

STATE OF NEW YORK  
COUNTY OF NEW YORK  
CITY OF NEW YORK

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the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ at No. \_\_\_\_\_  
in the City of New York, he served a copy of the annexed \_\_\_\_\_ to him known to be the Attorney  
for the \_\_\_\_\_ herein, by delivering the same to and leaving it with a person of suitable age and discretion, having charge of the office of the said Attorney during the absence of said Attorney  
herefrom.

Sworn to before me this

day off

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**Commissioner of Deeds, Notary Public, N. Y. C.**

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August

**COBBRENN DRISCOLL & RAFFERY**

## Antiquities from

52 WEST 42ND STREET

Kinderboek Bild

NEW YORK CITY

SOCIETY FOR THE HISTORY OF MEDICINE

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A PRACTICAL APPROACH TO THE DESIGN OF AN INTEGRATED PLATEAU 15

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BRIEN, DRISCOLL & PARKER

A HISTORY OF THE AMERICAN PEOPLE

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New York

THE JOURNAL OF CLIMATE

A HISTORY OF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JESSICA M. HILL,

Plaintiff,

- against -

SAM H. HARRIS, SAM H. HARRIS THEATRICAL  
ENTERPRISES, INC., IRVING BERLIN and  
MOSS HART,

Defendants.

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ANSWERS OF DEFENDANT IRVING BERLIN  
TO INTERROGATORIES.

1. Has Irving Berlin at any time presented a dramatic musical production known as "As Thousands Cheer"?

Answer: I was jointly interested with Sam H. Harris Theatrical Enterprises, Inc. in the production known as "As Thousands Cheer."

5. Did anyone connected with said production advertise that the production was presented by Sam H. Harris? If so, who?

Answer: Yes, Sam H. Harris Theatrical Enterprises, Inc.

6. Did said advertisements state that said production was presented by Sam H. Harris?

Answer: Yes.

7. Did programs of such production state that same was presented by Sam H. Harris?

Answer: Yes.

8. Did Irving Berlin procure the consent of the plaintiff or Clayton F. Summy & Co. to the use of the musical composition "Good Morning to All" in said production?

Answer: No.

9. To the knowledge of defendant did any one connected with the production procure the consent of plaintiff or Clayton F. Summy & Co., to the use of the musical composition "Good Morning to All" in said production? If so, who?

Answer: No.

10. If the answer to #1 is in the negative:

a. Was Irving Berlin an officer of any corporation which presented such production?

Answer: No.

b. Was Irving Berlin a director of any corporation which presented such production?

Answer: No.

c. Was Irving Berlin a stockholder in any corporation which presented such production?

Answer: No.

d. What was the name of such corporation?

Answer: Sam H. Harris Theatrical Enterprises, Inc.

11. Were the actors for such production hired by Irving Berlin? If not, and if defendant knows by whom were they hired?

Answer: No. I believe the actors were hired by the Sam H. Harris Theatrical Enterprises, Inc.

12. Were the contracts of the actors in said production signed by Irving Berlin individually or otherwise?

Answer: No.

13. If Irving Berlin signed said contracts for and on whose behalf did he do so?

Answer: He did not sign such contracts.

14. Were the contracts with the actors in said production in any way guaranteed by Irving Berlin?

Answer: No.

15. For and on whose behalf did Irving Berlin guarantee such contract?

Answer: See 14.

16. Were the stagehands used in said production hired by Irving Berlin, his agents, servants or employees?

Answer: No.

17. Were the box-office staffs of said production hired by Irving Berlin, his agents, servants or employees?

Answer: No--

(a) What percentage of the issued and outstanding stock of Sam H. Harris Theatrical Enterprises, Inc. was and is owned by Irving Berlin?

Answer: None.

Answers to Interrogatories (c) and (d) set forth in order of the District Court (Judge Bondy) dated April 19, 1935:

(c) Whether the tune hereinafter set forth and/or any variation thereof was played or sung in the skit "World's Wealthiest Man Celebrates 95th Birthday" as presented in the production "As Thousands Cheer":

Answer: A variation of the tune "Happy Birthday to you" was ad libbed by actors at end of skit

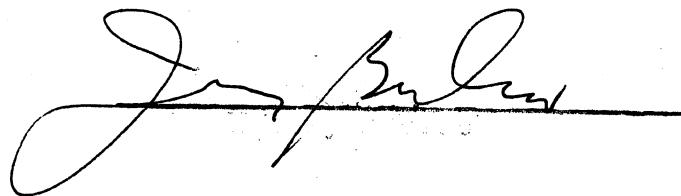
(d) If such tune and/or variation thereof was played or sung in the aforesaid skit, set forth a musical score thereof.

**Answer:** Rendition purely ad libbed; no musical score.

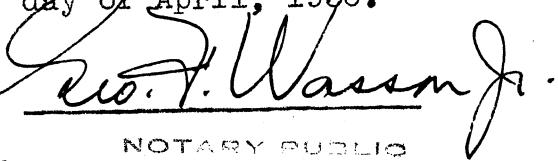
O'BRIEN, DRISCOLL & RAFTERY,  
Attorneys for Defendant Irving Berlin,  
Office & P.O. Address:  
152 West 42nd Street,  
Borough of Manhattan,  
New York City

STATE OF CALIFORNIA )  
: SS.:  
COUNTY OF LOS ANGELES)

Irving Berlin, being duly sworn, deposes and says,  
that he is one of the defendants in the within action;  
that he has read the foregoing answers to interrogatories  
and knows the contents thereof; that the same is true to  
his own knowledge, except as to the matters therein stated  
to be alleged on information and belief, and that as to  
those matters he believes it to be true.



Subscribed and sworn  
to before me this 2nd  
day of April, 1936.



NOTARY PUBLIC  
In and for the County of Los Angeles, State of California

*My Commission Expires Dec. 15, 1936.*