

SUIT OVER BRADY PLAY "DOLLAR-MARK" IN COURT. Curtiss and Schlotterbeck Seek to Enjoin Production at Wallack's.

The "Dollar-Mark" which was first seen in New York on Monday night, at Wallack's Theatre, became yesterday the cause of a new theatrical battle. Judge Lacombe signed an order in the Circuit Court for William A. Brady to show cause why he should not be enjoined from producing the play written by George Broadhurst and C. T. Curtiss. The suit was brought by Fred C. Curtiss and Gustave W. Schlotterbeck, who complained that Mr. Broadhurst had taken the title and ideas from their play, copyrighted last year as "The Dollar-Mark," and scheduled for production on the Shubert's circuit.

Although no sum is mentioned, the plaintiffs ask damages and an accounting for all the money taken in at Wallack's since "The Dollar-Mark" was produced there.

An order was served on Mr. Brady at the New York Theatre by a United States marshal late yesterday afternoon, and he at once accompanied by his lawyer, David Gerber, at No. 96 Broadway. Mr. Brady was summoned to appear before Judge Lacombe on September 3.

Herman L. Roth, of No. 132 Broadway, counsel for Messrs. Curtiss and Schlotterbeck, said last night that the "Dollar-Mark" was written by Mr. Schlotterbeck, who was formerly connected with the Metropolitan Opera Company and is known as a manager and author. On April 25, 1908, he obtained a copyright on the title and manuscript, and then, according to copyright requirements, the play was produced for twelve days, beginning on December 1, 1908, at the Shubert's, starting at New Brunswick.

After that the manuscript was revised, and on July 1 Mr. Schlotterbeck signed a contract with Fred C. Curtiss to produce the play on the Shubert circuit, beginning on September 2.

"In April of this year Mr. Brady produced his play at the Belasco Theatre, in Los Angeles, for six weeks, but before he did so we gave him notice of our claim to it. At that time he tried to engage a cash settlement with Mr. Schlotterbeck, who was then to surrender his title to the play. The offer was refused.

"Of course, Mr. Brady claims that the name of a play cannot be copyrighted, but even so we can prove that by using the same name he has injured the business prospects of our play. Our principal point is that the title is under copyright since the manuscript was copyrighted at the same time and in the same way as the play. It can show that the title was copied, that will be enough to prove an infringement upon our rights.

"It is a peculiar circumstance that Frank Hatch, who was general stage manager for Brady, was engaged by Schlotterbeck to rehearse the show and put it on during the trials. Afterward he was paid and released, his work being finished, but he did not return the stage director's copy of the manuscript.

Mr. Roth said that in a letter he had received from Mr. Broadhurst in Los Angeles it was admitted that Mr. Broadhurst had not created the title, but he said he had written the play and typed it on a scenario by himself and C. T. Brady.

Mr. Brady said last night that he had never seen another play called "The Dollar-Mark" and had never seen its authors until April, after he had seen his play five months.

Mr. Broadhurst's play was in his hands last December," he said, "and ever since its production has been enjoying great success. It is also copyrighted, and I have nothing to fear from any suit deprive me of my rights to it. The play is absolutely mine, and in producing it I am not infringing on the rights of any one. I will show that very clearly at the hearing.

Mr. Brady denied that he had offered Schlotterbeck money for his rights in "The Dollar-Mark."

Mr. Schlotterbeck came to me in Los Angeles, where my play was successful for ten weeks," he said, "and informed me that he had written a play with the same title, and asked me what I would do. I told him I would do nothing, but produce my own play. That was my first information that there was some 'Dollar-Mark' or a man named Schlotterbeck."

Furthermore, Mr. Broadhurst, who is a member of the Dramatic Authors' Club, has said that if Schlotterbeck produces "The Dollar-Mark," no actor will take part in it. It will be permitted to play in any production written by any member of that club. Also, if the Shuberts put the play on their circuit, the National Association of Theatrical Managers, to which the Shuberts do not belong, will take steps to exclude the Shuberts from any theatre controlled by members of the association."

SHAW'S PLAY PRODUCED. Forbidden Presentation in London by Censor. It Is a Success in Dublin.

Dublin, Aug. 25.—George Bernard Shaw's play "The Shewing Up of Blanco Posnet," the production of which by the censor in London led to the appointment of a Parliamentary commission to inquire into the censorship of plays, was produced in the Abbey Theatre here to-night, without any of the usual display of public disapproval.

Mr. Shaw and his managers, the Abbey Theatre, held an extended conference with the censor, but he was unable to decide whether the play should be suppressed because it was prohibited by the English censor. The Viceroy reminded the manager of the theatre that it had received a license to foster Irish drama and that, in his opinion, this was not the province of Shaw's play. Further, the Viceroy hinted at the possibility of the license being withdrawn if the play proved offensive.

The Dublin and the English newspapers were full of the controversy. Mr. Shaw commented on some of the sentences offensive to the Church and people. A large force of police was in attendance at the theatre in the expectation of trouble, and many seats were filled at enhanced prices.

Many strokes of grim humor in the play excited laughter and the passages which had incurred official censure were received with watchful comment. The general verdict was in favor of the play, which was pronounced one of the author's most brilliant works. No one is able to understand why the play was prohibited by the London censor. Mr. Shaw himself was not present to-night, but his wife witnessed the performance.

MARY MANNERING STOPS DIVORCE SUIT. Justice Amend signed an order yesterday for the continuance of the suit for divorce brought by Mary Manning Hackett against James K. Hackett.

It was in June, 1908, when the news that Mary Manning had served papers on her husband in an action for a divorce first became known. Since that time it has been on the calendar of Special Term, Part III, but has been adjourned at the request of one or the other party to the action.

The wedding of the Hacketts was secret. They were both members of Daniel Frohman's Lyceum Theatre Company, when they met in 1905. Mary Manning having been brought to New York by the leading female role in "The Courtship of Miles Standish," of which Mr. Hackett was leading man, they were married on November 23, 1897, but the wedding did not become known until the following January, when Miss Manning's marked solicitude for Mr. Hackett, who was seriously ill, disclosed the marriage.

They were not in keeping on Monday. A strike of hatters in forty shops, mostly on the East Side, was ordered yesterday by the Jewish Labor Union. Persons who had favorite hatters were going to be settled before taking cases. The demands of the strikers, a few of whom are also out in Brooklyn shops, are a twenty-five cent a day off every week, a recognition of the union and a minimum wage scale of \$12 a week.

CARGO FROM JAPAN VALUED AT \$4,000,000. The steamer Koshima tells of the most valuable cargo ever transported across the Pacific, now bound for New York.

The steamer Koshima, from the Great Northern Steamship Company, is expected to arrive in New York on Monday. It includes 2,000 bales of raw silk, 500,000 lbs. of tea and 15,000 bales of cotton. The value of the silk and tea alone is estimated at \$3,000,000. Other shipments will include 100,000 consignments to more than \$4,000,000.

ARCHBISHOP FARLEY IN Scoffs at European War Cloud, and Tells of Seeing Pope.

Archbishop John M. Farley arrived from Europe yesterday on the Caronia, wearing a ring which is said to be the most valuable ever given by a Pope. The Archbishop displayed it with great pride. It is a gold band, with clusters of leaves encircling an amethyst, which in turn is hedged in by forty-four diamonds. The ring was given by the Pope in recognition of the Archbishop's varied labors for the Church. The red hat, however, is still a problem for the future. Of the possibility of his becoming a cardinal the Archbishop said: "Well, the average newspaper man knows as much about that as I do, and I know absolutely nothing. It is wonderful how such stories originate."

Speaking of his visit to Rome, he said: "We were most cordially received by the Pope, who was greatly interested in all we had to say about America and the progress of the country and the Church. While he does not speak English, he is well informed on the topics of the day in America as well as in other countries. His power for work is wonderful. Although he is seventy-four years old, the labor he performs in a week would enable the average New Yorker to take a month's rest."

When he was asked about the war feeling in Europe, the Archbishop scoffed at the idea of trouble in the near future, and remarked that Austria was building a great navy and would have to be reckoned with as a naval power by the next generation. The coming Emperor, Ferdinand, the nephew of Emperor Francis Joseph, was a finer man, little heard of, but he was doing a wonderful work for the people. Ireland, he said, through which he had motored a good deal, was in better condition than he had ever seen it before. The Continent, on the contrary, was not in such good situation. The Archbishop laid this to the falling off in the American tourist crop. He refused to discuss Dr. Elliot's "new" saying that it at the present time, particularly as he had paid little attention to it.

The steamer San Siro carried a large party down the Bay to meet the Archbishop, and he was taken from the Caronia off Liberty Island. He landed at West 59th street, and hurried from the pier to attend the funeral of Father Ducey. "His whole heart was in the condition of the poor and needy. He will be mourned by a host of people whom he helped in times of trouble and sadness."

The Archbishop carried to the Pope the remainder of the fund raised in this country for the sufferers by the Messina earthquake, about \$35,000. On the way over, on the Carpathia, he celebrated high mass—the first time it was ever celebrated on sea, he said. Last Sunday he was in the cathedral of the Caronia, where he was Bishop of North Carolina; Bishop Kelly, of Savannah, and a number of other clergymen.

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REFeree REPORTS ON DALY'S ESTATE Finds Cash Remainder of \$63,316 After Payment of Theatrical Man's Debts.

The report of ex-Justice Lawrence, referee to examine the account filed by executors of the estate of Augustin Daly, the theatrical manager, was submitted yesterday. Proteas had been filed by the executor of the will of Mary Daly, widow of the manager, and Mrs. M. K. Byron, as administratrix of the estate of Arthur Rehan.

The referee finds that the debts of the dead man amounted to \$450,220. There is a cash remainder for distribution of \$63,316, of which 24 per cent is due to James C. Duff, executor of Mrs. Daly's estate; 21 per cent to Miss Rehan; 20 per cent to Joseph F. Daly, brother of the manager and executor of his will, and 20 per cent to be divided among the following charitable institutions: The Roman Catholic Orphan Asylum, the Home for the Aged of Little Sisters of the Poor, the Association for Benefiting Children and Young Girls in the City of New York, St. Joseph's Home for Consumptives and Incurables, the Society of St. Vincent de Paul, the Mission of Our Lady of the Rosary, St. Zita's House and Refuge in St. Patrick Cathedral Parish.

The allowances are 2 1/2 per cent to Richard Dornier, who is in charge of the Home for the Aged; 2 per cent to Guy Van Amringe, executor of the will of Anna J. Gilbert; 2 per cent to Mary K. Byron, administratrix of Arthur Rehan, and 2 per cent to Mary G. Clarke, widow and executrix of George Clarke.

BOY KEPT FROM BLEEDING TO DEATH. Ambulance Surgeon Meets Him in Swamp Near Belle Harbor and Saves His Life.

George W. Bird, sixteen years old, of No. 895 President street, Brooklyn, probably killed by ministrations received yesterday at the hands of Dr. Solonkin, of St. Joseph's Hospital, Far Rockaway. After a twenty-mile ride in the hospital ambulance, the physician laid Bird out in a swamp about two miles from Belle Harbor, and succeeded in saving him from bleeding to death.

Bird had been spending a few days with a tenting party on the side of Rockaway neck, driving a tent, when he slipped from his hand and struck him in the leg just above the ankle, inflicting a deep cut. Bird's brother, who was in the party, called up the Rockaway Point Lifesaving Station, in charge of Captain Benjamin Hunt. Dr. Solonkin, of St. Joseph's Hospital, was dispatched from St. Joseph's Hospital, but the delay was so great that Captain Ryder got a horse and buggy and started out with Bird, who was unconscious, to meet the ambulance.

The ambulance was encountering considerable difficulty because of the poor condition of the roads, which led through swamps. After having driven about a mile several times it met the buggy of Captain Ryder. Dr. Solonkin dressed the wound, and the ambulance then carried Bird to the hospital.

Charles Richmond's play "The Revelers" will replace "The Ringmaster" at Maxine Elliott's Theatre on Tuesday, September 7. The engagement is for three weeks only, and will be followed by the appearance of Forbes Robertson. The cast which will support Mr. Richmond in "The Revelers" includes George Jessel, Ferdinand Gottschalk, Florence Fisher, Vera Finlay, Hattie Anderson and May Mackenzie.

Seats go on sale this morning for the big Drury Lane production, "The Sins of Society," which will be presented at the New York Theatre on Tuesday under the management of Brooks & Dingwall. The stage has been rebuilt, so that the big scenic effects, including the sinking of a transport in mid-ocean, may be produced properly.

The Shuberts announced yesterday that the new musical production by Hartley Manners, Robert B. Smith and Julian Edwards, in which Sam Bernard would appear this season, had been finally named "The Girl and the Wizard."

Alfred A. Amer, manager of the Manhattan Beach Hotel, has engaged Carl Edouard and his band of thirty-five members to play at the hotel for the remainder of the season. Edouard is a protégé of John Philip Sousa, and his only New York appearance was at the Belasco Theatre about a year ago. He will begin his season at the Manhattan Beach Hotel on Saturday, replacing Lieutenant Carl Carleton's band.

William Faversham's production of Stephen Phillips' "Herod," announced for the Broadway Theatre, will be seen at the Lyric Theatre. This shift has been found necessary, owing to the continued run of "The Midnight Sons" and the purpose of the Shuberts and Lew Fields to continue this kind of entertainment at the Broadway Theatre.

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More than fifty vessels of the American navy will be available. Of the larger fighting craft there will be at least sixteen battleships, three armored cruisers and three scout cruisers. Twelve speedy torpedo boats, with four submarines and their parent ships, the Dixie and the Castine, are to be sent.

For the first time in history, according to the naval officials, there will be a parade of marines and bluejackets in the Bronx. Major David Wilson, of the New York National Guard, has been informed by the Navy Department that a regiment consisting of five battalions will participate in the great army, naval, civic and historical parade on September 29. "This regiment will be made up of a battalion of marines and four battalions of seamen. Recent advances to the Navy Department are that Rear Admiral Von Koester, who will represent the German Emperor in his naval capacity, will fly his flag on the Gieseler, although he expects to cross the ocean in a mail steamer. Other vessels from Germany which will participate are the Dresden, the Hertha, the Viktoria, the Luise and the Bremen.

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