

# The Fiddler and the Blonde Hat Check Girl

## A Hang-Over from Golden Age of Heart Balm

By CHARLES COLLINS

A DEAD snake will continue to wriggle its tail until after sundown, according to American folklore. The same vitality, even more protracted, seems to be a characteristic of suits for breach of promise to marry.

On March 29, 1935, Governor Lehman of the state of New York signed a bill abolishing the traditional "heart balm" case; other states of the Union, including Illinois, have passed similar laws. Nevertheless, late in February, 1937, the case of Garcia vs. Rubinoff, in which damages of \$500,000 were asked by the blonde plaintiff, provided the five boroughs of New York City and the rest of the nation with a flagrant example of this form of litigation, fortunately unsuccessful. It was a hang-over from the golden age of bruised hearts seeking financial soothing, technically admissible to trial; and, like the tail of the aforesaid snake, it wriggled furiously for a few days.

David Rubinoff, generally known as Dave, was the defendant; he is the most popular violinist in the field of radio entertainment, and

room costume and looking as dewy and innocent as the art of street makeup permits, informed the jury that she became acquainted with Rubinoff when she guarded hats and wraps in the Cotton club, and that after a few meetings he invited her to visit him in his apartment at 6 West 59th street—"to see his etchings." Instead of masterpieces by Whistler and Meryon, however, he showed her his violin—a Stradivarius which is insured for \$100,000 and bears the jeweled emblem of the ancient family of Rubinoff, former barbers and launderers in the Polish city of Grodno, upon its tailpiece. Furthermore, he played this classic instrument for her, sawing out with radio program fervor his favorite number, "Play, Gypsies, Play," from Kalman's operetta, "Countess Maritza." This private concert lasted until early in the morning.

Not long afterward, she testified, Rubinoff enticed her into making an expedition to Philadelphia, where he was her host in a hotel suite. ("Why not? We are just as good as married," were the



The fiddler, David Rubinoff of radio fame, with his sobbing violin.

when he pours his emotional soul into his Stradivarius millions listen and are moved. He has no lofty position among the acknowledged virtuosi of the concert halls; he has been correctly labeled a "mob artist." But when his violin sobs and moans and purrs with overt sentimentality the vast radio audience is thrilled to the depths of its innocent, untutored soul. Consequently Dave's income is impressive, and a certain Peggy Garcia, whose right name is Pauline Micheline Taylor, plus two other names acquired by marriage, thought that she deserved a large slice of the Rubinoff earnings because she had bestowed (so she said) a few intimate favors upon him in 1933.

This so-called Miss Garcia has served in the ranks of the large army of New York's amusement blondes. She took her name off the lid of a cigar box when she was a tobacco-selling and hat-checking siren in the Cotton club of Harlem, where she met the impulsive Rubinoff. Before that she had been a chorus girl in a few Broadway shows, a hat check girl in Connie's inn, a taxi dancer in the Blue Bird hall, a beaming blue-eyed hostess here and there in the razzle-dazzle zone of Manhattan cafes.

In February, 1934, Miss Garcia filed suit for \$100,000 against Rubinoff, alleging seduction under promise of marriage. Thus the suit antedated the passage of the McNaboe act banning all such litigation and therefore had to come to trial unless withdrawn. Peggy refused to yield to public opinion in the matter; in fact, after the bill became law she raised her claim for damages to \$500,000, thinking, perhaps, that this was her last chance. Rubinoff refused to settle or compromise out of court, like many other "heart balm" victims of the past; his attorneys put their noses to the ground like relentless hunting dogs and followed Miss Garcia's trail back to her childhood, with surprising results.

Peggy, dressed in her best court-

words, according to Peggy, with which Rubinoff urged this adventure.) There the violinist wore lavender pajamas and spoke of etchings again; and there in his room Peggy fell asleep in the gray dawn with one eye open. Entered then, as cynical intruders upon the idyllic scene, Herman Rubinoff, brother of the defendant; also Philip Rubinstein, another brother, and Bernice Strangler, a secretary. Said Herman:

"How pretty she looks even when she is asleep!"

Said Miss Strangler:

"This will not be so good if the radio public hears about it. Let's get her out of here."

So they all went out and had breakfast together at the Automat.

Miss Garcia also testified that Rubinoff gave her as tokens of his esteem a gold watch with a \$65 price tag attached and his photograph, autographed, "To Peggy, a wonderful girl." But his affection cooled rapidly. Several months later, meeting him by chance on Broadway, she reproached him for having absented himself from her company and was answered coldly. Then, according to her story, she asked him:

"Doesn't it interest you to know that I am going to have a baby?"

Apparently it didn't, for he walked away. She did not become a mother.

Rubinoff's lawyers immediately began to bear down upon the point that in their opinion the charge of seduction was contradicted by Peggy's past. Embarrassing questions were asked of her and denied. A tall, sleek, wasp-waisted young man named Armando Rolando was brought into the courtroom.

Q.—Do you know anyone named Armando Rolando? A.—No.

Q.—Do you remember living with Armando Rolando at 51 West 48th street late in December, 1932, or early in 1933? A.—I do not. I don't remember ever knowing such a man.

But when Rolando was pointed out to her she said:

"Yes, I know him. He used to



The blonde hat check girl, Peggy Garcia (born Pauline Micheline Taylor), who took the name Garcia from a cigar box.

hang around a dance hall where I worked."

Q.—Did you ever tell him that you were going out with Rubinoff and were going to elope with him? A.—I most certainly did not.

Then the defense proceeded to show that Peggy had married after her alleged affair with Rubinoff. She wept and begged the judge to keep her husband's name out of the case, but it was presently established that she was the wife of one Michael La Rocca, a salesman for a granite firm.

Then the unveiling of Peggy's past came to its grand climax. The defense announced that she had been married in Roanoke, Va., in 1925, when she was 12 years old. She denied this furiously; attorneys for both sides of the case hurried to the scene of her childhood, and in a few days an incident of "Tobacco Road" atmosphere was revealed. The county clerk's records at Roanoke proved that on March 6, 1925, Pauline Micheline Taylor had been married to Taylor Vance Guinn, a taxi driver; that an application for a divorce had been filed on Sept. 20, 1925, and had apparently been dropped, for there was no entry regarding a decree. Her father, aged 64, employed as a water carrier by the WPA, confirmed this juvenile marriage.

Faced with these findings and warned against perjury, Peggy finally admitted that she had been a "Tobacco Road" bride. She had run away from her father's cabin in Roanoke to her mother's home in Newport News; her father had brought her back to put her to work in the cotton mills; and that one day, when she was weeping over the bitterness of her lot, a man stopped her in the street and asked what the trouble was. She told him, and he said that it would be easy to free herself from

parental control by getting married. So she toddled along with this fellow and within an hour or two had promised to love, honor, and obey him. A notation on the marriage license reads: "The girl and her brother, John Taylor, both swore as to her age." This "brother," Peggy stated, was a fraud—a friend of the taxi driver's picked up on the way to the courthouse.

But instead of finding a new freedom as a child wife she had walked into a trap. This taxi driver was apparently a pander of the most loathsome type, for Peggy told the court:

"He wanted me to stay at disreputable hotels and houses of ill fame and become a prostitute. I refused, and he beat me. In a few days I ran away from him. We never lived together as husband and wife."

Nevertheless the defense produced testimony of cohabitation and Peggy's claim of physical in-

nocence until she met Rubinoff was discredited.

After the "Tobacco Road" phase of her story had been aired, Peggy's current husband, Michael La Rocca, came roaring into the story with complaints that she had deceived him about her past life. He told the world that he was through with her forever. Whereupon his first wife, Mrs. Kathleen Murray La Rocca, with three children, swore out warrants against him and Peggy, charging bigamy.

Peggy's lawyer wanted to withdraw from the case; Peggy said she was ready to drop it; and the judge, who had frequently warned her about the gravity of witness stand lies, threw it out of court. Moreover, he turned the records over to the district attorney to be examined for possible extortion. The next day Peggy and her husband were in jail on the bigamy charge and seeking \$2,500 bail.



Off with her father to fight her legal battle in New York, Peggy waves good-bye to Roanoke, Va., friends and neighbors.

David Rubinoff's reputation as a radio celebrity may be illustrated by an anecdote that is current in the profession, especially around Radio City, New York. Jascha Heifetz, the violin virtuoso of international reputation, seeking the studios of the National Broadcasting company with his fiddle case under his arm, innocently attempted to enter one of the public elevators. He was told by the elevator man that musicians carrying instruments were not permitted to ride in his car; such was the rule of the building management.

## The Case of Garcia Vs. Rubinoff

"But I am Heifetz," the eminent artist protested, expecting to be shown some consideration.

"It wouldn't make any difference if you were Rubinoff," the elevator man answered. "You'd have to take the other elevator."

Rubinoff's career began as a boy street musician in Grodno, then in Russian, now in Polish, territory. He played the balalaika, and soldiers of the garrison would toss him an occasional copper. His father planned to apprentice him to a barber, but his mother, sympathetic toward his musical ambitions, took in extra bundles of laundry and worked overtime for six months in order to buy him a violin—the cheapest kind of instrument, costing three and a half rubles. He scraped away at it in his basement room, trying to teach himself, until a humble musician named Max Gottfried volunteered to give him lessons. David's sister



(Tribune photo.) Peggy with her father, a WPA water carrier of Virginia.



(Associated Press photo.)

Peggy testified on witness stand that Rubinoff asked her to marry him.

Rose made and mended clothes for the Gottfried children in order to square the account.

The boy progressed rapidly. Presently he had secured a place in the garrison band and had won a scholarship in the Warsaw music conservatory. When he was 13 years old the family emigrated to the United States, and as a farewell gift Maestro Gottfried presented his pupil with his own much-treasured violin—a Klotz, valued at \$500. Rubinoff's youthful prog-

ress, with Rudy Vallee as his introducer, and transferred his musical affections from the Guadagnini to his present Stradivarius.

Two or three years ago he entered the concert field as soloist and guest conductor with various symphony orchestras of the popular type. Last summer he appeared with the Chicago Philharmonic orchestra at a free concert in Grant park. A vast audience estimated at 100,000 heard him.

Edward Barry, music critic of The Tribune, wrote on that occasion:

"Rubinoff knows how to charge his strings with such power that they seem about to snap under the pressure, not of his bow but of the emotional drive behind it. He knows, too, how intoxicating a rhythmic fillip you can give to a tune by a moment's suspense at its beginning and a gradual acceleration during its course. . . . As a conductor he is a master of the arts of pantomime and grimace."

When asked to analyze Rubinoff's technique as a violinist and to explain his appeal to the masses Mr. Barry added this comment: "Basically he has a good technique and a canny grasp of the musical and emotional effects of which his instrument is capable. His playing is characterized by excessive use of a few devices which are legitimate enough but which are customarily employed by other fiddlers only for contrast and special effects. These devices are:

"First, extreme richness and voluptuousness of tone—not a pure, classical tone, but feverish and vivid.

"Second, use of rhythmic suspense in pauses before launching into a melody and sensual lingerings over a phrase, and effects of extreme piquancy, such as an exaggerated pizzicato and extreme delicacy of high notes on the E string.

"In brief, everything in Rubinoff's playing is exaggerated—effects of softness, rhythmic pulses, roundness of tone. He always strives to dramatize the music and to make the obvious emotional states in which he deals seem tremendously important."



(Associated Press photo.)

It came to light during the hearing of her breach of promise case—the marriage license issued in 1925 to Peggy and Taylor V. Guinn.

ress as a musician in this country was accomplished with this instrument, which he used until he was well advanced in his profession. It is now in use by his nephew,

The family settled in Pittsburgh, and there young Rubinoff had his first experience as an orchestra leader, directing a group of 10-year-old boys. A few years later he organized a dance band for a professional tour. This carried him to Minneapolis, where he settled, earning his living as a musician and studying diligently between jobs. Improvement in his financial condition enabled him to buy a Guadagnini violin, a virtuoso's instrument, on the installment plan.

His career as a feature in the motion picture theaters started with a tour of the Loew circuit. His popularity took him to Broadway, where his audience appeal was signalized by the words "Rubinoff and His Violin" in electric lights over the entrance to the Capital theater. He then became the musical director of the Paramount theater and remained there for five years.

He made his radio debut in



Unpretentious is the Virginia home in which Peggy was born, upon the porch of which she poses with three Negro boys.