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JAZZ SECTION


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BOSTON MASS
MELODY

Gossip Gathered by the Gadder

"State Day" was celebrated in the City of Chicago in December. Among the guests was Mr. Jack Oakie, who has been playing the role of King Kong in the movie "King Kong." On this occasion, Mr. Oakie was spotted in several of the city's finest restaurants, including the Four Seasons and the Plaza Hotel. It is said that he was accompanied by a group of friends, including several prominent figures in the entertainment industry.

If it is ever definitely ascertained whether or not these events are connected with the recent deaths in Chicago, it will be interesting to know whether the company of King Kong and his friends included any of the people mentioned above. It is possible that the publicity department of the movie company may be able to shed some light on this matter.

Miss Mary Smith is a remarkable woman performer from Denmark who is doing some fascinating water stunts. One of these stunts is a routine called "The Water Princess," in which she appears to be swimming around the island of Manhattan, a distance of ten miles, in twelve hours. In making this record, her name was briefly mentioned in the press, but for the most part of the distance the swim was done without assistance from any of her friends. However, for such a distance, it would be only a matter of time and patience.

"The King of Hearts," a new musical comedy, has been playing to packed houses in New York. The star of the show is Mr. Charles H. Oakley, who has appeared in several successful productions in the past. The music is composed by Mr. Frank H. Gray, and the lyrics are by Mr. John G. Linn.

In the orchestra, Mr. Frank H. Oakley is the principal conductor, and Mr. John G. Linn is the assistant conductor. The cast includes Miss Dorothy Oakley, Mr. Charles H. Oakley, and Mr. John G. Linn.

PETER GINK

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VOLUME 5

OCTOBER, 1921

Number 10

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At all music stores or direct from the publisher

Walter Jacobs, Inc.

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30ewrth Street

Boston, Mass.
The Truth About The Music Tax

We were invited to again tell the story of the music tax, in the special edition of Moving Picture World.

We accepted the invitation for three reasons:

First, we believe in the honesty, fearless and good faith of 15-year-olds; years when the writer was an exhibitor. It was his habit to watch the bills, and his thought has passed it has remained consistently a truthful guide to the exhibitor.

Second, we are quite willing to justify the so-called “tax” if it needs our humble justification in addition to that given it by the Constitution of the United States, the laws enacted by Congress, and the formal approval which has been placed upon it by the Supreme Court of the United States, and the Courts of individual States.

Third, because we feel it might as well be known now as any other time that the tax will have to be paid by those who publicly perform our compositions for profit, and while we are entirely willing to show the fairness and the justice of our position, we are not in the habit of sending our attorneys, in efforts to combat payment of the tax.

If all else fails, we think it is our duty to tell the story of the tax, and we have been encouraged to do so by the many composers who have written to us, saying they have been willing to pay the tax, but have refused to be taken to court.

We have been willing to pay the tax, but we are not in the habit of sending our attorneys, in efforts to combat payment of the tax.

We do not think it is our duty to tell the story of the tax, and we have been encouraged to do so by the many composers who have written to us, saying they have been willing to pay the tax, but have refused to be taken to court.

The story of the tax is as follows:

**MELODY**

You can play the music of your favorite amusement as much as you wish and transpose on our rights; the moment you make it of a vehicle for the earning of profits then other rights step in and must be recognized.

The only dispute which occurs in this matter is born of ignorance of the facts. The music must be copyrighted, and the composer must have the right to control the public performance of his work.

Now let us dispose, once and for all, of some of the ridiculous and silly threats that are made of things that will be done to us if we insist upon payment of the license fees.

**First:** There is the threat to prosecute us for operating under a “restraint of trade,” so being a “trust,” etc., etc., ad nauseum.

**Second:** There is the threat to let it be said that all allegations have been filed in Courts of competent jurisdiction, true, and dismissed. Dismissed already rendered, and which will hold in any Court, are of record. So, you will understand that this brand of threat does not worry us much.

**Third:** There is the threat that organizations will be formed, and propaganda initiated, with representations at Washington in the name of Congress by way of changing the Copyright Law which gives the right to collect these fees.

We haven’t the slightest objection to this effort being made; you come before Congress on a plea to permit use of music’s property and not pay for it, and we have no fear what the decision will be. You will be lucky if you are laughed out of the hearing.

The threat that the local or state lawmakers would be influenced by the “power of the screen” and exhibitors’ organizations to make laws setting aside the operation of the Federal law.

It would be interesting to see this tried out. It is in a way of being done, as such a law has been recently introduced in the Illinois Legislature. Let us see if the lawmakers of that State are going to be blind to the interests of the music trade and its rights.

You may be interested in the fact that no such threat was made at the hearings before the House of Representatives.

The threat that music would be powerless is not true, as music has had a voice in the halls of Congress.

The threat that the music upon which tax will be charged will not be played, but will be boycotted.

This suit will not affect the public; there is no quicker way in which we can explain the theory that music is “made” in motion picture theatres. It is our contention that music contributes about 60 per cent to the “making” of the film.

In other words, we think the “she is on the other side.”

**Fifth:** There is the threat of boycott by Union members, if it is said, we have no fear. The Union members will scarcely permit themselves, individually or collectively, to be made a “victor” for a theatrical manager who objects to paying ten cents per seat per year for 60 per cent of his entertainment value.

A few who have not informed themselves may, under a misapprehension of the facts, oppose the tax. When they are fully informed, they may not oppose it.

We therefore welcome any trial of strength or courage based upon an honest difference of opinion. We hold firmly that our position is right and just, and we yield cheerfully the “other fellow’s” right to hold with equal firmness that we are right.

Now that we have made our position clear, let us reason this out:

In the first place we say that we will collect the tax, without fear or favor, without partiality or discrimination, from every theatre, dance hall, cabaret or other institution in the United States, in which our compositions are played for purposes of profit.

We may not reach every theatre this week, or the next, or the next. But, we are covering the country as rapidly as possible, and when your section is reached, if it has not already been, your own attorney will advise you to pay the tax.

But then it may cost you a good deal more—belligerence is expensive, the damage for violation is heavy.

Don’t feel yourself any threat. No! No! No! No! No! No! Music is “tax free” unless it has, clearly imputed upon it, some such notice as “This composition may be performed without payment of license fees,” or unless it is a non-copyrighted composition.

Music that is today published by concerns willing to waive those rights may come out of that class tomorrow, through affiliation of the composers, authors, or publisher, with this Society.

Get another fact firmly in your mind. It is not the publishers who are alone insisting upon your recognition of their rights. It is the COMPANIES and AUTHORS as well.

And remember something else; that if this organization did not function as the agent for these men in the collection of the license fees, the COMPANIES and AUTHORS would themselves collect the tax, by simply reserving public performing rights when giving publishing rights to publishers.

You gain nothing by noisiness or hatred the publisher—you gain more by a frank recognition of the rights of all concerned.

Establish still another fact firmly in your mind. This Society is an absolutely non-profit organization. Every dollar collected is distributed to the composers, authors and publishers.

It is distributed quarterly, and regularly to the tunes, whose brains, originality, and courage to put huge investments behind their work makes possible the new music that is coming out all the time, and enables Courts to play your artists to sing, your audience to hear.

We are not a lot of “philistines” indeed again “the shoe is on the other foot.”

We are going in sympathy with the yells and protests made against the payment of ten cents a week for the greatest art music.

If you think it isn’t an asset, try pictures a few days without any music. A couple of gardians won’t come to look at your pictures without music. If you say “piff!” you would be wasting your time. You should be grateful that we are not “robbers and thieves,” for if we wished to be, the price could be made a dollar a seat, or ten dollars, for that matter. We indicate our willingness to be just, and to accept a measure of recognition as an agent in the development of the film itself, that your theatre has music.

**NOTE**—Illinois Legislature has voted against this bill since this article was written.
under the present law; many of you have had a lot of service for nothing. It is poor taste now to protest.

And we are happy to say that thousands of the foremost exhibitors do not protest; they recognize the justice of our position, the fairness of our charge, and they pay, cheerfully, promptly and honorably.

The next time one of these exhibitors gets up in your convention and advises you not to pay the tax, have courage enough to ask him if he pays for his theater if he chooses to be an exhibitor.

Let it be known that those who have featured as leaders of the exhibitors in the past, owners or operators of photoplay theatres as well, have been paying their license fees regularly.

We have presented to the Editor of Motion Picture World a certified list of license holders, and inquiry to him will prove our statement that thousands of photoplay theatres are now paying the tax.

We have nothing to hide, and no act to be blamed for. We aim to be just, to be fair, to be patient and to be considerate, but we know our rights and will protect them.

We urge you to do the same, and ask that you respect ours.

AMERICAN SOCIETY OF COMPOSERS, AUTHORS, AND PUBLISHERS
56 WEST 45TH ST., NEW YORK CITY.

The New Harmony
By Frederic W. Barhy

We are always seeking new sensations. In the fine arts we have some extended or transmitted to the point of consciousness—your personality is then taken over the cerebral hemispheres into the mystic realm of the fourth dimension of life's continuum.

For long periods, iron-clad rules have been declared invariable, and the student who would work within the Kingdom of Music. But all through the ages you find the pioneers—the geniuses or geniuses—naturally the devils of the period, having been driven away from accepted standards and bravely defying narrow lines, ignoring epithets of "barbaric," "vulgar," and hurled at their heads and enduring their new harmonies which, by some accepted as eccentricities of genius or as an extraordinary "exceptions" that only proved the real ordinary rules, have gradually passed into new regulations for others to emulate.

It is said of Elgar that he has broken all the harmony laws, that he has been charged against practically every eminent modern composer—sometimes with condemnation, while others have responded to the new harmonies. The wondering student, perhaps too much tied to textbooks when he should exercise his own creative faculty of thought, has been befogged by all the conflicting theories and principles. Obscureness is a good thing. It is an important discipline for early days. Limitations are necessary.

But after the schoolings comes a disillusioning. At first, perhaps, one is impatient at having been held so long in intellectual bonds. There is an inclination to "throw overboard" all that has been learned—going to the impossible, despising extremes of "starting all over again."

Balance comes, however, and one discovers there have been no errors, no lost time with the old studies; only that, instead of the former doctrines being the whole truth, they have represented just a part. We must now amplify and modify, never distort nor entirely discard. Revolution in modality, as in the old harmonies, is important.

Conservatism is just as necessary as radicalism. Whatever one's religious creed may be, it is impossible to ignore the fact that the Roman Catholic religion over its lasting existence, century after century, to an attitude that has been strongly conservative, yet nevertheless adapting itself according to new theories and customs have proved themselves worth while.

We should act similarly with our musical doctrines—not trying to be ultra original, not failing to observe and even follow the new parallel lines as marked out by the revered musical masters of days gone. This is very different from mind-wrapping. Indeed, when one is "bored," one is reminded of Einstein's theory that all parabolas are curved, and of Nietzsche who asserts that we have proved that lines should be put into space—ever further, further—must eventually return to where we started from.

No physics and metaphysics are now provoking each other—everybody is ripe to figure, all mysteries solved by human thought. Nor, as new views are opened up, can there be a return to the old theories in music—music that enshrines within itself an interpretation of life. The international language supreme that speaks to every soul who listens truthfully. The harmony of the spheres! As above, so below! The macrocosm, or large world, tabulated and epitomized in the microcosm, or small world! The will of heaven or the celestial sphere yet to be revealed, duplicated, on earth—on our terrestrial sphere!

And the new harmonies across the hidden emotions for creative work. Music is first to announce—then illumination: sensation followed and complemented by its extension, which is consciousness. This spiritual angle, or viewpoint, represents one mode of musical satisfaction. Rules and texts are secondary to this divine aesthetic, and you will execute and inscribe better if you govern your studies by the spiritual standard.

All the masters, the creators and originators, have worked this way. Theirs was beauty because these represented an effort. And seeking the realm of harmony first, to be the maverick attributes are added—intelligence, born of Doane; love, even the mother of Intellect or Understanding.

DO YOU KNOW?

That: Among musicians, or those who deeply love music, the percentage of crimina...
Relaxation

Valse

INTRO

Andantino

PIANO:

FRANK E. HERSOM

Moderato, dolce e legato

VALSE

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“Shivaree”
ONE-STEP

(Apologies to Mr. Schubert and Mr. Moszkowski)

GEORGE L. COBB

Piano

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SCENARIOS FOR CHURCHES

THERE is a symbolism in life and living, as well as in music and the pictures, and (the same as with music and pictures) the better the symbolizing in living the better the moving or unfolding of the life film. In reality, the Church is (or should be) a broad extension of the higher community spirit—higher than the mere community. The Church is a place where the spiritual is expanded, where the spiritual is energy and the living. Why not, then, a picture scenario that, while similar to Church expression, must not be unessential to the people that is, if they are not to defeat their psychological purpose?

After stating thus far the Church Film Corporation has experienced great difficulty in obtaining suitable scenarios. The Times article quotes the Rev. Mary Brown, 10th Avenue, the scenario editor of the corporation, as follows:

"The reason we have such mighty queer ideas about the kind of motion-pictures the Church is looking for. They seem to think that if a scenario is "many-sided," mark you, sentimental and simple, and with a capital "H,” it is the thing for the Church, and instead of the drama and values that picture the problem is saying just as far the other way.

"If people want to write scenarios for the Church, they have to familiarize themselves with its aims and ideals. We want films that will point the lesson of the Church, that will impress its ideals, but outside of trained religious writers there has not yet appeared anybody who can do it—yet a writer can do it, because if the eyes of the public are at last opened to the effects of the 'crime' film."

The scenario editor of the Church Film Corporation is right in his statement regarding the ill effects of "crime and violence" photoplays, yet his further statement that some but "trained religious writers are able to write a scenario in harmony with the tone of the Church" is a sweeping assertion which might be open to question. Admittedly, the writers of scenarios intended for the use of churches must necessarily "familiarize themselves with church ideals and ideals, yet even so this does not imply that the writers themselves must be possessed of any particular creed or religious. The Church is to make its position as a spiritual institution, to be ideal, to be a place where an idea subject (book, drama, scenario or what) finds its home and reflects its own life.

"I know nothing about the Bible, but hope you are pleased with my writing. I am taking nothing less than $400."

Mr. C. B. Smith, pianist at the Martin organ in Church of the Brethren, Virginia, is a man whose long experience in "putting over" music to teach him the in matters mundane and compete as an amusement and educational. He likewise"

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Melody

Gossip Gathered by
The Caddie

(Continued from Page 1)

here (now a prodigy of his own days) a
century issued a proclamation in "Ozarks.
Afterward I had occasion to hear Dr. Geo.
G. Shurtleff, in conversation with his protégés for five or six
months that they were "back numbers," he very considerably told them to "put on your caps and go home!"—which
they did. He added, according to the verbatim report. "There are changes. It doesn't make any dif
ference whether you can drive or stay as long as we have youth." So Whipple may be right in his viewpoint of youth, but what shall we do with our great vocables and in
strumentalists, our brilliant voices in the opuses, and our talent when it's coming? George C.
Dunham, Jr., Sam Bernard, Sophie Tucker, Eva Yambur and a bunch of others are no longer in the heydey of youth, but can you afford to tell them to "set on your chairs and go home!" Not now you're not, it can't.

"Yes," sighed Mrs. Ellis, "we laid out a lot of money in getting our boy Willie Per
cy real good lessons under the best teachers, but it was all wasted.

"Oh yes, but if he had any kind of skill, and had now how to perform it he kept quiet.

"A nation that has no deep-seated songs, a nation that cannot or will not sing, can be no artistic thing; it is back there."

Arv. Jones.

The yard Art transistor—famous old deal which in 1938 was needed by the
English cream-making craft in their own waters and terraced over the "Clyp" that has remained in America since that time, next served as a government boat in the War of the Republic.
In 1937 it became the property of President Franklin D. Roosevelt at the Civil War centennial, and in the winter of 1939, it was
restored to its original condition by the United States Government for the amber
stone of $1,850, and will have final and accurate resting place at Bannister.

"There's music in the burning ship" and "tallyho in the morning star," yet even so the embryo of this old champion in crafts could not have legitimate space in the domain of a music magazine except for one reason: The public-spirited man of patriotic pride who has saved this historic old war
ship from destruction by purchasing it from its last owner (Paul Butler) and pro
vocating it to the Government for the initial sum of $160 (obviously, the government
had a hint of the great ship's history in that it was the vessel of the United States Navy), chairman of the Board of Directors required by an artistic combination of melody and concert
dance harmony is quite lacking.

And as we hear of intellectual music, concept of what they call "tickling the nose,"
true popular music, that gain on your ears and makes you all over, pre
sent music (7), merely annually rest to the winds—mines, disorders, pers
omissions, etc., today's real reason, further master, docents, disorders known beyond measure—cer
tainly no meaning, lot of feeling, is true—about, any.

Speaking of "ails and falls," what a poor thing the celebrated "Blue Danube Waltz" would be without the embroider
eries and oracles given by such "trans
lators" as Stodola, Starke, Starke, Mills or the others who have laid con
siderable hands on this alleged "lost waltz ever composed!" Rhythmical and tasteful is its key, what would the waltzing without giving it as a solo without the "vul
tions?"

Musical Induction! the process of learning by constructive participation: first, the most interesting way of learning. Learning by past experience, doing something, practicing (not too much theo
ry) at first—being not too much sure about "principles." the open mind, the active brain and willing hand—work, at the same beginning. You don't give the "rules of grammar" before you teach the young how to talk.
You don't impress a digest concerning the laws of digestion before feeding it. Trust to na
ture—instance first, then intellect, in
duction, or instruction, is the first part to play in the unfolding of Music.

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LOS ANGELES, CALIFORNIA

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