

POOR DOCUMENT M C 2 0 3 5

THE EVENING TIMES-STAR, SAINT JOHN, N. B., SATURDAY, JULY 3, 1926

IRVING BERLIN CHARGED WITH PLAGIARIZING

Coal Salesman Seeks Accounting and Dam- ages for "All Alone"

SUIT IN COURT

Song Writer Said to Have
Made Half-Million
Dollars

NEW YORK, July 3.—Irving Berlin, song writer, is charged with having plagiarized the words of his most popular song, "All Alone." The charge was made in the federal court, in a complaint filed on behalf of Abraham Brown, who asked an injunction, an accounting, the cancellation of the copyright that Berlin holds and such damages as the court may decree.

Berlin is either in England or France. His general manager, Saul H. Bernstein, is also abroad.

Brown, it was found, is not a song writer by profession, but a coal salesman who has made the writing of lyrics an avocation. He does not claim infringement of copyright, for he acknowledges in his complaint that the words he wrote were not copyrighted. But he does claim that he wrote the lyric that Berlin used and called his own.

WRITTEN IN 1924
The papers set forth that Brown, having in the year 1924 written the lyric, submitted it, with the title "All Alone" to Stan Paurell, together with

other lyrics. Paurell, Brown says, was and had been for years a "scout" for Berlin, and promised to submit the song. Thereafter Brown found it impossible to get in touch with Paurell. He asserts his demands for a return of his manuscripts met with no response, and that the first thing he knew Berlin had published his song, claiming authorship.

Berlin is popularly credited with having written "All Alone" with Elin Mackay, whom he afterwards married, in mind, following an enforced separation. This story was given wide circulation soon after the song was published.

At the offices of Goldstein and Goldstein, Brown's lawyers, Esther H. Goldstein, who with Jonah Goldstein is handling the case, said that Brown actually wrote this particular lyric after he and his wife separated. Mrs. Brown obtained a divorce last year, Brown told her, Miss Goldstein said, "Berlin stole my melody."

"I met Paurell through a mutual friend," said Brown. "I turned over my lyrics to him in his home. After 'All Alone' was published I wrote Berlin, telling him I felt flattered that he had taken my song and put his name to it. I think he and the public may be surprised when the case is tried." Brown is apparently in deadly earnest. His case, however, will not come to trial for some time. Paurell, as well as the music publishing house, is a co-

defendant in the action. The firm of Gilbert and Gilbert, which usually represents the Berlin concern, when informed of the action, immediately cabled to Berlin and gave orders that

such members of the publishing house as are here must make every effort to ascertain just when and how the lyric as published was obtained.

The suggestion was advanced that Berlin might possibly have bought the lyric from a third party who claimed authorship, with the understanding that, when published it would have to bear Berlin's name. At the offices of Goldstein and Goldstein it was said the proceeds from the pub-

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UNIQUE TONIGHT ART ACCORD in "SCRAPPIN' KID" ALSO COMEDY AND SERIAL PLAY BALL



UNIQUE MONDAY

England dashing down the street. Action galore, thrilling rescue.

ALSO
REVIEW and COMEDY

SMASHING FIRE DRAMA

FIGHTING THE FLAMES

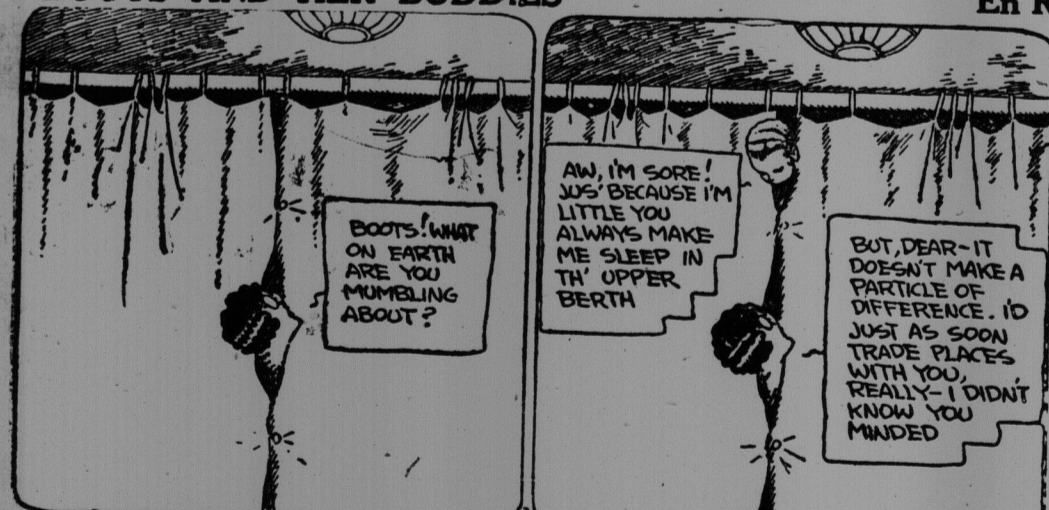
EXTRA—ILLUSTRATED ORGAN SOLO "JUST A COTTAGE SMALL"—HARMS PUBLICATION

FRECKLES AND HIS FRIENDS



WILLYS THAT YOU'RE WRAPPIN' UP MOM?
OH, A BIRTHDAY PRESENT.
WHO'S BIRTHDAY IS IT, MOM? WHO'S IS IT? ANNE?
NO, NO—IT'S GRANDMA'S BIRTHDAY!
So He Did!
WHAT DO I GET? WHAT DO I GET?
WHY THIS ISN'T YOUR BIRTHDAY, TAG—IT'S YOUR GRANDMA'S!
YES, BUT DIDN'T I GET A NICE LITTLE WATCH ON GEORGE WASHINGTON'S BIRTHDAY?

BOOTS AND HER BUDDIES



BOOTS—WHAT ON EARTH ARE YOU MUMBLING ABOUT?
AW, I'M SORRY, JOES—BECAUSE I'M LITTLE YOU ALWAYS MAKE ME SLEEP IN THE UPPER BERTH.
BUT, DEAR—IT DOESN'T MAKE A PARTICLE OF DIFFERENCE, ID JUST AS SOON TRADE PLACES WITH YOU, REALLY—I DIDN'T KNOW YOU MANDER.
GOSH! YOU CAN'T SEE ANYTHING UP HERE?
CAN'T SEE ANYTHING? BUT—WHY, THERE'S NOTHING TO SEE THIS TIME OF NIGHT—
WELL, IF THERE WERE—HOW TH' DICKENS COULD I SEE IT UP HERE?

SALESMAN SAM



WOW! I SURE PLANNED A ROTTEN GAME OF GOLF TODAY—
GOSH! I SURE SLEPT UP PAPER GUEZ GAVE ME AND I CAN'T REMEMBER WHAT I WAS SUPPOSED TO GET!
WHAT TH' HECK WAS IT? STEAK—ROAST CHOPS—NEW! DRAWN! I'LL CALL GUEZ UP FROM TH' BUTCHER SHOP AND ASK HIM WHAT IT WAS—
MR. HOWDY! WHERE YA BEEN? OUT ON THE LINKS?
LINKS!! THAT'S IT!
GIMME A COUPLA POUNDS OF SAUSAGE!!!

Chats

with your GAS man

Non-regulated gas ovens should be pre-heated only for pies, quick breads and meats.

2—Cakes, unless baked in a regulated oven, should be put in a COLD oven. For a loaf or sheet cake, requiring approximately a one-hour baking period, the rack should be placed in the CENTRE of the oven. Turn ONE burner on slightly less than half-way for the first quarter of the baking period. Then turn gas down until burner is on about one-quarter way. Leave at that height for the remaining three-quarters of the baking period.

Layer cakes, requiring approximately a thirty-minute baking period, should be placed in a cold oven and the burner turned on half-way for the first half of the baking period, at which time it should be lowered to one-quarter way.

This gives the gases in the leavening property (the eggs, soda or baking power) an opportunity to work gradually as the heat increases gradually. The heat reaches the maximum desired at the end of the first quarter of the baking period and the gases have, for the most part expended themselves before the batter actually starts to cook.

The oven door SHOULD NOT BE OPENED during the SECOND and THIRD QUARTERS of the baking period, for the cells at that time are not firm and a slight draft may cause them to settle. The warm expanded air which makes the cake light has already been evolved, and there is nothing present to lighten it again.

3—Angel-food cakes may be put into a cold oven and the heat allowed to come on very gradually, or should be put into a very slow oven that has not been pre-heated more than three or four minutes.

4—Quick breads should go to the top-most part of the oven, and a hot oven should be ready for them. Muffins, which require from twenty to thirty minutes for baking, should be placed in the top of the oven. Biscuits should not be in the oven more than twelve to fifteen minutes at the most, and should be baked with a very hot oven, at the top-most part.

5—Broiled meats must be handled very carefully. The oven should be pre-heated at least ten minutes before the meat is put in, but the broiling pan should be removed from the oven before the heat is turned on.

A hot porcelain broiling pan draws the juices from the under side of the meat, and prevents it from browning nicely when turned.

SAINT JOHN

Tents Located at East End Ball Park

FRIDAY JULY 9

WHAT THE SAINT JOHN PRESS HAD TO SAY OF SPARKS CIRCUS ON FORMER VISIT

SPARKS CIRCUS delighted 10,000 people in Saint John. Each one of the 10,000 spent a considerable part of his or her leisure moments recalling some of the happenings of the SPARKS CIRCUS, which was universally voted THE BEST YET.

Not since the days of P. T. BARNUM'S "GREATEST SHOW ON EARTH" visited Saint John many years ago, has there been a circus here that gave such delightful performance and universally pleased as the SPARKS CIRCUS.

Saint John Globe

AMERICA'S TENTED MASTERPIECE!

SPARKS CIRCUS

BIGGER AND BETTER THAN EVER THIS SEASON

NOW AUGMENTED BY THE WORLD'S FINEST DISPLAYS OF TRAINED WILD BEASTS

PERFORMANCES AT 2 AND 8 P.M.
DOORS OPEN ONE HOUR EARLIER
GRAND FREE STREET PARADE 10:30 A.M.
RAIN OR SHINE

PRICES—CHILDREN 35¢
Under 10 Years
Adults 75¢ — Seats on Sale
Circus Day at E. G. NELSON & Co.
Book Sellers, 56 King Street
Same Price as at Show Grounds 7-8

Mrs. T. Petrie Hurt In Car Collision

WEST BATHURST, July 2.—An accident occurred Tuesday evening in East Bathurst which might easily have resulted fatally. A car from East Bathurst, owned and driven by Xavier Doucette, was going toward town when a car from town made the turn on the wrong side of the road and crashed into Mr. Doucette's car. One of the cars was badly damaged. Mr. Doucette's car was able to continue the journey but the other car was badly wrecked.

Mrs. Theodore Petrie, of Saint John; Mrs. Doran Petrie, of Bathurst, and Miss Corinne Imhoff, the teacher at East Bathurst, were in the damaged car. Mrs. Theodore Petrie had her neck slightly injured but otherwise everyone escaped unhurt.

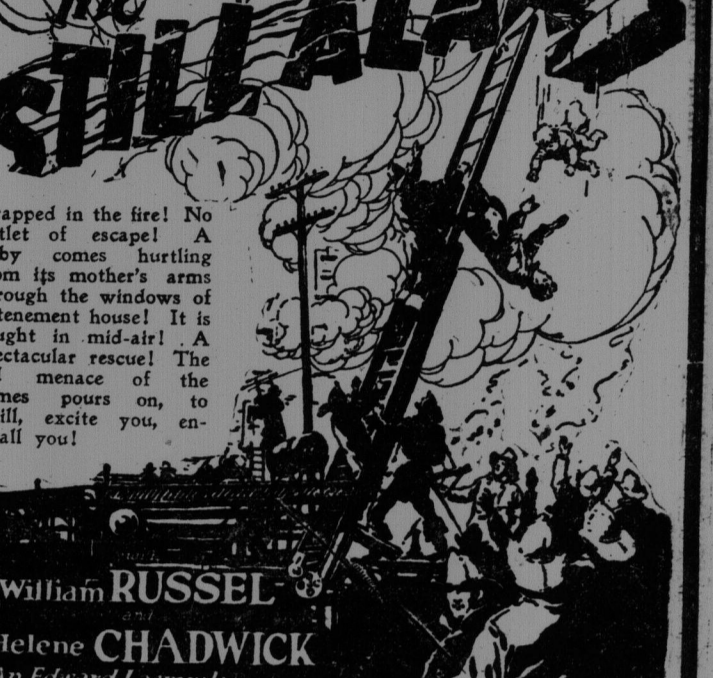
Minard's Liniment for Burns.

FALLS FIVE STORIES.

MONTRÉAL, July 2.—Eugene Duval, 24, a laborer, fell from the fifth story of the maternity wing of the Royal Victoria Hospital, to the ground, a distance of eighty feet and suffered a fracture of the skull. He died a few minutes after he was admitted to the Royal Victoria Hospital.

IMPERIA

Greatest of Fire Melodramas!



The STILL ALIVE

Trapped in the fire! No outlet of escape! A baby comes hurtling from its mother's arms through the windows of a tenement house! It is caught in mid-air! A spectacular rescue! The red menace of the flames pours on, to thrill, excite you, enthrall you!

William RUSSELL
Helene CHADWICK
An Edward Laskin production

OUR GANG COMEDY—"Boys Will Be Boys"

Wonderful Week-End Show

MONDAY FEATURES:
Eucharistic Congress
Reginald Denny, Rhona Lloyd

IMPERIAL BIG BILL MONDAY

THE GOOD-LOOKING ENGLISH FAVORITE

RONALD DENNY

had only his nerve and a hard thin dime so he mixed a million laughs with a waterfall to win the girl in merriest melange of mirth on earth. There's joy for you in

ROLLING HOME

Another Like "WHAT HAPPENED TO JONES"

Eucharistic Congress Pictures

Splendid Views of The Great Chicago Gathering
Taken From Special Vantage Spots

Another of Saint John's Successful Artists
RHONA LLOYD
Vacation Engagement For the Whole Week
Vacation Engagement For the Whole Week

See "Applesauce" at Chautauqua



Kind words, whether you mean them sent at Chautauqua. The play is or not, make the world a happier place, reported to be well cast, adequately to run about in. At least that's the sentiment and in every way a first class idea to be garnered from Barry Con-production.

ners' comedy, "Applesauce," to be pre- Opposite Admiral Beatty Hotel.

PALACE-Monday and Tuesday

HOURS OF SHOWING—7:15 and 9:10

NORMA TALMADGE

IN
"THE LADY"

"I'D HAVE LOVED HIM IF HE'D BEEN A BUS CONDUCTOR!"
It's the Lady talking! The beauty of the music hall! The girl who found noblemen at her feet—who dreamed of being a lady—and didn't know she really was until someone else looked into her heart!
A sensation as a play—Now Norma Talmadge gives it to the world as one of the most powerful offerings of the screen.

THE LADY YOU'LL LOVE TO LOVE!
"THE MOVIES" LLOYD HAMILTON COMEDY

BIRTHDAY HONORS.

LONDON, July 2.—The birthday honors were made public today.

A Baronetcy is conferred on Sir Arthur Shirley Benn, who is a Knight of the British Empire, and has sat in the House of Commons for the Drake Division of Plymouth, as a Conservative since 1910. His wife was formerly Alys Marie Luling, of Springfield, Ala. Hon. J. R. Bennett, Colonial Secretary in the Newfoundland Ministry,

DANCE

PAMDENEK CLUB HOUSE
TONIGHT
Members and Friends Invited