ten year tour of Europe.[71] Despite his satisfactory arrangement of *Fidelio*, Beethoven never thought highly of Moscheles, at least artistically. When asked about Moscheles in 1817, Beethoven replied "Don't ever talk to me again about mere passage players."[72] In 1823, Beethoven wrote "this Jewish lad Moscheles is causing a sensation in London, I cannot understand it at all."[73]

Shortly after settling in London, Moscheles learned of Beethoven's ailing health from Johann Stumpff in early 1827. In February, Moscheles exchanged several letters with Beethoven and Schindler in which Moscheles agreed to raise money through a benefit concert by the London Philharmonic Society Orchestra.[74] On March 1, 1827 Moscheles sent Beethoven 1000 florins in advance of the concert's projected proceeds. Beethoven received the funds and thanked Moscheles for the society's splendid generosity.[75] Beethoven died eight days later, never able to use the funds.

[69] Completed before June 28, 1814. See notice in *Weiner Zeitung*, July 1, 1814, reprinted Thayer-Forbes, 584.
[70] Thayer-Forbes, *The Life of Beethoven,* 584.
[71] Gresham, *Ignaz Moscheles*, 12.
[72] Thayer-Forbes, *The Life of Beethoven,* 683.
[73] Ibid 853.
[74] Gresham, *Ignaz Moscheles*, 107.
[75] Letter 1566. Anderson, *The Letters of Beethoven,* 1343.

Analysis of the Autographs

In musicological investigations of authenticity and attribution, the original autograph and sketchbook materials often prove to be the most revealing source. In 1975, Hans-Werner Küthen collected and carefully analyzed all the extant source materials of both the orchestrated and panharmonicon versions of *Wellingtons Sieg*, definitively establishing Beethoven and Mälzel's respective musical contributions to the piece.[76]

Küthen's comprehensive analysis of the source materials proved Beethoven's version of the dispute. Although Moscheles may have witnessed discussions between the two men, his memory of Mälzel's artistic contribution is erroneous. The total extent of Mälzel's artistic contribution consisted of a few musical figures for the second part of the orchestrated version – and most of these melodies had been significantly revised by Beethoven. Furthermore, Küthen established that the version of *Wellingtons Sieg* for Mälzel's panharmonicon consisted only of the second movement of its orchestrated counterpart and that Mälzel contributed no musical material to the original panharmonicon version. The first movement was specifically written for the orchestrated version and not the panharmonicon score (See Table III, below). Lastly, Mälzel edited and revised Beethoven's panharmonicon version, ultimately shortening the score by forty-two measures. Küthen surmised that this revision was necessary for technical reasons related to Mälzel's preparation of the mechanical barrel rolls.[77]

Although Mälzel may have labored on the technical revision of panharmonicon score, Küthen's analysis demonstrated that Mälzel's artistic contributions to orchestrated version of the work were, at best, negligible. Therefore, Mälzel's had no legitimate claim to assert ownership of the work.

Wellingtons Sieg	Panharmonicon *(Beethoven's draft)*	Panharmonicon *(Mälzel's revision)*	Orchestrated Version *(Beethoven)*
I. The Battle	-	-	361 m
II. Victory Symphony	*c.* 316 m	274 m	316 m

Table III: Comparison of the panharmonicon and orchestrated versions of *Wellingtons Sieg*.

[76] For a comprehensive analysis of the source materials, see Küthen, Hans-Werner, "Neue Aspekte zur Entstehung von Wellingtons Sieg," Beethoven-Jahrbuch Jahrgang 1971/72 (1975), 73-92.
[77] Küthen, "Neue Aspekte," 90-92.

The only surviving comprehensive source written in Beethoven's hand is the autograph of the orchestrated version. However, several pages of sketches for the orchestrated version, also in Beethoven's handwriting, survive. For the panharmonicon version, a revised copy of the completed score, in Mälzel's handwriting, as well as a few pages of Beethoven's sketches are extant.[78] Through these documents, Küthen meticulously traced the composition of *Wellingtons Sieg.* Although the completed autograph of Beethoven's panharmonicon version is lost, Küthen was able to reconstruct Beethoven's panharmonicon version from these surviving sources.

From his analysis, Küthen derived the following important conclusions. First and foremost, the version for Mälzel's panharmonicon included only the second part of the composition, and only in a shorted form.[79] When Mälzel engraved Beethoven's panharmonicon version onto the barrel roll cylinders, he changed many passages. Küthen postulated this may have been necessary for technical reasons pertaining to the mechanics of the panharmonicon itself. At one point Mälzel inserted thirty-eight measures into his version and, later, he removed eighty measures from Beethoven's original panharmonicon version. Mälzel's revised version has only 274 measures, forty-two measures shorter than the second part of Beethoven's orchestrated composition.[80]

Secondly, Mälzel's musical contribution to the composition can be traced by the three extant pages in his handwriting. Two of these pages are separate loose sheets attached to the sketchbook: one page front and back (SV135) and one partial page (SV66). The third source is a partial page written at the end of Mälzel's revision of Beethoven's panharmonicon version. These three pages contain only several short musical phrases, all stereotyped militaristic march and fanfare melodies.[81]

Küthen established that all three of Mälzel's pages were written after the completion of the panharmonicon version, perhaps as suggestions to Beethoven for the orchestrated version. In the orchestrated version, Beethoven used some of Mälzel's figures exactly, some after heavy revision, and most he ignored entirely. Additionally, Küthen found no evidence that Mälzel contributed any musical material to the first section of *Wellingtons Sieg*. Beethoven's sketches indicate that the entirety of the first part was composed later, specifically for the orchestrated version.[82]

[78] Küthen, "Neue Aspekte," 80-81.
[79] This version survives as Hess 108, published in 1957 as a supplement to *Gesamtausgabe* catalog.
[80] Küthen, "Neue Aspekte," 90.
[81] Ibid, 90-91.
[82] Ibid, 92.

Finally, Küthen revealed that Mälzel had not contributed any musical material to the original panharmonicon version of the score, as his sheets of musicals figures were written after its completion. Küthen surmised that Moscheles's memory of Mälzel's 'significant musical contribution' described Mälzel's involvement in the adaptation of the panharmonicon score to the orchestrated version.[83] However, despite any discussions between Beethoven and Mälzel that Moscheles may have witnessed, Beethoven used very little of the musical material suggested by Mälzel in his final orchestrated version. Küthen concluded that these source materials fully support Beethoven's explanation in his *Deposition.*

Thayer's account of the origins of *Wellingtons Sieg* relies upon two principle assumptions. First, Thayer assumed the orchestrated and panharmonicon versions of *Wellingtons Sieg* were one in the same. Secondly, Thayer, relying upon Moscheles's account, believed that Mälzel contributed significant musical material to the composition. Küthen's analysis has proved both of Thayer's assumptions incorrect.

Although Thayer did not have access to the source materials and these specifics of Mälzel's minimal contributions were not known to him, he was, however, well aware of Mälzel's tendency to claim ownership of the ideas of others. These details of Mälzel's character, entirely ignored by Thayer in his biography, should have been sufficient to force Thayer to question his assumption of Mälzel's contribution to *Wellingtons Sieg*.

[83] Küthen, "Neue Aspekte," 91.

The Character of Johann Mälzel

During his lifetime, Johann Mälzel was highly esteemed for his inventions and exhibitions. Throughout the 19th century and beyond, Mälzel was consistently portrayed in overwhelmingly favorable terms. Thayer wrote:

> The mechanician was not only a man of unquestionable inventive genius, but he also understood the public; knew as by instinct how to excite and gratify curiosity without disappointing expectation, and had the tact and skill so to arrange his exhibitions as to dismiss his visitors grateful for an amusement for which they had paid. He was personally both respected and popular.[84]

A rare but largely inaccurate biography of Mälzel raved about his innovative genius and unwavering character. "Mälzel was so fond of children that he 'invariably reserved for them his front seats and distributed sweat meats among them.' Sometimes he offered benefits for orphans and widows."[85]

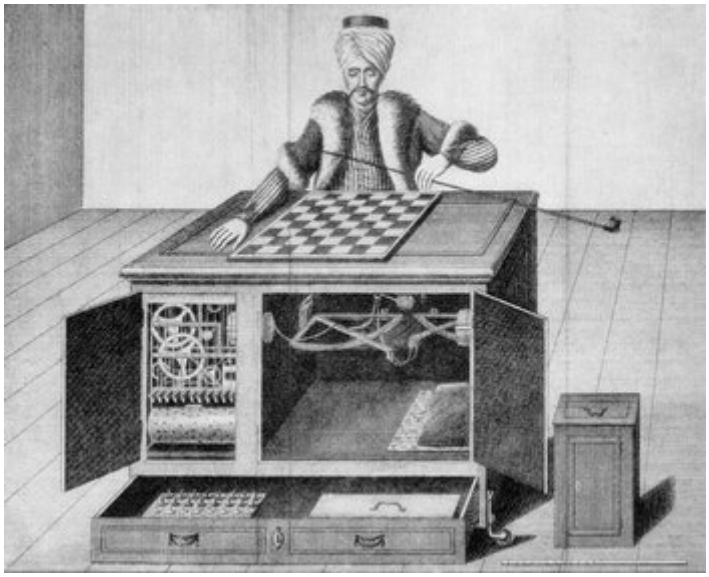
Recent scholarship, however, paints a rather different picture of the inventor. The three most famous inventions of this "unquestionable inventive genius" were in fact the ideas of others—unapologetically stolen by Mälzel and claimed as his own.

Chess-Player Automaton

The Chess Player automaton was invented in 1769 by the Hungarian nobleman Baron Wolfgang von Kempelen (1734-1804). The machine, known as the "Mechanical Turk", appeared to play, and always win, a game of chess against a human opponent, seemingly without any human assistance. In reality, the Chess Player was controlled by a knowledgeable chess player hidden inside the device. Furthermore, the Chess Player had several different compartments which allowed the real player to move about so the contents of fake mechanics could be displayed to the audience (see Figure 5, page 29). The Chess Player astounded audiences across Europe until von Kempelen ceased its exhibition in 1785.

Mälzel, having learned of the famous automaton during its tour of Europe, allegedly offered to buy the machine but could not afford the high price asked by the Baron. Upon von Kempelen's death in 1804, Mälzel purchased the Chess Player from the inventor's son for half the original price.[86] After purchasing the device, Mälzel first discovered its true *modus operandi.*

[84] Thayer-Forbes, *The Life of Beethoven*, 560.
[85] Arrington, "John Maelzel, Master Showman," 72.
[86] Van Tiggelen, *Componium,* 174.



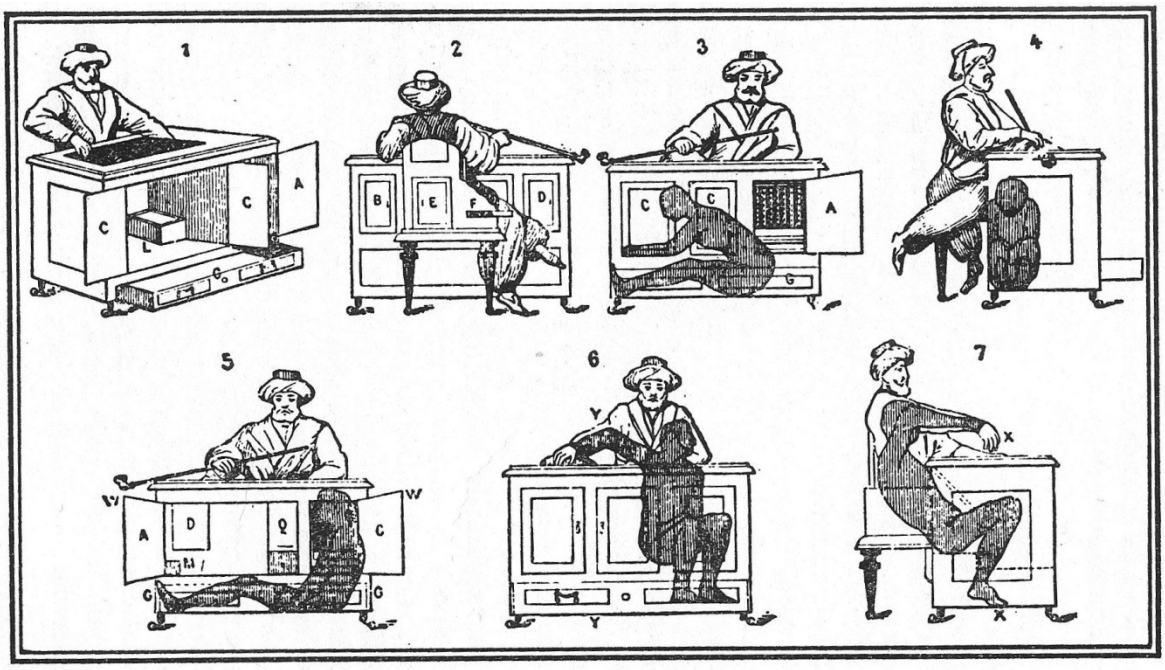


Figure 5: The Chess Player Automaton.[87]

[87] Arrington, "John Maelzel, Master Showman," 60.

Undeterred, Mälzel repaired the device and began to exhibit the device for profit in 1805,[88] capitalizing on the fact that the automaton had been out of circulation for twenty years.

In 1809 after the French again occupied Vienna, Mälzel had the honor of an exhibit of his mechanical inventions at Schönbrun. Presented as Mälzel's invention, the Chess Player allegedly played a game of chess against Napoleon, although the accuracy of the account is contested.[89] Soon afterwards Mälzel sold the player for 30,000 francs to Eugène Beauharnais, the step-son of Napoleon and the Viceroy of Italy. In 1817, Mälzel repurchased the machine and again began touring Europe with his "invention." In 1825 Mälzel brought the Chess Player to America. Mälzel toured numerous cities, from New York to New Orleans, demonstrating his Chess Player. In each city, after the novelty waned or, as in several other cases, the press began to doubt the authenticity of the mechanical player, Mälzel moved on to another city to begin anew. In 1827, the *Baltimore Gazette* published an article entitled "The Chess-Player Disclosed" which recounted the story of two young boys who saw Mälzel's slender accomplice, William Schlumberger, crawl out from the device after a show.[90] Nevertheless, the speculation continued and in 1826 Edgar Allen Poe published an article for the *Southern Literary Messenger* which speculated, often incorrectly, on the fraudulent nature of the automaton. Following Mälzel's death in 1838, the Chess Player remained in a Philadelphia museum until it was destroyed in a fire in 1854.

Trumpet Player Automaton

Mälzel's younger brother Leonard (1783-1855) was also a musician and inventor of various mechanical musical devices. The lives and respective inventions of both men are not well understood and have been the subject of confusion, speculation, and incorrect attribution, as both brothers readily took credit for the inventions of the other.

After leaving Regensburg, Leonard Mälzel settled in Munich where he invented the famous Trumpet Player automaton. Another mechanical trumpeter had previously been invented by the Prague clockmaker Peter Heinrich, and similarities between the two suggest that Leonard's design copied or emulated this predecessor.[91] Mälzel's trumpeter played various Austrian and French cavalry marches and calls, fancifully adorned in a costume that could be changed to reflect the appropriate military uniform of the country in which the device was currently being exposed. The trumpeter also played marches and allegros by Hummel, Weigl, Pleyel, and Dussek, often accompanied by the piano.

[88] Arrington, "John Maelzel, Master Showman," 59.
[89] See Standage, *The Turk,* 105-12.
[90] Arrington, "John Maelzel, Master Showman," 66-67.
[91] Van Tiggelen, *Componium,* 177.

Until recently, the Trumpet Player was incorrectly attributed to Johann Mälzel. Even today, the trumpeter is still often erroneously attributed to Johann.[92] The trumpeter first appeared in Paris in 1808 in a demonstration to the *Société d'encouragement pour l'Industrie nationale* and was displayed in Munich and Vienna the following year.[93] Because the newspaper reports ambiguously refer to the inventor solely as Mr. Mälzel, it remains unclear which brother first toured with the device. In 1811 Johann Mälzel opened his *Kunstkabinett* public exhibit in Vienna, displaying the Trumpeter as his own invention. In the December 1813 concerts of *Wellingtons Sieg*, the trumpeter performed two marches by Dussek and Pleyel with full orchestral accompaniment.[94] A notice in the *Allgemeine musikalische Zeitung* in January 1815 first correctly attributed the invention to the younger Leonard.[95] In 1829, four years after Johann had departed to America, Leonard built many more automaton players and displayed an orchestra of forty-two automata playing together.[96]

Mälzel's Metronome

In 1814 the Dutch clockmaker Diederich Nicolaus Winkel (1777-1826) reinvented the chronometer. Winkel's device, specifically his innovative design of the time-keeping pendulum, was the basis of the modern metronome. Winkel's prototype is preserved today in the *Gemeetemusuem* in The Hague, bearing the inscription of November 27, 1814.[97]

Johann Mälzel's tour of Europe eventually brought him to Amsterdam in the summer of 1815. He stayed for five weeks offering two daily exhibitions of his various inventions, including the panharmonicon. During his time in Amsterdam, Mälzel saw Winkel's chronometer and offered to buy it from the inventor, who refused to sell.[98] Leaving Amsterdam, Mälzel traveled to Paris where, on October 14, 1815, Mälzel applied for a patent on Winkel's design, which he renamed the *metronome.* On December 5, Mälzel secured a similar patent in London.[99] Mälzel continued his tour of Europe, carefully avoiding Amsterdam in addition to Vienna.

Unfortunately, Winkel did not learn of Mälzel's theft until the *Allgemeine musikalische Zeitung* published a lengthy description of "Mälzel's metronome" on June 18, 1817. Winkel protested and the following year the paper acknowledged Winkel's assertion of his invention without

[92] New Grove incorrectly attributes the trumpeter to Johann.
[93] Van Tiggelen, *Componium,* 177.
[94] Thayer-Forbes, *The Life of Beethoven,* 566.
[95] Van Tiggelen, *Componium,* 177.
[96] Ord-Hume, *Barrel Organ,* 183.
[97] Van Tiggelen, *Componium,* 144.
[98] Ibid, 148.
[99] Ibid, 149.

refuting Mälzel's claim.[100] Seeking to reclaim his invention, Winkel wrote to the Koninklijk Instituut Amsterdam asking for an investigation into the matter. The Institute organized a mediated confrontation between the two men in 1820 in the course of which Mälzel conceded that he had been inspired by Winkel's invention in 1815. Afterwards, the jury drew up formal statements documenting the facts. Although Winkel readily signed the document, Mälzel left Amsterdam without signing his copy.[101]

Just as he had done seven years previously in Vienna, Mälzel stayed in Amsterdam and participated in the legal proceedings until it became exceedingly clear that he would not prevail in the case. Just as in the lawsuit with Beethoven, Mälzel quickly and quietly left town without signing the final legal statements, prepared by a neutral third party, which documented his improprieties.

Just as Mälzel had seen Winkel's chronometer in 1815, Winkel likely saw Mälzel's panharmonicon. In 1821, Winkel completed his *Componium*, a large mechanical organ — arguably the most elaborate and advanced instrument of its type. Perhaps, Winkel, thoroughly defeated by Mälzel's success with his metronome, built the instrument in revenge. However, with Mälzel's relocation to America in 1825 and his own death the following year, Winkel would never benefit from his invention.

Gurk's Panharmonicon

Although many mechanical organs were built throughout the centuries, one other instrument is worthy of note. The only other barrel organ known as a panharmonicon was constructed by Joseph J. Gurk of Vienna (see Figure 6, page 33). Since Gurk's panharmonicon never received the publicity of Mälzel's organ of the same name, it remains unclear which inventor first constructed his instrument, nor which, if either, first coined the term panharmonicon. Descriptions of Mälzel's panharmonicon published in Paris in 1807 implied that Mälzel built his organ two years early, in 1805. A London *Times* article of 1811 wrote that Gurk first built his panharmonicon in Vienna seven years earlier,[102] implying around 1804. Although the chronology remains inconclusive, the fact that these two men contemporaneously built their respective panharmonicon in Vienna implies that each man was likely aware of the other, if not in direct competition.

[100] Van Tiggelen, *Componium*, 149.
[101] Ibid, 154.
[102] Ibid, 170.

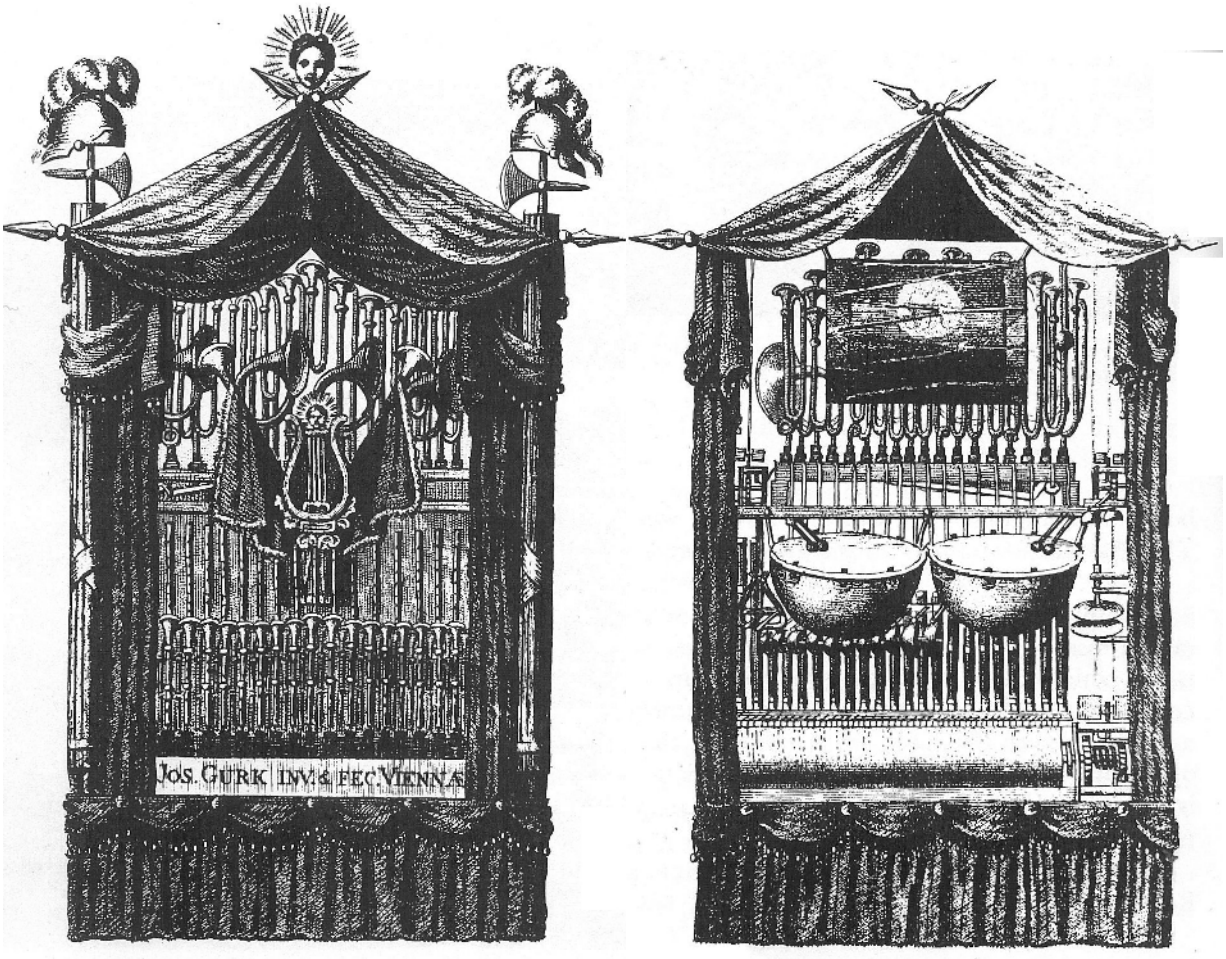
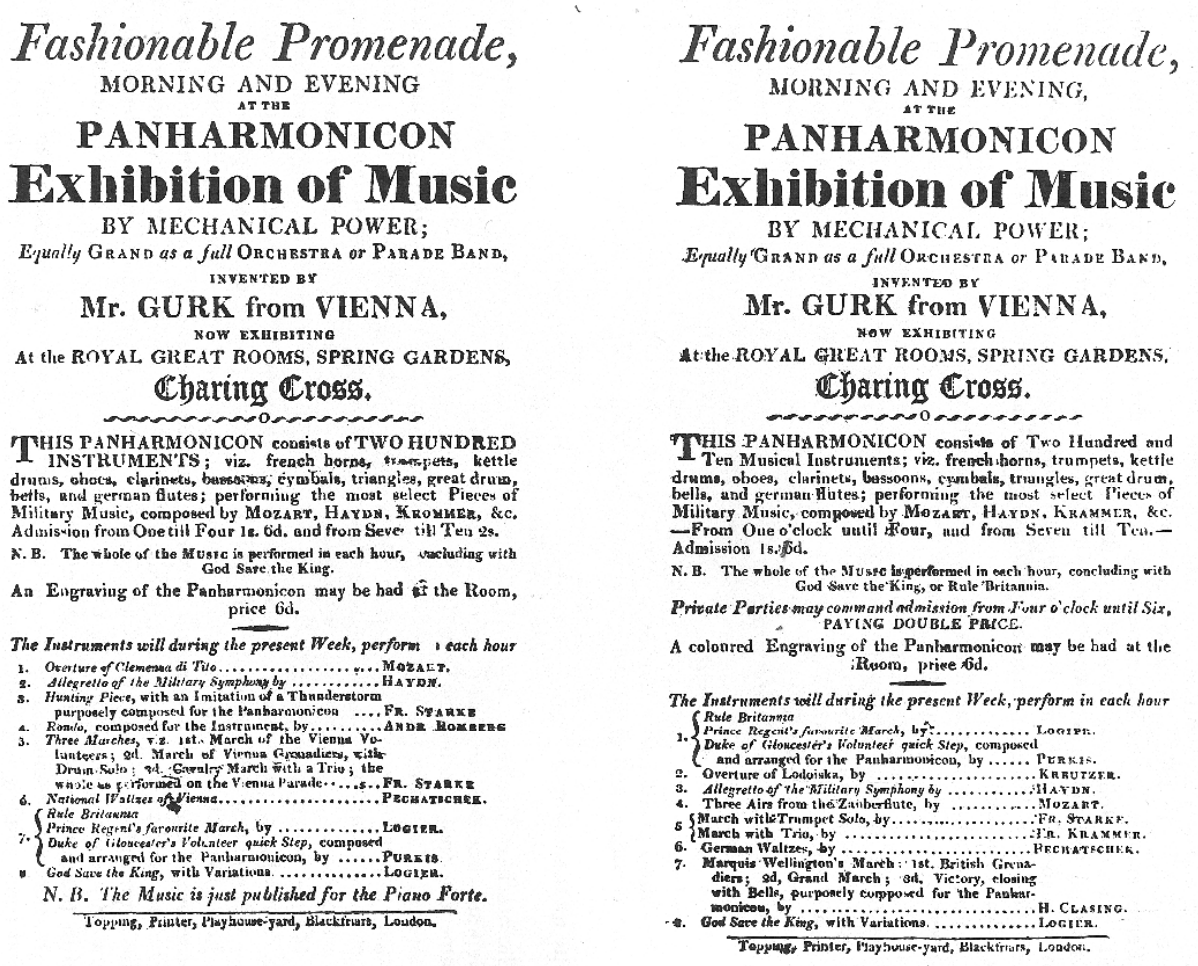


Figure 6: Gurk's panharomonicon, front (left) and rear (right) view.[103]

[103] Ord-Hume, *Barrel Organ,* 174.

The repertoire of Gurk's panharmonicon survives through a few extant advertising posters and newspaper reviews from 1811 and 1812.[104] Among the twenty pieces listed, Gurk's concerts in London featured the *Allegretto* from Military Symphony No. 100 by Franz Joseph Haydn – a staple of Mälzel's panharmonicon repertoire (see Figure 7). The repertoire also included the Rondo from Beethoven's Septet, several cavalry marches, arrangements of *Rule Britannia* and *God Save the King* by J.B. Logier, and an arrangement of *Marquis Wellington's March* by H. Clazing.[105] The composer H. Clazing remains unidentified and his work, the *Marquis Wellington's March*, lost.



Fashionable Promenade,
MORNING AND EVENING
AT THE
PANHARMONICON
Exhibition of Music
BY MECHANICAL POWER;
Equally GRAND *as a full* ORCHESTRA *or* PARADE BAND,
INVENTED BY
Mr. GURK from VIENNA,
NOW EXHIBITING
At the ROYAL GREAT ROOMS, SPRING GARDENS,
Charing Cross.

THIS PANHARMONICON consists of TWO HUNDRED INSTRUMENTS; viz. french horns, trumpets, kettle drums, oboes, clarinets, bassoons, cymbals, triangles, great drum, bells, and german flutes; performing the most select Pieces of Military Music, composed by MOZART, HAYDN, KROMMER, &c. Admission from One till Four 1s. 6d. and from Seven till Ten 2s.

N. B. The whole of the MUSIC is performed in each hour, excluding with God Save the King.

An Engraving of the Panharmonicon may be had at the Room, price 6d.

The Instruments will during the present Week, perform in each hour

1. *Overture of Clemenza di Tito* ..... MOZART.
2. *Allegretto of the Military Symphony by* ..... HAYDN.
3. *Hunting Piece*, with an Imitation of a Thunderstorm purposely composed for the Panharmonicon .... FR. STARKE
4. *Rondo*, composed for the Instrument, by ..... ANDR. ROMBERG
5. *Three Marches*, viz. 1st. March of the Vienna Volunteers; 2d. March of Vienna Grenadiers, with Drum Solo; 3d. Cavalry March with a Trio; the whole as performed on the Vienna Parade ..... FR. STARKE
6. *National Waltzes of Vienna* ..... PECHATSCHEK.
7. *Rule Britannia*
   Prince Regent's favourite March, by ..... LOGIER.
   Duke of Gloucester's Volunteer quick Step, composed and arranged for the Panharmonicon, by ..... PURKIS.
8. *God Save the King*, with Variations ..... LOGIER.

N. B. The Music is just published for the Piano Forte.

Topping, Printer, Playhouse-yard, Blackfriars, London.

Fashionable Promenade,
MORNING AND EVENING,
AT THE
PANHARMONICON
Exhibition of Music
BY MECHANICAL POWER;
Equally GRAND *as a full* ORCHESTRA *or* PARADE BAND,
INVENTED BY
Mr. GURK from VIENNA,
NOW EXHIBITING
At the ROYAL GREAT ROOMS, SPRING GARDENS,
Charing Cross.

THIS PANHARMONICON consists of Two Hundred and Ten Musical Instruments; viz. french horns, trumpets, kettle drums, oboes, clarinets, bassoons, cymbals, triangles, great drum, bells, and german flutes; performing the most select Pieces of Military Music, composed by MOZART, HAYDN, KRAMMER, &c. —From One o'clock until Four, and from Seven till Ten.— Admission 1s. 6d.

N. B. The whole of the MUSIC is performed in each hour, concluding with God Save the King, or Rule Britannia.

Private Parties may command admission from Four o'clock until Six, PAYING DOUBLE PRICE.

A coloured Engraving of the Panharmonicon may be had at the Room, price 6d.

The Instruments will during the present Week, perform in each hour

1. *Rule Britannia*
   Prince Regent's favourite March, by ..... LOGIER.
   Duke of Gloucester's Volunteer quick Step, composed and arranged for the Panharmonicon, by ..... PURKIS.
2. Overture of Lodoiska, by ..... KREUTZER.
3. *Allegretto of the Military Symphony by* ..... HAYDN.
4. Three Airs from the Zauberflute, by ..... MOZART.
5. March with Trumpet Solo, by ..... FR. STARKE.
   March with Trio, by ..... FR. KRAMMER.
6. German Waltzes, by ..... PECHATSCHEK.
7. Marquis Wellington's March: 1st. British Grenadiers; 2d, Grand March; 3d, Victory, closing with Bells, purposely composed for the Panharmonicon, by ..... H. CLASING.
8. *God Save the King*, with Variations ..... LOGIER.

Topping, Printer, Playhouse-yard, Blackfriars, London.

Figure 7: Two Programs from Gurk's Concert in London in November 1811.[106]

[104] Van Tiggelen, *Componium,* 170.
[105] Ibid, 171-72.
[106] Ord-Hume, *Barrel Organ,* 177.

There is a striking similarity between Gurk's concert program in London and Mälzel's idea for *Wellingtons Sieg* the following year, highlighted by Mälzel's urgent desire to travel to London. According to Moscheles's account, Mälzel's plan outlined in detail his desired treatment of both *Rule Britannia* and *God Save the King*. Likewise, the similarity of the title of the piece *Marquis Wellington's March* to Mälzel's proposed plan for Beethoven is rather intriguing, even though Gurk's concert predated the historic battle of Vittoria.

Perhaps Mälzel's strong and immediate design to travel to London in 1812 was motivated by Gurk's success in London and Mälzel's desire to compete with this other panharmonicon. Such a scenario seems possible as Gurk's panharmonicon received several "glowing" notices in the London press[107] and Mälzel might well have been aware of Gurk's program. Gurk brought the Londoners a Beethoven rondo. Mälzel thought he could bring them Beethoven himself.

Mälzel's Character Reexamined

As a cunning businessman, Mälzel thoroughly understood the importance of public perception and worked tirelessly to maintain this image, evident in his proclivity to secure notable endorsements, timely patents, and prominent newspaper features. For these reasons, and even though Mälzel's theft of the metronome and the falsity of the Chess Player were documented during his lifetime, an overwhelmingly positive image of the inventor endured long after Mälzel's death in 1838. Nevertheless, despite his questionable integrity, Mälzel was not without significant talent as a mechanic, evident in his many attempts to improve upon the inventions he stole from others.

For the original 1880 edition of George Grove's *A Dictionary of Music and Musicians*, Thayer himself authored the article on Mälzel. Thayer concluded that "Mälzel was evidently a sharp, shrewd, clever man of business, with a strong propensity to use the ideas of others for his own benefit."[108] Appearing just one year after his biography was first published, these words contrasted starkly to Thayer's overwhelming defense of Mälzel in the lawsuit with Beethoven. This discrepancy runs deeper. In the biography Thayer credited Mälzel as inventor of the metronome and made no mention of Winkel. However, in the Grove article, Thayer clearly stated "[Mälzel] stopped at Amsterdam, and there got from Winkel, a Dutch mechanic, the idea of employing a new form of pendulum as a metronome."[109] Likewise, in reference to Mälzel's first chronometer, Thayer acknowledged Mälzel's improvement of Stöckel's design in his Grove article but not in his biography.

[107] Van Tiggelen, *Componium,* 170.
[108] Alexander W Thayer, "Maelzel, Johann Nepomuk," *A Dictionary of Music and Musicians*, edited by G. Grove, (London: MacMillan and Co, 1880), 195.
[109] Ord-Hume, *Barrel Organ,* 194.

Clearly Thayer was aware of Mälzel's questionable integrity and his propensity to steal ideas from others and promote them as his own. Nevertheless, Thayer chose to side with Mälzel over Beethoven in his analysis of the lawsuit of *Wellingtons Sieg.*

An Analysis of Thayer's Account

Thayer's Chronology

After lengthy analysis of the conflict between Beethoven and Mälzel, Thayer summarized the facts:

> That Beethoven repaid the fifty ducats of borrowed money; that Mälzel and he had several interviews at the office of the lawyer, Dr. Adlersburg, which had for their subject the "Battle of Vittoria" and the journey to England; that he made various propositions which Beethoven would not accept "to get the work, or at least the right of first performance for himself," and the like; that, incensed by the conduct of the composer and hopeless of benefit from any farther consultation, he did not appear at the last one appointed; and that he obtained by stealth so many of the single parts of the "Battle" as to be enabled there from to have a pretty correct score of the work written out, with which he departed to Munich and there produced it in two concerts on the 16th and 17th of March.[110]

This list reveals that Thayer, rather uncharacteristically, was completely unconcerned with the chronology of the dispute. In this summary Thayer seemed to imply that the legal consultations occurred sometime before Mälzel's concert on March 16th. However, as Thayer well knew, Mälzel's theft and the Munich concert happened months before the interviews at the office of Dr. Adlersburg. Although the *Deposition* is not dated, in it Beethoven refers to Mälzel's profit of 500 florins in Munich. Thayer himself stated that Beethoven did not learn about that concert until April. The appeal to the "Musicians of London" bears the date of July 25, 1814 and the Certificate, containing the lawyers' signatures, bears the date of October 20, 1814. The consultations between Beethoven and Mälzel likely occurred in June and July of 1814. By October, according to the statement by Beethoven's lawyer, Mälzel had already fled Vienna, having skipped the final meeting.

Elsewhere in his account Thayer lambasted Beethoven for committing "the absurdity of instituting a lawsuit against a man already far on his way to the other side of Europe."[111] Mälzel was in fact not "far on his way to the other side of Europe" but returned from Munich, 500 florins richer, to his home in Vienna. Here, sometime in the summer of 1814, Mälzel made "the various propositions which Beethoven would not accept."[112] There is no indication that Mälzel first asked Beethoven before claiming the work as his own property.

Following the December 1813 benefit concerts, Beethoven wrote, in his unpublished letter of thanks (see Appendix IV), "our greatest thanks are due to Hr Mälzel, since it was he who first conceived the idea of this academy and there fell to him afterward the management care and arrangement—the most arduous labors of all."[113] Although Thayer reprinted the whole letter,

[110] Thayer-Forbes, *The Life of Beethoven,* 579.
[111] Ibid, 580.
[112] Ibid, 579.
[113] Deposition, see Appendix I.

he curiously omitted the postscript which reads "it is to be noted that the original idea for the work on Wellington was mine."[114] This letter, complete with postscript, reveals important clues about Beethoven's attitude towards Mälzel immediately following the December 8 and 12, 1813 benefit concerts. In this letter Beethoven acknowledged Mälzel's idea of the benefit concert itself and praised his arrangement of the event. However, in the same letter, Beethoven already felt compelled to defend the idea of the work as his own.

Beethoven, in the *Deposition*, indicated that he terminated his relationship with Mälzel after the latter asserted ownership of *Wellingtons Sieg* in the newspaper: "He now asserted that it was a *gift of friendship* and after the second *Akademie* had this expression printed in the newspaper without asking me about it in the least.**"** In his account, Thayer ignored Beethoven's accusation of Mälzel's claim in the newspaper but acknowledged Mälzel's attempt to publish the misleading placards before the December concert.

It can be assumed that Beethoven wrote the "Letter of Thanks" between the December concert and Mälzel's notice in the newspaper. This explains why Beethoven still regarded Mälzel in favorable terms yet nevertheless felt compelled to defend the work as his own following Mälzel's initial attempt on the placards to infer Beethoven's gift of the work. Following Mälzel's more assertive claim of ownership in the newspaper, Beethoven did not publish the letter of thanks. Instead Beethoven devised plans for a personal benefit concert, featuring *Wellingtons Sieg.* This concert, on January 2, 1814, was undoubtedly Beethoven's response to Mälzel's slanderous claims of ownership.

Nowhere in his account did Thayer concede that it was Mälzel who struck the first blow against Beethoven. Instead, Thayer believed that Beethoven first wronged Mälzel by excluding him from the January concert, remarking: "whoever can convince himself that the composer's conduct was legally and technically right, must still feel that it was neither noble nor generous."[115] Thayer unrealistically expected Beethoven to have been "noble and generous" to a man who had stolen a composition and presented it in a foreign city as his own work!

[114] Schindler, *Beethoven As I Knew Him* (1860), (London: Faber and Faber), 169. Letter extant as facsimile DM XI_2 [1912] No.7.
[115] Thayer-Forbes, *The Life of Beethoven,* 1099.

Thayer's Characterization of the Lawsuit

Thayer's chronological ambiguities and his unrealistic expectations in Beethoven's obligation to Mälzel are perhaps better understood – although not entirely explained – by his understanding and characterization of the dispute itself. Thayer argued that "the composition beyond all doubt was Mälzel's property." Continuing, Thayer claimed that "there was, therefore, but one point to be decided: did the arrangement of the work for orchestra at Mälzel's suggestion and request, transfer the proprietorship?"[116] Having accepted Moscheles's statement as fact and assuming that the orchestral and panharmonicon versions were one in the same, Thayer firmly asserted that the work indeed belonged entirely to Mälzel. Therefore he characterized the lawsuit as Beethoven's attempt to establish legal ownership of the work rather than Beethoven's attempt to sue Mälzel for theft of his property.

In his 1840 biography, Anton Schindler wrote that Beethoven initiated the lawsuit to thwart Mälzel's planned trip to England, adding that Mälzel "meant to make money there, and likewise on the road thither, with Beethoven's Battle-Symphony."[117] Thayer rejected this argument. "Schindler asserts that this appeal prevented Mälzel from producing it. The simple truth is, in those days for a stranger like Mälzel to undertake orchestral concerts in London would have been madness."[118]

Despite Thayer's skepticism, Mälzel had both the ability and the intention of producing these concerts in London. The very details of Mälzel's life, well known to Thayer, attest to Mälzel's uncanny ability to move into a foreign city, as a "stranger," and profit handsomely. After all, Mälzel assembled a patchwork version of the score and traveled to Munich to perform an orchestral concert of *Wellingtons Sieg*, within only three months. After stealing Winkel's design, Mälzel managed to obtain patents in both Paris and London within a mere six months. Lastly, Mälzel managed to travel to every major American city east of the Mississippi River in a time before rail travel. Organizing an orchestral concert in London was perfectly within Mälzel's ability, and quite possibly among his immediate ambitions prior to Beethoven's lawsuit.

Johann Mälzel finally arrived in London in December of 1815. The victim of this visit, finally realized, would be not Beethoven, but Diederich Nicolaus Winkel.

[116] Thayer-Forbes, *The Life of Beethoven*, 580.
[117] Schindler, *The Life of Beethoven* (1840), 151.
[118] Thayer-Forbes, *The Life of Beethoven,* 1098.

Thayer's Acceptance of Moscheles's Testimony

All of Moscheles's recollections of Beethoven were first written in 1841. Twenty-eight years later, it is not surprising that his "first-hand account" contains several errors. Before quoting Moscheles's lengthy account, the skeptical Thayer offered the following caveat: "Let us look at a few sentences from the preface to the English translation of Schindler's book, partly for the information they impart and partly to prevent a mistake from passing into history on his authority."[119] In this account, Moscheles stated that he arrived in Vienna in 1809 which Thayer corrects as 1808.[120] Moscheles also stated that he was selected to arrange *Fidelio* because Beethoven was on bad terms with Hummel. Thayer again corrected Moscheles, explaining that Beethoven rejected Hummel because "he was a man of sufficient talent and genius to have a style of his own." Furthermore, Thayer surmised that Beethoven felt he would have more freedom correcting and instructing a young, impressionable man like Moscheles.[121]

Moscheles, in reference to year 1814, wrote: "although I knew Mr. Schindler, and was aware that he was much with Beethoven at that time, I did not avail myself of my acquaintance with him for the purpose of intruding myself upon the composer."[122] In these years, however, Schindler knew Beethoven little better than Moscheles himself. Thayer explained this mistake: "Moscheles had translated Schindler's book, and unconsciously had adopted certain ideas from it, which in the course of time had taken the form of memories. This is a common experience with us all."[123] Written just a few pages later, Thayer's assessment of Moscheles here differed significantly from his characterization of "Moscheles's positive and unimpeachable testimony."[124] Why would Thayer so have readily accepted one portion of Moscheles's memoir yet critically debunked another? This reason is Anton Schindler.

Thayer and Anton Schindler

Thayer was well aware of many, but certainly not all, of Schindler's inaccuracies and falsities. In fact, the chronological irregularities of Schindler's biography first motivated Thayer to begin his life-long study of Beethoven. Although Thayer knew that Schindler was not close to Beethoven until the 1820s, it was not until the 1970's that scholars revealed that Schindler had retroactively forged entries in conversation books.[125] "Despite his attempts to show otherwise, including forgeries in the conversation books, Schindler was not in close contact with

[119] Thayer-Forbes, *The Life of Beethoven*, 584.
[120] See editorial note: Thayer-Forbes, *The Life of Beethoven,* 584.
[121] Ibid, 586.
[122] Sonneck, *Beethoven: Impressions by his Contemporaries,* 91.
[123] Thayer-Forbes, *The Life of Beethoven*, 586.
[124] Ibid, 561.
[125] Peter Stadlen, 'Schindler's Beethoven Forgeries', *The Musical Times*, Vol. 118, No. 1613. (July 1977), 549-552.

Beethoven until 1820, and there are only scattered (authentic) earlier references to him in the conversation books."[126] In fact, Schindler's "propensity for inaccuracy and fabrication was so great that virtually nothing he has recorded can be relied on unless it is supported by other evidence."[127]

In his 1840 biography, Schindler characteristically defended Beethoven in the conflict with Mälzel, writing at length of Mälzel's injustice to his "Master" and the injurious effect on his "temper and professional activities."[128] In the footnote to his translation, Moscheles, apologetically yet proudly, corrected Schindler asserting that Mälzel had contributed significantly to the work's composition. Again, a few pages later when Schindler wrote he first met Beethoven in 1814, Moscheles gratuitously noted "I am proud to say that I am four years in advance of my friend Schindler, having made Beethoven's much desired acquaintance four years sooner – in 1810."[129] This second editorial note, although historically accurate, reveals the extent to which Moscheles both revered Beethoven and, much like Schindler, desired to falsely aggrandize his relationship with the composer.

Discrediting Schindler's biography was a major theme and goal in Thayer's *The Life of Beethoven*. Evidence of Thayer's disdain for Anton Schindler resounds through the work. For example, in explaining that Mälzel's legal counter-statement was not preserved, Thayer caustically noted "he had no young disciple planning with zeal to preserve it and give it, with his version of the story, to posterity."[130] Since it was Schindler who preserved Beethoven's *Deposition*, Thayer felt compelled to wholeheartedly reject Beethoven's own words.

In his perpetual desire to debunk Schindler, Thayer displayed gross inconsistencies in his treatment of Moscheles's retrospective memoir. When Moscheles's erroneously stated that Schindler knew Beethoven well in the year 1814, Thayer readily corrected Moscheles's lapse of memory. However, when Moscheles attempted to correct Schindler in his statement indicating that Mälzel had provided substantial music material for *Wellingtons Sieg*, Thayer eagerly labeled this memory as "positive and unimpeachable testimony," despite the fact that both statements originate from the same account. Unfortunately for Thayer, and the subsequent scholarly understanding of the *Wellingtons Sieg*, both statements were falsely exaggerated in equal degree.

[126] Knittel, "Schindler, Anton Felix."
[127] Barry Copper, *The Beethoven Compendium*: *A Guide to Beethoven's Life and Music*, (London: Thames & Hudson, 1991): 52.
[128] Schindler, *The Life of Beethoven* (1840), 154.
[129] Editorial note in Schindler, *The Life of Beethoven* (1840), 156.
[130] Thayer-Forbes, *The Life of Beethoven,* 1097.

Conclusion

Thayer explained away Beethoven's angry words in his *Deposition* by the composer's "tendency to suspicion and jealousy."[131] Thayer also noted "that Beethoven alone made the discovery" of Mälzel's "dark character." [132] Despite his mocking implication to the contrary, Thayer is actually correct. Beethoven did alone – and correctly – surmise Mälzel's dark character and nefarious intentions. There is no doubt that the enterprising Mälzel had every intention of profiting from Beethoven's composition.

Thayer's account, given his nebulous bias against Schindler and his principal evidence of Moscheles's exaggerated memory, can no longer be trusted. A careful investigation of Moscheles's memoir and his relationship with Beethoven at the time demonstrates the need for skepticism of this account written twenty-eight years later. Furthermore, Küthen's analysis of the source materials unequivocally revealed that Mälzel gave Beethoven, at most, a few lines of marches, fanfares, and other stereotyped military elements. This hardly constitutes a "partial draft," as Solomon described. Finally, Küthen also demonstrated that the version of *Wellingtons Sieg* for Mälzel's panharmonicon consisted only of the second "Victory Symphony" section, or only approximately forty percent of the duration of Beethoven's orchestrated version.

Thayer's defense of Mälzel had not only profound implications on the scholarly understanding of the creation of *Wellingtons Sieg* but also contributed to Thayer's enduring reputation as a trustworthy biographer. George Grove wrote that "Mr. Thayer is no slavish biographer. He views his hero from a perfectly independent point of view and often criticises his caprice or harshness (as in the cases of Mälzel and Johann Beethoven) very sharply."[133] However in the case of Mälzel affair, Thayer's deep – yet legitimate – skepticism of Schindler unfortunately biased him against a thoughtful and independent analysis of all aspects of Moscheles's testimony.

In addition to his Schindler bias, Thayer's willingness to accredit Mälzel's hand in the composition of *Wellingtons Sieg* is undoubtedly linked to the exceptionally poor reception of the work following its initial popularity of the work in 1814. Thayer retrospectively assumed that all the performers "who engaged in its performance viewed it as a stupendous musical joke, and engaged in it *con amore* as in a gigantic professional frolic."[134] Speaking of *Wellingtons Sieg* and *Der glorreiche Augenblick*, Solomon wrote "these works, filled with

[131] Thayer-Forbes, *The Life of Beethoven,* 1097.
[132] Ibid.
[133] George Grove, "Thayer," *A Dictionary of Music and Musicians*, (London: Macmillian, 1880): 98-99.
[134] Thayer-Forbes, *The Life of Beethoven,* 565.

bombastic rhetoric and 'patriotic' excesses, mark the nadir of Beethoven's artistic career. In them his heroic style is revived, but as parody and farce."[135]

To Thayer, Solomon, and Beethoven's many other biographers, *Wellingtons Sieg* is a blot tainting Beethoven's pantheon of great works. In Thayer's time, a musical composition had its value as a publication, an artistic entity in itself. In Beethoven's time, however, such a concept was only beginning to develop as the success of a composition was very much linked to the success of its performances. In Thayer's time, *Wellingtons Sieg* was an embarrassment to the composer's reputation. In 1814, the work was a popular success that secured Beethoven's financial stability for several years.[136]

Although Beethoven may have viewed his symphonies and other major compositions as artistic entities to be published for prosperity, *Wellingtons Sieg,* however, was very much a piece valued in its performance. In this regard, the work was exceedingly successful and was performed six times in 1813 and 1814. During his whole life, Beethoven only gave eleven public concerts in Vienna for his own benefit. Five of these concerts took place in 1814 alone, four of which included *Wellingtons Sieg.*[137] The other, the reprisal of *Fidelio* in May of 1814, was a direct consequence of Beethoven's financial success with *Wellingtons Sieg*.

On the January 2 and February 27, 1814 concerts, *Wellingtons Sieg* appeared alongside the Seventh and Eighth Symphonies. In fact, Beethoven's notices in the *Weiner Zeitung* announcing each concert mentioned only *Wellingtons Sieg* but neither symphony,[138] despite the premiere of the Eighth Symphony on the February 27 concert. Beethoven may not have regarded *Wellingtons Sieg* on the same artistic plane as his symphonies, but he knew it was *Wellingtons Sieg* –and not his symphonies– that would sell the most tickets. Beethoven published *Wellingtons Sieg* in 1814, although this action was likely a direct consequence of the property dispute with Mälzel.

In his seminal account of the origins of *Wellingtons Sieg* Thayer insisted that Mälzel contributed significant musical material to the composition, despite no pervasive evidence supporting this claim. Perhaps, by attributing the idea and musical plan of this "stupendous musical joke" to Mälzel, Thayer subconsciously attempted to rectify his own poor perception of the work with Beethoven's positive words describing the work as "an important work [placed] on the altar of our Fatherland."[139] Unfortunately, Thayer's specific reasons for his biased explanation in his

[135] Solomon, *Beethoven,* 222.
[136] Ibid, 223-24.
[137] Ibid, 222
[138] Anderson, *The Letters of Beethoven,* 1438-39.
[139] Beethoven's Letter of Thanks. See Appendix IV.

biography can never be fully understood. Nevertheless, his erroneous assessment of the work's origins would mar the scholarly understanding of the musical origins of *Wellingtons Sieg* for the next 130 years.

Appendix

Beethoven's Deposition

Of my own volition I had composed a Battle Symphony for Mälzel for his Panharmonica without pay. After he had had it for a while he brought me the score, the engraving of which he had already begun, and wanted it arranged for full orchestra. I had previously formed the idea of a Battle (Music) which, however, was not applicable to his Panharmonica. We agreed to perform this work and others of mine in a concert for the benefit of the soldiers. Meanwhile I got into the most terrible financial embarrassment. Deserted by the whole world here in Vienna, in expectation of a bill of exchange, etc., Mälzel offered me 50 ducats in gold. I took them and told him that I would give them back to him here, or would let him take the work with him to London in case I did not go with him—in which latter case I would refer him to an English publisher who would pay him these 50 ducats. The *Akademien* were now given. In the meantime Mälzel's plan and character were developed. Without my consent he printed on the placards that it was *his property.* Incensed at this he had to have these torn down. Now he printed: "Out of friendship for his journey to London"; to this I consented, because I thought that I was still at liberty to fix the conditions on which I would let him have the work. I remember that I quarrelled violently with him while the notices were being printed, but the time was too short—I was still writing the work. In the heat of my inspiration, immersed in my work, I scarcely thought of Mälzel. Immediately after the first *Akademie* in the Universitatssaal, I was told on all sides by trustworthy persons that Mälzel was spreading the news far and wide that he had loaned me 400 ducats in gold. I thereupon had the following printed in the newspaper, but the newspaper writers did not print it as Mälzel is on good terms with all of them. Immediately after the first *Akademie* I gave back to Mälzel his 50 ducats, telling him that having learned his character here, I would never travel with him, enraged for good reason because he had printed on the placards, without my consent, that all the arrangements for the *Akademie* were badly made and his bad patriotic character showed itself in the following expressions: I *[unprintable],* if only they will say in London that the public here paid 10 florins: not for the wounded but for this did I do this—and also that I would not let him have the work for London except on conditions concerning which I would let him know. He now asserted that it was a *gift of friendship* and after the second *Akademie* had this expression printed in the newspaper without asking me about it in the least. Inasmuch as Mälzel is a coarse fellow, entirely without education, or culture, it may easily be imagined how he conducted himself toward me during this period and increased my anger more and more. And who would force a gift of friendship on such a fellow? I was now offered an opportunity to send the work to the Prince Regent. It was now impossible to *give him the work unconditionally.* He then came to you and made proposals. He was told on what day to come for his answer; but he did not come, went away and performed the work *in* Munich. How did he get it? *Theft* was impossible—Herr

Mälzel had a few of the parts at home for a few days and from these he had the whole put together by some musical handicrafts-man, and with this he is now trading around in the world. Herr Mälzel promised me hearing machines. To encourage him I composed the Victory Symphony for his Panharmonica. His machines were finally finished, but were useless for me. For this small trouble Herr Mälzel thinks that after I had set the *Victory Symphony* for grand orchestra and *composed the Battle for it,* I ought to have him the *sole owner* of this work. Now, assuming that I really felt under some obligation for the hearing machines, it is cancelled by the fact that he made at least 500 florins convention coin, out of the Battle stolen from me or compiled in a mutilated manner. He has therefore paid himself. He had the audacity to say here that he had the battle; indeed he showed it in writing to several persons—but I did not believe it, and I was right, inasmuch as the whole was *not compiled by me* but by *another.* Moreover, the honor which he credits to himself alone might be a reward. *I was not mentioned at all by the Court War Council,* and yet everything in the two *Akademien* was of my composition. If, as he said, Herr Mälzel delayed his journey to London because of the Battle, it was merely a hoax. Herr Mälzel remained until he had finished his patchwork(?), the first attempts not being successful.

Beethoven m. p.[140]

[140] As translated in Thayer-Forbes, *The Life of Beethoven*, 1094-95.

Explanation and Appeal to the Musicians of London

Herr Mälzel, who is at present in London, on his way thither performed *my Victory Symphony and Wellington's Battle at Vittoria* in *Munich* and, according to report, will also give concert performances of it in London as he was also willing to do in Frankfort. This leads me publicly to declare: that I never under any circumstances yielded or gave these works to Herr Mälzel, that nobody possesses a copy of them, and that the only one which I gave out was sent to His Royal Highness, the Prince Regent of England.

The performance of these works on the part of Herr Mälzel, therefore, ***is*** a fraud on the public, inasmuch as according to this explanation he is not in possession of them, or if he is in possession of them an infringement on my rights, as he has obtained them in an illegal manner.

But even in the latter case the public will be deceived, for that which Herr Mälzel will give them to hear under the title: *Wellington's Battle at Vittoria and Victory Symphony,* must obviously be a spurious or mutilated work, since he never received anything of these works from me except a single part for a few days.

This suspicion becomes certainty when I add the assurance of musicians of this city whose names I am empowered to mention in case of necessity, that Herr Mälzel said to them on leaving Vienna that he was in possession of the work and showed them parts of it, which, however, as I have already proved, could be nothing else than mutilated or spurious parts.

Whether Herr Mälzel is capable of doing me such an injury?—is answered by the circumstance that he had *himself* announced in the newspapers as the *sole* undertaker of my *Akadamien for the benefit of the soldiers wounded in the war* given here in Vienna, at which only works of mine were performed, without an allusion to my name.

I therefore call upon the musical artists of London not to suffer such an; injury to me, their colleague, by a performance arranged by Herr Mälzel; of the *Battle of Vittoria* and the *Victory Symphony,* and to prevent such an; imposition on the London public in the manner set forth.

Vienna, July 25, 1814[141]

[141] As translated in Thayer-Forbes, *The Life of Beethoven*, 1095-96.

Certificate

We, the undersigned, certify in the interest of truth and can vouch under oath if necessary: that there were several conferences between Herr Louis van Beethoven and the Court Mechanician, Herr Mälzel of this city, at the house of the undersigned, Dr. Carl v. Adlersburg, the which had for their subject the musical composition called: "The Battle of Vittoria" and the visit to England; at these, Herr Mälzel made several propositions to Herr van Beethoven to secure the work aforementioned, or at least the right of first performance for himself. But as Herr Mälzel did not appear at the last meeting arranged for, nothing came of the matter, the propositions made to the former not having been accepted by him. In witness thereof.

Vienna, October 20, 1814[142]

Joh. Frelherr v. Pasqualati,
[L.S.] *K. K. priv. Grosshädndler.*
Carl Edler von Adlersburg,
[L.S.] *Hof- und Gerichts-Advocat*
K. K. Öffentlicher Notar.

[142] As translated in Thayer-Forbes, *Life of Beethoven*, 1096.

Beethoven's Statement of Gratitude

Prepared for the *Intelligenz Blatt* of the *Wiener Zeitung*

I esteem it to be my duty to thank all the honored participants in the Academy given on December 8 and 12 for the benefit of the sick and wounded Austrian and Bavarian soldiers who fought in the battle at Hanau.

It was an unusual congregation of admirable artists wherein every individual was inspired by the single thought of contributing something by his art for the benefit of the fatherland and cooperated without considering rank in subordinate places in the excellent execution of the whole.

While Herr Schuppanzigh at the head of the violins carried the orchestra by his fiery and expressive playing Hr Chief Chapelmaster Salieri did not scruple to beat time for the drummers and salvos Hr Spohr and Hr Mayseder each worthy of leadership because of his art collaborated in the second and third places and Hr Siboni and Giuliani also occupied subordinate positions.

To me the direction of the whole was assigned only because the music was of my composition had it been by another I should have been as willing as Hr Hummel to take my place at the big drum as we were all filled with nothing but the pure love of country and of joyful sacrifice of our powers for those who sacrificed so much for us.

But our greatest thanks are due to Hr Malzel since it was he who first conceived the idea of this academy and there fell to him afterward the management care and arrangement the most arduous labors of all. I must also thank him in particular because by the projection of this academy he gave me the opportunity long and ardently desired by means of the composition especially written for this philanthropic purpose and delivered to him without pay to lay a work of magnitude upon the altar of the fatherland under the existing conditions.

Ludwig van Beethoven[143]

[143] As translated in Thayer-Forbes, *The Life of Beethoven*, 567.

Grove Article on Mälzel (1880)

MAELZEL JOHANN NEPOMÜK born Aug 5 I772 at Regensburg son of an organ builder. In 1792 he settled in Vienna and devoted himself to teaching music and to constructing an automaton instrument of flutes trumpets drums cymbals triangle and strings struck by hammers which played music by Haydn, Mozart and Crescentini and was sold for 3000 florins. His next machine was the Panharmonicon like the former but with clarinets violins and cellos added. It was worked by weights acting on cylinders and was exhibited in Vienna in 1804. Maelzel then bought Kempelen's Chessplayer; and took it with the Panharmonicon to Paris. The Chessplayer he afterwards sold to Eugene Beauhamais. He next constructed a Trumpeter, which played the Austrian and French cavalry marches and signals, with marches and allegros by Weigl, Dussek, and Pleyel. In 1808 he was appointed court mechanician, and about that time made some ear trumpets, one of which Beethoven used for years. In 1812 he opened the 'Art Cabinet,' among the attractions of which were the Trumpeter and a new and enlarged Panharmonicon; and soon afterwards made public a musical chronometer, an improvement of a machine by Stöckel, for which he obtained certificates from Beethoven and other leading musicians. Maelzel and Beethoven were at this time on very friendly terms. They had arranged to visit London together, and Maelzel had meantime aided the great master in his impecuniosity by urging on him a loan of 50 ducats in gold. In order to add to the attractions of the Panharmonicon, which they proposed to take with them, Maelzel conceived and sketched in detail the design of a piece to commemorate the Battle of Vittoria (June 21, 1813), which Beethoven composed for the instrument. While it was being arranged on the barrel, Maelzel further induced him to score it for the orchestra, with the view to obtain funds for the journey; and it was accordingly scored, and performed at a concert on Dec. 8, 1813, the programme of which consisted of the Symphony No. 7; the marches of Dussek and Pleyel, by the automaton, and the Battle-piece. The concert was repeated on the 12th, and the two yielded a net profit of over 4000 florins. At this point Beethoven took offence at Maelzel's having announced the Battle-piece as his property, broke completely with him, rejected the Trumpeter and his marches, and held a third concert (Jan. 2, 1814) for his own sole benefit. After several weeks of endeavour to arrange matters, Maelzel departed to Munich with his Panharmonicon, including the Battle-piece, and also with a full orchestral score of the same, which he had obtained without Beethoven's concurrence and caused to be performed at Munich. Beethoven on this entered an action against him in the Vienna courts, and it is his memorandum of the grounds of the action, as prepared for his advocate, which is usually entitled his 'deposition.' He further addressed a 'statement to the musicians of London, entreating them not to countenance or support Maelzel. The action came to nothing, and Maelzel does not appear to have gone to London. He stopped at Amsterdam, and there got from Winkel, a Dutch mechanic, the idea of employing a new form of pendulum as a metronome. He soon perfected the instrument, obtained a patent

for it, and in 1816 we find him in Paris established as a manufacturer of this metronome, under the style of ' Mälzel et Cie.' Winkel claimed it as his invention, and the claim was confirmed, after examination, by the Dutch Academy of Sciences. A wish to repurchase Kempelen's Chessplayer and to push his Metronome took him back to Munich and Vienna in 1817. Beethoven's good word was of more consequence than any one else's, and knowing Maelzel's cleverness, Beethoven's amenability to a good companion, and the fact that the performance on which the lawsuit was grounded having taken place out of Austria, the action could not lie, it need not surprise us to find that the suit was given up, and the costs divided equally. After this Maelzel travelled much, and even reached the United States, where he passed the rest of his life, except a voyage or two to the West Indies, exhibiting the Chessplayer, the Conflagration of Moscow, and his other curious inventions '. He was found dead in his berth on board the American brig Otis, July 21, 1838. Maelzel was evidently a sharp, shrewd, clever man of business, with a strong propensity to use the ideas of others for his own benefit. For the details of his Metronome see the article under that head. It was entirely different from the Stöckel-Maelzel 'Chronometer,' and it was upon the hitter, and not upon the Metronome, that Beethoven wrote the catch which is connected with the Allegretto of his Symphony No. 8.

[A.W.T.][144]

[144] Thayer, “Maelzel” in Grove 1880.

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