

MAYOR CUTS OFF AN INDECENT PLAY

Closes "Girl with Whooping Cough" at New York Theatre After Reading Manuscript.

WOODS'S INJUNCTION FAILS

Commissioner Baker Meets Manager's Fight to Retain Farce by Refusing to Renew Theatre's License.

Mayor Gaynor and Police Commissioner Baker, it developed yesterday, were responsible for the closing on Monday night of the New York Theatre, where "The Girl with the Whooping Cough," an adaptation of a French farce, with Valeska Suratt in the leading rôle, was the attraction.

Patrons who applied at the box office Monday night were informed that Miss Suratt was ill, and that no performance would be given. Yesterday morning a large poster at the entrance to the theatre announced that the actress was still ill, and that those who had purchased tickets for future performances of the play could have their money refunded. No inkling as to the real nature of affairs came out until the following letter from Mayor Gaynor to Police Commissioner Baker was made public at the City Hall yesterday afternoon:

City of New York, Office of the Mayor,
May 10, 1910.

Sir: Your report has been communicated to me and your action in refusing to renew the license to the New York Theatre, which has just expired, and thereby closing the place last night, and preventing a continuance of the so-called play, which was running there, is approved. Please do not renew the license until you consult with me, and we get some guarantee of future decency. The people of this city have had enough of false and nasty theatres, as well as of the few false and nasty newspapers, and we want to drop them.

Very truly yours,

W. J. GAYNOR, Mayor.

William F. Baker, Police Commissioner.

Mayor Read the Play.

There is still some doubt as to whether it was the Mayor or Commissioner Baker who started the crusade against the play. According to an individual close to the Mayor, his Honor's attention was called to the play shortly after it opened two weeks ago. The Mayor, it is said, received many letters of complaint about the piece, and several persons, including representatives of two newspapers, called upon him and asked him to take action. The Mayor, it is said, sent stenographers to the theatre and had the objectionable parts taken down. He also secured the manuscript of the play and went over it carefully. Then he wrote a letter to Commissioner Baker, advising him not to renew the license of the theatre.

Commissioner Baker said yesterday that the letters of complaint and the protesting individuals came to him. He said he detailed four men to the theatre last Thursday night to take notes, and when he looked over the evidence Friday morning he sent a letter to Abraham L. Erlanger of Klaw & Erlanger, managers of the theatre, stating that unless the play was withdrawn he would refuse to renew the theatre's license. He gave Mr. Erlanger, he said, until Saturday night to have his demands complied with, and stated that under no condition would he allow a performance to be given after that date on pain of refusing to renew the license.

Mr. Erlanger, the Commissioner said, replied that he would withdraw the play at once. He said he thought the matter would end there, but Al H. Woods, the producer of the play, did not take the matter so complacently. As soon as he found that the run of the play was to be interrupted he hurried to Commissioner Baker's office with his lawyer, Henry J. Goldsmith, and put up a vigorous protest. He got little comfort from the Commissioner, however. In fact, the Commissioner frankly told him that he ought to be ashamed of himself for producing plays of such an objectionable nature.

Woods Obtains Injunction.

Monday afternoon Mr. Woods and his lawyer went to the City Hall and had a conference with Mayor Gaynor. The Mayor apparently gave him no more comfort than did the Police Commissioner. Leaving the City Hall the producer and his lawyer went before Justice Whitney and obtained an order directing Police Commissioner Baker, Inspector Wain, and Capt. Finelite of the Twenty-sixth Precinct to show legal cause why they should not be restrained from taking any step to stop the production of the play, "The Girl with the Whooping Cough," and from trespassing upon the property of New York Theatre. The order was returnable before Justice McCall in Special Term of the Supreme Court yesterday afternoon.

When Lawyers Goldsmith and Mirabeau L. Towns appeared before Justice McCall they produced an affidavit from Mr. Woods, in which he set forth that on May 6 Commissioner Baker told him that he would not allow any further production of "The Girl with the Whooping Cough" in this city. He also asserted that Commissioner Baker told him that he would not listen to any argument, and that he would not go to see the play or send any one there. The Commissioner added, according to Woods, that he had received reports about the play, and that it was "rotten." Woods also set forth that Commissioner Baker said:

"I will not allow that play to be produced in New York. Further, I will also not allow it as long as Valeska Suratt takes the leading part. I stopped her at Hammerstein's and other places, and I will stop her here. I do not care what loss you sustain by reason of my actions; that is your affair and your misfortune. I am going to stop that play."

Justice McCall made the injunction restraining the police from interfering with the play permanent so long as litigation concerning it continued. He pointed out, however, that he had no authority to compel the Police Commissioner to grant the theatre license to the New York Theatre.

Baker Refuses to Renew License.

"A very fortunate state of affairs made it possible for me to reach this man Woods and force him to stop the very improper play," said Police Commissioner Baker yesterday. "The license for all the theatres in the city expire at the end of each April. The law gives the Police Commissioner a great deal of power in regard to granting these licenses, and I used this as a club to get after Woods. I received many complaints about the play from very reputable people, and I

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determined to put a stop to it. Mr. Woods put up a very vigorous objection, of course, but I told him a few plain truths. When he mentioned other plays as being as bad as his, I asked him to name one, but he refused.

"I heard that Mr. Woods intended to produce another as bad or worse, but he will probably think better of it now. I am sorry that the play has received this notoriety, but it apparently is what Mr. Woods is looking for. I thought he would quietly withdraw the thing Saturday night and let it go at that, but it appears he wanted to get all the advertising he could and secured this injunction."

Play Not Immoral, Says Woods.

"There is something behind all this," said Mr. Woods yesterday. "and I would like to know what it is. Commissioner Baker wrote me last week that the play would have to be withdrawn, and I went to see him on Friday, taking along the original manuscript as written by Stanislaus Stange. I asked the Commissioner to point out what was immoral in the play, and he replied that certain lines were risqué and suggestive. I wanted him to come and see the play for himself, and if he found anything objectionable he could arrest the players, the theatre managers, or myself. He said that that wasn't necessary; that he had decided

that the play was objectionable, and that was all there was to it.

"In my opinion, there is absolutely nothing immoral in the play. Why doesn't the Commissioner proceed against other plays, or why didn't he stop 'The Girl With the Whooping Cough' when it first opened? Why does it take him two weeks to find out that it is immoral?"

"I do not know whether I will produce the play at another New York theatre or not. If I attempt to do so I suppose Commissioner Baker will hold up that theatre's license. By not giving me two week's notice I will lose about \$8,000, for I will have to pay my company their salaries for two weeks in advance. As I said before, there is some influence behind all this, and I am going to try and find out what it is."

Mr. Erlanger would not make any comment upon the matter yesterday. He hopes, it was said, to get the license of the theatre renewed because of his prompt action in ordering Mr. Woods to discontinue the play when objection came from Commissioner Baker.

Mayor Gavnor was asked if he intended to continue getting evidence against objectionable plays, either by reading the manuscripts or by sending stenographers to take down the lines as spoken by the players, and he replied that he would do so if conditions warranted it.

Newspaper Comments on Play.

Here are some of the newspaper comments that were made upon the play when it was first produced:

"Most stupid of all the 'ladies' and 'girls' from various places that have appeared in town for the last three Springs."—Times.

"Vulgar, indecent, and coarse."—Press.

"Marks lowest ebb to which even farce of this kind can drop."—World.

"It is a good deal more than it ought to be."—Herald.

"Inanely vulgar."—Tribune.

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