BROOKS WILL SUE BRADY FOR $50,000

Damages Claimed Because Film "Trilby" Clung Too Close to Acting Version.

TOUR TO BE CUT SHORT

Joseph Brooks will close the tour next Saturday night of the all star "Trilby" company which went out of New York with Phyllis Neilson-Terry at its head. Incidentally Mr. Brooks has instructed his lawyer to begin suit against William A. Brady for $50,000 damages. It was Mr. Brady, says Mr. Brooks, who made the picture play out of "Trilby" which stuck closer to the play acted by the live actors than a brother. They were indeed unable to shake the pictures off and it was the advertisement of the picture play and the offering of it for 25 cents that has caused Mr. Brooks to cancel the tour. So long as the play stayed in Canada its receipts were as large as they were in New York.

"We could not compete against the moving picture version of the play," Mr. Brooks said yesterday to a SUN reporter. "The present season for the play, which began on September 6 in Toronto, was highly successful throughout Canada, where the picture version was not shown. In Buffalo, however, where the legitimate form of the play was presented for a week beginning September 27, the pictures were in evidence. The unusually elaborate billboard and newspaper advertising for the spoken drama was of equal value for the wordless play. With the titles identical hundreds of theatregoers were led to believe that the plays were identical. The same conditions prevailed in Rochester, Albany, Providence, Springfield, Worcester and other cities. There were cases where the producers of the picture play advertised, 'Why pay $2 when it can be seen for 25 cents?' in advertising their offering.

"Such a condition could not last and while the pictures are not being shown in Boston they are being exhibited in its immediate neighborhood and there is no assurance that there is any relief in sight in the other cities booked. The pictures have detracted attention and patronage from my production to such an extent that I have decided to abandon the tour on November 6.

"When 'Trilby' was revived last spring at the Shubert Theatre I entered into an agreement with William A. Brady, who holds the rights to Paul M. Potter's dramatization of Du Maurier's novel. The picture version was then being filmed, but Mr. Brady agreed that 'Trilby' would not be shown on the screen anywhere until after we had finished the tour. This fall, when the company had assembled and the tour was booked, Mr. Brady informed me that his partners in the motion picture venture would not agree to his arrangement with me and that he could not control the situation.

"Since the Buffalo engagement not only has the picture play been shown in the same cities, but sometimes during the same week as the spoken play. For instance, the real 'Trilby' was presented in Springfield, Mass., on Monday, Tuesday and Wednesday nights and the other on Thursday, Friday and Saturday, and advertised at the same time.

"I am justified in taking legal action and my attorneys have in preparation papers in which I will ask the courts to give me damages against Mr. Brady. The amount asked will be at least $50,000, and it may be more."

William A. Brady's side of the story relieves him of the responsibility of exhibiting the pictures.

"I never promised to withhold the release until the tour was finished," he said last night to a SUN reporter, "as the pictures were made by the Famous Players Company and I could not have stopped them if I had wanted to. Now there was an agreement or an understanding of some kind that the pictures should not be shown in any town until after the play had been acted. I supposed that had been lived up to.

"I can perfectly well believe that the pictures at 25 cents could easily put the play at $2 out of business. It may be, however, if the business in the small towns was not so good as it was in the big cities that the cause was the same that has always affected 'Trilby' from the time it was first produced. Paul M. Potter's play was never for the small towns. It was always much more successful in the big cities.

"It will be an interesting suit at all events and will be the first of its kind. It has really grown imperative for some precedent to be established in such cases."

To-night at the New Amsterdam Theatre "Around the Map" will show a new actress to New York. Else Alder, although a reigning favorite in Berlin and Vienna, will for the first time act in English. A native of Gratz in Austria, Miss Alder studied at the conservatory there and went to Vienna to continue the cultivation of her voice. She sang in opera at the court theatre in Trepau and was then engaged for his theatre in Berlin by Max Monti. She had only small parts in his famous organization. But one day her chance came.

She was an understudy and had the opportunity to play the leading part in "The Girl From Montmarte." She did not fail to pass the test and from that time she was the leading operetta singer of Berlin. In Berlin she was the original *Sari*, while in Vienna and Budapest she sang in sixty-one operettas all told, although her experience has been comparatively brief. She had played the leading soubrette role in "Lieber Augustin," "The Woman Haters," "The Laughing Husband," "The Little Friend" and many others. Miss Alder was in this country last winter determined to learn English and was engaged by Klaw & Erlanger for this production.

In a review of "War Brides" the writer highly praised Alla Nazimova and concluded with this surprising reference to Louise Drew, daughter of John Drew, who is playing in Chicago in "It Pays to Advertise."

"At the end of the performance," writes the critic of Mme. Nazimova, "there is literally a demonstration for the best actress at present in Chicago—bar only piquant Louise Drew, disporting next door in 'It Pays to Advertise.'

"This grouping of Russia's daughter and John's is far fetched only by the specialization of the actresses. Nazimova can always be an artist and frequently will—she is indefatigable now in this peace piece. Louise Drew is less versatile in that she never is anything but an artist. If she had not inherited the fatal looks of her distinguished father, she would be the reigning star of American comedy. But American audiences insist that their young comedy stars must have the fluffy prettiness, and I fear they will not wake to Miss Drew's perfect technique and brilliant sense of humor till some London manager takes her home to pick up the thread where Marie Tempest dropped it."

And whoever said before that John Drew had "fatal looks"?

EMMY DESTINN HERE TO SING DESPITE SADNESS

Prima Donna's American Tour Is Chiefly One of Concert.

Emmy Destinn, who arrived yesterday on the Holland-America liner Rotterdam, said she was too sad to sing in Bohemia because of the ravages of war and that she had spent the time in her villa at Prague in sombre thought. She will lift up her soprano voice here chiefly in concert, but will sing in Chicago on November 15 in "Gioconda."

She will open her concert tour in Denver on November 4, and will then go to Dallas, Tex., where she will be assisted by a chorus of 1,000 voices. Her schedule calls for a concert in Austin, Tex., and after her performance in Chicago she will appear here with the Philharmonic Orchestra on November 18, 19 and 21.

Other makers and conductors of harmony on the Rotterdam were Louise Edvina, the Canadian soprano; Octave Dua, French tenor; Desire Defere, Belgian barytone; Egon Pollack, conductor of Wagnerian opera, and Julius Darber, secretary of the Chicago Grand Opera Company.

Emmy Destinn.

WEDDING JUST KNOWN, COUPLE SEEK DIVORCE

Sudden End of Morristown Romance Announced by Secret Bridegroom.

MORRISTOWN, N. J., Oct. 31.—Following the delayed announcement of the marriage of Miss Marguerite Metcalf and Harold E. Watson, both members of prominent families in this city, which occurred last February, it was learned that the couple have been living apart for several months and that a divorce suit is pending by mutual consent.

When the marriage was announced yesterday the reason for withholding news of it was stated to be because of the illness of the late Jacob Metcalf, father of the bride, who died on August 31. Friends of both families were surprised to learn of the marriage.

To-day when Mr. Watson was looked up by friends to congratulate him he received their felicitations coldly.

"It is all a mistake," he said. "We both realize it, so each has lived and will continue to live in our respective homes. Divorce proceedings by mutual consent are pending."

Mrs. Jacob Metcalf and Mrs. Watson could not be seen to-day. It could not be learned what their attitude is as to the divorce suit.

Women's School Will Not Close.

The Harlem Evening High School for Women will be open as usual to-night. In order that there may be no break in the course of instruction the entire faculty has volunteered service.

EUGENIA KELLY SAYS SHE WON'T WED DAVIS

Heiress Changes Mind, Though Dancer's Wife Gets Divorce To-day.

Eugenia Kelly, the young heiress for whom the bright lights and Al Davis, cabaret dancer, had such attractions that her mother caused her to be haled to court, is not to marry Davis, she said last night in the presence of her mother, in their apartment at 116 East Sixty-third street.

Davis's wife will obtain her final decree of divorce to-day, and Miss Kelly had said once that she would marry Davis the next day. Later she said she wouldn't marry Davis, but this appeared not to be final, for shortly after she made this statement she said she would.

The girl answered the ring at her apartment doorbell yesterday, but refused to answer questions. Then her mother joined her, and the girl stood with her arms around her mother's neck during this colloquy:

"Are you going to marry Al Davis on Tuesday?"

"No."

"Are you going to marry him at all?"

"No."

"Have you seen him lately?"

"That's my business."

At this point the closing of the door ended the interview.

Mrs. Davis has closed her home in Hempstead and could not be found last night. John F. McIntyre, attorney for Mrs. Kelly, said he is waiting for Davis to try to marry Miss Kelly, for trouble will surely follow.

FARRAR A TIGRESS AS SCREEN 'CARMEN'

Some of Pictures at Strand Beautiful—Scenes Censors Oppose Are Shown.

GYPSY GIRL IS A SLUGGER

The much advertised picture version of Prosper Merimee's novel "Carmen" was seen yesterday at the Strand Theatre. Of course Geraldine Farrar was the *Carmen* of this occasion. Miss Farrar has come into conflict with the Board of Censors in Pennsylvania in reference to two scenes in the picture. But these—they depict a physical encounter of great violence and long continued ferocity between two women and an equally relentless duel between *Don Jose* and another lover of *Carmen*—were shown yesterday.

A Spanish cigarette maker is, to judge from what the audience witnessed yesterday, a combination of tigress and lightweight slugger, with a tendency to go about all the time in a state of undress. Miss Farrar emphasized the physical, not to say the bestial, note in the gypsy, as these pictures reveal her idea of *Carmen* to a degree that leaves but little else in the woman's character. She lays about her with the vigor of a longshoreman when she does not care for the addresses of a swain and bites and scratches her fellow employees like a tigress. Miss Farrar was best in the scenes of comedy and her banter with the cigarette girls was very eloquently expressed by her facial emotions.

Little of Fabled Beauty in Films.

Miss Farrar is much more beautiful in life than the films showed her yesterday. The exigencies of "makeup" made her lips appear stiff, and thus one expressive feature was lost in the interpretation of the character in a speechless play. That she should have shown in the pictures so little of her fabled beauty was a matter of comment as one after the other was thrown on the stage. The reading of the cards which foretell her death was one of the most expressive of the scenes.

The unnecessary realism of the interpretation of Miss Farrar as well as the lack of imagination in all the episodes was not to be applied most effectively to such a story as Merimee's. Moving pictures are of course photographs, but they may depict scenes conceived in a poetic and imaginative spirt.

There is much that is beautiful in the pictures and their quality as photographs is fine. But they keep the story of Merimee close to the ground throughout every episode. Excepting perhaps in the outdoor pictures, which showed the smugglers landing through the surf, trailing the mountain sides with their pack mules or sleeping in the encampment. These were all beautiful. One in particular, revealing the notch in a range of hills, afforded the audience great delight. Perhaps the finest single picture is the gateway leading to the arena in the Plaza de Toros. Geraldine Farrar and Pedro de Cordoba, who was the *Escamillo*—a very cerebral and ascetic looking bullfighter—stood in the entrance, with the sunlight shining from th open door throwing the two figures into sharp relief. This was as fine a specimen of picture play photography as the present season has produced. But the technicalities of the work are admirably carried out in all the pictures.

Is a Carmen With a "Wallop."

Wallace Reid, who was a youthful *Don Jose*, looking weak enough to fall for any gypsy, stuck Miss Farrar well and deep with his dagger, and if there ever was a symptom of agony and death from a stab wound it was graphically depicted on Miss Farrar's face for the benefit of the public.

This picture play is thoroughly Spanish in revelation of every physical characteristic of "Carmen." Indeed it succeeds in adding something, as *Carmen* had been supposed by many readers of Merimee's book to be a woman of certain imagination and capable of some poetic sensitiveness. But in William de Mille's scenario as Miss Farrar interprets it she is a plump little body with a high temper, an ardent nature and a potence in the "wallop" that nobody would suspect from her size. There must hereafter be a recognized line between the *Carmens* who have feathers and scratch and those that have whiskers and bite. At all events Maria Gay's *Carmen* seems all prunes and prisms compared with the Spanish gypsy that Miss Farrar is revealing at the Strand Theatre.

The pictures were accompanied by music, vocal and instrumental. All but one piece of it was from Bizet. Then were such songs as "L'Amour est enfant de Boheme," sung when the Lilas Pastia scene was shown; "La Fleure que vous m'avez donne," which accompanied *Don Jose's* courtship and the toreador's march. The bullight, which Mr. de Mille took from the opera and not from the book, was the climax of the pictorial part of the play. It was as interesting in its revelation of the agility of the fighters as in the extreme irritation of the bull, who pawed the ground frantically. But everybody must see the "Carmen" pictures.

GABY BRINGS JEWELLED DOG.

Mlle. Deslys's Mexican Pet Is Adorned With Earrings.

Gaby Deslys arrived yesterday from Liverpool on the American liner New York. She's going to appear in "Stop! Look! Listen!" a new revue under Charles Dillingham's management.

Most of the persons who greeted her at the pier didn't stop to listen, though. Looking was enough, for she brought with her a Mexican something or other—a Chihuahua she called it. It was a dog, and it wore diamond earrings. This is to be a new fashion for New Yorkers, Miss Deslys said.

Outside of the Mexican dog with earrings, Miss Deslys brought nothing but 180 trunks and hat-boxes, three maids, a Japanese valet, a butler and a secretary and her dancing partner, Harry Pilcer. They all went to the Hotel Knickerbocker. When Nat Wills got through telling all about it at the Hippodrome last night he said that "outside of that there ain't no news."

Attorney for Cuba Takes Bride.

Augustine P. Barranco, attorney for the Cuban Government and formerly first secretary to the Cuban Legation at Washington, was married yesterday afternoon at the Hotel Marseille to Miss Paula M. Frechea of Los Angeles. The ceremony was performed by Alderman William F. Quinn. Among those at the wedding were F. Taboada, the Cuban Consul, and Caesar A. Barranco, the Cuban Consul-General to Canada. Mr. and Mrs. Barranco will leave on Saturday for Cuba, where they will be the guests of President Menocal.

POLITICAL. POLITICAL.

ALL GOOD CITIZENS

irrespective of party, are urged to vote for the Revised Constitution proposed by the Constitutional Convention; and for these reasons:

It contains a consistent series of amendments to improve the State government.

It will, through the Short Ballot, prevent confusion and simplify the selection of the Executive officers who may be held more directly responsible.

It will prevent the excessive playing of personal politics in the Legislature.

It will put the conduct of the State's business on an economical and common sense basis, through the budget system of making appropriations.

It will simplify the procedure of the Courts and prevent injustice due to the "law's delay."

It will stop the waste that has swelled the annual expense of State government and increased the State debt.

It will give a better and more efficient government.

The State has spent half a million dollars to have this work done by the best men of both parties.

Accordingly we urge you to VOTE "YES" ON THE ADOPTION OF THE CONSTITUTION.

The Republican Club of the City of New York.

FARRAR'S FILM RIVAL IS SEEN IN 'CARMEN'

Film Play, With Miss Bara in Title Role, Shown at Academy of Music.

Theda Bara appeared for the first time yesterday afternoon at the Academy of Music as *Carmen* in the photo production of the story under the direction of William Fox. Although Geraldine Farrar was making her motion picture debut at the Strand Theatre in the same play under the Lasky management the Fourteenth street theatre was filled to capacity with an enthusiastic throng.

Miss Bara has statuesque beauty and poise of manner not unlike that of Miss Farrar, and probably because of her more intimate knowledge of acting before the camera she was able to give fully as good, if not a better, performance of the play as that of the noted opera singer, who played to a capacity house further up town. At any rate there was an air of distinct rivalry between the two performances. Both had been long and loudly heralded. Both productions tried to get into New York before the other, and by their meeting in the same city simultaneously there was created a situation which is said to be unique in the motion picture business.

The performance at the Academy of Music yesterday was noteworthy in many respects. "Carmen" was treated photo dramatically as a melodrama. By reason of the camera's ability to show many details that otherwise must be lacking on the stage the story is unfolded on the screen along new lines.

Miss Bara, who has a reputation as an emotional motion picture actress, left little to be desired in her interpretation of the title role of the play. Her acting was at all times finished and strong without being in the least overdone, and the performance on the whole gave satisfaction. In the supporting company were Einar Linder as *Don Jose*, Elsie MacLeod as *Michaela*, Carl Harbaugh as *Escamillo*, J. A. Marcus as *Dancaire*, E. de Varny as *Capt. Morales*, and Fay Tunis as *Carlotta*. The accompanying music of an orchestra and organ blended well with the dramatic performance on the screen.

A Million New York Women Want to Vote

They have been canvassed and we know.

They ask for the franchise in the name of justice, democracy, and expediency.

A vote for Woman Suffrage is not a vote for or against the new Constitution. They stand on separate ballots.

Woman Suffrage a Success

Woman Suffrage has never lost a state.

No state which has once granted the franchise to women has ever repealed its act or tried to repeal it.

The twelve woman suffrage states form one-half of the area of the United States.

They contain 1-15 of the total population.

They elect 1-4 of the U. S. Senate.

They are the most rapidly growing States in the Union.

For every adult couple, man and woman, the West has two votes.

Can the East afford to continue to disfranchise its women?

VOTE YES

On the Woman Suffrage Amendment

The ballot below shows you how to vote for the woman suffrage amendment. Put your cross in the "Yes" square of Amendment No. 1

Keep your cross within the square, or your ballot will not be counted

INSTRUCTIONS TO VOTER:

1. To Vote "Yes" on any question make a cross X mark in the square opposite the word "Yes."
2. To Vote "No" make a cross X mark in the square opposite the word "No."
3. Mark only with a pencil having black lead.
4. Any other mark, erasure or tear on the ballot renders it void.
5. If you tear, or deface, or wrongly mark this ballot, return it and obtain another.

YES [X] NO [ ]

AMENDMENT NO. 1

Shall the proposed amendment to section one of article two of the Constitution, conferring equal suffrage upon women, be approved?

YES [ ] NO [ ]

AMENDMENT NO. 2

Shall the proposed amendment to section four of article seven of the Constitution, permitting the Legislature to alter the rate of interest upon debts incurred for some specific work or object authorized by act of the legislature and ratified by the people be approved?

YES [ ] NO [ ]

PROPOSITION NO. 1

Shall chapter five hundred and seventy of the laws of nineteen hundred and fifteen, entitled "An act making provision for issuing bonds to the amount of not to exceed twenty-seven million dollars in addition to bonds heretofore authorized by the provisions of chapter one hundred and forty-seven of the laws of nineteen hundred and three, for the improvement of the Erie canal, the Oswego canal and the Champlain canal, and providing for a submission of the same to the people to be voted upon at the general election to be held in the year nineteen hundred and fifteen," be approved?

Women Pay Big Taxes

Women's Taxes help buy or rent the booth in which you will vote on Tuesday.

Women's Taxes help pay the officers who will manage the election.

Women's Taxes help pay for the three printed ballots you will cast.

Fair Play Demands that women be given a voice in the elections for which they are taxed.

VOTE YES

on the Woman Suffrage Amendment

America stands for the right of self-government
Be an American---Vote for Woman Suffrage

EMPIRE STATE CAMPAIGN COMMITTEE