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Unights and Ladies of He	onor	Amonestra	Clark	Aggravation All-of-a Twist	Harran	East o' Suez	Hildre
(R/S)	Evans	Bermuda Blues	Clements	Canaland Los	nersom	Girl of the Orient	A11
(6/8)	Williams	Boae-Head Blues	Gordon	Cracked Ice Dust 'Em Off	Cobb	Happy Jap	O'Conn
A. O. F. (0/0)	Ogaman	Calcutta	Cobb	pust Em Off	Cobb	Heap Big Injun	Sawı
L. A. W. (0/8)	Allen	Cumpmeetin' Echoes	Frazee	Lazy Luke	Philpot	Hong Kong Gong	Hildne
Marconigram (6/8)	Allen	Campmeetin' Echoes Eat 'Em Alive	Taylon	Meteor Persian Lamb	Morse	Indian Sagwa	mure
tien of Harvard (4/4)	Grey	Eat Ell Mive	Horang	Persian Lamb	Wenrich	In the Junele	All
Marconigram (6/8) Men of Harvard (4/4) Merry Monarch (6/8)	Hildreth	Eskimo Shivers	nersom	Pussy Foot	Hoffman	Heap Big Injun Hong Kong Gong Indian Sagwa In the Jungle Las Caratas	Lerm
williary Hero (0/8)	Kenneth I	Frangipani	Cobb	Sandy River	Allen		
Monstrat Viam (6/8) New Arrival (6/8)	Joy	Frangipani "Funnies"-Trot	Smith	Sandy River Rubber Plant Russian Pony Turkish Towel	Cobb	Kikuyu	Gr
New Arrival (6/8)	Brazıl	Fussin' Around Georgia Rainbow	Isel	Russian Pany	Dameay	Numa Pearl of the Pyrenees	All
Periscope (6/8) Prince of India (4/4)	Allen	Georgia Rainbow	Gordon	Turkich Towal	Allon	Pearl of the Pyrenees	Fra
Prince of India (4/4)	Farrand	Gob Ashore	Leigh	Turkish Tower	Atten	Peek In Ta-Dji-Da Whirling Dervish	Co
Social Lion (B/8)	Hildreth	Hang-Over Blues	Gordon	CONTROL CONTROL		Ta-Dji-Da	Walla
Social Lion (6/8) Sporty Maid (6/8) Starry Jack (6/8)	Rolfe	Hey Rube	Alford	SCHOTTISCHES and C	APRICES	Whirling Dervish	Lerm
Sporty Maid (0/0)	Hildreth	Hi Ho Hum	Igel	Among the Flowers	Eno	Yo Te Amo	Ro
Starry Jack (0/8)	Allen	Hippo Hop	Wilson	Para Dones	West	20 20 12110	
Step Lively (6/8)	Corer	Hon Soutab	Cobb	Barn Dance	Owefri	CAKE WALKS	o .
Tiptopper $(4/4)$	Corey	Hippo Hop Hop-Scotch Irish Confetti	Cobb	Dainty Damsel	Onoiri		
Step Lively $(6/8)$	Kenneth	Irish Confetti		Dance of the Daffodils	Isherwood	Koonville Koonlets Pickaninny Pranks Who Dar!	Wei
nder Paim and Pine (0/0) nemicu	Iroquois	Castie	Dance of the Morning G.	lories	Pickaninny Pranks	Sulliv
Victorious Harvard (6/8)		Javanola	Cobb	Dance of the Pussy Willow	Wegman	Who Dar!	Son
Virgin Islands (4/4) Watch Hill (6/8)	Adams	Joy-Boy	Weidt	Dance of the Pussy Willow	s Wegman		
Watch Hill (6/8)	Kenneth	Kangaroo Kanter	Morse	Dancing Goddess	Hildreth	DUCHESS	
77.07.07		Ken-Tuc-Kee	Weidt	Fanchette	Hildreth		
*** * * ********		Ken-Tuc-Kee King Reynard	Castle	Fanchette Four Little Pipers	O'Connor	Height of Fashion	Hildre
WALTZES		K'r-Choo!!!	Lais	Frog Frolics Hey! Mister Joshua	Hildreth		
At the Matinee	Howe	Nautical Toddle	Cobb	Hey! Mister Joshua	Keith	CONCERT MISCEL	LANY
Aprora	Kellogg	Powder and Perfume	Devine	Jack-in-the-Roy	Allon		
Rarhary	Cobb	K'r-Choo!!! Nautical Toddle Powder and Perfume Rabbit's Foot	Cohh	Jack-in-the-Box Pixies	Farnand	Ballet des Fleurs	M 01
		Say When!	Cohh	Rad For	Mores	Confetti Drift and Dream	Ald
Rannty's Dream	Raith	Siim Pickin's	LogI	Red Ear Southern Pastimes	Morse	Francisco Dream	Hildre
Deauty S Dream	Hamilton	Stan It!	Cobb	En Daniel Fastines	wneeter	Francine In a Shady Nook	Lei
Beauty's Dream Breath o' June Buds and Blossoms Call of the Woods	Cobb	Stop It!	Cobb	Sun-Rays Sunset Frolics Venetian Beauty	Morse	in a Shady Nook	Hildre
Buds and Biossoms		water wagon blues		Sunset Froncs	Gilder	La Petite Etrangere	Metc
can of the woods	Anen	Water Wagon Blues What Next! Yip! Yip! Yip! You Win		venetian Beauty	Rolfe	L'Ermite	(Friienw:
		xip; xip; xip;	1sel			Mazetta Melody in F (L. H. only)	Al
Cupid's Glance	Eno	You Win	Frazee	GALOPS		Melody in F (L. H. only)	Rubinst
Cupid's Glance Daughter of the Sea	Heinzman			Ringmaster	White	Memoirs	Co
Dream Castle	Clayton			Suddle Peals	whiting	Memoirs Northern Lights	We
Dream Thoughts	Arnold	CHARACTERISTIC M		Saddle Back Whip and Spur With the Wind	Allen		
	Keith	African Smile	Eno	whip and Spur	Allen	Spirite of Down	EV
Dreamer		Pagn Club Musinge	Eng	with the Wind	Hildreth	Swedish Fost More	EV8
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Fair Confidantes Fleur d'Amour Forever	Cobb	Divie Twillight	Johnson	NOVELETTES		Venetian Romance	Hildre
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Fair Confidantes Fleur d'Amour. Forever Heart Murmurs Hearts Adrift Isle of Pines	Cobb Onofri Rolfe Ingraham Hildreth	Fun in a Barber Shop	Johnson Winne	Drift-Wood Fancies Hindoo Amber	Cobb Cobb Smith	CHARACTERISTIC and	DESCR
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Fair Confidantes Fleur d'Amour Forever Heart Murmurs Hearts Adrift Isle of Pines Jewels Rare Kismet Waltz La Danseuse Ladder of Love Lady of the Lake Love Lessons	Cobb Onofri Rolfe Ingraham Hildreth Grey Silverwood Abt Cobb Cobb	Dixie Twilight Fun in a Barber Shop Kentucky Wedding Knot Kidder Laughing Sam On Desert Sands Paprikana Pokey Pete Simpering Susan Sissy Girgles	Johnson Winne Turner Bushnell Rolfe Allen Friedman Lerman Grey Howe	Drift-Wood Fancies Hindoo Amber June Moon Rainbows Star-Dust Two Lovers	Cobb Cobb Smith Fenton Fenton Hildreth Flath	CHARACTERISTIC and TIVE Big Ben	DESCRI
Fair Confidantes Fleur d'Amour Forever Heart Murmurs Hearts Adrift Isle of Pines dewels Rare Kismet Waltz La Danseuse Ladder of Love Lady of the Lake Love Lessons Love's Carsease	Cobb Onofri Rolfe Ingraham Hildreth Grey Silverwood Abt Cobb Cobb	Dixie Twilight Fun in a Barber Shop Kentucky Wedding Knot Kidder Laughing Sam On Desert Sands Paprikana Pokey Pete Simpering Susan Sissy Girgles	Johnson Winne Turner Bushnell Rolfe Allen Friedman Lerman Grey Howe	Drift-Wood Fancies Hindoo Amber June Moon Rainbows Star-Dust Two Lovers TONE POEMS and Ri	Cobb Cobb Smith Fenton Fenton Hildreth Flath	CHARACTERISTIC and TIVE Big Ben	DESCRI
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Dreamer Fair Confidantes Fleur d'Amour Forever Heart Murmurs Hearts Adrift Isle of Pines Jewels Rare Kismet Waltz La Danseuse Ladder of Love Laddy of the Lake Love Lessons Love's Caresses Luella Waltz Merry Madness Muses "Neath the Stars	Cobb Onofri Rolfe Ingraham Hildreth Grey Silverwood Cobb Cobb Cobb Hildreth Weidt Allen Cobb	Dixie Twilight Fun in a Barber Shop Kentucky Wedding Knot Kidder Laughing Sam on Desert Sands Paprikana Pokey Pete Simpering Susan Sissy Giggles Soap Bubbles Spuds Virginia Creeper	Johnson Winne Turner Bushnell Rolfe Allen Friedman Grey Howe Allen O'Connor Davis Eno	Drift-Wood Fancies Hindoo Amber June Moon Rainbows Star-Dust Two Lovers TONE POEMS and Ri	Cobb Smith Fenton Fenton Hildreth Flath EVERIES Strong Cheney Cobb Rolfe	CHARACTERISTIC and TIVE Big Ben Chicken Pickin's Dance of the Lunatics Darkey's Dream Darkies' Patrol Farmer Bungtown Got 'Em Happy Hayseed	DESCRI All All Lansi Luscor Roi 1) Casti

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After-Glow. A Tone Picture	George L. Cobb	†Law and Order, March (4/4)	George L. Cobb
Ah Sin Eccentric Novelty	Walter Rolfe	*League of Nations, March (4/4)	Joseph F. Wagner
Ambassador. March (4/4) Belles of Seville. Valse Characteristique	E E Bagley	Lisette, Entr'Acte	Norman Leigh
Relies of Seville Valse Characteristique	J Bodewalt Lampe	Lisette, Entr'Acte †Little Coquette, Morceau Characteristique	P. Hans Flath
Hithesome Strains Waltz	Geraid Frazee	†Love Notes. Valse *Love Tyrant. Waltz	Frank E. Hersom
Blue Sunshine. Waltz	George L. Cobb	*Love Tyrant. Waltz	Bernisne G. Clements
Brokenhearted Sparrow, A Pathetic Appeal	Theo. Bendix	*Magpie and the Parrot, Humoresque From the SUITE "A Love Episode in Bird	Theo, Bendix
From the SIHTE "A Love Enisode in Birdla	nd	From the SUITE "A Love Episode in Bird	lland''
Butterflies, Morceau Mignon Castillan Beauty, Spanish Serenade Cheops, Egyptian Intermezzo	Bernisne G. Clements	Magnificent, March (4/4)	H. J. Crosby
astilian Reauty Spanish Serenade	Gerald Frazee	*Ma Mie. Chanson d'Amour	Norman Leigh
heone Fountian Intermezzo	George L. Cobb	†Mandarin. Novelty One-Step	Norman Leigh
		*Meditation and Chansonette	Norman Leigh
Chow Mein. A Chinese Episode	Frank E. Hersom	Memories of Home. Reverie	Elizabeth Strong
Columbia's Call. March (6/8)	Bob Wyman	†Merry Lark. A Joyous Flight From the SUITE "A Love Episode in Birdla	Theo, Bendix
Crystal Currents. Waltz	Walter Rolfe	From the SHITE "A Love Episode in Birdla	and''
Cupid Astray. Waltz	Walter Rolfe	†Mi Amada, Danza de la Manola	Norman Leigh
Dance of the Skeletons. Descriptive	Thos S Allen	†Midsummer Fancies Valse Novelette	Frank H. Grev
Delectation. Valse	Walter Rolfe	Milady Dainty, Intermezzo Gayotte	Gerald Frazee
Dixie Rube. Characteristic March.	Thos S Allen	†Milady Dainty. Intermezzo Gavotte †Mimi. Danse des Grisettes	Norman Leigh
Dolores. March (4/4)	Neil Moret	+Moonheyms Novelette	George L. Cobb
Dolores, March (4/4) Dreamily Drifting, Waltz	Walter Polfe	†Moonbeams. Novelette †Moonlight Wooing. Valse d'Amour. †Moose. March (4/4)	Bernisne G. Clements
Dream Kisses, Waltz	Walter Polfe	+Moose March (4/4)	P Hans Flath
Dream Mamorica Waltz	Walter Polfe	†Musidora, Idyl d'Amour	Norman Leigh
Dream Memories, Waltz Dream of Spring, Morceau Characteristique Drifting Moonbeams, Valse	D Hane Flath	Myriad Dancer Valce Ballet	Thos S Allen
bream of Spring, Morceau Characteristique	Demises C. Clements	†Myriad Dancer. Valse Ballet My Senorita. A Moonlight Serenade	Frank E Herson
Drusilla, Waltz	Norman Laigh	*Nakhla. Algerian Dance	R S Stoughton
Drusilla, Waltz	Wolten Bolfo	+National Emblem March (4/4)	E E Ragles
Ebbing Tide. Valse Lente	D. Walter Rolle	TNATIONAL EMIDIEM, March (T/T)	F F Rigelow
Enchanted Moments, Idyll d'Amour	Bernishe G. Clements	†National Emblem. March (4/4) †NC-4. March (6/8) *Nymphs of the Nile. Air de Ballet	Frank E Hersom
Expectancy. Novelette	Victor C. Pochulein	†Our Director, March (6/8)	F E Rigelow
Fairy Flirtations. Dance Caprice	Victor G. Boennielli	*Over the Ton March (8/9)	H I Crochy
Fighting Strength. March (6/8) Fire-Fly and the Star. Scene de Ballet	Thos. S. Allen	Destards Facenies	Frank E Hargon
Fire-Fly and the Star. Scene de Ballet	Norman Leigh	†Pastorale Ecossaise †Perfume of the Violet, Waltz *Peter Gink, One-Step	Walter Rolf
Fireside Thoughts, Reverie	Gerald Frazee	*Poten Ciple One Step	George I. Cohl
Flickering Firelight. Shadow Dance	Arthur A. Penn	*Purple Twilight. Novelette	Parnispo C Clement
Flight of the Birds, Ballet Flower of Night, Waltz	w. M. Rice	*Purple Twilight, Novelette	Walter Polfe
Flower of Night. Waltz	Norman Leigh	†Revel of the Roses, Waltz †Romance of a Rose, Reverie	I nymonae P. O'Connor
For Her. Romance	Norman Leigh	*Rustic Dance	Lawrence B. O Como
For the Flag. March (4/4) Four Little Blackberries. Schottische	J. Bodewalt Lampe	*Rustic Dance	Wolter Dolfe
Four Little Blackberries. Schottische	awrence B. O'Connor	†Rustic Twilight. Reverie. *Saida. Valse Exotique	Norman Taigh
Gentle Dove. A Love Song	Theo. Bendix	*Saida. Valse Exotique	Conton Porch
		Scandinavian Dance. (Springdans)	Norman Loigh
Glad Days. Novelette	Harry L. Alford	†Shadowgraphs. Scenes des Silnouettes	D C Stoughtor
Glad Days. Novelette Grandfather's Clock. Descriptive	Louis G. Castle	†Shadowgraphs. Scenes des Silhouettes *Shahrazad. Persian Dance †Sighing Surf. Valse Classique	Demiser C Clement
Hawaiian Sunset, Waltz	George L. Cobb	†Sighing Surf. Valse Classique	Bernishe G. Clement
Home, Sweet Home. Medley "Goodnight" Waltz Idle Hours. Waltz	R. E. Hildreth	†Silv'ry Shadows. Waltz	Cooper I Cobb
Idle Hours. Waltz	Carl Paige Wood	*Sing Ling Ting. Chinese One-Step	The Coll
In Bagdad. Morceau Orientale	Norman Leigh	†Sleepy Hollow. Idyll	Thos. S. Aller
In Draumy Dalle A Fairy Fantasy	Walter Rolfe	†Smiles and Frowns. Valse	waiter Rolle
Intermezzo Irlandais In the Bazaar, Morceau Orientale In the Sheik's Tent, Oriental Dance	Norman Leigh	+Spring Zephyrs. Novelette	L. G. del Castillo
In the Bazaar. Morceau Orientale	Norman Leigh	†Stand By! March (6/8) *Summer Dream, Morceau Characteristique	Gerald Fraze
In the Sheik's Tent. Oriental Dance	Frank E. Hersom	*Summer Dream. Morceau Characteristique	P. Hans Flath
Iron Trail. March (6/8)	Ernest Smith	*Temple Dancer. Valse Orientale	Norman Leigh
Jacqueline, Valse	Arthur C. Morse	*Tendre Amour. Serenade	Bernisne G. Clement
Jacqueline, Valse Jazzin' the Chimes	James C. Osborne	1 +Three Nymphs. Dance Classique	George L. Cobi
Jungle Echoes, A Cocoanut Dance	R. E. Hildreth	†Under the Spell. Waltz	Thos. S. Aller
Kiss of Spring. Waltz	Walter Rolfe	*Woodland Fancies Intermezzo Characteristiqu	le Bernisne G. Clement
La Sevillana Entr'Acte	Norman Leigh	†Young April. Novelette	George L. Cobb

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Have you ever gone "Swinging Down the Lane" in the warm dusk of a summer twilight with a sweet little lassie for a companion? If you ever have, then you'll fall for an old-fashioned song with a fox trot swing that Gus Kahn and Isham Jones have collaborated on under that attractive title. Quite naturally "Swinging Down the Lane" brings the country to mind, so what's the matter with looking up "The Duck's Quack" (a Hannibal Maguire number that is said to be a "barnyard jazz-boree"), "When the Leaves Come Tumbling Down" and "Bee's Knees"? These are all from the catalog of Leo Feist, Inc., and so are "Memory Isles" (a Gus Kahn and Abe Olman combination), "Crying for You" (a new ballad that in title seemingly contradicts "Why Should I Cry Over You" by the same writers), "Wonderful One" (a Paul Whiteman and Dorothy Terriss waltz hit).

"Wet Yo' Thumb" is called a "natural" by its publishers, but not because putting its thumb in its mouth is the most natural thing a baby does with that digit. This "Wet Yo' Thumb" is a fox trot written by Harry Askt (writer of "Home Again Blues") and published by Beilin and Horowitz, Inc., who say it's the old "come seven, come 'leven natural," and anybody'll tell you that means luck.

You can bet it's a foregone as well as long since gone conclusion that as an ancient Egyptian old Tut-Ankh-Amen never expected to be exhumed and made into an over night American novelty hit that's being vaudevilled, fox trotted, one-stepped and parade marched. "But has he?" someone asks. Tut, tut, man! Didn't you know that as "Old King Tut" he's being sung by Al Jolson, Sophie Tucker and lord knows how many vaudeville headliners? Didn't you know that as "Old King Tut" he's been made into a great old fox trot, a fine parade march and a bully one-step? And didn't you know that as "Old King Tut" he's been put on the American musical novelty map by the Harry Von Tilzer Music Publishing Co.? Tut, tut, man! you'd better be exhumed yourself.



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A Monthly Magazine for Lovers of Popular Music Published by Walter Jacobs, Inc., 8 Bosworth Street, Boston, Mass. Myron V. Freese, Editor Walter Jacobs, Manager Frank H. Wood, Assistant Manager

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Volume 7

AUGUST 1923

Number 8

Music Publishers Score in Radio-Copyright Suit

Witmarks Win Victory on Broadcasting for Profit

N Saturday, August 11th, Judge Lynch of the United States District Court in Newark, N. J., handed down a decision that is of major importance to music publishers and operators of radio broadcasting stations. The suit was in the nature of a test case brought by the New York music publishing firm of M. Witmark & Sons against L. Bamberger & Co., owners of a department store in Newark N. J., operating a radio broadcasting station known as WOR, action being taken because of the using for broadcasting of "Mother Machree," a Witmark song publication. In bringing its suit the Witmark firm had the support of the

American Society of Composers, Authors and Publishers. This magazine is enabled to publish a full rescript of the decision through the courtesy of Mr. E. C. Mills, chairman of the executive board of the Music Publishers' Protective Association, and also recently made the executive head of the A. S. C. A. P. Because of this being the first opinion in equity covering radio broadcasting of copyrighted music without fees to or permission from the publishers, and because of the importance of the decision as bearing upon future cases, the rescript is here reprinted in full as follows:

"The defendant conducts a gigantic department store in the City of Newark, New Jersey, and sells its wares at retail throughout the State of New Jersey, if not in adjacent States. Since February, 1922, it has conducted a radio department wherein radio equipment of all sorts is sold. It has also established and conducts a licensed radio broadcasting station, known as Station WOR, from which vocal and instrumental concerts and other entertainment and information are broadcasted on a wave length of 405 meters. The plaintiff owns the musical composition entitled 'Mother Machree' and, under the Copyright Act of 1909, possesses the exclusive right to perform that composition publicly for profit.

"The plaintiff, alleging that the defendant performed, or caused to be performed, its composition 'Mother Machree' by means of singing from the broadcasting station WOR and that this performance by the defendant was publicly for profit, prays that a preliminary injunction issue restraining the defendant from the further performance of its copyright song. The defendant denies that this broadcasting of the copyrighted 'Mother Machree' was or is for profit, its contention being that because everything it broadcasts is broadcasted without charge or cost to radio listeners, there is no performance publicly for profit within the meaning of the Copy-

"It being extremely unlikely that any facts developed upon final hearing will alter the undisputed situation now presented and

both parties desiring a speedy final determination of the issue, the court is disposed, at this time, to register its conclusions as to the

"The question simmered down is: What is meant by the words 'publicly for profit'? Fortunately, those words have been construed by the United States Supreme Court in the case of Herbert v. Shanley Co., 242 U.S. 591, a case frequently referred to by counsel on both sides of this cause. The facts there were as follows: The Shanley Co. conducted a public restaurant in New York City wherein was located a platform or small stage upon which orchestral selections were rendered and songs were sung by paid performers for the entertainment of persons visiting the restaurant No admission fee was charged. The owner of a copyrighted song known as 'Sweethearts,' alleging that his property rights were being invaded because his song was being sung by Shanley's per formers, sought injunctive relief in the United States Courts for the Southern District of New York. This relief was denied, it be-ing the view of the District Judge (and the Judges of the Circuit Court of Appeals concurred) that because no admission was charged at the door of the restaurant there was no performance of the song 'Sweethearts' publicly for profit within the meaning of the Copyright Act. The United States Supreme Court, however, took a different view. Justice Holmes, in speaking for the court of last resort, had this to say:

"'If the rights under the copyright are infringed only by a per formance where money is taken in at the door they are very imperfectly protected. Performances not different in kind from those of the defendants could be given that might compete with and even destroy the success of the monopoly that the law intends the plaintiffs to have. It is enough to say that there is no need to construe the statute so narrowly. The defendant's performances are not eleemosynary. They are part of a total for which the public pays, and the fact that the price of the whole is attributed to a particular item which those present are expected to order is not important. It is true that the music is not the sole object, but neither is the food, which probably could be got cheaper elsewhere. The object surroundings that to people having limited powers of conversation or disliking the rival noise give a luxurious pleasure not to be had from eating a silent meal. If music did not pay it would be given up. If it pays it pays out of the public's pocket. Whether it pays or not the purpose of employing it is profit and that is enough. Decree reversed.'

"It is strenuously argued in behalf of the defendant in the instant cause that it was the view of the court of last resort that the facts, as developed in the Shanley situation, showed that there was a direct charge to those who patronized the restaurant-a direct charge for and on account of music which was collected from persons dining there. So far as appears, there was only one 'item' charged for, to wit: food. In fixing the charge for food the

(Continued on Page 7)

An Interview With Miss Hazel Hirsh, Organist, State-Lake Theatre, Chicago.

By A. C. E. Schonemann

KNOWLEDGE of harmony, with practical experience in playing pictures, and paramount to both a good contribute toward the success of the organist who aspires evening picture programs for four years at the State-Lake pictures. Theater, Chicago.

Miss Hirsh has served twelve years playing the organ in a half-dozen moving picture houses in Chicago, beginning her career as a pianist in a little nickel theater on the South Side, and at a time when the necessity of music to make up the program overshadowed any thought of the possibilities of a musical instrument. She served an apprenticeship that was exacting, in view of the fact that the functions of the organ were not very well understood and the instrument was generally regarded as out of its element in a moving

"As the motion picture business progressed, organs were installed and they proved to be a novelty," said Miss Hirsh in discussing the evolution of the organ in the moving picture house. "Playing pictures in the beginning was largely a matter of improvising. Music was essential to the success of the show, and the organ, while more or less of an

innovation, served a purpose and contributed to the success. 'To play a picture today one must possess orginality and the ability to harmonize a knowledge of things musical to suit the picture. That does not mean that the organist must improvise; rather it is the contrary in so far as improvising is concerned, for the men and women who go to the movies today desire music they understand. They know the difference between the melodies that are familiar to them and the music that is improvised.

"Playing a picture calls for the presentation on the part of the organist of selections that are adjusted to the changes on the screen and at the same time known to the audience. The organist must have in his head such a variety of music that he can read over a synopsis of the picture and then sit down at the organ and supply the musical color necessary to properly interpret the picture. One doesn't have to see the picture to follow this method, but it is imperative that the organist know the story of the picture.

"The plan whereby the organist is provided with a resumé of the picture and then works out a musical setting after the preliminary showing, appeals to me. Cue sheets may supply some ideas, but serious study of the story with the pictures that accompany it enable me to work out an that are flashed on the silver screen, and having studied the accompaniment for its presentation. If there happens to story he ought to be be a part of the picture that the organist cannot score musically, then it is necessary to turn to one's musical library and memorize any number that will complete the musical score, or improvise.

Miss Hirsh contends that the style of picture and type of music best fitted for its presentation should both be given serious consideration by the organist in order that both synchronize. She emphasized the need of changes of registration, pointing out that variety was essential in order to relieve the monotony that follows when changes are infrequent.

"The average picture enables the organist to draw on his knowledge of familiar melodies, of concert music or nusical education as a foundation, are all factors that light operatic numbers by Herbert, Friml and such writers, said Miss Hirsh. "Occasionally he can employ the numbers to attain perfection in playing pictures, if one accepts the of Debussy, Cyril Scott and Rachmaninoff. The composiopinion of Miss Hazel Hirsh, organist who has supplied the tions of the last three appeal to me for the heavy dramatic

"The organist must be alert to absorb the suggestions



MISS HAZEL HIRSH

able to supply the necessary musical color for the picture. Of course to do this, one must have an extended knowledge of music, musical composition and a combination of theater and organ experience.

"From a musical standpoint a love scene calls for certain musical treatment, and an old familiar love song should be used. When cues are given mentioning names such as Sue and Peggy, the popular songs bearing these names should be a cue for the organist to use these songs.

"Certain effects should be musically expressed on the organ by direct cues from the screen, such as a phonograph, grind organ, bands, animals and others that stand out in the picture. The modern theater organ is more generally adapted to supply these effects, although many can be produced on smaller organs.

MELODY

"The new moving picture theaters have brought to the people of this country a better understanding and a finer sense of appreciation of music. There was a time when a musician—the organist and the directors of the orchestras played a waltz or march for a prize fight, but such a condition doesn't exist today. Especially is this true in the big movie houses where every detail of the program is worked out to the last degree.

"The organist today, to play pictures successfully, must get away from the church style or concert side of the instrument. There is a great difference between playing organ for church concerts and moving picture theater work. In a way the organist in the movie house should play music of an orchestral character, always remembering that every change demands a special musical setting and effects.'

Miss Hirsh indicated that a library is necessary for the movie theater organist, and pointed out that "when the organist is unable to draw on his memory for the proper number to build up the musical side of the picture it is time to go to the library, select the proper music and memorize it.'

Miss Hirsh was born and raised in Chicago. She studied piano with Rudolph Ganz when he was identified with the Chicago Musical College, and also with Emil Liebling. She did not take up the organ as a legitimate study, but became familiar with the instrument through the opportunities of theater experience that came from time to time. She obtained a part of her early experience on one of the first moving picture house organs installed in Chicago, the instrument having been built by Ascher Brothers and placed in a South Side theater about eight or ten years ago.

Recently, Miss Hirsh gave an organ program which was broadcasted from Station KYW, Chicago. The program was of a varied character and included four compositions by Miss Hirsh. She devotes a large part of her time to giving lessons on theater organ in Kimball Hall, having devoted five years to this work.

Miss Hirsh is studying at the present time with Adolph Weidig, and contends that constant study of harmony and theory are essential to success in her work.

MUSIC PUBLISHERS SCORE

Continued from Page 5

restaurant proprietor undoubtedly took into consideration many items in addition to the cost of the food and the preparation and service of it. There was 'attributed to' the 'item' food the musical entertainment and other attractions afforded the patrons. The diner at no time had the subject of entertainment charge called to his attention except in the high price of the food which he was permitted to procure. This, in our opinion, was an indirect way of collecting the charge for musical entertainment from those who were there to pay. To constitute a direct charge, it seems to us that there would have to be an admission fee charged at the entrance of the dining hall or a specific fee for entertainment would have to be charged the listener either while in or about to leave the

'There is another case which strikes us as being quite helpful In the case of Harms et al. v. Cohen, 279 Fed. 276, District Judge Thompson held that the playing of copyrighted music by a pianist in a motion picture theatre was an infringement of the copyright and relief was accorded the owner thereof. In that case an admission charge was collected from all who entered the theatre for the purpose of viewing motion pictures. Incidental to the exhibition was the playing by a pianist of music which, to the pianist, seemed appropriate to the development of the play or events which were being portrayed on the screen. No selection of music was made up by the proprietor of the theatre or consented to by him in any way. There was no fee for musical entertainment called to the attention of the patron of the theatre at any time.

"The pianist, being permitted to use his own judgment as to what musical selections to play, played the musical composition ntitled 'Tulip Time' from the 'Ziegfeld Follies, 1919.' It was held Judge Thompson that the furnishing of music was an attraction which added to the enjoyment of persons viewing the motion pictures and that although the proprietor had nothing whatever to do with the selection of the musical compositions rendered, the fact that the pianist was paid by the proprietor to supply the music moved the court to hold that the proprietor was furnishing music publicly for profit. There being no direct charge on account of musical entertainment furnished, there was what we term an indirect charge or fee therefor.

"If our construction of the opinion of the Supreme Court in the Shanley case, supra, be sound, that is to say, if there was found to be an *indirect* charge for the use of copyrighted musical compositions because of which the court held that the owner of the copyright was entitled to relief, the problem now presented for solution is not so difficult.

"We have already stated that the Bamberger Co. makes no direct charge to those who avail themselves of the opportunity to listen to its daily broadcasting programs. The question then is: Is the broadcasting done for an indirect profit? In determining this we think it is proper to look to the reason for broadcasting at all. Why was it done? What was it done for? What was the object, or to use the term of Justice Holmes: What was the 'purpose'? We know the purpose of the restaurant proprietor and we know the purpose of the proprietor of the moving picture theatre. What was the purpose of the defendant in expending thousands of dollars in establishing and operating this broadcasting station?

"Adopting the language of Justice Holmes, the defendant is not an 'eleemosynary institution.' A department store is conducted for profit, which leads us to the very significant fact that the cost of the broadcasting was charged against the general expenses of the business. It was made a part of the business system.

"Next we have the fact, already referred to, that the defendant sells radio receiving instruments and accessories. Whether a profit nas resulted from such sales is not material in determining the object. It is within the realm of probability that many departments of a large store at times show losses rather than profits. Paraphrasing the comments of Justice Holmes 'Whether it pays not the purpose is profit and that is enough.' While the defendant does not broadcast the sale prices of its wares, or refer specifically thereto, it does broadcast a slogan which appears in all of the defendant's printed advertisements. That slogan which is 'L. Bamberger Co., One of America's Great Stores, Newark, N. J.' is broadcasted at the beginning of every periodical program and also at the conclusion thereof. A person listening to the program of WOR will hear at the beginning the statement that L. Bamberger & Co. regard themselves as the proprietors of one of America's

"If the development or enlargement of the business of the department store was completely out of the minds of the promoters of this broadcasting enterprise is it reasonable to believe that the slogan 'L. Bamberger & Co., One of America's Great Stores, Newark, N. J.' would be announced to all listeners one, two, three, four, five or six times a day? If the defendant desired to broadcast for purely eleemosynary reasons, as is urged, is it not likely that it would have adopted some anonymous name or initial? Undoubtedly the proprietors in their individual capacities have done and do many things of a public spirited and charitable nature on account of which they are entitled to the highest commendation. But it does not appear and the court cannot believe that those charitable acts are labeled or stamped 'L. Bamberger & Co., One of America's Great Stores, Newark, N. J.'

"There is another point which, although striking us as immaterial, deserves some comment. The defendant argues that the plaintiff should not complain of the broadcasting of its song because of the great advertising service thereby accorded the copyrighted number. Our own opinion of the possibilties of advertising by radio leads us to the belief that the broadcasting of a newly copy righted musical composition would greatly enhance the sales of the printed sheet. But the copyright owners and the music publishers themselves are perhaps the best judges of the method of popularizing musical selections. There may be various methods of bringing them to the attention of music lovers. It may be that one type of song is treated differently than a song of another type. But, be that as it may—the method, we think, is the privilege of the owner, he has the exclusive right to publish and vend, as well as

"Considering all of the facts and circumstances it is the conclusion of the Court that the broadcasting of the defendant was publicly for profit within the meaning of the Copyright Act as that meaning has been construed by the United States Supreme Court.

"A decree will be entered in favor of the plaintiff but restraint will be withheld pending a review of this opinion."

July 4, 1826—July 4, 1923

HE interim between the above two dates lacks only three years of ular "hit." marking the centenary anniversary of a notable birth, and on the later of the two dates the name and fame of an American song writer were fittingly enshrined in local perpetuity at Bardstown, Kentucky, by an event which, while specifically localized, in reality was an affair of national importance because of song writer and date-Stephen Collins Foster and July Fourth. With this year's annual celebration of the birth anniversary of the nation, and because a like anniversary of the man who gave us the "Suwanee River" is co-incidental in day and month with that of the nation, as a State feature additional to the regular observance of the national holiday the old Rowan house at Bardstown—in which the composer when on his honeymoon wrote "My Old Kentucky Home''-was officially dedicated to the memory of Stephen Foster as a "State shrine.

Stephen Foster was born on Independence Day in 1826 in Lawrenceville, a small town in Pennsylvania, near Pittsburgh and now partly included in the latter city. His grandfather was a Londonderry emigrant, and his father a well-established merchant of some means who shipped goods by flatboat as far south as New Orleans. The father also was a musician of some standing for that day. His mother came of a family that had lived in Maryland from the time of the settlement of that state by the English, and was a woman of superior intellect and culture who also was gifted with a very fine poetical sense. Foster inherited the finer qualities of both parents, added to a temperament inclined somewhat to the morbidly sensitive. He began his education at the Athens Academy and finished at Jefferson College.

Though probably never publicly exploited as a music prodigy, Foster as a boy must have been a remarkably precocious youngster in music. He is said to have played the flageolet at the age of seven years, and at ten played the flute with remarkable efficiency; at thirteen he had composed the "Tioga Waltz" for four flutes, followed by a song, "Sadly to My Heart Appealing," and at sixteen he composed his first published "Open Thy Lattice, Love." At twenty-two, in contest for a silver cup as a prize for the best original negro song, offered by a minstrel company playing in Pittsburgh, Foster wrote his first negro melody, "Way Down South Where the Cane Grows." He failed to win the cup because of the piratical proclivities of the manager of the unconsciously to himself, Foster had acshow, who stole the song, but when

Quickly following the winning song that did not win, there came "Louisiana Belle" which at once pealed into popular favor, and "Oh, Susanna" and "Old Uncle Ned''-all of them composed during a period when traveling minstrel shows were at the peak of popularity. These were followed by such songs of a like nature as "Angelina Baker," the "Camptown Races (Doo-dah, Doo-dah)," "Nelly Bly," "Dolcy Jones,"
"Dolly Day," "Oh Boys, Carry Me 'Long,'' "Hard Times Come Again No More," and a few others.

"Oh, Susanna" was merely a jingle of nonsensical words intended to start a laugh, set to a catchy tune that when sung to the rhythmic accompaniment of a banjo invariably started the feet also. It is only too apparent that when writing this song Foster was influenced by the negro minstrel singing of those days, although it is said to have been written for a company of young fellows who came together and practiced at his father's home, but in "Old Uncle Ned" there seems to be a first definite attempt to depict the negro of the South more as he really was and less what minstrelsy mostly had made him—a black, grinning mountebank or shambling hobble-de-hoy. And so also with "Massa's in the Cold, Cold Ground," for who that has ever sung this song or heard it sung is not musically touched by the melodic wail of mourning from faithful black servitors "down in the cornfield" where "all de darkeys am a weeping" because "Massa's in de cold, cold

There is no authoritative data back of the assertion, but with the writing of "Old Uncle Ned" Foster probably was the first song writer to conceive the stage idea of musically translating the southern darkey into songs more genuinely characteristic of himself and his race-musically-melancholy, melodic and full of rhythm-and following this idea, in "Uncle Ned" Foster made his first (and perhaps crude) attempt at such translating or transmuting. As with his earlier songs, this one at first was in manuscript only and was caught by ear from hearing it constantly sung, but within a very short time after its writing, Pittsburgh and many other cities were echoing the plaintively appealing melody and quaint wording of

There was an old darkey And his name was Uncle Ned, He died long ago, long ago.'

With "Uncle Ned," and perhaps all

had founded a new school of minstrel music and transcribed the negro into song as no other musician had dreamed of doing and with songs in which was no hint of ridicule, but he also had found (or founded) himself in music. The song was published by J. C. Peters of Chicago, and though Foster was offered only \$100 for the composition (it is said he never received even that amount) he had achieved the ultimate object which might lead to fame and fortune, and that object was recognition by pub-

Along the same line and in the same pathetic strain came "Lubly Nell—(Nellie Was a Lady)," written at the age of twenty-two. In this song Foster seemed more certain of himself, with a musical touch more sure and more highly developed, yet showing in the man himself a deeper tinge of morbid melancholy (he was given to brooding fits of melancholia) by the strangely haunting lilt in tune and words beginning with

"Down on the Mississippi floating, Long time I trabbel on de way; All night de cotton wood a-toting. Sing of my true lub all de day."

and ending with the pathetic plaint of

"Nellie was a lady. Last night she died, Toll de bell for lubly Nell, My dark Virginny bride.'

In 1850, about two years after the "Nellie" song was written, the composer married Miss Jane D. McDowell, the daughter of a well-known Pittsburgh physician, and took up his residence at 83 Greene Street in New York City after spending his honeymoon in the South. It was in that year that he evolved "My Old Kentucky Home," the song which so recently has placed Bardstown into prominence as a Foster shrine—a living song that today, seventy-three years after its writing, is still loved by everybody and is sung everywhere. In 1921 a drive was started to raise a fund of \$100,000 to beautify and preserve as a Foster relic the old house wherein the song was written and composed, Governor Edwin P. Morrow of Kentucky calling upon all Kentuckians and "fond expatriates" from that State for contributions to the cause. The response was immediate and generous, both within and without the State, Louisville raising \$4,000 in one entertainment alone. It was this drive which culminated in the memorable dedicatory event on July 4th, 1923.

In 1851 came the imperishable song which ranks Stephen Foster as America's first great native composer, with a song which justly may be called an American folk song. This was the simcomplished two points. He not only ple, homely and smoothly melodic Navy Frolic MARCH

GEORGE HAHN PIANO $\lceil \lceil 2 \rceil$

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A COCOANUT DANCE









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MELODY

Home''), that has been immortalized through its being sung by many worldrenowned cantatrices who have used it as a standard encore song. Foster himself is credited with a statement to the effect that all told he received only \$2,000 for this song, although something more than 300,000 copies of it were sold at the time of its early publication. It also has been stated that George Christy, head of the once famous minstrel troupe of that name, paid the composer \$500 for the sole right to sing the song and have his own name printed on the title page as the song's originator. Foster seemingly possessed so little of the vanity or egotism of authorship which generally is supposed to be an attribute of composers that he permitted the song to be so published, and for a time the ballad masqueraded as a Christy product.

Foster now apparently began to lapse from his creative effort which reached its lowest ebb in 1856 and 1857. In 1860 he was still living with his wife in New York City, but the precariousness of his income soon compelled the lady to leave him and return to her father's home in Pittsburgh, and then began the darkest period of Foster's life. In 1861, however, the all but extinguished music spark again burst into a momentary flame and there came "Old Black Joe," with its significant word touches of "gone are the days" and "gone are the friends." He died at the Bellevue Hospital in New York City on January 13, 1864, at the early age of thirty-eight, and all that was mortal of the authorcomposer was buried in Allegheny City, now the North Side of Pittsburgh.

Stephen Foster has been termed a "Bohemian," but such is not true in the low sense sometimes conveyed in this all too often misused word. It is sadly true, however, that Foster possessed a most unfortunate temperamental failing, but he never was a man of loose habits and was too exclusive within himself to consort with low companions as associates. By nature he was an ardent lover and sincere worshiper of the finer things in music, poetry and painting and was himself a painter of some ability. He had an inherent love for the works of the greater poets, particularly so for those of the German Heine and that unfortunate American genius, Edgar Allan Poe. He also was conversant with and loved the music of Beethoven, Mozart, Weber, et al. and as his days and nights were spent with the compositions of these masters of music as his best companions it might well be wondered if in a way he was not indebted to some of them for the musical simplicity of the melodies which run through all his own compositions.

In a sketch published in Music in

"Suwanee River" (or "Old Folks at America, Dr. Frederick Louis Ritter, who terms Foster the "American people's composer par excellence, writes of

"His ballads are, with regard to melodic and harmonic treatment, very naive and simple; tonic, dominant and subdominant are all the harmonic material upon which they rest. But beyond this natural simplicity, a genuinely sweet and extremely pleasing (though at times a little too sentimental) expression is to be found, and a good deal of originality in melodic inventiveness belongs to the Foster ballads. The posthumous fame of Foster rests

almost entirely upon his three negro "Suwanee River," "My Old Kentucky Home" and "Old Black Joe," yet he wrote other melodic and singable numbers which are wholly devoid of the negro strain and some of which have commanded the admiration of cultivated musicians. Aside from the older singers and musicians and music publishers there are very few people today who have ever sung, heard sung or know of "Old Dog Tray," "Laura Lee," "Gentle Annie," "Beautiful Dreamer Awake Unto Me" or "Come Where My Love Lies Dreaming." The last named was a serenade that at one time was a veritable country-sweeper in popularity, with a haunting melody which caught singers and listeners, and a lilt to its "come with a lute, come with a lay" almost rhythmically irresistible.

America cherishes the memories of three renowned writers of words whose names live in history-Samuel Francis Smith ("My Country 'tis of Thee"), Francis Scott Key ("The Star Spangled Banner") and John Howard Payne ("Home, Sweet Home"). These three men have been memorialized and monumented as word writers only of their songs (they were not the composers), yet none of them, with the possible exception of "Home, Sweet Home," touch the people with the heart appeal embodied in "Suwanee River" and "My Old Kentucky Home." Stephen Collins Foster (who wrote both words and music of his songs) was indeed "the American people's composer par excellence, as Dr. Ritter has said, and his name deserved perpetuation by any tablet, monument or shrine that may be dedicated to his memory. He is memorialized in New York City by a Bowery Mission*, and it was eminently fitting that the old Bardstown home wherein was written and composed one of his greatest songs should be made a shrine to commemorate both man and

* This was written upon in the September, 1921, issue of MELODY in an article under caption of "A Mission in Memoriam," some of which has been reprinted in this writing.

THE VICTROLA AND RADIO THEIR RELATION TO MUSIC By John J. Birch

T is a mooted question as to which offers the greater possibility to the advancement of music, the victrola or the radio. The latter is a new development absolutely in its infancy, while the victrola is a developed instrument perfected to its highest point of efficiency. Although the radio has been in general use but a few years, yet during that time its popularity has outstripped that of the victrola. What it will become after it has been in use as long as the victrola is beyond conjecture.

The low cost of a radio outfit is one of the factors of its popularity. Those living within a radius of fifty miles from a broadcasting station can use a set which is less expensive than the cheapest victrola. Even a tube set capable of receiving a distance of a thousand miles can be purchased for about the same amount of money as a good victro-Competition is so keen that the prices are continually dropping and now the most efficient sets are within the range of the average individual. Because of this cheapness, people in remote regions who would perhaps never purchase a victrola and acquire an accumulation of records are installing

It is argued that the victrola is a preserver of music, while the radio is only a disperser. This was true before the invention of the pallophotophone, but with that instrument permanent records can be made and broadcasted at any time. There is a perfection about this instrument which can never be reached by victrola production, for it is the voice of the artist, the music of the orchestra projected into space without scratch or grind. The time is not far distant when these instruments will be in domestic use, and when that time comes the victrola is doomed to become obselete. They will eclipse every advantage which is argued in behalf of the victrola.

The future of the radio is beyond speculation. A few years ago a wireless set was a complex instrument in the hands of a few scientific men, now it is the embodiment of simplicity and becoming more so every day. Great worknops are working overtime to produce the apparatus and new broadcasting stations are being erected all over the country, for radio is the means by which music is brought to untold millions. Municipal broadcasting will soon become a part of every large city's public work, and when so a radio set will become as much a part of the average household equipment as the telephone or electric lights. And not only that, but vessels at sea and the fast flying trains will also enjoy the benefits.

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GOSSIP GATHERED BY THE GADDER

such noted ones in music as Sir Joseph Barnby (English composer), Cecile Chaminade (French composer), S. Coleridge-Taylor (noted negro composer), Claude Debussy (composer), Emma Eames (dramatic soprano), Karl Formes (operatic basso), Bernhard Listemann (violinist), Giovanni Maggine (famous maker of violins), Felix Mottl (conductor), Moritz Moszkowski (pianist-composer), Christine Nilsson (dramatic soprano), Emil Paur (conductor), Jacopo Peri (one of the first opera composers), Maude Powell (violinist), George F. Root (composer of "Tramp, Tramp, Tramp," "Battle Cry of Freedom," "The Vacant Snalding (violinist) and Ambroise Thomas (opera composer)

every hundred who cannot go through even ciety. the first verse of The Star Spangled Banner without stumbling over the words and inserting a few dum-de-dums in lieu of them, one will yet give the public a song that until it assumed the role of panic averter right now is the time to dig up a copy of neither rhymes Lulu with Zulu, goo-goo the anthem and boost your memory, as this month is the one hundred and forty-third dle land of maternal instinct," writes the Beach for Boston on Sunday night (June 24) birth anniversary of the writer and next Boston Herald editorially. What do you that jazz asserted through its rhythm, and

month is the one hundred and ninth anni- know about that, Mr. Song-writer, for rank was born on Thursday, August 9, 1780. It was in 1814 on the 13th of September that If our brain is not befogged and our craall night in an open boat off shore he nium corroded, "Ol' Alabam" has been some watched the bombardment of Fort McHenry sort of a song dame ever since from way by the English, and when on the early back in the early minstrel days and so morning of September 14, 1814, he saw the would seem to have a kind of priority claim flag still flying over the fort he wrote the poem which he called "The Defense of Fort barring priority rights, the M. editor is will-McHenry," but which later became The Star Spangled Banner.

Ferdinand Durany, an actor who had been playing in a Baltimore theatre with John Howard Payne (author of "Home, Sweet Home"), read the poem to the American soldiers encamped in that city so effectively they begged him to have the words set is as varied as are the methods of its makto music as a song. Durany took the old air of "Adams and Liberty" (set to "Ana-ers, ranging all the way from the humbly creon in Heaven"), set Key's words to it apologetic to the pugnaciously pugilistic. Chair," etc.), Olga Semaroff (pianist), Aland sang it to the soldiers, who received Jazz has been cheered and jeered; hailed the song with tremendous applause. Duwhich inspired the words is in the posses-If you are one of the ninety-nine out of sion of the Massachusetts Historical So-driving real (?) music lovers to the very

> "There are glimmering signs that somewith hoo-doo, nor makes Alabama the cra-

versary of their writing. Francis Scott Key heresy, ranker treason, and the rankest kind of a biff on the bean?

> along the musico-motherhood song line. But ing to bet anything under a nickel with the B. H. editor that those "glimmering signs" won't any more than glimmer as long as the "public" takes kindly to the coo-coo style of rhymes and likes the coon-croon of the 'Bammy-mammy stuff

The general attitude towards jazz music ers and the musical make-ups of its listenas a wellspring of rhythmical joy and howled rany died in Baltimore in 1815, and the flag at as an unmusicianly joke; accused of perverting the higher musical taste and of verge of nervous prostration, but never has it been regarded as possessing anything approaching the heroic in stress of danger on a crowded excursion steamer.

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was jazz music in song and dance that quieted frenzy until reason had reasserted its rule. In a thick fog the boat collided with an old, unused and forgotten pier, and although damage was slight danger loomed. The frenzied rush for preservers aiready had started when from the after deck came the lively strains of a jazz song and dance. The strains came from a group of young men, who saw and saved the threatening situation by singing and dancing to jazz rhythm until people and officials of the boat had regained control. Would some "classic gem," however classically well rendered, have been as effective? Most probably

Yes, We Had No Panic Tonight! could have been the song, thanks to young men with poise who knew jazz and haloed it with the heroic light of a panic (perhaps life) saver in a time of emergency. Hats off to them! And all hail to jazz! which at that moment became music hallowed!

music was regarded by our forefathers old bells of St. Savior's Cathedral at Southas a thing of the devil—the violin and were his satellites; instruments and singers rang 12,675 changes, as against the previwere an abomination in the sight of the Lord, church or home. Even today, in its rag- Savior bells weigh in the aggregate eleven "Buddy O'Reilly."

averted what might have proved a most time and jazz forms, music is looked upon and a half tons, the tenor bell alone weighdisastrous panic among frightened people by some as vile (another spelling of evil), ing two tons, yet the man who rang this bell frenziedly rushing for life preservers. It but how in the name of all that is good can any music rhythm be evil when the whole The men were locked in the bell room in universe is rhythmically ruled?

> assert its heaven-born prerogative, is the most democratic thing in the world, affiliating with no particular school, sect, clan, creed or community, and yet belonging to all-universally and individually. Music in America is beginning to come into its own, and by "its own" is meant made for the people and (when possible) by the people themselves. Let us not forget that American music made for and by Americans is another high form of AMERICANISM!

When and where will the non-stop record fever reach before it stops, or is stopped by the return to un-stopped reason? It has Rise of Rosie O'Reilly." At one point in reached the bells, and London now holds the the play a detective enters with Buddy it rope?).

yet it is reported that twelve men ringers, In its earliest beginnings in this country, each ringer operating one of the 200-year wark, continued ringing for nine hours con-

stated he was ready to start all over again. order that nothing or no one should distract or disturb them during the ringing, but it's Music, when permitted unrestrained to safe to bet the bunch of bells they were "wringing" before they were rung out.

> More than to be put down as "young and green," an unauthorized or unofficial critic of a musical show doesn't usually attract any great attention, but here's one instance where a very youthful critic unofficially took stage center over a show and for a time held the position against all comers, star or "supe," while incidentally demonstrating that the play certainly had realistic action.

It happened at the Tremont Theatre in Boston during a recent performance of George M. Cohan's new musical show, "The O'Reilly, brother of Rosie, who is heavily manacled when he makes his appearance on Change ringing on bells is no light labor, the stage. When Buddy came on at this particular performance the youthful critic yelled out: "Take them things off his hands!" The chap was not "hooched" and his feminine companion tried to quiet him, organ were his instruments and singers secutively without food or drink. They but he only yelled more vociferously: "Take them things off my father's hands and let ous record of 11,111 changes rung at Bir- him alone!" The kiddie was just six years and neither were to be tolerated either in mingham in December of 1901. The St. old, and the son of Bobby O'Neil who plays

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Transition In Music Favoring Players For the Silver Sheen

By George Hahn

RANSITION, evolution, develop- sounds. These forces have been felt ment—whatever one chooses to with concentrated vehemence the past call the phenomena of progress— five years, and the fortunes of innumerare governing forces in music and affect able music-makers are intertwined with the men and women whose lifework it is the outcome of changing conditions. to conjure with the harmony of sweet Fortunately, the horizon of opportunity

for the most part has been widened and only occasionally has a setback accompanied the symphony of progress.

The witchery of the screen fails to be witch unless there is music to function as a prop to aid the silent drama in delivering a vivid message. For the necessity of musical atmosphere as a handmaiden to the pictures has had an enormous influence upon recent aspects of the tone-art.

Before the silver sheen was a source of entertainment and instruction in the lives of millions, the opportunities for musicians to ply their calling was circumscribed between playing in the orchestras of the "legitimate" theatres, playing in old-style dance orchestras, playing in a comparatively few symphony orchestras, or concertizing. Today the opportunities flowing from the astounding development of the moving picture industry is added, so that the demand for musicians has been enormously increased.

The magnetic pull of the cinema theatres is felt in every department of musical endeavor. In our large cities musicians who once thought it the pinnacle of Parnassus to play in symphony orchestras are by no means a unit in this belief today. Some of them, who formerly followed the batons of symphony conductors, are now identified with or chestras in the large screen theatres. Salaries have been geared upwards until it is a question whether within the next few years, should the present tendency continue, it will be possible for symphony orchestras to compete successfully for the best talent with certain of the cinema houses. Yet it is to be expected that satisfactory egress from the resulting difficulties will be found, and the probability is that five years hence there will not only be more symphony orchestras in the leading theatres but likewise more symphony orchestras else-

It is perhaps banal to repeat that never before have the masses heard so much music, but it is worth while adding that the best music that comes to the ears of the masses is being played in the picture theatres. An army of musicians the country over, with piano, organ, strings, wood and brass, are regularly employed in providing this feast of harmony-a larger army than is engaged in any other branch of musical endeavor except possibly that of teaching. Ten or fifteen years ago this army scarcely existed! How large will it be ten years hence?

Dance orchestras likewise have undergone such radical changes that musicians doing this class of work must grow dizzy in contemplating it. Formerly a good dance orchestra was essentially no different than an orchestra playing in a theatre. But with the introduction of

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saxophones into the dance orchestra and With the war came a noise-making epoch, but this ultra-jazz fell away within a few years before the consummate artistry of our dance music kings. Never before has there been such variety, art and skill in dance music as exists today. As a consequence, there are now four or five dance orchestras where only one existed ten years ago-and all are doing well. In no branch of American music is there such an urge for novelty. Originality, daring, innovation and transcendent energy are the

pillars of the calling. Looking at the field from every angle it can with assurance be said that the professional musician has every incentive to feel like a professional optimist.

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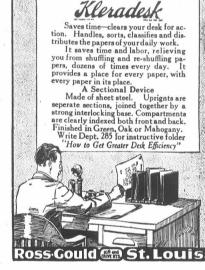
New York headquarters of that firm last —well, like everything.

week to spend a vacation "where there the uncoiling of instrumental trickery a aren't any planos." Maybe later he intends wonderful change has taken place. springing a new one on us-"Yes, We Had No Pianos to Play."

> If you heard someone say "midnight rose" you might think it had something to do with a bed or a balloon, i. e., got up from one or went up in the other, but when you hear someone sing "Midnight Rose" singer and song get up or go up in popularity with you. It's a song flower mighty popular with a bunch of vaudeville acts just now, and blooms on the publishing rose bush of M. Witmark & Sons.

> Emma Carus, the well-known Keith headliner, during the past season has been pretty constantly asking audiences two song questions—"Has Anybody Seen My Cat?" and "Is It a Sin? (My Loving You)." Well, Jack Mills, Inc., has taken over both the "Cat" and the "Sin," and will take advantage of the publicity Miss Carus has been giving two of the most popular songs

If you ever get the early morning "blues," you might cure them by getting going to prove a sort of wonder that won the real "Early Mornin' Blues." Ethel Waters, the well-known colored "blues" singer who has been touring in southern territory this season, is singing it with ing Machine Weekly reads: Irving Mills, great effect, and the N. C. Davis Music Co. vice-president of Jack Mills, Inc., left the that publishes it say it's selling like blue



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and then a crashing finale.

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Volume VII, Number 9

SEPTEMBER, 1923

Price 15 Cents



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PUBLISHED BY WALTER JACOBS in CBOSTON



Printed in U.S.A.