

AMERICAN

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56 PAGES

SOLUTION FOR DUAL FILMS

U. S. Warns Theatre, Night Club Ops On Abiding by Social Security Rules

Social Security Tax Department of the U. S. Internal Revenue Service last week sent out letters to operators of theatres and nightclubs admonishing them to be more careful in abiding by the rules in remitting \$.5 tax deductions from salaries of paid performers. Returns continue, apparently, to be balled up in many instances.

Letters point out that many employers confuse the returns by listing the remitted tax in the name of a performer, who owns a unit or act, leaving out any reference to other performers. It's pointed out that many small-town theatre operators, who occasionally play wildcat units, deduct the 1% for the S. S. excise, but send the sum to the Treasury Dept. in the name of the owner of the unit, who is usually interested in the show.

Another infraction is the habit of small summer roadhouses in sending in the returns in the name of the performer who heads a small unit of troupers. Both instances deprive those performers of any credit on the S. S. books.

Operators of these theatres and nightclubs are told in the letters that they should ascertain how much each performer gets when paying off a unit, and remit the information along with all names and sums when filing the S. S. taxes.

'Dollus Road' Line Leads Vienna Writer Of Songs Into Jail

Vienna, June 24.

Hermann Leopoldi, Vienna's hit song writer, is under arrest. Reason was not made public. Leopoldi wrote "Youth Song" for the Schischnegg government. Song ended up with "We are on Dollus road to better times."

'FLAT FOOT FLOOGEE' CALLED BAD FOR BIZ

Philadelphia, July 5.

New swing ditty, "Flat Foot Floogie," has been ruled by the W. A. S. of Pat. Stanton, Pa. W. A. S. Edict followed complaint from one of society's biggest time buyers, Foot Health Institute.

Institute claims song extols jigs, which it is trying to overcome—flat feet.

600-Seater in 500 Pop. Town
Seattle, July 5.

John Dishman of Dishman, Wash., is an optimist. He's building a 600-seat modern theatre in that town, which has a pop. of 500. However, the Spokane valley tributary is rich and populous, which may help draw off the seats.

ICE FAD INFLUENCE AIDS ROLLER RINKS

Summer reflex of the ice-skating vogue is the boom in the roller rinkeries around the country. Young folk going heavily for the roller-skating, and a flock of new spots opening all over the country. Noticeable particularly of late in the summer resort belts in upstate New York and in New England.

CHEVALIER TO N.Y. WHEN FAIR PREMIERES

Maurice Chevalier will probably be back on Broadway next spring, to coincide with the World's Fair influx, and the spot will be the Winter Garden, most likely. Providing, of course, that present negotiations between the Shuberts and Clifford C. Fischer go through to convert the W. G. into a cabaret theatre. It is planned to open it in late October. Impresario of the former French Casino on Broadway is now in the U. S., setting a new site which was to have been the Majestic, but now looks to be the Garden, although Broadway and other houses have also been considered.

RADIO CITY OUT WEST SET TO DEBUT SEPT. 24

Hollywood, July 5. NBC's west coast Radio City will flash its first signal to the world Sept. 24. Construction progress is running abreast the schedule and technical installations start this week.

Innovations at the new plant will be the use of neon, an offshoot of neon, for the interior illumination and stage curtains made of glass fabric, which melt in case of fire.

How Beale St. Tunes In

Memphis, July 5. WRBC investigated a residential block in Memphis' w.k. Beale Street area, where the Negroes live, and discovered that every family had a radio set, albeit only one had electric service. Colored families are paying twice a week for tap-in rights on the single juice source, using blurring wire.

Those Who Want Only One Pic Would See That Alone —The No. 2 Feature Then Shifts Over Without Dis- turbance the Patron—Al- ternation of Films Via Two Projection Machines

COAST EXHIB'S IDEA

Alhambra, Cal. July 5. Two feature films running simultaneously under one roof, with a dividing partition between, is the plan envisioned for here by W. J. Edwards, Jr., indie theatre chain operator, who has had plans drawn and will start construction shortly of what will probably become America's most unique motion picture theatre.

Revolutionary plan calls for erection of an auditorium immediately adjoining, and connected with Edwards' Alhambra theatre. Each auditorium will house its own projection booth and screen, with the setup, Edwards confidently believes, effectively solving the double feature program problem.

Edwards' novel theatre will eliminate necessity of a patron sitting through a full length feature in order to view a picture of one's choice. Because of the dual auditorium arrangement, patrons will enter the particular auditorium in which the feature they are most interested in viewing is being screened. If wanting to view the complete program of two features, the patron simply remain in his seat until at the conclusion of the unrolling of (Continued on page 22)

America Salutes Cohan at 60

Newspapers, Radio Splurge in Tribute to George M.
on the Fourth of July—Show Also

Four players have even been felicitated publicly on a birthday as was George M. Cohan, who was 60 the Fourth of July. Newspapers splurged with special stories and picture layouts.

Radio was just as profuse, if not more so, in hailing him. NBC instructed all commentators on the blue network to announce and cards from the Fourth of July. During the afternoon and evening, Mutual followed suit and three stations, in New York celebrated with him.

At the Music, where he is in

SCHOOLMARM'S CONV. HYPOS N. Y. NITERIES

Schoolmarm and pedagogue conventioning in New York—some 15,000 of 'em—are hyping business at all of the places, the niteries. Bigger spots with flash revues are getting the trade from the educators. Legit theatre biz also being aided.

4 BIG CARNYS IN \$2,000,000 MERGER

Davenport, Iowa, July 5.

The long looked for amalgamation of the so-called big carnival shows finally looks set to go through. The Royal American Shows, 40 cars; Beckman & Gentry Shows, 40 cars; Henniss Bros. Shows, 50 cars; and Rubin & Cherry Shows, 35 cars, list about \$2,000,000. The shows will be formed into one corporation and stock issued on the basis of the inventories. Three Class A carnivals, Mighty Sheeley Midway, Johnny J. Jones and Strates Shows, all in the 30-car class, were not asked to participate.

The Big Four this year have been playing day and date and in one case all four shows have played one city in a period of six weeks. Resulting in high overheads which combine with the depression and (Continued on page 24)

Candid cameras have become poison around the broadcast studios, particularly among the male element of singers and dramatic players. Number the latter have been bawling out press agents for some of the unfattering results spotted in the cam mags. One vocalist complained that the picture made him look over-fat, while another blew up because of the revealing eye lines and insisted that hereafter nothing but photo-studio posed pictures of him be released to anybody.

Squawkers have in some cases died keen in motion pictures or have ambitions in that direction, and they are ticklish about Hollywood or the fans getting a distorted conception of their age, looks and sex appeal.

For a while one advertising agency, J. Walter Thompson, went in almost exclusively for the candid type of mug inditement when it came to plotting a mike regulars and guests but a series of squawks from number of subjects put an end to this penchant.

About the only class of performers that don't register squawks at the candid camera crew are the comics. They still don't care what the pantheomatic film does with their pans.

Jai Alai Slated As New Sport Appeal At N. Y. Hippodrome

Expectation that Jai Alai, pronounced Hi-Li, will become a fresh sporting craze for New Yorkers accounts for extensive preparations to present the game at the Hippodrome, N. Y., in the fall. Game, which originated in Cuba, is familiar to winter vacationists in Miami. It's mostly played at night.

There will be 112 players brought to the metropolitan scene, salaries ranging from \$550 to \$1,500 monthly, plus keep. Three star players are to get the top pay. Game is played on a court, called fronton, a hard rubber ball being used and polo. (Continued on page 35)

NIPPONS TO GET LOAD OF IGLOO JIVE BAND

Seattle, July 5.

War or no war, indications are Japan will proceed with its 1919 world's fair at Tokyo, in connection with the Olympics. Edward J. Fisher, local bookie, has been commissioned to book the entertainment for the fair; also an Indian exhibit. Fisher has signed an E. K. Evans song book, a book of songs, and a children. Pool of water, Evans, and other alien-appeal will be built for fair.

Fair opens in March, 1910, closes in October.

TRADE TALKS

SELF-REGULATION

Package one of the smartest steps in the modernized marmalading of the picture business is the current campaign toward self-regulation. Today's dangers are serious enough, though, though they may be much greater. Hence the importance of an amicable adjustment of producer-exhibitor and other frictions within the trade and the creation of an effective front toward external problems and enemies of the trade.

Medera industries must put and keep their houses in order or face very definite dangers of having the door done for them. No need to dwell on the fact that the film biz is now beset by more problems than it ever had. And it usually had plenty.

Here to have Sid Kent head the campaign toward self-regulation is obvious good sense. The trade recognizes in Kent a standard-bearer with a reputation for forthright and fair dealing. Persons who may be apart on issues can agree on Kent's personal integrity. It's in the spirit of frankness that the services of Kent are stated to be limited, however, to the extent of his present physical ability, considering his recent months of indisposition. Alternate chairmen will be Nick Schenck and Leo Spitz, who are of comparable respect. Of course it will devolve on a trio of cracker-jack film merchandisers, Bill Rodgers, Abe Montague and Ned Depinet to do most of the actual work.

Right now it's primarily an exploratory program. It carries everybody's hopes. And with the brighter business prospects it's likely that much good will come of it.

Any job in the economic flow usually washes up on the beach a flotam of unlighty items. Self-regulation of exhibitor-distributor problems is imperative and can't help but make for more placed sailing. There are too many enemies and too many problems at the picture business. But with hard monitoring, the film industry should have no difficulty weathering the situation. Self-regulation is one way towards a safe port.

Joe Kennedy, at Silverstone Fete, Urges Anglo-U. S. Film Cooperation

London, July 5. Speech by Joseph P. Kennedy was the highlight of an honor luncheon at Murray Silverstone's here today (Tuesday) as the American ambassador to England made a strong appeal to the American industry to aid British producers.

The envoy said America had responsibility towards producers here and it would be disastrous to have anything happen to British industry that might be traceable to lack of cooperation by the Americans. Americans take considerable part of England's every year, which called for a reciprocation in the form of aid wherever needed, Kennedy said.

American companies which remain solvent due to what they receive from this country should be mindful of this fact, he added.

Silverstone Due July 12. Murray Silverstone, chairman of the executive committee of United Artists, sails from London, today (Wednesday), arriving July 12 in the U. S.

In London, Silverstone, headed a convention of U. A.'s British and continental sales representatives, and headed the new managing setup of U. A.'s London and created a new managing setup between Ted Carr and George Aronhold.

GOLDWYN CALLS OFF HIS MAD WITH WYLER

Hollywood, July 5. Sam Goldwyn and William Wyler buried the hatchet just before the director planned for "The Lady and the Cowboy." Wyler was suspended after three weeks of shooting on "The Lady and the Cowboy."

After a trip to Europe, Wyler returns to 1 to direct the Goldwyn picture, "Wuthering Heights."

Pic Relief in 1937

Hix \$198,396 Total

Hollywood, July 5. Total expenditures of Motion Picture Fund for 1937 were \$198,396, making a grand total of \$1,253,444 since its organization in 1921.

Officers re-elected at the annual meeting last week were Jean Hershall, president; Jack Warner, treasurer; and Alex Fendley, executive secretary.

LONG PRODUCT CONTRACTS NOW

One Year at a Time Is Enough, Both Ways—Film Buyers Chary of Tying Up for More Than a Season

BUYERS' STANCE

Long-term product deals may become a thing of the past, trend being away from agreements between buyers and sellers which call for commitments embracing more than seasons' output. Although last year many term deals were signed by the various major distributors, distributors this summer are favoring contracts which do not tie up either side beyond the coming 1938-39 programs.

Term deals may never be entirely swept from the scene but by the way conditions change from year to year to the next, together very often with the quality of product, buyers are becoming much less inclined to negotiate further than a year in advance in spite of various underlying factors which originally brought about contracts for two, three or more years. The records show, regardless of the so-called product features of terms, that one side or the other (buyer or seller) has many times gotten stuck through signing up too far into the future.

The main points which figured in getting buyers to go for term deals have revolved around protecting theatres with film supply for more than one year and in the foresting of drastic rentals from one year to another. Theatre operators who have a market for more than one year have generally felt that it might be wise to be assured of getting certain companies' product for more than one year, depending on what local situations and buying involved. In making such deals, the theatre operators, in return for assurance of continued supply against any other possible bidding in the future, agreed to pay a slightly higher film rental each succeeding year of the deals.

However, there are many angles which involve the situation. One point that is being made is that there is no particular wisdom in a circuit or individual operator signing a term deal if the situation or situations are well controlled and independent, on the other hand, possibly faced with stern competition, finds a term deal more desirable.

A strong argument raised in connection with the increase of long-term contracts during recent years, which, together with other angles, may go far in discouraging terms in the future, concerns the question of quality. Under a term, conditions a whole (Continued on page 54)

Trade Stuff Reacts Badly When Public Hears of It Through Dailies

Harry M. Warner's blast against "boarded" films was deliberately primed for the general industry good, to hypo the other producer-distributors out of their summer movie. It achieved its purpose as witnesses the answering statements from other majors denying any intent to "board" pictures.

WB statement was originally intended to be kept within the trade, worded about July 13 for "Lon. on," but it leaked about five weeks earlier. Louis B. Mayer has pronounced the European tour, dated for this month: and wisely exploited. Especially in

New Code Will Make Studios More Co-operative on Loanouts, Props, Etc.: Zukor, J. L. Warner, Mannix Drafting

D. C.'s New L. E.

Washington, July 5. Wire-pullers for films and broadcasters will have to change their calling cards if they want to keep up with the parade.

Newest wrinkle is to designate lobbyists with symbols after the manner of college degrees. Up-to-date favor seekers and legislation influencers are boasting the title "L. E." Means "legislative engineer."

Hollywood, July 5.

New production code, establishing friendlier relations among studios, was proposed Friday (1) by Joseph M. Schenck, head of the Motion Picture Producers Assn., at a luncheon attended by Will H. Hays and studio execs.

Proposal was approved and a committee consisting of Adolph Zukor, Jack L. Warner and Edward Mannix was formed to draft a working agreement.

Subjects to be considered by the committee are the lending of contract players, directors and writers, the exchange of physical equipment and the cooperative use of standing sets, wardrobe and properties.

Schenck urged closer cooperation of all studios on questions of public policy. He said he expected the committee to complete a rough draft of the code by the time he returns from his vacation mid-August.

Others attending the luncheon were Harry Cohn, Pandro Berman, J. R. McDonough, Neil Roach, Harry Herzberg, Cliff Work, M. B. Silversberg and Fred Beaton.

LAEMMLE, JR., TO PRODUCE IN FALL

Hollywood, July 5.

Carl Laemmle, Jr., inactive in production since washing up at Metro, which resulted in selling his "Dr. Clitterhouse" film rights to Warner Bros., is readying to return to indie production in the fall.

His father, who sailed last week from New York, has been optioning scripts and plans looking for others while abroad.

Other than young Laemmle's desire to resume activity, no releasing chance is yet set.

EADIE VICE CLARK AS 20TH-FOX V. P.

Vacancy on the 20th-Fox board, caused by the recent death of John D. Clark who, as head of distribution, held the title of vice-president, has been filled by appointment of W. J. Eddie, controller of the company, to the directorate. This action was taken during the past week prior to S. H. Kent's departure for a Maine vacation.

Originally listed to 20th as g. m. of distribution, Clark had been placed on the board when he was elected a v. p.

GUMSHOEING RKO

Los Angeles, July 5.

Uncle Sam's probes, looking for law violations in the records of motion picture exchanges, finished their job at Universal last week and moved on to RKO exchange.

Investigators are working under direction of Albert L. and Harold Collins, special assistants to the U. S. Attorney General.

An angle that some of the less volatile film industry executives have been preaching against—that of making the public too show-wise—seems to be borne out in some of the key figures. One broadcaster, during this week frankly emphasizes that the public has heard so much about "bad pictures" and kindred inter-industry angles that it's being reflected at the box.

H. M. WARNER WILL SPEND MONTH EAST

Hollywood, July 5.

Harry M. Warner is leaving for New York July 22 to remain east through August and passing some time in Saratoga.

Harold Rodner also goes along.

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SPASSINATOR BERTS; SNIPING OUT

New Hollywood Trend Is to Develop Own Top Production Talent—Too Many Costly Flops from Enticing Other Studios' Personnel

Hollywood, July 5. "Time-honored theory of Hollywood film plant operators that rival studio heads reared better producer and director material than the crop nurtured in their own yards has been thrown into the discard. Result is that production biggies have ceased to gaze over the fence at supposedly greener fields, and are currently cashing in by elevating the lads they have hand-raised in their own celluloid gardens.

Upping from the ranks to producer and directorial berths since Jan. 1 of this year has not only set a new record for promotions to these divisions, but has also materially boosted morale on the job. Writers, cutters, assistant directors and unit managers no longer feel that bottom-garden genius and loyalty are permitted to go unrecognized.

Fighting of the guard over pleasure costs is credited with having brought about the changed attitude of company topsters. Too many flashy producers imported at together pay from competing factories have failed to sparkle after having been reared on new surroundings.

Among the more recently bred producers who have found that dirt is not without its charms on the home grounds are Lou Lusty, Jerry Hoffman, Jack Jungmeyer, Jr., F. J. Weller, Bert Gilroy, George Stevens, Bill Thomas, Joe Kane, Jack Lawrence, George M. Arthur and Dale Van Every. Included in the list of those upped to feature film directorships in the last six months are Thelma Healy, George Cukor, Les Goodwin, Charles Martin, Otis Gurrl and Vincent Venturini.

Lusty, who served on the executive staff of Sam Briskin during the latter's regime as RKO's studio boss, was made a producer by Pandor Berman as one of his first acts after moving into Briskin's shoes. Hoffman, now responsible for the 20th-Fox studio series, first of which "Speed to Burn," left the newspaper game to join the Westwood outfit's "renewed" department, displayed a flair for casting, as evidenced in his present job. Jungmeyer, who took over the reins of the business and today is the right-hand bowler of executive producer Raymond Griffith.

Wolfson, for several years a playwright at RKO, a few weeks ago made a producer. "The Big Guy," a budgeter, "The Mad Miss Minton," starring Barbara Stanwyck, as his first assignment, was made by Wolfson. Bert Gilroy, maker of short subjects, was hoisted to producer of the "O'Brien" Western series, which he has handled so successfully that he is now slated for other types of feature product. George Stevens, who has directed some of RKO's better pictures, including "Vivacious Lady," "Thelma Houston" and "The Sign of the Cross," was promoted to a short while back was crowned a producer-director, and is now in sole command of the \$1,000,000 production of "Gunga Din."

"Thoms, for several years assistant picture chief of the studio, has moved to Columbia's flickery, but was summoned back to Par as an assistant producer. "The Sign of the Cross" Confession," is now before the cameras. Joe Kane, who has been directing "The Sign of the Cross" movie-makers, has been lifted into an associate producership there and under the reins of "The Sign of the Cross" picture, Lawrence ruled over Samuel Goldwyn's pensive for years previous. Being now under an associate producer title in the same organization. George M. Arthur, Paramount producer, who turned out "Her Jungle Love" and "Cocanut Grove," and who is now in New York, Arkansas, has been promoted to head up Par's cutting department. Dale Van Every, new Par as-

sociate producer, landed there by way of the scripting bureau.

Thelma Healy, "Three Loves Has Nancy" for Metro, began his American piloting career in the latter's shorts branch. Healy, now directing 20th-Fox "Dionne" film, "Five of a Kind," was formerly writer. Goodwin, directing features for RKO, rose from that studio's shorts department. Martin, currently preparing for his first directorial stint for Universal, has been scripting for U since turning his back on radio scribbling. Garsiel, piloting the Crime Club series for U, also was stepped up from the general staff. Venturini, who joined Paramount as a writer and artist, has just completed his initial directorial stint, "In Old Mexico."

Charles E. Ford, who quit as head last year, has been promoted to assistant producer for Republic, has since been made an executive producer, with supervision over all westerns and serials. At the same plant, Sol C. Siegel has been named to head the prefix to his producer title added to the more important word "executive."

Mixup on 'No Publicity' Ukase Mars Shirley's Visit to N. Y. In'tl Nitiery

Shirley Temple night deb into case Monday night (4) at the International Convention Center, New York, became a bit of a cause belli after one of the 20th Century-Fox p.a.'s C. Siegel had called for a "no publicity" request. After much of the International's p.a. called off the dogs, the news of the "no publicity" request, had been seemingly tipped off by the headwaiters or captains, but Paul Rign of the "New York Journal," snatched a flashlight and took it on the lam. This resulted in several people being taken into custody, but Johnny Broderick is one of the detainees admitted to the starlet.

The N. Y. Journal has assigned Josephine Hughes to trail Miss Temple during her N. Y. sojourn. By a coincidence, Miss Hughes' reservation was right next to the moppets'.

Tijuana Tossing The Taurus for H'wood Coin

Hollywood, July 5. Figuring to cut a few bucks on his spending, Mexican promoters staged a two-day bill fighting bazaar at the Tijuana attraction. The day's show, which didn't mind paying \$2,000 for private show watching the gory exhibition. The day's slaughter of bovines grossed around \$50,000. The Tijuana show, which was the As far as most American knew that they were watching was really Mexico.

El Toreo bull ring across the border cost around \$100,000, which means that the show is a lot more the same type, to lure American money across the border, are primed. Anna Collente has been shattered by the Mexican President for some time.

Serlin's B'way Plays

Occur Serlin, former head of the talent department for Paramount at the home office, has two plays which he will produce this fall. He is set at present making arrangements, although his family remains on the Coast.

WASH. RUNNER UP TO H'WOOD ON PIC PROD.

Second to Hollywood in the production of films in this country is Washington, D. C., according to J. G. Frayne at a meeting of the Society of Motion Picture Engineers.

Washington production includes educational and propaganda films by governmental departments.

U. S. Department of Agriculture just won awarded a contract to Charles B. Hastings to make three animated cartoons for the Government. Each will be 100 feet in length and will be made to show how farmers prosper under the methods of agriculture recommended by the department.

Hastings was formerly production head of Jam Handy and has held animating posts for Max Fleischer and Universal.

Fidler Ordered To Answer Bennett Suit

Los Angeles, July 5. Constance Bennett's \$250,000 slander suit against Jimmy Fidler, radio commentator, was assured an early trial by Superior Judge Kenny, who ruled the complaint constituted a legal cause of action. Fidler and his co-defendants, the National Broadcasting Co., E. L. C. Anthony, Inc., and the Radio City Building, were ordered to file answers by July 8.

Miss Bennett claimed Fidler broadcast untrue statements which had a bad effect on her earnings and drawing power.

FEBER PRODUCTION CHIEF

Hollywood, July 5. Symphonie Films board of directors has named George Feber, v.p. in charge of production at a meeting last week. He had been in the cutting room, Wartburg has four more in production and a fifth, "White Noise Sleeps," gets the fun tomorrow (Wed.).

Pulpit Attack Cancels 'Blockade' Loew's Ad Squarer in Church Paper

Flinn, Mich., July 5. After priests at their pulpits had urged Catholics to refrain from seeing the film, "Blockade" (UA) was withdrawn from the Capitol theatre here last week following only two days' showing. Kenneth Tallmuth, theatre manager, withdrew the controversial flicker although it had been on for several days.

Priests' attack centered on charges that the film had received publicity through the Communist Party organizations in N. Y., and that its story did not give an honest notion of the "Spanish" war. Most of the priests, however, said that they had not seen the picture.

Loew's Catholic Ad Loew's will show "Blockade" in all its New York theatres, beginning tomorrow, and will be shown by United Artists, Loew's in a paid advertisement in the Brooklyn Catholic weekly, the "Scribe."

In a previous issue had criticized "Blockade," as "pro-Loyalist propaganda," explained its attacking the film as sheer entertainment. Another paper, The Catholic World, has picked up the attack. Radio City Music Hall when the picture was being shown there a couple of days ago.

Loew's action followed suggestion from Mrs. James Looram, chairman of the Motion Picture Department, Federation of Catholic Artists, who it is said to be familiar with picture business and its methods. In stating Catholic policy, Loew's advertisement says:

"We leased this picture without feeling that it might be out of harmony with our policy of presenting only sheer, non-repugnant enter-

Finally Got to It

While James A. FitzPatrick has visited nearly every corner of the globe during his search for his film (travel magazine), he and his recent bride honeymooned one of the few places he has never seen! Niagara Falls.

Chi Reacts Favorably To FDR's Spend-Lend Program; Biz Looks Up

Chicago, July 5. Regardless of party affiliation, all Chicago newspapers have gotten behind the F. D. Roosevelt spend-lend program, with the boom reaction being noticed almost immediately in stores and show biz. Last week, when the program was announced throughout the Midwest was a shining star in comparison with the inactivity that had been prevalent around these parts.

Loop and nibs spots report an approximate 10 per cent jump in advertising sales over the previous week. All the stores and commercial businesses have hopped onto the bandwagon, so that there seems to be unanimous rising vote of confidence through all fields of endeavor. Industrial and commercial heads have been issuing bright comments of "bigger and better," engendering an era of better feeling for everybody concerned.

WURTZEL WASHES UP SIX ON '38-'39 SLATE

Hollywood, July 5. Completion of "Mr. Moto in Egypt" last week made a total of six finished pictures on Sol M. Wurtzel's 1938-'39 slate. Of the six films completed "The Mysterious Mr. Moto," "Speed to Burn," "The Girl from the Sea," "The Girl and the Boy," "The Girl and the Boy," and "The Girl and the Boy."

"The Girl and the Boy" is a picture of a girl and a boy who are in love and who are going to get married.

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Gala Broadcast

For "Ragtime" On CBS Aug. 3

Cost-to-cost ballroom for the "Alexander's Ragtime Band" broadcast will cost 20th-Fox around \$25,000. Aug. 3 on a CBS hookup. Irving Berlin musical opens at Rosy, N. Y., two days later.

Plans are afoot to get as many ex-Berlin stars—almost anybody who had anything to do with introducing the old Berlin tunes—to participate. Show may run from one to two weeks with a galaxy of stars picked up on both coasts.

Disney After New RKO Terms on His Cartoon Features

Before returning to the Coast Walt Disney will negotiate in early 1938-39 production by him of \$3,000,000, cost to embrace one feature and 18 single reels. The feature will be "Pinocchio." Cost of Disney's series runs from \$50,000 to \$400,000.

Disney while east has been talking new feature releasing contract with RKO for "Pinocchio" and "Bambi," to follow, which are reported ready to ink and will bring his distributorship to a close. Disney feels that with the picture \$500,000 financed by him, as was "Snow White and the Seven Dwarfs," distribution is warranted.

Currently he has still 1 month to complete his contract with RKO, but is only making releasing deals on features as they are produced.

GRACE MOORE APPEALS \$43,793 '34-'35 TAX RAP

Washington. Objections to a tax-lab grab of \$43,793 for alleged 1934 and 1935 income tax deficiencies were filed by Grace Moore. Operate star petitioned Board of Tax Appeals to set aside the tax grab, claiming that the tax grab was a method used by her and husband in attempting to evade their obligations to the government.

Pair—who were married under French law—had paid taxes on income 50-50, in reporting to Uncle Sam, in accordance with French community property laws. U. contends, however, that the procedure was contrary to American law and claimed Moore's entire income was open to a personal tax slug.

WB Orders Fairbanks' Tag Off 'Paris' in Philly

Philadelphia, July 5. Name of Doug Fairbanks, Jr., co-stars with Danielle Darrieux in "The Rage of Paris" now at the Philadelphia Theatre, was completely deleted from all ads.

Philadelphia Theatre also notified subsequent runners where the pie will play to leave out Fairbanks' name.

Stoopnagle's Shorts

South Norwalk, Conn., July 5. Connel Stoopnagle, F. C. Chase Taylor, doing screen shorts, Comedian, began shooting in vicinity of South Norwalk and material is being shot in vicinity of Stoopnagle's Cavalcade of Stuff.

Released by Educational.

SCHLOM PROD. AIDE

Hollywood, July 5. Herman Schlom gets the job as production assistant on "The Sign of the Cross," the Gloria Swanson picture at Republic.

Flim goes into production in two weeks, George Nichols, Jr., directing.

Robin, Rainer in N. Y.

Los Angeles and Ralph Kneeaugh are set for about a month, as a deal to do the songs for the Max Fleischer cartoon feature, "Culliver's Travels." Paramount studio heads have been in New York for a year.

THEATRE

Dearth of Suitable \$2 Houses—And Pix—May Stymie 'Drums Roadshows

United Artists, which has been planning an extensive roadshow buildup for 'Drums,' the new Alexander Korda film, which stars Sabu, Indian youth, of Elephant Butte, apparently finds its efforts blocked by a most peculiar condition of not being able to secure houses for such roadshow exhibitions. It is one of the most unusual situations to have arisen in the trade, when a major distributor gets stymied because of lack of suitable theatres.

In New York, because of the fact that the Astor is being readied for Metro's own 'Mie Antoinette,' opening Aug. 1 or thereafter, UA is detouring 'Drums' to Radio City Music Hall Sept. 29.

In Chicago, UA thought the Apollo from Balaban & Katz but understood it was mixed, apparently to obtain an earlier booking of the picture into B&K's own theatres. Similar attitude may prevail elsewhere owing to apparent dearth of big pictures at this time.

In Los Angeles, UA is up against the same problem, as in New York, but Metro getting, via the Century Circle from Fox-West Coast for 'Mie Antoinette.'

LOYD BUYS UP HIS OLD FILMS

Hollywood, July 5. Harold Lloyd bought the negatives of 114 of his early pictures last week from Pathe, through the agency of the Famous Players-Lasker Company, for an undisclosed sum. Group contains 8 one-reelers, 22 two-reelers and 84 feature films. Among the titles, 'Grandma's Boy,' 'Dr. Jack,' 'Why Worry?,' 'Safety Last,' 'Hot Water and The Bath.' Deal was made for sentimental reasons. Business reasons of the old stories and gags are believed to have considerable re-sale value. Lloyd turned over the Copyrights of his picture, 'Professor, Beware,' to Paramount after cutting about \$100,000 following a sneak preview. Film is slated to open July 13 in the N. Y. Paramount.

CANTOR SAILING ON NAZI REFUGEE CAUSE

Eddie Cantor sails today (Wednesday) for London, with a trip to Manchester and Liverpool, in behalf of the Austro-German refugees. Comment in this connection is that Cantor has been working on behalf of the oppressed minorities in Hitlerland, Cantor has been enthusiastically helping Jewish leaders ever since he, with his wife and two daughters, arrived in New York from Hollywood last Friday.

His three weeks abroad will be fully applied to furthering his work. It may entail a return July 27 work, possibly a radio broadcast. He is expected to return July 27 on the Normandie, which will bring back Darryl Zanuck and Henry Ford 20th Century executives, or going abroad. En route Cantor will talk over some production details with Zanuck and Ford, and 'People's Choice,' which goes into work in September.

Keighley Ducks Films To Direct N. Y. Stager

Hollywood July 5. William Keighley returns to Broadway this fall on leave of absence from Warners to direct 'Solitary,' a stage play by Victor Vidor. The play, produced by John Cameron and S. R. Rappaport. Director will start early in August on 'Solitary.' He has just handled a stage play since 'Penny Arcade' seven years ago.

Skeets for Tony

Hollywood, July 5. Skeets Gallagher has been un-Skeeted. Mornin' work for 20 years on stage and screen has been changed. It's Anthony R. Gallagher now, at the request of Wesley Ruggles, Paramount director who is grooming him for a production assistant's berth. This is the forerunner to executive dignity.

MG ASKS LETTY DAMAGES BE SLICED

While admitting that Metro had committed infringement of the stage play, 'Letty Lady,' in its picture, 'Letty Lynton,' the picture corporation's attorney, John W. Davis contended the plaintiffs, Mrs. Margaret Ayer Barnes and Edward Skandion, were not entitled to the profits made on the picture but only damages which Davis estimated at no more than \$30,000. The attorney made his remarks at a hearing held before Federal Judge William L. Lett on the fairness of the recommendation of Special Master Gordon Auchincloss, who last month decided the plaintiffs were entitled to \$387,000 in damages and profits. Both sides, but opposing the recommendation of the judge, contended that the plaintiffs were entitled to adequate recompense. The attorney also questioned Section 28 of the Copyright law which leaves the payment of profits and damages up to the discretion of the judge.

While it does seem a harsh doctrine, Judge Liebell said, I cannot see where the court has much latitude in this matter under the law. As a matter of justice I agree with what was advised by the judge, pretty well established on the point. However, if it was an innocent infringement, I believe the court should give the latitude in the matter of compensation.

The two authors will argue their case tomorrow. The suit, the largest ever to be brought against a picture picture corporation was decided in favor of the plaintiffs in the district court. It was later affirmed in the circuit court which then appointed Mr. Auchincloss to determine the amount of compensation due the plaintiffs. Besides Metro, its various subsidiaries are named defendants together with Loew's, Inc., and the American Association of the Capitol Theatre, N.Y., against which the plaintiffs have already obtained a restraining order against having exhibited the picture.

DIETRICH WILL MAKE TWO PIX FOR 20-FOX

Hollywood, July 5. Marlene Dietrich is reported to have made a deal for another 20th-Fox picture, in addition to her present contract. The deal, it is reported, will be a three-picture deal, with the first picture to be made in Germany. While in Europe, actress is said to have made the second picture deal with Warner Bros. She is on her way back to Hollywood.

Browne Haled Before NLRB as Quix Is Asked to Take-over of Utility Workers—Crafts Won't Cross Picket Lines—Fear Spread to Other Plants

THEATRES INVOLVED

Hollywood, July 5. Threat of another studio strike hung over the film industry as Studio Utility Employees Local 724 announced a walkout would be ordered at Republic if the National Labor Relations Board failed to check the drive by the International Alliance of Theatrical Stage Employees to organize the industry 100%.

George E. Browne, international president of the IATSE, executives of Republic and officers of the Producers Association, have been summoned to appear at 2 p. m. tomorrow (Wednesday) before Dr. Towne Nylander, regional director of NLRB. Action was taken after Local 724 filed a petition with the NLRB demanding an investigation of the move by IA to take-over utility workers on the Republic lot.

L. C. Heil, business representative of Local 724, said the strike call will be issued if NLRB fails to act on the premises that the dispute is a jurisdictional squabble between the affiliates of the American Federation of Labor. Other organizations involved in the dispute are the IATSE, which is affiliated with the Conference of Motion Picture Arts and Crafts, and has a secret working alliance with the studio painters, carpenters, machinists, plasterers and other crafts.

It is understood that each organization has agreed that its members will not cross picket lines in event any one of the organizations orders its members to walk out. There also is a possibility that such a move, if ordered, would spread to other studios, where IA has already taken over hundreds of SUE members.

Using threats as a weapon, Move to crack Republic, where SUE has had stronghold for several years, was launched within a few hours after Browne and his personal representative, William Bluff, arrived from the east. Notice of move was served through Victor Clarke, assistant to Pat Casey, producer-labor contact now in New York. Heim said he was advised IA had threatened to pull their reshowing Republic pictures unless his organization was given jurisdiction over utility workers employed on film production.

Petition filed with the NLRB said "Studio Utility Employees Local 724 is a verbal contract, which was made on or about January 1938, and has been continued from year to year."

The petitioning union has been notified by Victor Clarke, representative of Producers Association, which associates in the industry are representatives of product company, that all utility employees must become members of the IATSE on or before January 1, 1938, and that such affiliation on the part of the employees is a condition of employment, as said employees are all members of petitioning union.

The union requests the court pursuant to Section 9 of National Labor Relation Act, National Labor Relations Board to order the company to remove and certify to the parties the name or names of the representatives of the union who have been designated by said employees.

SUE petition sets forth that Republic has been operating since 1934, and is a public utility. SUE are direct involved. First list, between the SUE and Republic, is as follows: 1. SUE, 2. Republic, 3. Republic, 4. Republic, 5. Republic, 6. Republic, 7. Republic, 8. Republic, 9. Republic, 10. Republic, 11. Republic, 12. Republic, 13. Republic, 14. Republic, 15. Republic, 16. Republic, 17. Republic, 18. Republic, 19. Republic, 20. Republic, 21. Republic, 22. Republic, 23. Republic, 24. Republic, 25. Republic, 26. Republic, 27. Republic, 28. Republic, 29. Republic, 30. Republic, 31. Republic, 32. Republic, 33. Republic, 34. Republic, 35. Republic, 36. Republic, 37. Republic, 38. Republic, 39. Republic, 40. Republic, 41. Republic, 42. Republic, 43. Republic, 44. Republic, 45. Republic, 46. Republic, 47. Republic, 48. Republic, 49. Republic, 50. Republic, 51. Republic, 52. Republic, 53. Republic, 54. Republic, 55. Republic, 56. Republic, 57. Republic, 58. Republic, 59. Republic, 60. 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READING PICTURES' COMMERCIAL FOR BROADCASTING

So Declares Report of National Resources Committee—Gives Edge to Radio Through Cheaper Production and Sustaining Time Opportunities

Washington, July 5. Constant reaching for large audiences is liable to be the explanation of the cultural possibilities of radio, National Resources Committee said this week in a ponderous time dealing with population problems.

Standardization of American culture is a probable result from combination of films and radio, but producers are doing more to lift the level, both deliberately and unconsciously, than film producers, the experts declared. Greatest accomplishment is spreading the love of music, although national taste still prefers dance and light tunes rather than serious and classical stuff.

Appraising the chief influences on national culture, the Resources Committee said the influence of radio in many ways is the most complete, due to the medium's reach, primarily. Broadcasters have more room for experimentation and are not burdened with such heavy financial costs as film producers, yet still prefer to follow the established patterns. Not interested enough in novelty.

Important Second Emphasis on capturing the maximum audience for the purposes of sales promotion is an obstacle in the way of full enjoyment of radio's cultural values, nevertheless, have not been overlooked, although "accepted by the industry as an important, though necessarily secondary, consideration." Remarkably, the committee said, affects have, in many respects, been even more salutary than might have been expected.

Broadcasting has contributed more than any other influence in widening the American vision of the world, the report said, although surveys show "good music, unfortunately, has not evoked a large response." Not surprising that networks cannot obtain many sponsors for serious musical programs, for an encouraging sign is the amount of advertising time devoted to meritless programs.

"In the conflict between standardization and diversity the new instruments of sight and sound reproduction exert direct influence on the idea of standardization," the committee concluded.

"The radio has, to be sure, reduced diversity and to some extent furthered it, but this development, somewhat impeded by the sheer magnitude of the audience reached, the cinema has much more clearly a force tending toward cultural standardization. Both are instruments of mass communication, with publicity emphasis on immediate entertainment. They may not crush individual initiative and spontaneous group enterprise, but they cannot be relied upon to bring new perspectives, or to provide for individual individualism."

"The need for educational processes is dealt intimately with individuals. Induce a desire to learn and foster the orderly development of intelligent personality is more than ever apparent. The instruments of sight and sound reproduction may provide a valuable supplement to such educational processes providing emotional stimuli and release and furthering the mutual appreciation and tolerance of diverse groups—but can not replace them. They are an auxiliary educational basis for the development of the individual by means of mass production of goods and mass communication may tend to deaden rather than to stimulate individual spontaneity and artistic experience."

Colossal Standby

Hollywood, July 5. Coast Guard cutter, two tugs, two water taxis and a hospital boat stood by Thursday (2) for the movie crew filmed the waterfront burning of a 315-foot ship for "Too Hot to Handle."

Over 200 extras founded in the water for half an hour without missing a beat. The ship was three airplanes with 12 cameras, in addition to ground lenses.

UA's % Terms

United Artists is submitting deals to buyers which call for eight pictures at 40%, eight at 30% and eight at 25%, no provision being made for any product in a 35% bracket.

The scheduling of eight at 40% and eight at 30%, however, averages the 16 at 35%, the figure at which most distributors will bracket top pictures.

UA's A % Policy To Stick Despite Indies Demands

Minneapolis, July 5. United Artists here is the first to come out publicly and answer the demand of Northwest Allied States for elimination of flat percentages from a reduction of at least 25% in film rentals.

United Artists intends to make its flat percentage policy stick, except possibly in the smallest situations, Ralph Crummett, local branch manager, announced, upon his return from the Chicago sales convention.

Crammett says present plans call for sales of \$338,300. A group of 100 theatres, he said, will command 40%, the second 35%, the third 30%, and the additional seven pictures offered at 25%.

Dorothy Lamour Visits Hubby Herbie Kay On Road; Her Offer Nixed

Houston, July 5. Putting to rest rumors that she and orchestra leader Herbie Kay were planning divorce, Dorothy Lamour came here to spend a few days on her vacation with him, while he was playing the Casino Beach, bayshore resort near Houston.

She would rather sing with her husband's orchestra in a \$50 a week than film act for a fortune in Hollywood, she told reporters.

"I would like to banter with Herbie again," she said. "But he won't give me my job back. I offered to sign for \$50 a week and expenses. He said the \$50 a week was all right, but he couldn't stand the expenses."

She panicked the audience at Sylvan when she made an unannounced appearance and saved him enough to sing two repeat numbers.

Miss Lamour spent one day in Galveston, where she staid on a steamer when she appeared there six years ago as "Miss New Orleans" in a highly bewitched costume.

Left Thursday night to return to Hollywood, to keep his radio engine and on Sunday, she left by train, since her contract forbids her from Kay's engagement here ended Saturday. He was replaced by Phil Harris.

NO DAY FOR SHOOTING: 'SISTERS' CASUALTIES

Hollywood, July 5. Work on Warner's "The Sisters" was halted last week by one accidental injury and three acts of illness.

Eryn Flynn aggravated an old minor injury during a rehearsal scene on the lot, and as sent home. All three "sisters" were home at the weekend. Flynn was with her girls, and Anita Louise and June Bryan with flu.

One Ass' Mgr.'s Day Dreams Come True

Cleveland, July 5. Staff boys of RKO Palace listed an impromptu hard-luck farewell party for Harry Woreham when he resigned his assistant manager's job last week, but beneath all the jags ran a heavy vein of envy. On one of the presents to him was inscribed "To the luckiest ass in show-business," which is not an exaggeration.

Woreham's luck consists of having a treasure of his own, plus nearly \$250,000, literally tossed into his lap, realizing the life dream of every assistant.

Leaving for his home town of Manhattan, Kansas, he is becoming manager and co-owner of the Warner theatre, owned by his family. True practically, upon the town, controlling a hotel, printing company, several stores and considerable property. As one of the four heirs and administrators of the estate founded in the covered wagon days, he's sitting pretty for the rest of his life.

Warshaw makes the Kansas house some years ago, before it was leased to an uncle, who since has been a copious source of money. Expired, reverting to estate, the family called Harry back to run the show.

Prospect of returning to home life in the oilment for him. Claims he's used to the bustle of big city headquarters, but that he's smaller town life will be hard to take, despite all the dough.

Mrs. Marston to Chi To Organize Comm'n To Pix Studios for SAC

Screen Actors Guild last week began a drive to organize the territory. Mrs. Florence Marston, eastern rep, is taking charge from the New York office. She made a trip to Chicago to survey the situation, remaining there three days.

First step in the drive is notification of the studios in that territory to get all studios told they will be requested to sign. Membership drive will be undertaken when the studios are joined.

No date has been set for signing, but Mrs. Marston hopes to clean up the matter in a few weeks before she leaves to spend the summer in SAC's Coast Office. There are four or five studios active in the Chi territory, most of them making comedies. Estimated there are from 10 to 15 studios and they will be requested to sign. Membership drive will be undertaken when the studios are joined.

She panicked the audience at Sylvan when she made an unannounced appearance and saved him enough to sing two repeat numbers.

Suñávan, Aherne Leads In Convict Ship Epic

Hollywood, July 5. Margaret Sullivan, an Brian Aherne get the top roles in "Robbery Under Arms," the picture by Brian Roach for release by United Artists. Picture is based on Rolf Boldrewood's English novel dealing with convicts during the early Australian days. Production is slated for late fall.

Greasing the Chute at U

Hollywood, July 5. Helen Green, singing model signed during the Charles R. Rogers regime at Universal, is due to be lopped off the payroll when her current option expires.

At least three other contract players and players-in-waiting will be dropped in the studio's economy campaign.

Optional Acclaim

Walter Winchell says he saw Farrel and Virginia Zucchi, who starred in traditional gray British togs and racing silks, in Anglia, in the newswheel shots of the Ascot races.

Columnist-actor says he was the only one to applaud in the newswheel house. "I'm no fool, I want my option taken up."

3 Warners' Stock Holdings Shown In S.E.C. Reports

Washington, July 5. More simplification of the financial picture of the three Warners brothers was revealed last week by the Securities & Exchange Commission. This said the company's stock owned by the stock listed in Holding Company B while Major Albert Warner in action decided another batch of debentures in his own portfolio.

Each of the group received 500 pieces of Warners common stock preferred which were in the corporation pot. This wiped out the subsidiary as an important factor in the production set-up. Bookkeeping option makes Jack L. Albert and Harry M. Warner the registered owner of 14,848 shares apiece. Major Warner accounted for 59,948 common shares for \$2,880, and Jack for \$8,600.

Major Warner got rid of \$200,000 worth of the 5% convertible debentures, keeping \$1,739,000 in addition to \$5,400 worth of common share in the Holding Company A lot. He continues to have the most of the bonds, with Harry listed for \$1,739,000 and Jack for \$1,183,000.

The WB report also showed that Morris Wolf, Philadelphia member of the directorate, cornered 200 additional common shares. Makes his \$100 plus 10% stake in the company. More small-lot purchases of Loew's Motion Theatres common by the parent company, Loew's, also were disclosed, giving the major firm 5% of the offering's paper.

Only other firm insider revealed to be active in his company stock drive was Duncun C. Harris, one of the big directors of Paramount. Picked up 200 shares of common and unspecified number of convertible second preferred, keeping 20% of the latter.

The Jon Halls May Heynemoon Cruise Back If H'wood OKs

Frances Langford and Jon Hall plan to make their return to the Panama Heynemoon cruise via the Panama Canal. Depends on whether Miss Langford accepts any more from the studios. He is not called back to the studios to make a permit trip. If things work out, they will go to New York a day or so after July 10.

Miss Langford ends her current contract with the Paramount picture. Singer has six weeks' vacation from the Hollywood Hotel radio program and may go to picture before then. However, Hall may be back any day. Samuel Goldwyn has been in the picture for him, dimly Warners and Columbia.

Land of Plenty for Her

Hollywood, July 5. Lucille Watson, under vacation, ran into two jobs and is dickering for a third. Fresh from the Broadway stage in "Yes Mr. Doctor," she'll miss Watson went to work in Metro's "Sweetheart" last week and appeared on the Lux airshow yesterday (Monday).

Warners is dickering with her to play her original Broadway role in the picture.

Yates Due at Studio

Hollywood, July 5. Herbert Yates, Republic picture chairman, is due here July 12 for a series of confabs with Moe Segal, producer.

Margaret Waite, personal referee for Yates at the home office, joined the studio reading staff here today (Tues.).

Visiting Friends

Burn Up Cleve.

Theatre Owners

Cleveland, July 5. "I Love a Parade" has become the theme-song of this convention town, but theatre managers on the main drag aren't singing it. Although the Come-to-Cleveland-Committee is bragging about setting a record number of conventions here this year, the downtown exhibitors report that the visiting theatre owners are not only theatre-minded, but that they chase business away.

Last ten days saw three major conventions, at least a score of parades and four big league baseball games throwing the theatre execs in a panic because of low grosses. One night it was the Spanish-American veterans causing traffic jams with a three-hour parade that allowed the idle boxoffice chairs to come up with their baiting. Another night a flag parade started just as the theatre evening hour from the film houses. The game with the N. Y. Yankees pulled a record-busting 70,000 attendance into the six-figure film houses.

Final break-taking for six downtown houses came when the Gretto and the Gretto and the Gretto for four days, hypnotized an estimated 266,000 into the stadium. Crying the blues, exhibitors are getting a city-wide bill restricting parades to morning hours, when they won't hurt biz so much.

Mary Astor Loses 6-Yr. Court Fight In Agency Payoff

Los Angeles, July 5. Mary Astor, who lost her \$34,755 to Ruth Collier, Inc., under a ruling last Thursday (30) by the U. S. Supreme Court in a year battle between actress and agency over commissions for work in 1933, has won a \$100,000 judgment of \$23,333 originally granted by the superior court in 1933. The \$100,000 is 7% interest since that time.

Controversy, closely followed by Hollywood agents, resulted in Astor's refusal to pay commissions for a period between Oct.-Dec. 21, 1933, and Dec. 21, 1934, at RKO. Contract was for one year, starting Jan. 1, 1931, but the actress continued to work for RKO until three months later, and refused to pay commissions for a similar period. Original decision was reversed by the state supreme court a year ago because action had not been taken to take to the Labor Commission for arbitration. While it reversed the judgment, the supreme court upheld the RKO contract, the agency, under which agents operate.

Latest verdict by the Labor Commission is a picture before then. Astor, Case is likely to work its way up to the supreme court a matter of time.

CAPRA ENDS 'TAKE IT' AFTER 54 DAYS' WORK

Hollywood, July 5. Frank Capra turned in Columbia's "You Can't Take It With You" last Wednesday (29) after 54 days of shooting.

His next picture will be a Marx-Browns "The Harrow," Capra's directorial job under his present contract with Harry Cohn. She has one more picture, possibly two, before starting at Pitt.

Zasu Pitt Mulls Offer To Do B'way Musical

Zasu Pitt is mulling an offer to do a Broadway musical in the fall. She never appeared in legit.

Film comedienne person at the Chicago, Chicago, July 22. She's several other dates is going. Louis Carter office is going.

PARAMOUNT Comes Through *with 5* SMASH PICTURES for JULY and AUGUST

The Editorial Page

SHOWMEN'S TRADE REVIEW

Paramount Comes Through

Paramount, undoubtedly, could strengthen its next season line-up by holding to its original schedule on which three pictures in particular were set for the new season release as follows: "Give Me A Sailor," "The Texans," and "Spawn of the North." All three are strong box office pictures.

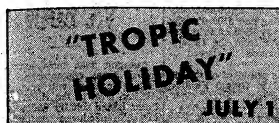
Instead Paramount has announced that these three pictures will be included in the group to be released during the summer months and as part of the company's 1937-38 product.

Exhibitors who bought Paramount product this season have much to rejoice over in this announcement. It not only strengthens the season's average from Paramount but comes to the exhibitor's aid just at the time when he needs help.

As a forerunner of goodwill, this gesture from Paramount will go a long way toward cementing the fine relations it has been building up with its exhibitor customers and augurs well for a successful season in 1938-39.

—"CHICK" LEWIS

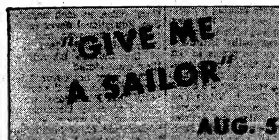




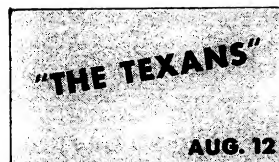
Paramount comes through with the bigtime music-and-laugh show that's had preview audiences and the trade papers cheering! When Martha Raye fights that bull, you can hear the old box-office doing the Big Apple! All-star cast headed by BOB BURNS, MARTHA RAYE, DOROTHY LAMOUR, RAY MILLAND, Binnie Barnes, Tito Guizar. Directed by Theodore Reed.



Paramount comes through with the funniest Lloyd picture Harold's ever turned out... a gag-a-second riot of good hard-hitting summer comedy with a terrific story and a cast which reads like an all-star lineup of America's favorite screen zanies... Just look at these names! PHYLLIS WELCH, RAYMOND WALBURN, Lionel Stander, William Frawley, Thurston Hall, Cora Witherspoon, Sterling Holloway. Directed by Elliott Nugent.



Paramount comes through with another vacation special... a picture that'll pull 'em in—and how! Martha Raye and Bob Hope topping their previous comedy triumphs! The sort of picture the kids will go for in a big way... and we mean the kids from eight to eighty! Plenty of production value in this! The cast line-up proves that! MARTHA RAYE, BOB HOPE, Betty Grable, Jack Whiting. Directed by Elliott Nugent.



Paramount comes through with another outdoor action epic of the Southwest... the kind of box-office smash Paramount has all the answers to... a picture to rank with "Wells Fargo," "The Plainsman" and "The Texas Rangers." The prairie fire scene alone puts "The Texans" among the top thrill shows of the year! Look at this cast... JOAN BENNETT, RANDOLPH SCOTT, May Robson, Walter Brennan, Robert Barrat, Harvey Stephens. A LUCIEN HUBBARD Production. Directed by James Hogan.



Paramount comes through with one of the truly big pictures of the past decade. Henry Hathaway has topped his "Trail of the Lonesome Pine" and his "Lives of a Bengal Lancer." This heart-sock action drama of America's last frontier... the adventurous coast of far Alaska... has everything those famed Hathaway hits had and more! What a cast! GEORGE RAFT, HENRY FONDA, DOROTHY LAMOUR and featuring Akim Tamiroff, John Barrymore, Louise Platt, Lynne Overman. Directed by Henry Hathaway. Produced by Albert Lewin.

75,000,000 PRE-SOLD Paramount Customers for Your SUMMER TRADE!

"TROPIC HOLIDAY" gets assistant key city newspaper campaign. "PROFESSOR BEWARE" gets a key city comic strip newspaper campaign... something new in motion picture advertising. "SPAWN OF THE NORTH" gets double-page spread

in Saturday Evening Post, with full pages in Liberty, Collier's Look and Listen... also billboard campaign in leading key cities. All receive fan magazines publicity and advertising, and all get benefit of planned plugs on coast-to-coast radio programs.

WIRELESS WORLD

Radio's \$900,000 Weekly Payroll

Washington, July 5. Radio's payroll at the peak of the season is close to \$900,000 weekly, with about 20,000 regular and spare hands on the job, the Federal Communications Commission employment survey disclosed.

With the program production department leading the way, the 631 stations reporting on their operations during the week of March 6 showed there were full-time jobs for 15,306 persons and part-time work for another 5,002. In addition there were 1,997 executives drawing checks totaling \$167,583.

The roster of full-time employees broke down as follows:

TYPE	NUMBER	PAY
Technical	3,193	\$136,414
Program	6,925	305,627
Commercial	1,022	79,944
General and administrative	3,411	88,858
Miscellaneous	155	7,497

More than two-thirds of the workers were needed by the 287 stations which have national web ties, while only 521 of the regular help was needed by the Indies.

Full-time worker gets an average of \$40 a week. Executives pay averages out to \$87 a head. This showing most broadcasters need not be very much concerned about the new wages-and-hours law, which has \$16-a-week as the goal at the end of seven years.

Commercial workers at the highest average pay: \$44; program men are next, \$44; technicians third, \$42, and general and administrative lag at \$25.

FULLER-WINNERS SHOW OFF

This Summer Finds Substitutes Aimed Away From Funnymen—Risks Great—Present Cycle of Quizzers Further Diverts Summer Trial Balloons

FEAR RISKS

Network radio is sinking into the summer with fewer commercials that feature comedians than in any past year. Though the dearth is felt, the boys are doing nothing to supplant them with sustaining gag-crackers. CBS is interested in other approaches to the summer fill-in quandary and NBC is contenting itself with only one program using comics, a variety and labout riding one weekly with Swor and Lubin at the helm.

Whereas in past years the vacation-spawning replacements for Jack Benny, Fred Allen and Phil Baker were using comics, a variety of labout riding one weekly with Swor and Lubin at the helm.

How scarce will be formula-comedy shows this summer is revealed by the fact that the season is sanctioned by its variety labout; Nehi, Botting with Tim and Irene, Al Johnson, Bing Crosby-Bob Burns, and Rudy Vallee will remain at their posts during the hot months.

Burns and Allen and George Jessel are fading, already off to sea. Penner, Hollywood Hotel, Eddie Cantor, Walter O'Keefe, Kate Smith, Al Pearce and Maxwell House Company's "Good News." Fibber McGee series, has been replaced by a script series, "Amos 'n' Andy," ick and Pat and "Easy Aces." And, the old faithfuls, will stick, but they don't fall into the classification of the elaborate variety-comedy programs with orchestral and specialty backgrounds.

Radio is going whole hog on audience participation programs and sundry quizzes.

Burn-Shy Network, production departments, including Mutual's New York 40th, WOR, are burn-shy where comedy and comedians are concerned on a sustaining basis. Although nothing sells like a good comedy program, nothing tops like a bad one. Comedians are scarce, want mazzina, have learned that sustaining isn't, and hate to waste their efforts or material on a summer audience that is white large, isn't paying attention as well as in winter.

Smith pillar has specialized on music orientations and quizzes. NBC and CBS annually bow low from the set, spot computer and the radio. Then, if ever, come hour-long adaptations and the producer swims around in lots of open water.

National Resources Committee Data Finds 500 Sets Per 1,000 Families

Washington, July 5. High concentration of radio receivers in the leading markets is graphically shown by a new survey issued this week by the National Resources Committee.

Varying widely, ownership of sets is highest—500 or more per 1,000 families—in widely-separated areas. California, the Illinois-Wisconsin area, New York and New York and vicinity. The Pennsylvania-Ohio-Indiana belt is second as ranking lowest in the South where, except for Florida and Texas, less than 150 sets of every 1,000 families can tune in.

Variety's radio section was tied

Civil Liberties Union Reports on Air Censorship; Not Much to Kick About

Gag Spoiled

Philadelphia, July 5. "Colonel" Hill, who has been airing his views in Philly since 1931, at last has a sponsor, Krumm's Macaroni, which'll bring him three times a week on WFIL. Pat, jovial southerner has become a tradition to Philly radio men, as he pulls in voices on his belt and remarks: "Sustaining is powerful non-sustaining."

GETS CONCEALED ON DRAMATIC BAIT

Salt Lake City, July 5. Action by two KSL staffers at the annual convention of the American Federation of Soporifics Clubs at Atlantic City, N. J., resulted in Salt Lake City being awarded the 1939 national meeting after three days of deadlocked deliberation.

Irma F. Bitner, head of the KSL publicity department, handed the smooth grassy, and Louise Hill Howe, staff producer of the KSL Playhouse, pulled in strategically timed brood of special transcription which resulted in unanimous vote by delegates to meet in Salt Lake City next year. Wacker, head over WPG, Atlantic City, included Mormon Choir, greetings from governor, etc.

WCAU's Al Fresco Vaude For Wheats Roundup

Philadelphia, July 5. WCAU will move an entire two-hour studio show to an open-air stage in Lancaster, Pa. next Wednesday for a Wheats Dealers Picnic. Show is Philly Baseball Bandwagon, all-in when Phillies baseball club is out of town.

Bob Golden and his house band and entire cast will go to Rocky Springs Park for the occasion.

WMGB with Transamerik

WMGB, Richmond, has signed one of the Transamerik Broadcasting & Television business placement agreements.

Station the week before had transferred its general national sales representation from Gene Ferguson & Co. to John Blair & Co.

As a reference source for intellects this week when the National Resources Committee handed President Roosevelt a new study on the state of population problems.

Giving the mugs a sort of post-graduate degree, the experts' story published nearly two years ago as origination point for some data concerning public radio laws and program standards. Only other commercial group in the broadcasting field similar highly honored was CBS which was credited with preparing a significant chart showing average daily use of radio receivers.

Walter Schwimmer, of Schwimmer & Scott agency, Chi., on a new account hunt.

Annual survey by the American Civil Liberties Union reviews the incidents during the past year.

field of radio censorship, comparative freedom. Report states that "while censorship by station managers continues as a part of the accepted setup," the Federal Communications Commission for the first time assumed such powers in criticizing the Mae West-Charlie McCarthy sketch. Commission announced that it would take into consideration in considering renewals of license the character of programs. ACLU protested the announced assumption of power by the FCC and states that "as far as we know, it has not been exercised."

Report states that "while no case of censorship by station managers came to public notice, it is a matter of common knowledge that the networks do not sell time to labor unions to avoid being drawn into industrial strife; nor do they sell time to employers' associations. But the equality of the situation is plain. For employers are able to get across their propaganda in commercial programs."

Union endeavored to push in Congress what which would correct what it calls the inequality of opportunity to reach the public. No hearings. Hearings were held in the face of opposition by the companies and politicians desirous of retaining the monopoly of the radio industry. Senate and House Judiciary committees investigations of the radio setup to make freedom of the air ideal. Congress thought report favorable, according to the report.

ARCH McDONALD HURT; D. C. STUNTS DROPPED

Washington, July 5.

Busy schedule of Arch McDonald, sports announcer of WJWS, definitely postponed due to badly injured leg. McDonald was in a freak accident last week. McDonald, who doubles as an amateur actor and was on his way to play the lead in "The Old Soak" at Washington's Roadside theatre, was sidetracked by a passing motorist but unharmed. Stepping out of his car, he backed off the road into a ditch, broke three bones in his ankle and was rushed to the hospital. Show, which was opening that night, was called off.

William L. McGee, Jr., July Fourth, between McDonald and NBC's Country Gentleman silver-tongued Art Coffey, who is called to respond to treatment and bones of the leg were broken. McDonald also received set-back when he attempted to put on two broadcasts from his hospital bed.

Second dallid program, which had received wide publicity locally, was abandoned. McDonald was unable to chaperone four chin-chillas, valued at \$1,600 per, which were to have been shipped to the studio from a Virginia chin-chilla farm to make the debut under his auspices.

Ashley Paces 'Champ' M.C.'d by East-Dumke

Ira Ashley will direct "Meet Champ," which prems tonight at 8. The continuing War of Wits comedy show with Ed East and Ralph Dumke.

Written by Ed East.

Blondworth Of Michigan James Blondworth has resigned from Washington July and returned to California.

Bob Smith, who has been writing the continuing War of Wits comedy show, talks over Blondworth's assignment on Casey's Benny Goodman show for Emel.

Music Is Predominant—Data from Survey of 'Typical Week' (March 6) Made by Government

Washington, July 5. Most comprehensive survey ever made of broadcasting's program structure reveals music is the unchallenged mainstay of production department and that the proportion of time allotted for pre-dominantly educational and cultural programs is considerably higher than expected.

From the thorough check on programs by every S. C. Bureau in a typical week—March 6—the Federal Communications Commission has found numerous valuable facts which both surprise and should help the industry. Among them are: Only one-third of all time is sold, with the percentage dropping in time to power. Clear-channel plants with 50 or more constitute the sole group which make money from more than half of their hours of operation, selling almost 50% of their time. Locals sell approximately 29%.

About one-third of the total time is used for canned programs with the proportion of talent highest on network dramatic shows, which filled 3,222 hours of the 10,132 hours which American transmitters ran in the sample week.

Musical study accounted for 53.4% of the programs, with serious tunes providing only 6.4% of the hour. Popular numbers made up 47% of their lag, accounting for 32.2% of the total week's fare or 20,119 hours, 30 minutes.

Live talent is needed for nearly two-thirds of all programs, while canned programs amount to about 32% of the total time, which provided the entertainment for more than 10,000 hours, about 93%.

Discs are twice as important in filling unsold hours. About 22% of the sustaining hours were concerned playing records and transcriptions which accounted for over 20,000 hours.

Commercial time was parceled out as follows: Music, 7,743 hours, 32 minutes, or 12.42%; dramatic, 3,193 hours, 13 minutes, or 6.05%; variety, 2,866 hours, 7 minutes, or 4.49%; talks and dialogs, 2,400 hours, 34 minutes, or 3.85%; news, 1,969 hours, 34 minutes, or 3.10%; religious and devotional, 1,249 hours, 47 minutes, 25; special events, 477 hours, 44 minutes, or 0.77%; miscellaneous, 1,010 hours, 30 minutes, or 1.47%.

Sustaining time distributed thusly: Music, 24,962 hours, 34 minutes, or 40.05%; dramatic, 1,919 hours, 31 minutes, or 2.94%; variety, 2,041 hours, 50 minutes, or 4.24%; dialogs, 4,713 hours, 4 minutes, or 7.56%; news, 1,338 hours, 47 minutes, or 3.36%; religious and devotional, 1,983 hours, 51 minutes, or 3.17%; special events, 656 hours, 51

minutes, or 1.44%; miscellaneous, 360 hours, 14 minutes, or 0.51%.

8. About 10% of the time allotted to straight news reports—exempting sports flashes, market and crop reports, etc.—was sponsored. Exact figure is 1,622 hours out of 4,069 for this type of service.

Disregarding the possible incidental benefits in programs planned predominantly to entertain, the planned benefit to the people, a great amount of educational and cultural stuff. Proportion of the typical week's output composed by talks, news, religious and special events programs was 13.32% of the total. Religion also accounted for 5.15% of the hours the industry functioned. On the side, the industry pumped serious music for more than 4,000 hours, or 6.48% of the time.

10. The national webs are not as important as home towns in supplying the live talent needed. Out of the total of around 40,000 hours of fresh programs, broadcasters originated 19,157 locally and took 14,238 hours from the major chains. Regional hook-up supplied the remaining 2,397 hours. In the commercial end, the line-up is roughly the same, despite the prestige of New York and Hollywood casts. Most of the talent taken from the webs was for musical programs.

American Television Co. Under 100,000 Shares, So Ducks S.E.C. Rule

Washington, July 5. American Television Co. will offer to the public 50,000 shares of stock at a par value of \$1. This takes advantage of the Securities Exchange Commission rule exempting issues under 100,000 shares.

New company, incorporated in New York state, is primarily concerned with the manufacture and sale of television receiving sets. Its spot computer and the radio. Then, if ever, come hour-long adaptations and the producer swims around in lots of open water.

Articles of incorporation authorize the company to "create, install, operate and exploit networks, circuits or systems."

Sinclair Mulls Renewal

Sinclair Oil Co. was mulling yesterday (Tuesday) whether to renew its spot computer and the radio. Then, if ever, come hour-long adaptations and the producer swims around in lots of open water.

Order to cut down on advertising had come through from Harry Sinclair, but indications were that some of the stations currently or the list would be retained.

PACIFIC COAST

Charles Foll miked the three-a-day Borden newscasts over KFRC, San Francisco, last week in place of cashing John B. Hughes, while Murphy handled Hughes' 'News Views' broadcasts on the Don web. Al Hunter and Harold E. Burg edited the news copy.

Becker, who'll bait hooks on Island, and panelman Ed Pam... who'll examine Mexican rad... tions.

Tim Sullivan, med student... versity of North Carolina, ha...

Five
silon,
sta-
Un-
been

WBT, Charlotte, has Wil-
wards, Yale University th
student, speling for the sun
Jim Beloungy, chief eng

WKY, Oklahoma City, it with a 12 by 6 ad in local inviting talent-minded citizens an audition. John Shaler headaches as handler.

Adv. Co., Inc., Chicago.
Chevrolet Motor Co.,
weeks of weekly 15-n
scribed programs. Cam
Co., Detroit.

Detroit, 12
mile trav-
ell Ev; *

SOUTH

Devoit, 12
mule tier-
all Eng:

A MILLION DOLLARS WORTH OF TALENT!



Evelyn

—and her magic violin. The ONLY feminine violin virtuoso in radio — and the finest feminine concert violinist of her time!

Novelties

—a breath-taking succession of musical novelties, all from within the ranks of this orchestra in a million!



Choir

—thirty gorgeous girls, glamorously gowned. A superb glee club, achieving some of the most striking effects in radio!



Three Little Words

—who give voice to the brilliance and beauty of the music of the orchestra, in heart-touching harmony!



Rochelle and Lola

—presiding over the orchestra's two pianos, and a scintillating, stellar piano duo in addition!



Maxine

—of the velvety, haunting voice; the most appealing voice discovered in literally thousands of auditions!

ALL IN THE ONE ORCHESTRA IN A MILLION!



The H PHIL

One man and thirty talent
ing capacity constitutes



1938's MOST

Hour of Charm

directed by

SPITALNY

ed, beautiful, versatile girls, whose combined entertain-
well-balanced, self-contained, complete radio program



Phil Spitalny's theory that you can best sell to women with women has been proven by his two outstandingly successful years on the air for General Electric. In proving his theory, he has also perfected its application, and now offers THIS COMPLETE RADIO PACKAGE—THE CULMINATION OF YEARS OF SEEKING AND DEVELOPING FEMININE MUSICAL TALENT.

11,000,000 Club Women Vote "The Hour of Charm"

POPULAR LIGHT MUSICAL PROGRAM

SOLE CHOICE OF 11,000,000 CLUB WOMEN IN THE FIELD OF POPULAR MUSIC!

THE HOUR OF CHARM was the Women's National Radio Committee's **SOLE CHOICE** in the classification, "Best Programs of Light Music," in their Fourth Annual Awards, just announced. **SIX** programs were given awards in the "Serious Music" classification, but **ONLY ONE**—THE HOUR OF CHARM—in the division of light music!



RECEIVING the Women's National Radio Committee award, the highest which can be bestowed on a radio program, is not surprising, for the Hour of Charm has won **EVERY** award, and is the **ONLY** orchestra to have done so. These include the Radio Stars Award, Radio Guide Award, award of the Exposition of Women's Arts and Industries, for notable contribution to the advancement of women's art, and

THE NEW YORK PARAMOUNT THEATRE CUP

(in recognition of four successive record-breaking weeks)

Phil Spitalny's Hour of Charm

PROVES its radio popularity at box-offices **EVERYWHERE**

Address All
Communications

PHIL SPITALNY, PARK CENTRAL HOTEL, NEW YORK

Expect Busy Late Summer

Some of the time and talent buyers around the agencies believe that the radio business is due for a fast and furious type of ideas, program and talent activity within the next several weeks. They see the present doldrums suddenly replaced with a sudden general scurry to line up time and programs, with the activity on all fronts, including spot broadcasting, reaching its peak around the middle of August.

More foresighted agencies, these execs point out, have taken their cue from the recent upward surge of the stock market and the imminent release of Government billions to start mapping out ideas and campaigns for their clients. Instead of working on payroll cuts they are plotting out new approaches to, and solutions for, their clients' sales problems and also developing presentations for outside accounts whose present agencies have lapsed into fatalistic attitudes.

Expectant element of radio execs is preparing for the rush by arranging for their vacations earlier than usual, figuring that if they don't get them soon they won't be able to get away until the latter part of the fall, if then.

CHIPS APOUT OF THAT DOZE

Chicago, July 5. After being absolutely at a standstill for the past four months, radio time activity suddenly entered into gear last week with agencies and talent buyers calling in requests and salesmen to line up spot and network schedules.

Among the accounts setting schedules are Grove's Bromo Quinine, Beaumont Laboratories, Four-Way Gold Tablet, Tums, Dr. Caldwell's Syrup of Pepsin, Purina, Quaker Oats, General Mills, Kellogg, Lask & Perrin, Wrigley's, Sterling Biscuits and others. Some of the agencies which accounts furnished the bulk of the activity with other items showed scattered interest in radio time. Spot is indicated as the first choice of the advertisers seeking radio at this time. It is the specific time slot buyers running far ahead of the network as spurs, evidencing a scrutiny of markets by the agencies. In particular, markets for power-driving instead of generalized radio spreads over large areas.

VOLUNTEER PANEL PICKS WGAR SHOWS

Cleveland, July 5. Jury of nine Mr. and Mrs. Typical Listeners, whose names were drawn from a city directory at random by John Pail, was recruited by WGAR's manager to get reactions on new listening programs being tried out.

Group of voluntary jurors were brought down to the studio and listened on twelve sound-rehearsal sets. Each was given a questionnaire, asked to vote on the best shows and 16 suggestions on any of them.

Results of their poll were four new summer programs, which they approved. First was "Startled Last Week," was "Today's Matinee," featuring dramatized stories and string ensembles, two afternoon shows. Second was "Court Reporter," two nights weekly, dealing with human interest yarns in court and courtroom; third, Dave Bayler with swing recordings, three times a week, and "Young Cleveland," which consists of a playground quiz-quiz, swing station's two short-wave monthly bulletins. Jury also picked more than 100 shows which WGAR is going up for hot months.

With Black Border!

Indianapolis, July 5. Taps sounded June 30 for Mickey: The Singing Mouse, of Collicle Mickey was discovered in a closet at the home of Mr. and Mrs. Frank Weaver more than a year ago, and in 16 recent court cases, the national radio network during the singing mouseogue.

He had been kept in a cage in the Weaver home until his demise. He died of a broken heart at the flickers of the radio public.

Joe Watts gets his second suit within three weeks on the Rudy Wallace program July 7.

HAPPY ANNOUNCER

Nice, Convenient Fire Breaks Out for WNOX Mikeman

Knoxville, Tenn., July 5. Announcer's dream came true last week for WNOX Mikeman Horace Stuntz, when he was asked to describe description of new municipal softball field. Just as event was about to begin, fire broke out across the street.

Blaze became a holocaust and Stuntz, who was on the air, was forced, causing a property toll of \$40,000. Hinnitt held the mike for 15 minutes, delivering complete coverage of the fire.

Lighting Breaks Link To Tower: WWL Waxes CBS Shows, Repeats Later

New Orleans, July 5. A telephone line connecting WWL's studio in the Roosevelt hotel here with its transmitter in Kenner, 10 miles distant, was destroyed by lightning during an electrical storm Tuesday (28) and prevented station from broadcasting CBS commercials for several hours. Studio panel received programs O. K., but was unable to broadcast.

Engineers at transmitter, filled in with records and transcription after wiring of network show, made in studio were rushed to Kenner by automobile. Shows included "The Town of Boke Carter," Edward G. Robinson, Al Johnson, Benny Goodman, and others. Shows were broadcast two hours later.

Announcement advised listeners of program of musical comedy, "The Town of Boke Carter," later plates. As result, phone board was swamped by calls from fans and listeners. Shows were broadcast, and many of station management.

WCAN POLLS 67% IN DEALER QUIZ

Philadelphia, July 5. New survey of grocers and druggists made by WCAU by R. L. Polk Co. was issued here this week. Card was sent to 2,000 dealers, asking, "If some manufacturer of goods you sell was to launch a radio program, what percentage of the items would you suggest?"

WCAN polled 67%: KYW, 20%; WIP, 17%; WFIL, 3%; WFEN-WRCA, 12.5%; WDAS, 8.5%; WTET and WHAR, each 6%.

James Jewell Joins WWJ

Detroit, July 5. James Jewell, dramatic producer at WXYZ who resigned recently after eight years, will move into WWJ building here to become manager of production at the Detroit News outlet. He succeeds Wynn Wright, program director and production manager at WXYZ since 1934, who joins staff at NBC in Chicago, also Aug. 1. On WLVN-Winn has been producing at WXYZ by Charles D. Livingstone, plans to start several kids shows at WWJ. Jewell will be in charge of "Children's Theatre of the Air," and "Junior Matinee."

Rambeau to New York

William Rambeau, station rep, is planning to move his headquarters from Chicago to New York, leaving his present assignment in charge of the former office.

Myron Elgas is Rambeau's present New York manager.

Jack Meakin to KSFO

San Francisco, July 5. Jack A. Meakin has been named musical director at KSFO, local CBS outlet. Meakin was formerly on the NBC staff here, conducting "Bluebird" and "Nightly Music" and other nationwide programs.

At KSFO Meakin is reviving a "Nightly Music" weekly swing group, and is planning a variety of other musical shows for the Columbia network.

New KSFO organist is Dick Aurandt, formerly with KFRC here.

Truman Bradley, WBMB, Chicago, announcer, heads for Coast this week to break down for Metro-Goldwyn-Meyer.

Ear Whips Eye, Commercials Muffled, Testimonials Losing Sock, Admen Told

Progress

Oklahoma City, July 5. Oklahoma City Advertising Club has opened the program of "Ear Whips Eye," a "speech-stopping machine," which has been developed for quick delivery of copy, while, "it no one yet found able to beat it for more than half a minute."

A definite time limit is set, like an alarm clock, and at the appointed minute a sign reading "Time Up" pops out of a gadget on the table—just behind the speaker, whose audience can hear. If he doesn't take the hint himself, the audience soon nudges him back to his seat.

AFRA CLASHES DELAY FINAL SIGNING

Signing of the contract between the networks and the American Federation of Radio Artists has been temporarily delayed by minor objections from broadcasting officials. Several more conferences will probably take place before the difficulties can be ironed out and final agreement on new advertising rates next week. Signing of the pact was previously set for last week.

Objections by networks execs are said to have to do with working hours, as outlined in the tentative contract. All the wage scales have been approved, but some of the provisions of the tentative agreement were deemed unsatisfactory from a program organizing standpoint. Some of the items involved is said to be of major nature and any further protracted discussions with AFRA are thought unlikely.

Preliminary agreement was reached by the negotiating committees some weeks ago and was turned over to the legal staffs. Later finally worked out a revised draft last week and was submitted to various department heads for consideration. At last, after a first yelped with horror at some of the terms, but later calmed down and pinned their objections to only a few minor points. Emphasized that the committees will have to go back to the more huddles on fundamental issues, but should be able to work out their differences within a few days. They met yesterday (Tuesday) and are expected to resume huddles today (Wednesday). No AFRA membership meeting will be held until the contract is signed and ready for approval.

COCOMALT SHUNS WEB RADIO NEXT SEASON

Cocomalt (R. B. Davis Co. product) will not have a network program this season. Joe Purnell, exec of CBS for the account with the June 28 broadcast.

Madame agency has taken the radio end of Cocomalt from Ruthardt & Ryan after having long refused black-and-white copy for the account.

What Cocomalt is planning for fall is some national spot bill for the first time. No program is set as yet for wide spreading.

RADIO'S NEW USE

To Keep Tab on Trucks Carrying Perishable Shipments.

Chicago. Several radio manufacturers are developing a new use for the portable two-way short-wave units. Particularly interested are the makers of electronic special recording in perishable goods. Their communication is figured as a prime value to truckers in case of breakdown down of cars, involving high cost perishable cargo.

Los Angeles, July 5

Public coterie to an advertising man by the name of Richard D. Frank Stanton of CBS, New York, at convention last week. Stanton was in Los Angeles as a guest at Ambassador Hotel. Being that he's on Columbia's board, his appearance was no surprise to the assemblage, which represented PACA's Radio Department and several other radio groups before, when the publishers took a week of radio.

Of particular interest to the admen was a graph showing the results of a survey wherein the public seems to be getting weary of testimonial endorsements. Of those contacted, 52.4 did not believe the signer actually endorsed the product. While 46% were satisfied that they were the McCoy all around.

To arrive at his conclusion that the car (radio) has it all over the eye (printed matter), Stanton split hairs in his survey. He found that results: the car picks up what it hears in 140/1,000 of a second, while it requires the printed word 150/1,000 to soak up what it sees. What might be called a photo-fact. Stanton also pointed out some important opportunities on the air are muffled, said Prof. Stanton. He said that while New York U. because the plugs are written by someone to be read aloud by someone else. He said that the press ought to get together and cut out their feeling, but he said that the press ought to get together and puff the peace pipe for a while yet.

Gilman, NBC vice pres, chairman Radio Department and drew a double for distinguished service to advertising. AFRA convention was called the most successful in its 35 years, with 1,040 in registered attendance.

Performer Pact No Progressing in St. Louis Sector

St. Louis, July 5. Six months of huddles between representatives of the local radio stations and the St. Louis branch of the AFRA have resulted in the stalemate. The AFRA has pointed out salient points that must be smoothed out before consideration can be given to a tentative agreement. The AFRA managers are trying to define a definite policy towards the AFRA. They assert there is some question in their minds of AFRA's claim of a majority in the stations and they also have taken the position that announcers are executive employees and should not be classed as singers in the industry for union purposes. Thus far the request of the AFRA for recognition has been denied.

Considerable secrecy has been thrown around the meetings that have been taken place. In three issues, have once been placed before the local NLRB with the feeling that they will be again looked back into the lap of the government labor agency.

One thing will discuss the matter for publication it has been learned that other meetings will be held in St. Louis, in the near future. Only two stations in the St. Louis metropolitan area are not affiliated with the AFRA: the WTUV operated by the Mississippi Valley Broadcasting Co. in East St. Louis, and the station of the Mississippi river and KFUV operated in St. Louis County by the Evangelical Church in St. Louis, Mo. and other states. KOKO, long resident for operation about Sept. 15, in St. Louis, is now being operated by the publisher of an afternoon rag has not been represented in the meetings. The AFRA claims a membership of approximately 218 in this territory and Don Phillips, gobber at KMOX, is president.

Stan Meade, director of Polish shows on WFEN, Philadelphia, is unaffiliated with St. Louis.

ROBIN HOOD CRIME SCHOOL WHITE BANNERS

Six words that mean one studio *alone* is ready with big drama after big drama as no other is today — that one studio anticipated the product need and was prepared *in advance* to meet it...that one studio can do more for your summer business than any other —

THE ACTION STUDIO OF WARNER BROS.

 **NEXT**
 “My Bill”

with
KAY FRANCIS
 BONITA GRANVILLE • ANITA
 LOUISE • BOBBY JORDAN
 JOHN LITEL • DICKIE MOORE
 Directed by John Farrow
 Screen Play by Vincent Sherman & Robertson White
 From the Play “Courage” by Tom Barry
 A First National Picture

ONE OF THE MOST GENUINELY APPEALING STORIES WARNERS HAVE EVER FILMED

'COWBOY' IS A HIT

Reprinted from M. P. Daily

HOLLYWOOD PREVIEW AUDIENCE IN STITCHES

It takes a particularly special grade of comedy to throw a calloused Hollywood preview audience into stitches and tears, and that is what this one did.

It's as full of gags as the breakfast food broadcasts are of prairie tenors, and it is one of these, as phony as he is melodious, that Dick Powell plays and sings in championship style. The film is fast, loud, tuneful, witty, smart in a very melodious and purposely naive manner.

Pat O'Brien, in a faster and funnier role than he's had in years and Priscilla Lane as a crooning cowgirl top a large and competent cast which seems to have enjoyed every moment of their several chores. Their gaiety comes across with a bang.

Five of the highly singable songs are by Richard Whiting and Johnny Mercer, the latter also collaborating with Harry Warren on the sixth. As threaded through the action the tunes highlight the story without stopping it. As sung by Powell and Miss Lane, they are quite, quite something!

It's for laughs exclusively and packed with said same!

Reprinted from L.A. Examiner

Cowboy From Brooklyn Makes Preview Hit!

There are a million "yippees" in this outdoor opera with its tongue in cheek and every "yippee" is a laugh. . . . You're in on the



fun all the way. . . . Dick Powell has his best role in a long time. . . . Pat O'Brien has never been so funny. . . . preview audience went for it hook, line and sinker, and it's sure to make plenty of money at the boxoffice.

Reprinted from Hollywood Reporter

GREAT CAST, SCRIPT AND DIRECTION

The picture is great entertainment and should click heavily with any type audience and requires only a good start by enterprising showmen for a certain successful engagement!

With the trend toward Westerns, Warners have put their tongue in their cheek and pulled a gay and riotous "hoss opry" out of their saddle bags. The story speeds along to a fast finish and polished direction and an able cast keep the film going at top pace throughout. The tunes by Richard Whiting and Johnny Mercer are catchy, situations are side-splitting, and a good time will be enjoyed by all!



Reprinted from Los Angeles Times

TRULY UPROARIOUS, EXCEEDINGLY CLEVER ENTERTAINMENT

*It Is Thoroughgoing Entertainment,
And Will Be Very Widely Appreciated*



Reprinted from Film Daily

Reprinted from M. P. Herald

UPROARIOUSLY FUNNY COMEDY

Should Pile Up Heavy
Quote of Laughs in
Any Theatre

Lloyd Bacon guided the fun-making and overlooked no opportunities to win laughs. Dick Powell does well in the title role, while fast-talking Pat O'Brien was never better. Priscilla Lane comes through with a performance that should give her choice roles in the future.

*Final Reels
Had The House
In An Uproar
Of Laughter!*



ACTION FROM WARNER BROS!

"Cowboy from Brooklyn"

By Richard Whiting
and Johnny Mercer:
"RIDE, TENDERFOOT, RIDE"
"ALL DREAM TONIGHT"
"I'VE GOT A HEARTFUL
OF MUSIC" - "COWBOY
FROM BROOKLYN"

Directed by
**LLOYD
BACON**

DICK POWELL · PAT O'BRIEN · PRISCILLA LANE

DICK FORAN · ANN SHERIDAN · JOHNNIE DAVIS · RONALD REAGAN

Screen Play by Earl Baldwin • From the Play, "Howdy Stranger," by Robert Slocum & Louis Pellitteri, Jr. • A COSMOPOLITAN PRODUCTION



THROW AWAY THOSE HEADACHE PILLS!

—here comes M-G-M!

MARGARET SULLAVAN • JAMES STEWART

"THE SHOPWORN ANGEL"

with Walter Pidgeon • Screen Play by Waldo Salt • From a Story by Dana Burner • Directed by H. C. Potter • Produced by Joseph L. Mankiewicz

It's sensational box-office! Human, humorous, tender, thrilling! Margaret Sullivan tops "Three Comrades" triumph and clinches top stardom! James Stewart climaxes series of hit roles with most appealing character of all—your new male star!



ROBERT TAYLOR in "THE CROWD ROARS"

with Edward Arnold, Frank Morgan, Maureen O'Sullivan, William Gargan, Lionel Stander, Jane Wyman • Screen Play by Thomas Lennon, George Bruce and George Oppenheimer • Directed by Richard Thorpe • Produced by Sam Zimbalist

California Preview a Riot! The big Summer Show! And Bob Taylor captivates with another socko role! Bigger, better than "The Yank."



"LOVE FINDS ANDY HARDY"

Screen Play by William Ludwig
Directed by George B. Seitz

Absolutely the best of the beloved Judge Hardy Family Hits! Popular favorites Lewis Stone, Mickey Rooney, Judy Garland, Cecilia Parker, Fay Holden. The Gang's all here! A summertime sugar show for "A" time pay-time!

And More To Come!

**20TH'S "ALWAYS GOODBYE"
LEADS THE BOX OFFICE
UP-SWING WITH BIGGEST
BIZ IN MONTHS IN
SMASH DETROIT OPENING!**

Trust hit-after-hit-making 20th Century-Fox
to deliver you another winner right now
when you want 'em most . . . a show that's
topped 20th's biggest since "In Old Chicago"!

*Always
Goodbye*



THE KEYSTONE
OF YOUR FUTURE

Senator's Ideas About Barrmg Theatres Selling Ads, Candy, Mdse.

Chicago, July 5. Following the recent legislative action of the Interstate circuit in the southwest for turning their theatres in stores and mercantile establishments, plus a general campaign by the southwest newspapers against the theatres for going into the advertising business through the medium of the screen, the better feeling regarding showmen who become general store merchants has spread to the northern states.

One of the most prominent legislators in the Illinois State Senate is understood to be preparing a strong bill to be presented at the fall session for a general follow-up along the same lines as the campaign in the south. It also includes provisions for the clause of items which are contained in the theatre divorce bill now pending in North Dakota.

This bill, as proposed by the Illinois senator, would divorce the theatres from all forms of business and commercial enterprises except the actual sale and exhibition of motion picture advertisements.

This senator, who is keeping his name out of the campaign until he has won his bill, is expected to present for presentation in the fall, is endeavoring to round up legislative approval of state senators and representatives which try to conduct business not specifically mentioned and included in their exhibition license.

Squawk is against the spread of theatres into fields entirely outside their rightful line, and especially into such fields as the merchandising of perfumes, hand lotions, candy, chewing gum, lozenges, soda pop both in bottles and cups, ice cream and refreshments, and, through vending machines. Also takes in screen advertising as an enterprise not specifically included in the license to exhibit motion pictures.

It is the contention of the leaders in this campaign, that the objection is not to the activity of the theatres in this various fields, but that the theatres themselves cannot participate in them on their own. Instead, the theatres must allow these activities to be conducted by the local merchants with whom they would be in unfair competition otherwise. The theatres must stick to the license for showing and selling entertainment film. The other argument must be left to others.

Fact has been signed by Screen Broadcast Corp. together with its affiliate, United Film Ad Service, for motion picture advertising pictures in approximately 75 Paramount theatres in Illinois, Iowa and Nebraska.

It is a new long-term agreement covering Par controlled houses in these three states.

Dixie Advertisers' Tax

Charlotte, N. C., July 5. Commercial advertising on the screens of four Spartanburg-Wilkes-Kinney chain theatres which was raised the annual license for such advertising to \$200 per house, will be resumed under a new licensing arrangement of \$12.50 per house annually, officials have announced.

In and Out

Philadelphia, July 5. Appointment by Governor Earle of John Clark to the Delaware River Bridge Commission was voided by the Supreme Court last week.

He is head of the Clark Film Distributing Service.

BOWLES SHAKES UP SF'S FOX-W.C. STAFFS

San Francisco, July 5.

Several dismissals and shifts in personnel revealed by Arch M. Bowles, Northern California manager of Fox-West Coast Theatres. The shakeup in the division involves theatres in Dick Spier's East Bay District and Mick Turner's Valley District.

Ralph Allan, from the Mission theatre in San Jose, which is in Turner's district, transferred to Fox, Oakland, replacing Dick Marshall, resigned.

Ray Richards becomes manager of the Orpheum, Oakland, transferred from the State, Oakland, resigning. Walter Chenevix Tinker, resigned. Evans Jeffreys transferred to the State, Oakland, from Senator, Vallejo. Both theatres in Spier's district.

Clinton Eberly has been switched to the Senator, Vallejo, from the Strand in the same city, and Ford Halsey, formerly assistant of the Paramount, Oakland, made manager of the Strand, Vallejo.

Bill Brown transferred from the Padre, San Jose, to the Mission, San Jose, and Andrew Saso named manager of the Padre in San Jose. Saso was formerly with the Hamrick theatres in Seattle.

In connection with this, Bowles announces that the Grand Lake in Oakland, operating under moveover first run policy for the past three or four years, has reverted to subsequent run policy effective Sunday (3), which is the same policy the house was operating under prior to going into moveover policy. The Grand Lake was one of the first houses in the country to adopt a steady first run moveover policy. Shortage of product in the downtown first run theatres was the reason Bowles gave for the change, as pictures deserving promotion in the future will be moved to the Orpheum downtown instead of the Grand Lake, in the outlying district.

RKO Richmond Hill House Auctioned Off for \$8,085

Richmond Hill, N. Y., July 5. The RKO Richmond Hill, operated by RKO on a 21-year lease at an annual rental of \$42,000, was auctioned off for \$8,085 on the steps of the Long Island City courthouse on Friday (1), to satisfy a judgment against Long Island Amusements Corp., house owner.

Theodor Freitag, manager, says sale is technically and doesn't annoy. Since it confuses patrons. Owner corporation has 15 months in which to redeem the judgment. Buyer was Abraham Keene, of Brooklyn, who made the only bid.

Sold To

Los Angeles, July 5. Court theatre, Santa Bernardino, goes on the auction block July 14 in foreclosure of \$108,500 first mortgage being held by the San Bernardino Theatre Holding Co. House is under 10-year lease to Fox-West Coast Theatres but has been held by the latter for two years. FWC has no connection with the bond issue, merely leasing the theatre portion of the building.

Schading Re-elected Biz Agent of St. Louis IBEW

St. Louis, July 5. Arthur Schading, business agent of local No. 1, IBEW, recently acquitted of a charge on an extortion charge, last week was re-elected for a two-year term after a bitter factional fight. Schading won by a vote of 1,000 to 800. On Schading's ticket who made the grade are E. O. Sunm, record mg secretary, and J. C. Dwyer, the executive board.

D. A. Jones elected president. Walter Mason, v.p.; Frank Clappier, treasurer, and Ver-on Fish, A. (Tony) Otle, Leo Bersinger and Leo Hennessy, exec. comm. The defeat of the greater part of Schading's ticket is interpreted as a rebuke to the man who has been a storm center for several years and the factional strife is expected to continue.

Fearing trouble when the votes were cast and counted, both sides asked gendarmes to have a looksee at the proceedings and as a consequence five plainclothes men and two uniformed cops remained on duty until the election was officially over.

Philly Reverses Summer Rule; No Houses Closing

Philadelphia, July 5. Despite widespread reports of houses closing other than the summer rule of poor bio and to duck the heat, there will be practically no shuttering in Philly this summer.

While nabe, as well as de luxe b.o.s. are way off, ope arts are relatively strong early in the year because patrons will get in the habit of going elsewhere. They figure that it is more economical to shut down a summer less than it is to shutter and then suffer in the fall.

One first-run house, the Aldine, closed at the end of May. It always darkened for the hot spell, but did so much earlier this year because of lack of product. Inasmuch as Warner Bros. operate all the initial runners here, though, they have no fear of losing trade to other houses.

MOULTON AT STUDIO AS GILLHAM'S AIDE

Hollywood, July 5. To bring about closer coordination between Paramount's home office and studio, Robert M. Gillham appointed Herbert Moulton as his personal representative and supervisor of the advertising, publicity and trailer departments. Moulton will maintain an office in the studio to keep in close touch with execs and producers.

Slough Phila. 44-Hr. Law

Philadelphia, July 5. Penny's new 44-hour week law, which would have required film houses and exchanges to work additional help and reshuffle present schedules, was declared unconstitutional last week by the State supreme Court.

Act never actually went into effect, for the law was signed by the Governor, more than 700 firms joined in attacking it.

NOTHER TORCHY

Hollywood, July 5. 'Torchy Blane in Chinatown,' an original tale by George Bricker, goes into production July 18 at Warners. Bryan Foy is the producer, with Gloria Farrell and Barton McCane in the top roles.

KIDS TO GET BREAK

Hollywood, July 5. Norman Tausig, MGM producer now in Boys Town, Neb., is testing the 212 youngsters there, individually and in groups, for a part in 'Stolenables.' Lucky kid will be featured with William Bregt, - Ourselves Here, of the picture were filmed last Saturday (2) at Hollywood Park.

Spread of Drive-In Cinemas May Become a Worry to Regular Ops; Dixie Belt Can Stay Open All Year

A product of the last two or three years, drive-in theatres are beginning to spread alarmingly, and, in the opinion of theatre men, may eventually represent a serious threat to organized operation in many parts of the country. Up to now confined to

the sticks, the drive-ins are beginning to penetrate more important cities, and are being readied for opening in Detroit, Cleveland and Boston.

The drive-in movements have thrived to the greatest extent in the New England area, where now getting more than 100 of the regularly operating theatres and causing theatre men to raise complaints about which seemingly nothing can be done. The principal danger of the drive-ins lies not only in the threat of this type of operation becoming widespread, but in the difficulty of meeting this kind of competition, where important real estate locations and the like, plus overhead, figure.

NITE BASEBALL ALMOST CAUSES SYRACUSE JAM

Syracuse, N. Y., July 5. Major showdown between Syracuse film houses and night baseball was narrowly averted last week. Incensed because Jack Corbett, owner local baseball club, Syracuse was narrowly averted last week. Chief of International League, had refused to send them taxless passes, certain members of city manager for RKO-Selznick houses, and Loew's officials, both denied having made any complaints after some of baseball fans threatened to form an association to boycott theatres.

Mayor Roland B. Marvin, good friend of Corbett, finally stepped into center of mess and after a conference with the mayor, Pirro and others backed down.

CULLEN PROMOTED INTO THE LOEW H. O.

Pittsburgh, July 5. M. J. Cullen, for last seven years managing director of Loew's theatre here, has been promoted by Loew's and will check out for New York July 10 on special duty pending definite assignment. Undertook several years, are being planned by Loew's and Cullen will take over a major post. His successor here will be Charlie Kurtzman, moving from Capitol Washington.

In addition to duties at Penn. Cullen has also been serving as producer for stage shows at WB Stanley, having been made available for this post through pooling arrangement locally between Warners and Loew's.

All the drive-in operation needs is a vacant lot to wall to enclose it and the usual apparatus which is used by outdoor theatres that provide shade. The question of cooling system doesn't figure, as with a regular theatre, since during nice weather, the outdoors is possibly to be preferred to an acid auditorium. Drive-ins can operate so much cheaper than a theatre in competition to it that the policy is naturally attractive. Within in the north and west, the drive-ins are a seasonal proposition, dependent at all times on weather, in the south they could virtually become a year-around business. People patronizing the drive-ins steer their car through the gate and onto the grounds, viewing the show from the cars themselves. Regular admission in the north and west, the people the average drive-in accommodates runs around \$2,000. The parking problem is one matter people don't have to worry about in patronizing drive-ins, while another box-office element in favor of the drive-ins is the fact that patrons may spon in their cars as they watch a picture. Or spoon without watching it.

Sunrise Auto Theatres, Inc. of Boston has leased 12-acre tract in Valley Stream, L. I. from the Channin organization of New York on which is to be built a drive-in theatre. Spot is on the heavily trafficked Sunrise highway.

Plans for the auto-screener. They call for semi-circular ramps built in a way as to elevate the noise of cars and make possible a view of the 60 by 48 foot screen unobstructed by cars closer to it.

New York Theatres

There's a Better Show at the

PARAMOUNT THEATRE

MILD OVER PERSON BOB BUKE MARSHA RAYE FRANCES LANGFORD "TROPIC HOLIDAY" XAVIER Cugat and His Band

TH. AV. & 86th St. MILD OVER

ROXY "RACE OF PARIS"

ALL 25c TO SEATS 5c. PM. - On the Stage - New Rings Show

RADIO CITY "MUSIC HALL"

"HAVING A WONDERFUL TIME"

Spectacular Stage Productions

Loew's STATE
New York's Largest
Last Time
See it before
it's gone
TOMORROW
See it before
it's gone
"You and Me"
In Person
Featuring
Ted Danson
and
Patricia
Kirkwood

LORD JEFF
Next Thursday, July 7
Margaret Sullivan
James Stewart
in "SHOWDOWN"
CAPITOL
Theater
Last Time
See it before
it's gone

MY BILL
KAT FRANCIS
Last Time
See it before
it's gone
25c to 50c

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**ARTISTS
MANAGEMENT**
Discography

PAUL WHITEMAN Chesterfield

Featuring

JOAN EDWARDS
4 MODERNAIRES
Guest Star ART SHAW
and His QUARTETTE

Beginning July 13 the Chesterfield Show Will Be Broadcast on WEDNESDAYS at the SAME TIME

Fri 10:30-9 P.M., EDT

Sunday
July 10th
CBS Radio
3:00-4:30 P. M., EDT

PAUL WHITEMAN

Guest Conductor
With
HOWARD BARLOW'S
CBS SYMPHONY
ORCHESTRA
On
GERSHWIN
ANNIVERSARY
BROADCAST

featuring
JANE FROMAN
MAXINE SULLIVAN
ROY BARGY
WALTER CROSS
LYN MURRAY CHORUS

Monday
July 11th
Leitchfield Stadium
New York, N. Y.
at 8:30 P. M.

PAUL WHITEMAN

Guest Conductor
With
PHILHARMONIC
SYMPHONY
ORCHESTRA
For
GERSHWIN
MEMORIAL
CONCERT

Featuring
JANE FROMAN
MAXINE SULLIVAN
ROY BARGY
4 MODERNAIRES
LYN MURRAY CHORUS

[THIS CONCERT WILL NOT BE BROADCAST]

All Paul Whiteman
Engagements Booked
EXCLUSIVELY
by
Artists Management
Headquarters Under Direction
of Paul C. Wimsham

17 E. 45th St.
N.Y.C.
2-1880

Inside Stuff—Radio

Unusual radio plug for Columbia Broadcasting's Workshop was an editorial in the N. Y. Journal-American last Friday (1). Recommended listening to the program which included reading parts of the U. S. Constitution. Editorials plugging only radio programs are rare indeed.

Katharine Seymour and J. T. W. Martin, who are collaborating on a revised version of their book about radio writing, were formerly married. Seymour took place in 1931 while they were working together on original volume on radio authorship. Martin has since remarried.

During negotiations between the networks and the American Federation of Radio Artists, union execs were allowed to peek at the NBC and CBS books. Just on talent costs for sustaining programs.

Joe Penner's ad last week gave the wrong address for Monroe Goldstein, his personal rep, at 8065 Sunset Blvd., Hollywood. Correct Rte. is 8065.

F.C.C. DEFINES POLITICAL EQUALITY

Expected light on political broadcasts got the button today (Tuesday). When F. C. C. announced four basic clauses to be incorporated in rules and regs to govern stations and guide politicians.

1. Stations are not required to sell time to politicians but having done so, for instance, all must have same privileges.
2. Any legally qualified candidate must compete fairly with all others.
3. Rates must be uniform to all with no direct or indirect rebates.
4. Every station must keep a log, for public inspection of candidates making requests for time together with notations of what action followed and what price, if any, was paid.

MERLE JONES HOPEFUL; KMOX SETS SHOTS

St. Louis, July 5. Anticipating an end to the recession by late summer and a consequent rise of his Merle Jones, general manager of KMOX, local CBS outlet, has ordered an unusually large number of auditions for the sales staff and which are designed to attract sponsor prospects on the station's list. C. Bradford Simpson, formerly with KMOX, was assigned by the CBS Chicago office to serve as program consultant here while new ideas are being put into the wringer.

Simpson, Ken Church, sales manager, and Arthur Casey, acting program director, are huddling to produce slick programs.

The Cast for July

Washington, July 5. July assignments of the Federal Communications Commission to the Commissioners T. A. M. Craven and Paul A. Walker in position to wield the blue pencil over broadcasters' applications.

Schedule puts Commissioners Norman C. Case in charge of aeronautical, police, and emergency matters. Craven in license, electric apparatus changes, test operation, etc. George Henry Payne in charge of business, except broadcast. Eugene O. Skyes and Thad H. Brown on telephone and telegraph items. Walker on practice and procedure.

Salt Lake's 3rd Starts

Salt Lake City, July 5. Offering Salt Lake City ether advertisers a 50% reduction below rate card prices of burg's two chain outlets, KUTA, recently completed 100-watt, will begin broadcasting about July 15. Frank C. Cadden, manager, now contacting local merchants.

Students located in the Belvedere Hotel, on transmission of the four studios of Salt Lake City.

Bill Dyer, WCAU, Philadelphia, sports gambler, again assigned to do play-by-play on annual All-Star football game. He is teamed with France-Laux for his third straight year on the assignment.

Mutual Network Stocked Up on Dance Pickups; A3-Time July Tops

Mutual network, to fill the programming gaps left by the fading of commercials for the summer, is heavily stocking up on remote dance-band pickups from the hinterland, which always out-distanced CBS and NBC in such programs, goes into July with an all-time high.

A weekly total of 30 hours and 15 minutes are devoted to the remoter dance-band pickups, and many of the pickups are made during daytime hours, notably on Saturdays and Sundays when the dancers are being held. On each of these days, two hours of dance music is picked up prior to six p.m.

Breakdown in hours:
Sunday: 5.
Monday: 3.
Tuesday: 4.
Wednesday: 4.45.
Thursday: 3.30.
Friday: 4.
Saturday: 3.
Total of 31 different spots, using as many bands, are tapped by the network. Sites are chiefly in New York with only a pair in Chicago and two from Los Angeles. Burgs which have been out-of-New York include, for instance, such as Philadelphia, Boston and San Francisco, are not on the schedule.

To facilitate the flow of orchestra, Mutual has sewed up Atlantic City, getting executives with both the Elmer Fier and Ham's Million Dollar Pier.

HOW TO GIVE SHIVERS TO OFFICE-SEEKERS

Longview, Texas, July 5. KFRO has devised what station considers to be a slick way to make electrifying politicians conscious of the radio medium as a vote-getting commercial proposition. Job-seekers hereabouts haven't been buying air time to any great degree during their campaigns.

Paul Wilton, KFRO announcer, has been pandering the Longview community with a mite quizzing passbook on names of candidates and the offices they are seeking. Broadcasters are revealing that localities seem to be in a considerable mood for what office.

Or Better Still—Don't

Philadelphia, July 5. "Handle fireworks carefully if you handle them at all," John Facenda, WIP commentator, was heard on the air three times Sunday night.

Yesterday a firecracker exploded in his right hand outside his home in Drexel Hill. He was treated at Jefferson Hospital for severe burns of three fingers.

WDAS Labor Pact Up

Philadelphia, July 5. Well-known Philly labor attorney has been retained by broadcast division of American Communications Association local to draw up all future contracts. Mouthpiece is Saul C. Waldbaum. First job will be negotiating new terms for the five panelmen employed by WDAS, whose present contract expires shortly. Higher wages and cut in work week from 44 to 40 hours will be asked.

7:15 A. M. Kid Show

Philadelphia, July 5. WCAU's Siggers kids are getting up and out these days, experimenting with a new time for kid script show at 7:15 a.m. Program titled "Bill, Swift, Boy Detective," with Ken Carpenter and Bill Goodwin.

WGY's Old Grads Back to Salute New Premises

Schenectady, July 5. A series of 29 special programs over a 10-day period in connection with the dedication of WGY's new five-story building will bring before the mike many veterans from the pioneer days. Ollie Yetts, a composer, a stranger and recitalist for 10 years, leads off with a piano piece. July 10, P. R. Brown, former manager of broadcasting for General Electric; Charles A. Hoxie, father of the Fallophogues; and Kelling D. Hager, original voice of WGY, and present manager, will remain on an evening spot.

William Fay, now boss of WHAM; Louis Dean, Frank Singler and Clyde Kittell are to take part. Jimmy Wallington can't make this date and Tom Lewis will be in Europe.

However, Lewis, of Young & Rubicam's production staff, will be represented by two playlets, "The Salient," with Charles Coburn, director of the Mohawk Drama Festival, in the leading role of an army officer, and "Curtain Calls," with Maurice Maerz, Marjorie Taylor, Patricia Sheldon and Eugene O'Haire, of the old WGY Players. Radcliffe Hall will direct the first and Chester Vedder the second sketch.

On the nation-wide dedication ride Saturday night, a dramaleague, "WGY Through the Years," will bring Rosemary Krenne back to the leading role. She will fly to Schenectady from Halifax, Nova Scotia, where she is attending the International Radio Convention, July 6-8. Waldo Pooler, now of WTAM, and Red Hall will produce this sketch.

KGKO's New York Office

Wichita Falls Broadcasting Co., operating KGKO, Ft. Worth, is opening a New York office. John I. Prosser will be in charge.

Company is a subunit of the Ft. Worth Star Telegram.

Weed's Missouri Pair

Weed & Co. has added two more Missouri stations to its national sales representative list. They are KKOK, St. Louis, and KFPU, Columbia, each licensed for 1,000 watts. KKOK is due on the air Sept. 1.

Bayuk's Hartford Change

Hartford, July 5. WTIC Monday night joined the Yankee Network for the 'Inside of Sports' with Frank Stevens, now being by Bayuk Cigars. Program is heard Monday, Wednesday and Friday nights. Program of similar nature by same company with a different sports commentator fed by Mutual to WHTR from WOR being dropped locally.

Stevens is on a leave of absence from WTIC.

WTIC's Tongue Taster

Hartford, July 5. Add new radio names: Vocabulary pronunciation contest over WTIC on Monday nights, conducted by John C. Gilmartin. He's principal of two schools at Waterbury.

Program is a sustainer and was conducted over WBBY, Waterbury, by Gilmartin for 36 broadcasts recently.

Resort Tons on Air

Miraflores, Mont., July 3. Hamilton, Polson and Ronan, three neighbors in Montana towns, are riding KGVO on bought time to lure vacationals. Each takes a half-hour weekly to boost about itself. All three are located in resort regions.

WICHA FALLS

DECISION ON COVERAGE

Washington, July 5. Decision in the Wichita Falls case, source of one of the bureau's headaches in months, saw daylight last week and was slated for court review the following day. Federal Communications Commission sticks to its guns.

Favorable action on the request of group of photographers, operating under the Wichita Broadcasting Co. label, for a low-power regional plant using 620 watts, came along with ruling which split the regulatory body. Unusual line-ups found Commissioners Norman S. Case, T. A. M. Craven, Paul A. Walker, and George Henry Payne backing the group while the other three, Chairman Frank R. McNeill, Commissioner Eugene O. Skyes, and Thad H. Brown, were for the high-power broadcasting company, another set of industry novices. Nobody loved the West Texas Broadcasting Co., which embraced former owners of the town's sole plant several years ago, and most of the local business big shots. Two losers laid newspaper stacking.

After dismissing two other competing applications with prejudice, the Commission majority issued its ruling. The engineering evidence, which dealt chiefly with the controversial and probably serious question of area coverage, was given by each of the permit-seekers. All contenders otherwise presented similar evidence, technically, financially, and legally qualified.

Coverage

In giving the Wichita Broadcasting group the nod, the majority reasoned that the prospects of blanketing a wider area than the other two parties. Opinion remarked that prospective coverage would rank Wichita as a potential competitor of KMOX at night, with the West Texas Broadcasting plant on top after dark and broadcast place during daylight. On population basis, there was little choice, with the winner serving more people. The majority said all proposed plants of about equal value would amount.

The Commission finds that the station of the Wichita Broadcasting Company, operating as proposed, would drawatively serve a greater area and a larger population than either of the other stations operating as proposed during a large majority of the hours out of each twenty-four hour period, the majority declared.

Rival between the two parties—The Times and Record-News which sunk money in the West Texas set-up and the Post, which was interested in the Faith proposition—reflected in the opinion. Majority observed there was fear, whether justified or not, that the West Texas crowd would make radio advertisers balk in the two streets and the economic future of the Post, newswoman in town, would be menaced. This factor was given weight in the grounds for decision, however.

Longed for a wrangle, recommended by the politicians, is in prospect. Reconsideration and, if necessary, a rehearing, will be sought by the West Texas outfit, which is armed with a brief-case packed with evidence to support the proceedings, were accompanied by evidence skullduggery.

Billy K. Wells has engaged Fellea Jaynes and Ben Johnson for his projected variety show. Later will be a member of the Mischa Vinnikoff sextet, who played recently, formerly with the Barcelona and Washington, D. C., symphony orchestras.

In Baltimore, it's

ON THE NBC RED NETWORK
NATIONAL REPRESENTATIVES
EDWARD PETRY & CO

SAY F. C. C. ONES COURT

ITS 'REVIEW' ON ALL-NEW BASIS

Eliot Lovett Raises Questions of Commish Scheduling Pottsville Along with Subsequent Petitioners Being 'Disrespectful' to D. C. Court of Appeals

LAWYERS WATCH

Washington, July 5. Support of the courts is sought again by the Pottsville Broadcasting Co. in effort to wring a construction permit for a new regional outlet out of F.C.C. Latest invocation of judicial assistance presents novel question of whether the District of Columbia Court of Appeals will stand by while the F.C.C. throws off all restraint in redeciding whether to grant the Pottsville plea.

Suggesting indirectly that the Commish may be in contempt, Eliot C. Lovett, counsel, and Charles H. Drayton, who is both president of the applicant corporation and head of Children's Hospital here (Washington), asked for writs of prohibition and mandamus to prevent the Commish from widening the record, from throwing their application in with requests of life-comers, and from stalling indefinitely.

Second round in the Pottsville fight. Six weeks ago the D. C. tribunal spanked the Commish, which had denied Drayton's request on the ground of financial

Wrong Guess

Wheaties division of General Foods (Benton & Bowles) had apparently picked Washington University to win the Poughkeepsie Regatta last Tuesday (28), with the result that Boone Carter was given some uneasy moments when it came to weaving the plug into his broadcast that same evening. Cereal had also tied up the coach of the Washington crew for the testimonial and since the latter came in third Carter was hard put to making something pertinent of the premeditated association.

Agency men who caught the Carter broadcast remarked later that their sympathy went out to the commentator for the awkward position in which he had been placed by the sample of wrong guessing.

Ineligibility and because of non-resident ownership. Court on that occasion said the group which Drayton heads was financially qualified and expressed disapproval of the F.C.C.'s animosity toward absentee landlords.

Important

Latest proceeding holds much interest for the radio barriers, particularly since the D. C. bench in a parallel situation involving different tactics refused to put the F.C.C. in a legal straitjacket. Lovett's action is the first time in history of broadcast regulation—so far as can be recalled—that either a writ of prohibition or a set of mandamus papers has been sought. If granted, request will open the way for other counsel to speed action and will further clarify the confused question of how much latitude the F.C.C. actually has.

Because the tribunal sent the case back for further deliberation about

the absentee ownership angle, the Commish cannot weigh other factors or link the Drayton request with others filed subsequently. Lovett holds. Present plan of the regulators is to hear arguments on the loose policy about non-residents at the same time it gets opinions on rival routes—offered weeks after the Pottsville Broadcasting Co. made its request—of the Pottsville News and Radio Corp. and the Sheykill Broadcasting Corp. This is what Lovett seeks to block, forcing the F.C.C. to decide on his client's proposition first.

In layman's language, the petition attempts to find out if the D. C. court, sole avenue open to dissatisfied applicants, intends to force the Commish to observe its mandates. Or will let the airwave police make up the rules of procedure as they go along.

Preliminary sparring before the latest round included exchange of written compliments. Commish refused to schedule one-way oral argument on the Drayton request, snooted Lovett pointing out that the case was sent back only for reconsideration of the policy toward absentee proprietors, scheduled a three-cornered debate at which the rival applications would be weighed on a comparative basis, and said each contestant could have 'full latitude within the record.'

Plan to enter on unrestricted reconsideration of the Pottsville Broadcasting Co. application is disrespectful, Lovett told the court. No justification for following the route selected and if the tribunal countenances such independence by the FCC 'it will make a mockery of the power explicitly vested in this court to review orders of the Commission,' petition stated.

Inconsistent. Discussing the issue which the court ordered the Commish to settle, Lovett scored a point by emphasizing that since the Drayton request was turned down on grounds of non-residence of the promoters

NBC Vs. 'Secretary'

NBC has refused to allow the performance of 'Weekend of a Private Secretary,' a Remick tune, over its facilities, regardless of the publisher's several submissions of revised lyrics. The network's censors say that the subject matter is essentially objectionable. Song, which was coauthored by Johnny Mercer and Bernard D. Hanighen, tells about a stenographer's romance cruise to Havana.

The FCC has allowed other absentees to get construction permits. In this proceeding are regional type, not local, and no policy against letting outsiders have stations of this sort ever has been laid down.

The failure of the Commission to announce a policy, for uniform application, that the lack of personal familiarity with the needs of the need on the part of a majority stockholder disqualifies a corporation from receiving an instrument of authorization under the Communications Act, the obvious intention to continue its former policy to the contrary; and, in fact, the actual continuance of such contrary policy since the decision of the Court herein, leaves the Commission no legal right to deny the application of your petitioner, Lovett declared.

Among the accusations cited to the Court were (1) refusal to grant the Drayton request on the record already compiled, (2) intention to continue disregarding the prior evidence and the Court's ruling, (3) attempt to proceed in manner contrary to bench orders with the tribunal is in recess; and (4) deliberate design to evade the judges' mandate. These will inflict irreparable injury unless the writs are allowed, counsel claimed.

In his supporting brief, Lovett

set forth two vital questions for consideration by the judges who have authority over the FCC. Whether matters of law decided by the court are finally settled or may be reopened, and whether the Commish can re-decide matters which were not left open by the court's judgment. In planning to re-review the whole matter and to link it with other pleas, the Commish is following a path which in effect 'illust this Court of jurisdiction,' the attorney insisted. If unchecked, the FCC can force litigation repeatedly as long as wishes to persist in its contumacious, he added.

EVERYBODY WRITES F.C.C.

Charlotte, N. C.

Changing radio barometer in the Carolinas shows that: WSIS, Winston-Salem, N. C. withdrawn a petition to increase power.

WMFR, High Point, has had night-time operation recommended to the commission by the examiner who studied the case.

WGTM, Wilson, is asking for a change in frequency and increase of broadcasting time.

WSOC, Charlotte, nixed on effort to get more power and new transmitters.

Albermarle Broadcasting Co. will get a 1420 station.

F. C. Todd has been recommended for a station at Gastonia, where there is no station at present.

Pee Dee Broadcasting Co. is asking for a station at Florence, S. C.

WBIG, Greensboro, is seeking to add equipment and boost power.

26,000 DEALERS WERE ASKED:

"If some manufacturer of goods you sell was to launch a radio program in the Philadelphia area which PHILADELPHIA Station would you suggest using?"

THE ANSWER WAS AN OVERWHELMING PREFERENCE FOR

WCAU

PREFERRED 2-TO-1 OVER ALL OTHER PHILADELPHIA STATIONS COMBINED!

Write for booklet "Dealers' Choice"

30 Pounds of Testimony

Whether to sit at home and read the transcript or spend several weeks appearing at local hearings remained uncertain as far as station managers were concerned—when the FCC's elongated rules hearings wound up last week.

Against the cost of the cost of the record (which doesn't include all the smart cards or the exhibits). Bill for a full stenographic account of the argument over clear channel, superpower, etc., costs nearly \$1,100. Totals \$270 pages and about 30 pounds.

Procedure Reform Proposals July 10

F.C.C. Will Publish First to Get Barristers' and Stations' Reaction Before Final Adoption

Washington, July 5. Streamlined procedure plan of the Federal Communications Commission will be unveiled at the end of the week with plan to put it into effect before the winter rush season gets under way.

Following lengthy session at which the recommendations of the committee were examined in detail, the Commission Saturday (5) announced that the suggestions for improving the handling of applications, reducing delay, and eliminating fundamental weaknesses will be published July 10 for comment from barristers and station operators. Nature of the ideas has not been disclosed, but many proposals have been weighed during months of conferences.

Several radical changes in the way of doing business have been proposed in discussing methods of plugging loopholes and simplifying administrative work. Most important are: hearings in the field and decentralization of machinery, creation of a formal motions court, having examiners write either proposed findings or no recommendations at all, and altering phases of the internal organization.

Uncertain whether there will be any hearings. Rules Committee will welcome written suggestions and comments and has authority to get words orally if it sees fit. Commission ordered the staff group, which works out the details of the report by Sept. 15 in the hope speedy final action can be taken.

F. R. MCINCHIN D. C. HOSPITAL

Washington, July 5. Siege of overworked FCC hospital Frank R. McInchin in the hospital this week and threatened to slow down the wheels of the regulatory machinery.

Long bothered with stomach distress the Commission chief slipped off for diagnosis and observation after strenuous stretch of late night and weekend grinding. Expected back in the office the middle of the month, although exact return depends upon the doctors.

KYSM Starts B'casting

Manitowish, Minn., July 5. Town's first radio station, KYSM, goes on the air next Sunday. It is a 250-watt and was built in five months by Bob Kaufman who came up from WLS, Chicago, to head the new set-up.

5000 Say 1000 Nights

Columbus

ALL YOU
NEED IN
CENTRAL OHIO

John Blair, rep.

APPLY FOR FCC ASST. HEAD, HOLDS OWN BARRISTERS' CROSS-EXAMINATION

Commission Winds Up Hearings—No Decision Expected Before Fall and Revamping Probably Not Due Until 1939

Washington, July 5. Eloquent defense of the ancient clear-channel theory was outstanding part of the final hearings in the Federal Communications Commission's pondering of new rules and regulations for broadcasters. Final action unlikely until late in the fall and may be put over until next year. Four weeks' exposure of the three-man committee to barrage from rival engineers wound up Thursday (30) with a report given until August to write briefs re-emphasizing the principal points. Special committee will prepare a report after digesting the 2,200-page record and examining the hundreds of documents and then an oral argument will be heard when barristers present oral arguments to the full board. Promulgation of the code seems improbable until 1939.

Conviction that the American public needs service from high-powered stations by using clear channels of certain frequencies was echoed in the closing hours, by Andrew D. Ring, assistant chief engineer of the Commission. Pride of authorship motive.

He told the Commission he feels public needs clear-channel service although it is humanly possible to rebut the individual radio desert will be irritated by other means. Full-timers on radio frequencies are no longer all transmitters, he remarked, but they still are the chief source of production for the three-quarters of the population.

Death blow to regionals and locals was Ring's testimony on the spite persistent cross-examination which forced him to qualify some of his remarks. He said he would share the conviction of either group that the solo ribbons should be broken down for the old-timers' benefit.

Regionals and locals cover only 18% of the nation's area, the Commission technician declared. This comprises from 50 to 60% of the population. In contrast, the 50 kw plants serve 75% of the people during daylight and 74% after dark, he interpreted.

ing Okays Idea
Possibility of allowing application of the presently-clear frequencies on both coasts was suggested by Commissioner Norman S. Case. Novel thought received support from Ring, who conceded that general improvement might result if only the positions between the two mountain ranges were given exclusive rights or allowed more power than the present maximum.

If the 50 kw limit is retained and all transmitters east of the Appalachians and west of the Rockies were tagged 1-B, it would be possible to provide more compact service, the Commission expert contended. This would allow duplication on the coasts and keep the middle section. If the inlanders used 500 kw, the deficiencies in service probably would be completely removed.

The idea of breaking down the clear channels nationally did not seem palatable to Ring, however. As much need in rural areas of the Atlantic coast for more coverage as in the Rockies and Great Plains. Need of keeping at least 25 channels open for solo use was stressed chiefly upon lack of information about program service and tastes of the ruralities, according to the Commission engineer. More data imperative before the reserved ribbons are opened up for all comers. Government cannot overlook the sticks. Through a grueling cross-examination in which a half-dozen lawyers hired javelins—about his views, Ring held his ground. Made several concessions to the little fellows, though, particularly on the question of what has happened since 50 kw was permitted a decade ago.

Proposed rules allow more juice for both locals and regionals, as well as shorter geographical spaces between stations, thus providing considerable room for added transmitter—and will give both regionals and local a fair break, he said. In sticking to the clear-channel idea, he testified that all existing stations of all classes cover around 96% of the population in the daytime.

but there is a nighttime shortage which can best be remedied by 50 kw plants which have back-rest drivers. Even though improvements in the art since 1926 have helped the ruralities.

Several metropolitan areas lack full-time stations. Commission expert conceded under fire. New Haven, Alton, Atlantic City, Trenton, Wheeling and Youngstown are examples. But these situations still can be cared for without breaking down the 25 stripes.

No necessity for all stations to increase power in order to provide ample protection for other in Ring's mind. Instead of horizontal jumps, Commission should handle various channels, he explained, for the best service to the public. All local channels can't be used in the same city because of the interference possibilities.

Answering arguments of the local plants, Ring noted that the rules allow considerable room for duplication. Class 4 outlets can grow up and obtain 1-B rating without difficulty if the technical conditions are right. Locals and regionals got some consolation out of Ring's cross-examination. Admitted 500 kw plants on the East Coast cannot lay down a decent signal in the Rockies. This works both ways, however, since the government technician added that interference problems might block use of same channels on the West Coast. Said at the same time that only a few daytimers are a material barrier to 500 kw operation.

Other rules which have drawn fire are neither burdensome nor absurd, Ring asserted.

Plan to prevent on-again-off-again use of auxiliaries is based primarily

on administrative considerations. Inspectors cannot be in two places at once. Furthermore, the emergency plants usually are not as good as the main transmitter. In a sort of we're-doing-this-for-your-sake, man a n e r, Ring noted that licensees will have to spend more money to keep two plants in the same state of efficiency.

Ban on commercial use of experimental overtime permits or rate jumps on other special research facilities is because too many operators have been falling down on the job. Without giving names, Ring pointed the finger at phone experimenters who have been coasting along for years without furnishing satisfactory reports, let alone making any vital discoveries or benefiting the public.

Government dictation of the ground pattern for transmitters is consistent, according to Ring. Since the subject of terrain portions are as important as the aerial. No sense in telling how high a tower can be without saying what steps should be taken to insure an efficient sub-surface installation, he observed.

The clock rule—which has been derided as principal example of foot-dragging—does nothing to boost the clock rule, Ring said. Well-equipped outlets already have suitable chronometers. Provision is aimed at the laggards who alibi they didn't know what time it was. Cost would be more \$25, he appended.

The Class 3 differentiation will not work any serious hardships, Ring contended. No sense in boosting power of stations in this group if they cannot blanket a wider area. Likewise, if the 2's are getting interference now, more juice won't help materially. They can use directional antennas and become A's, if sufficiently upset.

Lots Austin has left for New York, following the folding of Death Valley Days' productions in San Francisco.

NEW YORK
FOR RADIO ARTISTS AND
ORCHESTRAS-CONTACT

RADIO CITY-CIRCLE 7-7550
OTHER OFFICES IN

LONDON

CHICAGO

HOLLYWOOD

SAN FRANCISCO

Berlin Firm Will Cooperate In Trade Move to End Renewal Feuds

Serious snag in the campaign to eliminate the sniping of copyright renewals from the music industry last week, when Irving Berlin, mgr. of Irving Berlin, Inc., promised Walter Douglas, chairman of the Music Publishers Protective Association, that the Berlin firm would refrain from withholding of renewal rights from outside writers. Competitive pubs had complained to Douglas that Berlin was circulating writers who renewals were coming due, despite the efforts being made to bring the industry into a signified accord against the practice.

While he has declared that the proposed agreement looks okay to him, Irving Caesar, president of the Singers Protective Association, last turned a copy of the pact over to S.P.A.'s general counsel, John Schulman, for study and an opinion as to the writer's interests will be affected by the covenant.

GREASING S RIFE AGAIN

Professional men for some of the major publishing firms are complaining that it has again become a wide open payola scene among bands originating from spots in New York these plug men are charging that the smaller pubs have taken advantage of the influx of minor name aggregations to cut loose with the greasing, while the smaller pubs report that all they are doing is following the examples of the larger number of the major publishers.

Smaller firms also point out that the difference between the major firms and the major firms is the point of view. Later may seem taking care of a time scale-plugger and the major firms with them (the smaller pubs) a plug is a plug as long as there is a sound outlet.

Vogel Is Assessed Costs Of Withdrawn Lift Case Involving 'Li Pig' Song

Very Vogel, as owner of the J. B. Haviland Co. catalog, was ordered last week by Judge Frederic Patterson in the Federal court to pay all the court costs in the action that he had brought against J. B. Marks and the Rialto Music Publishing Co. in connection with "The Little Pig Got Up and Shooked Away." Vogel had claimed that the vendors put out by these two firms was an infringement of a number which Benjamin H. Burt had placed with Haviland in 1915.

Judge Patterson awarded the costs order after Vogel had sought to withdraw his suit. Bill which Vogel had put forth involving the costs of the taking of depositions in California and Boston, totaling \$1000. Major part of this sum will go to Marks.

Marks' tune was written by Fred Brown. In preparing to sue Vogel, Julian T. Ablett, Marks' counsel, found that lyrics on the same theme were common use for national troupes and included in penny songbooks during the mid 1800's.

Gag Org. May Spread

Tulia, July 5. Fair chance that the Society for the Preservation and Encouragement of Barber Shop Singing in America, jokingly organized here recently, will become a national movement and plans already on foot for a national convention and barber shop quartet viedition nation here soon. Sponsors include national air hostess New York's Al Smith as one of the first outside cities to seek a "chapter" in S. F. E. B. S. A., to be first national center, definitely to be first, declares O. C. Cash, society and Keeper of the Keys (head man).

Directors known as Sun-Chronicle more than ten members already have asked for charters.

Skywire's Sour Note

Los Angeles, July 5. Three creditors filed an involuntary bankruptcy petition last week against a company which is operating a record music to restaurants and cafes via telephone transmission. The company, singing postcard Radio Television Supply Co., Radio Supply Co. and Sheet Metal Specialty Co.

COURT RULING ON 'MELANCHOLY'

Copyright renewal controversy which, it is expected, will develop into a bitter court battle concerns the right to 'My Melancholy Baby'.

Present copyright of the tune's major expires Oct. 31, 1939, with the right to file for renewal coming due a year prior to that date.

Joe Morris Music Co., which controls the present copyright of the song, claims that it not only has a right to renew the copyright, but also the renewal rights to the melody but that it is the sole copyright of the tune. The tune, 'My Melancholy Baby' has been a major sheet sales and consistent performance getter.

Morris' counterclaim to the renewal rights to the song is Shapiro, Bernstein & Co., which got the assignment from Burnett several years ago. Morris holds that even if the assignment made to Shapiro-Bernstein is upheld by the courts the latter firm will be stopped by injunctive process from publishing the lyric with which the song has been identified, namely 'My Melancholy Baby.' If Shapiro publishes the tune, it will have to use some other title. Burnett's former wife is credited with writing the original lyrics titled 'Melancholy'.

ASCAP FILES MANY INFRINGEMENT SUITS

A new batch of Federal court suits for copyright infringement filed by ASCAP were filed last week by Gene Buck, as president of the American Society of Composers, Authors and Publishers, who claims the habit is becoming a nuisance and should be stopped. The new actions, which are for injunctions and damages, are against the following: Sam H. Steiner, Harry Belafonte, Dave Jacobson, Carmine Vento, Hillcrest hotel, Hotel Leona, Walter Lane hotel and Eugene Candacio.

All of the defendants are either hotel, restaurant or cabaret owners located in New York. The songs, products of the members of ASCAP which are alleged to have been infringed on, are "Good Night Angel," "Please Be Kind," "You're an Education," "Whistle While You Work," "Heigh Ho," "Live the Life I Love" and "Sweet Sue." ASCAP wants \$250 for each time the suit was used by the defendant.

Int'el Incorporates Albany, July 5. U. S. Song Sheet Distributors, Inc. has been chartered to operate a business in song sheets and lyrics of all kinds, in Manhattan. Directors are Ben Merzelmstein, Sam H. Steiner and Florence Lutz. Finkelshten & Jacobson, filing story.

WHITMAN DRAWS BIG IN NEWARK CONCERT

Newark, July 5. Paul Whiteman's orchestra drew an estimated record crowd of 23,000 into the Newark Schools Stadium Tuesday (5) for the final concert of the third season of the Essex County Symphony Society. Concert was originally scheduled for Tuesday but rain forced its postponement to the later date.

Selections of the various leaders who conducted different parts of the program rode the fence between Whiteman's pair of classical composers, Adolf Deutsch, Van Phillips and Ferde Grofe batted the more solid tunes, while Al Gallodoro and Les Lieber, and Mike Gallagher, to the swingers with hot soloicks of pop tunes on clarinet and banjo. Lieber sending on a dime into whistle.

Symph crews let go with a wide variety of selections including: "The" by the late George Gershwin, "American in Paris," "Rhapsody in Blue" and the "Second Rhapsody in Blue." Rogers and Hart's "All Points West" was included as well as works by Beethoven, the young Johann Strauss, Gounod, Delibes, Bach, Tchaikowsky and others. Prior to the concert, a pair of classical composers, denella and Raymond Scotts "Barn Dance of an Egyptian Mummy" five minutes' tenders was into a hot session on "Tiger Rag."

Jean Ellis, young Whiteman vocalist, performed "Ah, Sweet Little of Life" and "Sweetheart" from "Maytime." Jean Edwards of radio accompanied herself in the "Tiger Rag" and "You Couldn't Be Cuter" and "New Apple Tree."

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NEW MPAA HEAD MEASURES SPA

As the new chairman of the board of the Music Publishers Protective Association, Walter Douglas has attempted to resume negotiations with the Songwriters Protective Association for revised standard publisher-writer contract. His initial move will be to ask the spokesmen of the SPA to set down in writing just what stipulations they wish inserted into the new contract form. Douglas figures that a broad step toward the solution of the issue would be achieved once the SPA made it clearly understood what it

Last negotiations on a new unit contract went up in November when the SPA, with serious after-effects within the SPA itself. After numerous resignations, the SPA took the question of mechanical rights administration to the N. Y. supreme court. Justice Ferdinand Hughes dismissed the complaint three weeks ago and the decision as to whether amend or not was to appeal from Justice Spencer's finding now remains with S.P.A. council.

Donatdon East

Walter Donatdon, who came from the Coast to place several songs which have no film studio strings. Commenced to work with the studio in writing at least two new numbers. Donatdon is due to start back next week.

Pittsburgh Imposes Dance Remote Rule; Name Bands Dispute Crux

Pittsburgh, July 5. Order banning remote pickups of bands from Pittsburgh night clubs and hotels was sent to local radio stations over week-end by Local 60, which immediately refused to comply. Immediately dropped all over since extra charge imposed by union was not immediately paid. Would amount to nearly \$200 for half-hour broadcast and none of the cafe operators would be willing to assume such a burden. Last-minute effort of Local 60 to use this wedge in get Pittsburgh bands into dance spots here at least

Tobani Works Thrown into Public Domain in Significant Decision

Mills-Cinephone Renew

Jack Mills has renewed his contract for the exclusive American rights to the publications of Cinephone Music Co., Ltd., London firm. Also to the works of Macdonald Ltd., which recently severed its affiliation with Cinephone and became an independent company under the direction of Bobby Sanders and F. Macmillan.

Renewal agreements are for a year with an option to renew for another 12 months.

PHONOGRAPH DECLINE IS SURVEYED

Washington, July 5. Radio, that new-fangled invention, has made the old graphophone what once adorned most small town parlors obsolescent. Even records are more popular with the farm families.

More convincing to the record market was supplied last week by the Agriculture Department. Only about one-fourth of the small town households now count phonographs among the furnishings, but over three-quarters of them—in all principal geographical sections—have receiving sets.

The New Englanders, who have the most radios, topped the list of farm homes with phonographs. With the old Edison type of tin horn and wax cylinder or a more modern machine wasn't shown. There 23.3 of the families have the canned music machines. But they also possess radios in large numbers—more than 7 out of every 100 reported no means of picking up air-waved entertainment.

Best proportionate ranking for the disc business was among the Negroes of the Southeast. Study showed colored folk in the Carolinas, Georgia and Mississippi still are more faithful to the crank-and-turntable form of entertainment. There 30.1 of the homes have phonographs. Only 17.8% have radios and 87.9% own radios.

Miss Petkere in Reno

Bernice Petkere, songwriter, has gone to Reno. She's been estranged for some time from Ed Conne, British-American radio man, now headquartered in London and Paris.

TINPANNER'S PAYOFF

Hollywood, July 5. Clinton E. Miller, trustee of Condon Pictures, was given court permission to pay \$10,000 to the songwriter, \$1,000 in settlement of a \$15,000 claim.

That a claim declared was due him for writing music for three films by Metropolitan Pictures, predecessor of Condon.

Family of the late Theodore Tobani lost its appeal yesterday (Tuesday) in the U. S. District Court from the decision of the Federal court by the Federal court favoring Carl Fischer, Inc. Higher tribunal in its decision held that the Tobani was not entitled to copyright renewals that they had taken out on the father's works, but decided a counterclaim made by the publisher that the renewals obtained by the Tobanis be assigned to it.

Decision has an added significance to the music industry as a whole in that the higher court also held that a writer is free to part with his renewal rights at any time he wishes before they come due. This dictum slaps a theory common among publishers that a transferred renewal right could be held void in the event the writer died before the right to renew became lawfully his, on the ground that he had disposed of property belonging to his heirs.

Circuit court ruled the Tobanis had not right to take out the renewals on the father's works, since he had been an employee for hire in the Fischer organization. Decision also declared that the Tobanis had had in a contract made in 1928 reaffirmed Fischer's rights to his compositions, and that the Tobanis, Fischer was entitled to all renewal rights. Decision further ruled that the Tobanis had no right to sue the publisher as an author in the event the status was that of employee for hire.

Opinion of the circuit court throws all the compositions involved into the public domain, since Fischer had applied for renewal of copyright when they came due and the higher tribunal has taken the view that the renewals he applied for were his own. The Tobani had started the litigation, charging Fischer with infringement by continuing to publish the copyright renewals obtained by the heirs.

DELY ASCAP TACOMA BID

Seattle, July 5. A three judge Federal court consisting of Judges Charles E. Smith, Cushman and John Bowen at Tacoma declined to take additional testimony in the Delly case, after being filed by ASCAP in its fight against the Washington state copyright law. Among those present in the court room waiting to be called as witnesses in the suit for enforcement of the state law were Ben Bond, Edgar Leslie and F. C. Mills.

ASCAP sought to present testimony in support of its position, but was refused. The court declared that the law declared was due him for writing music for three films by Metropolitan Pictures, predecessor of Condon.

Gene Buck, before flying east from Tacoma, stated the state law should be appealed to the United States Supreme Court.

Noble's Publishing Deal

Johnny Noble, creator of Hawaiian melodies, entrains for New York Friday (8) to meet with publisher who has signed his songs by the Robbins Music Co. Meanwhile his troupe of 20 Honolulu girls is touring the California coast.

Ablett to L. A. July 15

Julian T. Ablett, attorney for the interests, shows off for Hollywood soon after expected. He leaves around July 15.

Green Bros. & Knight has sold the

Green Bros. & Knight has sold the rights to the film "The Flamingo" to the Peter Maurice Music Co. of London.

Popularity Poll Starts Up roar

WNEW Brave Hits for the Woods to Avoid Tomahawks—Claims Vote Is Legit

As Martin Block, WNEW announcer who conducts the Make-Believe Ballroom, anticipated, he evacuated town last night after a radio popularity poll on swing bands which Benny Goodman won with Chick Webb second; Larry Clinton and Tommy Dorsey third; Merle Pitt (WNEW's house band), Jimmy Luncheon, Bob Crosby and Duke Ellington tied for fourth honors. The equiva was heard pronto, with Block's secretary insisting that the polling is open to public audit.

A handwringing expert was allegedly called in to discard incomplete, phoney or otherwise erroneously filed ballots. Bands aver that Pitt, WNEW staff maestro, is not a recording artist although a couple of his transcriptions may have been played, but that chiefly he mixed with his real-life band. It was announced as "Blank Band" whereas the others were merely identified by their recording labels and numbers. The votes were anonymous, and only by the disk numbers.

There were complications such as the nuptial fun club—the bandmen have these too, a la the Hollywood stars—would throw their weight in pique against another band, if their own faves finished out of the money. For example, when the Casa Loma was eliminated in the first round, Benny Goodman, several of the Casa Loma fan clubs threw their weight in favor of Larry Clinton, and so on.

In the event that Tommy Dorsey came out on top in the contest, Block was set to motor to the Coast and present the band with the prize for first place at the Palomar, L. A., where Dorsey is now fitting a date. Presentation would have been made on Dorsey's gig commercial. Getting of the prize was the idea. Block's sponsors of the Make-Believe Ballroom who advertise two of the cheaper brands, acknowledged the idea.

BERNARD BULL ETIM

We are happy to announce the immediate release of two of Irving Berlin's greatest songs

Now It Can Be Told My Waking Stick

From the 20TH CENTURY-FOX Production

Alexander's Ragtime Band

.....

Still "Tops"

MUSIC, MAESTRO, PLEASE

By Herb Magidson and Alvin Wurzel

CATHEDRAL IN THE PINES

By Charles and Nick Kenny

HARRY LINK, Gen. Prod. Mgr.

IRVING BERLIN, Inc. 799 Seventh Ave. N. Y.

On the Upbeat

Darryl Harper and his orchestra opened July 4 at the Vista del Arroyo hotel, Pasadena, insuring the new summer policy of dancing.

Harry Owens into the Billmore Hotel, N. Y., July 19.

Sammy Kaye down for the Surf Beach Club at Virginia Beach, Va., July 23.

Dick Stabile opened July 4 at Kenwood Park, Pitts.

George Hamilton set for the William Penn Hotel, Pitts, today (6).

Count Basie opens tomorrow (7) at the Famous Door, N. Y.

Eddy Duchin plays a date at Eastwood Park, Detroit, July 15.

Phil Spitalny's femme crew down for the Westwood Symphony Gardens, Det., July 15.

CRA has garnered a contract except for the King's Jesters at the San Francisco Dance, "Frisco," set for another six weeks starting July 28.

Bad Maivelle orchestra set by CRA for two weeks at Bal Bijou, Lake Tahoe, Calif.

Lou Brees stops off at the Tri-Lake Casino, Columbus, Ind., 24 en route from the Chez Paree, Chi., to the New Penn Club, Pitts.

Two hands have been sold by CRA to Fairland Park, K. C. Chick Webb July 24 and Rita Rio July 28.

Earl Hines crew plays a private party July 13 at the Wisconsin Club, Milwaukee.

Four ensembles have been booked by CRA's Coast office for the Capitola at Capitola, Calif., each for two-week stints. Chick Webb in June 25 and is followed by Sid Thomas, Noel Thomas and Billy Moxel.

Hugh Marlina has been placed under contract by the Artists Management Bureau and booked into West End Casino, West End, N. J., for the summer.

Jerry Sullivan's University of Georgia Collegians playing Rainbow Room of New Kenmore Hotel, Albany.

Buddy Lecombe's orchestra, recently at the Billmore Hotel, New York, opened at Nicklaw Manor, on Lake George-Glens Falls Road, Norma Pryor, danseuse, and Fran Corey, from Murray's Bronx River Parkway, New York, other attractions.

Richard Derra, chief of the band booking department of Consolidated Radio Artists in San Francisco, left for the East last week to confer with prexy Charlie Green in the East.

Carl Ravazza's band opens at Junction Inn, near Palo Alto, July 7, following two weeks' engagement at Capitola, Santa Cruz county, California. NBC is installing lines for several pickups a week. This will be the first time this night spot has been on the air.

Paul Pendarvis set to open in the Roostroom of the Palace Hotel, San Francisco, July 29, with Leighton Noble leaving the Market street hostelry for Virginia Beach, Virginia.

Henry King will reopen the dine and dance spot at the Palace Hotel, on Nob Hill in San Francisco, some time in September.

Paul Martin's orchestra will play at the first dance to be staged on Treasure Island, site of the 1939 Golden Gate International Expo.

15 Best Sheet Music Sellers

(Week ending July 2, 1938)

Music, Maestro, Please	Berlin
'Says My Heart	Famous
Cathedral in the Pines	Belmont
Love-light in the Starlight	Paramount
I Let a Song Go Out of My Heart	Mills
Oh, Ma! (The Baby Boy)	Mills
You Leave Me Breathless	Famous
11 Married an Angel	Robbins
Little Lady Make Believe	Chappell
Let Me Whisper	Spicer
Girl in the Bonnet of Blue	Crawford
Garden in Granada	Schuster-Miller
Let Me Whisper	Chappell
If It Rains, Who Cares?	Morris
I Hadn't Anybody Till You	ABC

* Indicates Alltime song. † Indicates stage production song.

The others are pops.

Inside Stuff—Music

Executive Board of Local 802, American Federation of Musicians looks due for a delicate problem at the membership meeting on July 11. Committee of nine elected in May to investigate the awarding of contracts to one of the firms handling the union's printing is due to report on charges made by James Collis. Matter was previously investigated by the union's executive board.

Issue is said to involve the rights of members to investigate the conduct of officers. According to Collis, the executive board has tried to obscure the issue with the cry of politics. Collis is associated with the one-man group.

Investigating committee which will report at the next meeting includes Sterling Hunsen, chairman; Harry Kantor, Arthur Turkisher, Max Marlin, Alad Ricks, Roy Siegel, Cy Washburn, Bob Wolfe and John Gibson.

Publisher members of the American Society of Composers, Authors and Publishers balloted last week for the kind of business appeals board. Post became automatically vacant when Johnny O'Connor was elected a member of the ASCAP board of directors, the by-laws providing that an officer or director is not eligible for the appeals group. Voting will be done by mail.

Appeals board acts after the availability committee has turned down a publisher's plea for a boost in rating. Other members of the appeals board are Ralph Peer and E. B. Marks.

Mills Music, Inc. has obtained the renewal rights on 14 pop numbers which were formerly published by Kendis & Paley, later the Kendis Music Corp. Writers involved in the renewal of copyright assignments are James Kendrick, Herman Paley and Joe Goodwin.

Tunes include "Bitty," "Lucky Boy," "Love Me With Your Big Blue Eyes," "When a Play Party," "Jungle Glide" and "Springtime Brings Roses and You."

When the press club holds its annual lunch there July 18. Added will be Three Cheers and Beryl Cameron, warblers on the NBC staff in San Francisco. When the dance closes on the island at 1 o'clock festivities will continue at the press club in San Francisco, with Jack Trent's band furnishing the music.

Bill Barlow orchestra scheduled for the Claridge Hotel, Memphis, July 21.

Etai Cavato, Pittsburgh band-leader, has bought controlling interest in the Italian Gardens, Smyck City nursery, where he's been playing for last several months.

George Duffy was brought to the Coast from the East to play at the swanky State Line Country Club at Tahoe. Chaney and Fox, ballroom dancers, have been booked for the floor show.

Billy Mayes orch has switched from Hollywood Cafe to College Inn, Pitts. Remote pickup has been installed for nightly airing on WIP, Pitts.

Gray Gordon with Lane Sileri and his band, into the New Crystal, Pittsburgh, for a two-week engagement, replacing Charlie Barnett. Placed by Joe Hiller for CRA.

Harry Owens' Hawaiians started a week's engagement in Santa Cruz, California, July 4. They will be followed by Larry Kent.

Three Internationals in for four weeks at the Binghamton Community Coffee Shop, Binghamton, N. Y.

BESTOR SUES TO END CONSOLIDATED TIES

Consolidated Radio Artists, Inc. and its president, Charles E. Green, are named defendants in a suit filed yesterday (Tuesday) in N. Y. Supreme Court by Don Bestor for an injunction to stop the defendants from interfering with his business. Justice Aron Steiner will be asked today to issue a temporary stay pending trial of the suit for a permanent injunction. New York musicians union had refused to adjudicate the issue.

Bestor, through his counsel, Julian T. Ables, avers in his complaint that Consolidated had failed to do right by him in the "radio" radio contracts.

Making It Easier

Los Angeles, July 3. Red tape in the operation of the Fox-West Coast Theatres chain is being eliminated by a committee report submitted by prexy Charles P. Skouras.

Purpose is to weed out various report forms and other unnecessary requirements which have slowed up house management. Committee consists of Dick Dickson, Earl Rice, Keith Abrams and Hal Bel.

Mals Band on Comeback

Rochester, N. Y., July 5. WHAM is airing half hour of Rochester Park Band concert Sunday nights from Geneva Valley Park. Band, once an outstanding organization, is staging a comeback with city support under direction of George W. C. Matz. Robert Marsteller, recently on Arno program, was soloist.

FRESH IDEA FOR MUSICAL NOVELTIES

ON THE BUMPY ROAD TO LOVE

By AL HOFFMAN, AL LEWIS and MURRAY MENCHER

Dance Arrangement by JACK MASOHL

AND VARIETY, INC., 1334 BROADWAY, NEW YORK

Social Security Refunds Only If Over-Payment Has Been Made; Auditors Note Befuddlement

Washington, July 5. Refunds of social security taxes paid by leaders of non-name bands will not be allowed unless there has been an over-payment, the Internal Revenue Bureau declared last week, simultaneously explaining procedure to be followed in getting interpretations of the law as it affects musicians.

In accordance with the position taken last summer, Commissioner Guy T. Helvering notified all subscribers that the government is not seriously concerned over who turns over the cash, so long as the amount is correct. Previous opinion was that the leader of a name orchestra is the 'employer' of the musicians who compose it, while generally the person who engages them is the 'employer' of tuners in outfalls not constituting a permanent organization.

Explaining that numerous claims for kick-back have been filed, Commissioner Helvering outlined the government's position as follows:

"Since liability for the employees' tax imposed under Section 801, Title VIII, of the act was incurred by each orchestra member (irrespective of whether he was an employee of the 'purchaser' or of the leader or contractor), no refund of such tax deducted and paid by a leader or contractor of a 'non-name' orchestra will be made unless there has been an overpayment or a duplication in payment thereon.

"If such an orchestra leader or contractor, who was not the employer, collected the correct amount of employees' tax under Title VIII, refund will be made to the leader or contractor of only that portion of the employees' tax, which is in excess of the employees' tax, if any, for which the leader or contractor was liable as an employee."

In such cases where a refund is

justified, the bureau will allow the person who made the erroneous payment to ask for return of any penalties or interest collected from him and, with the consent of the other party, a 1% excess amount contributed by an associate.

Must Prove Claim
Persons seeking a refund must demonstrate by filing a mass of data. Exact copy of every contract under which remuneration was paid and detailed list of the amount paid each employee are imperative together with enough other info to enable the bureau to determine amounts which should be allocated to each purchaser of the band's services. Includes the number of days each orchestra member worked.

Realizing the continued confusion, the commissioner set up procedure to be followed in getting specific answers to doubts. All these steps must be taken also in asking for a refund. Before giving an opinion, bureau must have copy of typical contract, containing names, dates, and prices, between the orchestra and the patron, between the leader and the band members; complete info about the hiring and firing method; statement about leader's rights, duties, obligations, and relations with team members; explanation of how much the purchaser has to say about the way the band functions; list of personnel; description of the type of bookings; and explanation of advertising methods.

Jack Denny Held Over
Chicago, July 5.

Jack Denny orchestra being held over in the Bon-Air Country Club to Aug. 4.

Bill Johnson's road spot ends nightly over WGN and the Mutual ether hook-up.

Goodman's Fortnight Rest

Guy Lombardo and Ben Bernie respectively will guest conduct Benny Goodman's orchestra on the latter's Camel commercial while Goodman grabs a short vacation next month. He'll be away two and a half weeks, showing off July 13 and returning Aug. 1, missing two broadcasts.

Goodman intends taking a trip to Europe probably leaving on the Normandie July 13.

MILLS ACTIVE IN BALLROOM CONTACTS

Sidney Mills, son of Irving Mills, and Sam Berk take to the road this week on a general good-will tour among ballroom owners and promoters. Pair would be the ice-breakers for reviving of Mills Artists as a booking office, touring New York, Pennsylvania, New Jersey, Ohio, etc. Pair will travel by car.

Mills office has been inactive in booking field, except for theatres, for past two years. Worked attractions through other offices, which practice will be abandoned entirely with new setup. Offices were revamped this week and departments set up. Will work through contractors, et al., who service spots but not through regulation bookers as heretofore. Jack Lee will rep on the west coast and likely that a Chicago rep will be named shortly.

Office has Joe Marsala, Duke Ellington, Cab Calloway, Will Hudson, Alan Fielding, Chauncey Morehouse, Bobby Hackett on its books now and will add others as office picks up momentum. Going will be slow until around Fall when it is expected that gnp will have been taken.

Benefits to Create Fund for Blind Musicians Under Discussion; 100 Sightless on Streets of New York

Series of four outdoor concerts to raise a pot of \$50,000 or more to remove blind musicians from the streets of New York were planned at a meeting of officials of the National Bureau for Blind Artists and its parent org, the National Federation for the Blind, with a contingent of name orchestra leaders at the Astor Hotel, N. Y., Thursday (30). It is estimated that it would require \$500 apiece to rehabilitate sightless musicians of which there are currently about 100.

Concerts would be outdoor affairs put on at Randall's Island Stadium, N. Y., municipal horseshoe with a seating capacity of approximately 21,500. One of the ideas mulled at the conclave was to segregate able street instrumentalists from those less able and knit groups of the former into units to play at affairs where they would not interfere with regular union musicians.

Concerts, themselves, would be in the form of a contest to select the best crew in each of four modern styles, swing, sweet swing, symphonic jazz, and rumba. Four outings to be split into three eliminations and a final. Prizes according to present sketchy plans would be new automobiles to leaders. It is figured that cars are used by bands in jumping around on dates and new jalopies would come in handy.

Blind musicians on the streets of N. Y. have long been a source of annoyance to the city's cops. There is an ordinance against such activity, especially in congested areas, but the cops have developed eye-glass in view of the physical handicap under which the mendicants work.

contingent, and Bobbie Feldman, v.p. of WMCA, N. Y. Sponsors include President F. D.'s mother, Mrs. Vincent Astor and Mrs. William S. Paley, wife of the president of Columbia Broadcasting.

NO PEACE BREACH BY CLAREMONT INN

Ruling that swing music at 2 o'clock in the morning is not a breach of the peace, a New York City Magistrate dismissed a charge of disorderly conduct last week against the Claremont Inn, a dice and dancery on Riverside Drive, New York. Spot is owned by the city and under the jurisdiction of the New York Park Dept. It is leased and operated by Arnold Schleifer. Clyde Lucas, orchestra leader, whose music disturbed residents of the Drive opposite the Inn, was defendant with Schleifer.

In denying the charge Lucas claimed his crew was not a swing outfit and only played hot tunes when requested. Characterized it as a novelty band.

Witnesses testified that the Inn's bandstand was especially constructed in shell shape to divert sound's output away from the Drive and out toward the Hudson River.

Fio Rito's Lincoln Take

Lincoln, July 5.

Ted Fio Rito set a new record for the Turnpike Casino here by a smash gate of \$14,600 for the night (25). Topped anything previously in the spot, and advance sale was also heaviest at \$1,075. Was the best take for the Fio Rito crew since leaving L. A.

60,000 LISTENERS CAN'T BE WRONG

ONICE WEBB AND HIS ORCHESTRA

will be featured at July 11, Radio

Chicago under WGN station before

California radio bring P.M.

Dance Direction

Personal Management

Theatre Direction

CONSOLIDATED RADIO ARTISTS

GALE, INC.

WILLIAM MORRIS AGENCY

Tomei, Kelly Hit Philly Agent Group For Blacklisting Self-Booking Acts

Philadelphia, July 5.—Charges were made here this week that Entertainment Managers Assn. agent organization is blacklisting acts. Real came from the "Philly Agent Group," local, and Tomei, Kelly, his agent of the United Entertainers Assn.

Signs hung about two weeks ago in the offices of the 32 agents who belong to EMA, brought in the charges. They read: "Acts who book independently need no managers. Why spendly here? Dates were refused to acts who agents knew had at one time or another booked directly."

Entertainers claim they are being unfairly discriminated against just because they exercised what they consider their inalienable right to take a job when it was offered them. They say the agents are circulating a list of these acts with the understanding they are to be given no work.

Spoiler for the EMA did not deny that there is a tacit understanding among agents that acts who book themselves are to be given no dates. He declared, however, signing is a necessary disciplinary measure to protect the bookers. Otherwise, he said, it's common practice for talent to be booked into a cabaret by an agent, then go back to the same place several weeks later only to offer for a lower price.

Confab was held here last Thursday (30) between agents of Musicians' Union and agent organization of orchestra leaders booking acts on the side. Florence Bernard, pres. of Philadelphia Entertainers Assn., told A. A. Tomei, pres. of tooters, that he thought it an encroachment for them to book acts, especially as most of them do not have agent's licenses. Tomei was non-committal. He said it was entirely a matter for the EMA itself and the State if the balters were booking without proper credentials.

Pa. Aide Strikes Back at Bernard in Booker Snarl

Philadelphia, July 5.—Mayor Girard, State office official, is endeavoring the agent licensing law, has turned to the tables on Florence Bernard, pres. of Philadelphia Entertainers Assn., by charging she herself hasn't a license to operate. Miss Bernard has claimed recently, in behalf of her group, that because of political pressure she has failed to enforce the law and many agents are operating here without the necessary \$100 license.

Bernard declared last week that Girard had "disappeared" and she could locate him at either his office or his home to report law violations. Girard "came out of his" him. Miss Bernard said, to smear her. Denied, however, that she's working without a license. She's employed by Eddie Sherman and works under his license. Miss Bernard stated she makes no contracts in her name and thus is not required to be licensed. Girard, as part of his evidence against the EMA, gave his stationery bearing her name as a talent agent. She said that it was printed more than eight years ago and was used as scratch paper now. Miss Bernard said she was told by being certified by Girard. That will give her a chance, she said, to bring case in court that she hasn't arrested several top violators here of the licensing provision.

Lucienne Boyer Heads French Co. into B. A.

Buenos Aires, June 28.—Lombardito Amusement Co. has contracted to distribute a piano-vocal duo of Pils and Tabet, and the Virgin orchestra, all to be started in a new act in the Casino opening July 12.

French company, which debuts in South America, left Marseilles Tuesday (20) on the Campana.

Menke Voie Docked

St. Louis, July 5.—Capt. John W. Menke, owner of the Mississippi River showboat, Glenwood, and producer of the musicals, will play his 37-year-old marine playhouse at this port until there's an upswing economic condition. Last Oct. 26, when Capt. Menke mortgaged the Glenwood here, he anticipated would remain only until snow fell and then would head downstream to warmer climes.

HEAT, BAD BIZ CRIMP DET. NERIES

Detroit, July 5.—Brutal bit and hot weather have combined to slash Detroit's summer show business to the lowest number in many years. Few survivors are keeping heads above water in the open floor shows down to four and five-piece bands or transforming spots into strictly bars for the summer.

Among the recent denizens are the Commodore, Plantation and 10-40 entertainers. Manager, who has run with state rum bond, to make matters worse, and is not expected to have a season in the future. The Plantation and Commodore, however, are expected to relight early in the fall.

While providing some form of entertainment, town's two big hotel entertainers, the Casino and the Terrace Room—are now open for big only during dinner hour, with smaller bands, as the case come-on. In better days, both hotels provided complete and top-notch floor shows. Only survivor among the hotel spots is the Webster Hall niterly, which to date continues a full show.

Westwood, Eastwood and Jefferson Beach, have taken up some of the slack in talent employment, but these for the most part confine their entertainment to name bands and soloists.

Summer niterly here is here attributable to severe slump in out-of-town visitors, who are scarce and only come regularly patronizing Detroit niteries. Vast majority of townfolk peculiarly favor the beer-garden-around-the-corner.

Numerous American Acts Sailing

Playing London, Paris, Berlin Via William Morris Co-op Deals—Payoff Complicated

Flock of American acts are going over this month for the London Palladium and the Theatre Royal, Covent Garden. Most of them booked by the William Morris agency via the London Agency of London.

Sailing July 13 are the Bros. Chester Fredericks, Jack Leonard, a. Flunks, Bert Wheeler, Rita Ray, Sailing tomorrow (Thursday) are Shea and Raymond to open at the Palladium. On July 15, Lowe, Hine and Stanley, Walter Davis and Chrissy de la Grange, Bud Carrell and Ross, go over.

Headed for the Crazy Show at the Scala, Berlin, are the following American acts: Dave and Dorothy Flanagan, Will and Gladys, and Gene Sheldon, Cardinal, Ed Gordon and Whitney. They play October and November in Berlin. Several are making London and Paris stopovers because of ill-tide dates. However, the passage money is defrayed that way. Acts got the rest of it out ultimately but it's a somewhat slow international theatrical book agency cooperation.

15 YEARS AGO (From VARIETY and Clipper)

Independent producers, releasing through regular distributors, up in the air over a new rule that producers must cost not less than \$200,000.

Vincent Lopez and his band began an indefinite engagement at the Palace, N. Y., opened with a scrim drop showing the exterior of the Hotel Pennsylvania and fading the band in. Lopez still strong on the scenic stuff.

B. S. Moss opened his Castle theatre, Long Beach, N. Y., with a vaudeville policy. House, 1,500 seats, great for dialog. Closed the following week.

Grauman's Hollywood world reported to have averaged \$200,000 a week gross for 20 weeks. "Covered Wagon" was in its 11th week at the figure. "Robin Hood," with Fairbanks, Sr., went 20 weeks for an average of \$17,500.

Balaban & Katz's Chicago theatre reported to have made \$300,000 in a two-year period. But none of the heads drew salary from the theatre, getting theirs from other B. & K. spots.

In answer to an exhibitor kick that salaries to players and production costs were so high as to boost film rentals, major producers announced drastic cuts both directions. Still a favorite issue.

Station WJZ, New York, announced production of first specially written review for radio. Special book and music.

New York had a glut of street gambling games, mostly monte and the shell game. Sweatshop district particularly good for workers.

Producers announced 900 features for the coming season.

Acts playing in afterpieces wanted more cost. Keith office refused. Said afterpieces did not depend on the acts, but audience psychology.

Tent legist show was big poor, and some of the tenters folded. Difficult to play on reasonable royalty held one of the reasons.

Pony ridden by a girl on a balloon platform on the John Robins show became alarmed at the fireworks set off and leaped. Apparently landed safely, but dropped dead on the way to the trail.

Fashion shows, with one or a number of backers, getting popular. One planned for N. Y. to show 300 gowns at the rate of three a minute.

Scibilia's Bankruptcy

Anton F. Scibilia, 143 West 40th street, N. Y., calling himself a public agent and theatrical producer, filed a voluntary petition in bankruptcy last week, placing his debts at \$12,327, and no assets.

Scir is a vaude unit producer.

PEGGY GARCIA NAMED IN BIGAMY LAWSUIT

Peggy Garcia, Astoria hat-check girl who lost a \$500,000 heart mail suit against Dave Robinson's young son, cost Michael LaRocca his wife, three children and \$100 monthly alimony when Mrs. LaRocca was awarded her final divorce decree in Supreme Court, Jamaica, N. Y.

LaRocca bigamously married Peggy Sept. 4, 1936. He was conducting a life of luxury in 1937 and given a suspended sentence.

Frisco Niterly Owners Join Forces in Collective Bargaining with AFA

Lighting Tryout

New method of creating costume color changes by lighting was given a tryout at the Midland Hall, N. Y., for two weeks beginning July 14. Known as the Whitely Filter Lite, the method uses a cellulose acetate screen over spotlights. Acts as a filter to the light rays and brings out desired component colors in the costumes.

Advantage of the system is said to be the fact that it does not affect white and therefore will not alter the facial coloring of the artists themselves, but will change costumes to different colors or combinations of colors. Trial at the Music Hall will be its first. It has previously been tested only in the laboratory.

35 RUTON DOGS PERILED BY BLAST

Indianapolis, July 5.—A fire resulting from the explosion of a gasoline stove in a trailer burned Mrs. Maxine Ruton and injured 35 dogs, part of which played the Lyric here last week billed as "Ruton's Little Stars." While only four dogs appeared on stage, larger number were carried for circus appearances.

Mrs. Ruton was asleep when the explosion occurred. She dove through a window of the trailer, escaping, being out on the face and burned on the arms and shoulders. The dogs were okay and Mrs. Ruton was able to continue in the act as usual.

Local vaude booking due for some boosting with the return of the Palace, Milwaukee, to vaude after several months of straight pictures. Roy Pierce, managing director, in town last week ogling acts.

PALACE, MILWAUKEE, BACK TO VAUDEVILLE

Chicago, July 5.—Local vaude booking due for some boosting with the return of the Palace, Milwaukee, to vaude after several months of straight pictures. Roy Pierce, managing director, in town last week ogling acts.

Previously, house playing strictly acts or name bands on a single-theater booking arrangement, but Pierce now plans a vaude pot on the Palace.

Palace is to start its new policy by Aug. 1, according to present plans. Only other house now playing vaude in the city is the Riverside, operated by Eddie Weisfeld.

Carney Merger

(Continued from page 1)

bad theatre have put them all in the red. A general office will be established in Chicago where all routes will be laid out and the big firms propped up. Palace at terms which should live on. In other words the combination will be operated on lines used by the American Circuit, which is organized by Mugivan, Bowes & Ballard, and partly used by the Ringling Bros. passing to their hands. However, it is not thought they will be able to dominate the field as the firms with good agents, will avoid being able to contract many spots that do not like the terms or shows of others.

This was done by Al G. Barnes Circus, which made money for many years with Murray Penneck and Ben Austin as general agents. Barnes successfully booked this show in spite of opposition at every hand. Barnes' show after that after looking at the show one season with disastrous results, J. C. McCaffery, general agent of Barnes & Gentry, is the man that put the deal over.

San Francisco, July 5.—Night club owners in the San Francisco area and seven dance and dance operators from San Jose, Stockton, and Sacramento, met together last week in an effort to present a united front against the American Federation of Actors which is demanding a six-day work week as a contract.

During a meeting with AFA, the niterly owners asked the union if it in the future, when they had any legislation of changes in practice affecting the clubs, that they take the matter up with the club owners before taking definite action. AFA has agreed to this.

AFA has agreed to proffer an agreement with the clubs and closed shop by July 16. The actors' assn. will then confer on ways and means of changing in practice to effect. The employers have added them to ready the question of hours and wages as a contract.

A number of other union men will be thrown out of work part-time if the clubs make good their threat of closing down July 16. A week's Allied unions, such as the waiters, bartenders and musicians, would be affected.

All booking agents in this district, with the exception of four, are hired by the AFA. The four in the quartet listed by AFA as unfair are Music Corp. of America, Conallioff, J. C. McCaffery, and the West Coast. Let Artist Service Bureau and Bert Levey.

Femme Musicians Now Click in Mercantile Field; Bon Johns Girls

How a group of girls, all musicians, are making good in the commercial field is one instance of what happened here in vaudeville in the past few years. Bon Johns, head of the Joy Service Co., started in musical comedy, but later formed her Bon Johns Girls, standard female act. She gave the idea of forming the merchandising service company.

Chief aide to Miss Johns is Sylvia McFarland and she has her own band, the Baker Blue Boys, known in the Southwest and on the radio at WBAP, Ft. Worth. Miss McFarland worked in pit orchestras before femme bands became a vogue, playing saxophone, clarinet and trumpet.

Eleanor Valle, her twin sister, also of the Joy sales force, specialized in sax, clarinet and flute; also in pit bands, in vaudeville, at WBAP and KCAT, Ft. Worth, also WCAC, radio, later in Count Benini Vicini.

Also in the service company are Patricia and Evelyn French of the French Sisters. They specialize in New York and Philadelphia districts. Gertrude McMillan, in the Chicago district, also in the service company. Helen Johns Glorious Girls, Benini, et al.

Victor Joy, treasurer, who was with Victor Joy and the Joy Girls, will soon become a certified public accountant. Another of Benini's girls, musicians, she, also was of the Bricktops.

Several of those in the Joy outfit are also in the service company. Manufacturing Co. of famous accessories. That firm favors employing girls from show business and other entertainment circles. Head of the house emphasizes the showmanship and mercantile salesmanship are synonymous.

GOMEZ RENEWED BY NBC WITH U. S. OKAY

NBC Artist Service has renewed contract of Vincent Gomez for another season. Other contracts were also renewed.

Before re-appearing the agency got the Spanish classical guitarist to get permanent permission to tour a half-year longer in this country.

Variety Bills

NEXT WEEK (July 11)
THIS WEEK (July 4)

Numerals in connection with bills below indicate opening day of show, whether full or split week

RKO

CHAS. L. BRON
Rev. Fred Goetz
3 Olympia

Low

NEW YORK CITY
Tad Brown
Major Bruce Co.
Washington
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Major Bruce Co.

BOOKED SOLID
TILL NOVEMBER
ON FAIRS
JAY AND LOU SEILER
THEIR
LEDDY AND SMITH

Paramount

NEW YORK CITY
Francis Landford
Rev. Fred Goetz
11 Broadway
Alvin
Rev. Fred Goetz
11 Broadway

Warner

PHILADELPHIA
Major (6)
Andrew S. Jones
Gibb Co.
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Major (6)

Independent

INDIANAPOLIS
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.

London

THEATRE
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.

Provincial

Week of July 4
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.

Cabaret Bills

NEW YORK CITY
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.

Vienna Doc
Rev. Fred Goetz
11 Broadway
Alvin
Rev. Fred Goetz
11 Broadway

Flanigan Club
Lillian Ross
Vivian Lee
Ray Stark
P. H. H. H. H.

Major Bruce Co.
Washington
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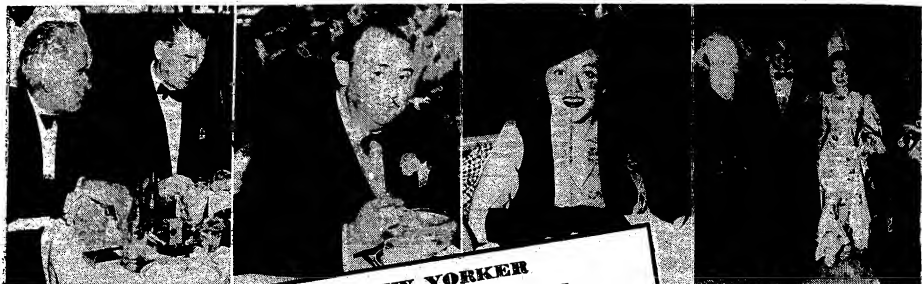
Major Bruce Co.
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Faction Expected to Block Changes In TMAT Constitution Fails to Show; Ball Parks Being Picketed in Drive

Hollywood, July 5
Maria Doray is due for a Broadway role when the finishes in Paramount's "Artists and Models Anonymous."
Hungarian actress, formerly Bessie Roth, will play in an Americanized version of the Hungarian piece, "Adelphi," to be produced by Caryl Chess.

Beats Record!

Celebrities At Henry Busse's Hotel New Yorker Opening . . .



NEW YORKER
Opening of 'Hot Lips' Busse broke all records for the hotel's Summer Terrace.

Winchell:

"NEW YORKCHIDS: To Henry Busse and his band at the New Yorker."

—N.Y. Daily Mirror

Henry Busse Thanks:—

BUGS BAER
BELLE BAKER
SHERMAN BILLINGSLEY
DEAN CORNWELL
MORTON DOWNEY
CHARLES E. GREEN
LUCILLE MANNERS
FLOYD GIBBONS
CLIFFORD ORR
DAN WALKER
TED COOKE
TED LLOYD
NICK KENNY
J. E. (DINTY) DOYLE
FRANK KANE
FRANKIE BASCH
JAMES MONTGOMERY FLAGG
MCLELLAND BARCLAY
JOHN HELD, JR.
MR. AND MRS. JIM KILGALLAN
BOB HAGUE
PETE HILTON
PAUL WHITEMAN
MILDRED BAILEY

RED NORVO
BOB HOPE
LUCY MONROE
PAUL ASH
SIR GEORGE HARDWICKE
ROBERT RIPLEY
JANICE JARRETT
GRANTLAND RICE

DICK MERRILL
DALE HARRISON
PAUL DENIS
TED FRIEND
JACK DEMPSEY
GUY LOMBARDO
ABE LYMAN
KAY KYSER

Personal Representative
SAM LUTZ

JON HALL and
FRANCES LANGFORD
CONNIE BOSWELL
ADELAIDE MOFFETT
GEORGE CLARKE
JOHN FITZGERALD
and—
STEVE HANNAGAN



"Hot Lips," Himself

HOTEL NEW YORKER

THIRTY-FOURTH STREET AT EIGHTH AVENUE, NEW YORK
OFFICE OF RALPH HITZ, PRESIDENT

June 29, 1938.



DIRECTED BY
NATIONAL HOTEL
MANAGEMENT COLLEGE

BALDU HITZ
PRESIDENT
NEW YORK
BREMONT PLAZA
NEW YORK
BOCK-CADILLAC
DETROIT
NETHERLAND PLAZA
CINCINNATI
ADOLPHUS
DALLAS
NIOLETT
MINNEAPOLIS
VAN CLEVE
DAYTON
CONGRESS
CHICAGO
EASTERN SLOPE INN
NORTH CONWAY, N.H.

Mr. Henry Busse,
Hotel New Yorker,
New York, N. Y.

Dear Henry:—

I thought you might be interested in knowing that your opening in our Summer Terrace has broken all previous records for this room.

This is particularly significant in view of the fact that we have had some of the top-notch bands in the country over a period of time.

May I take this opportunity to wish you continued success.

Cordially yours,

Ralph Hitz
RALPH HITZ

RH-rs

CONSOLIDATED RADIO ARTISTS

...in NEW YORK
30 Rockefeller Plaza
Tel.: COLUMBUS 9-3580

...in CLEVELAND
Keith Theatre Bldg.
Telephone: Main 3454

...in CHICAGO
32 W. Randolph St.
Telephone: FRANKLIN 8300

...in DALLAS
Gulf State Bldg.
Telephone: 7-9384

...in HOLLYWOOD
8555 Sunset Blvd.
Telephone: OXFORD 1005

...in SAN FRANCISCO
111 Sutter St.
Telephone: EX-BOOK 9033

ENTERTAINMENT

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56 PAGES

ENTERTAINMENT LAYOFFS

'G-MAN' NAME VALUE DOWN?

Donald Peterson, indie program producer who controls the radio rights to 'Junior G-Men', has about stopped trying to unearth another sponsor for that series and is concentrating on finding one for a similar program he owns labeled 'Junior Racket Busters.' 'G-Men' lost its bankroll when 'Fischer Baking' dropped it off WOL last month when bakeries' association in metropolitan New York area came to an agreement not to use the usual kiddieclub promotions and giveaway stunts in merchandising their goods.

Prompting Peterson to push his new, and as yet untried, show is the somewhat bad press the Federal Bureau of Investigation has been getting during the last six months. Producer opines that the title 'G-Men' has taken some of the radio's meaning around, with the hotels moaning loudest. Fourth of July holiday was the first decent break the boardwalk has had this season, but still not up to expectations.

A. C. Crying the Blues; Name Bands No Draw And Trains Not Cooled

Atlantic City, July 12. Business recession generally has produced an off-year to date for this resort city. Trade is lagging all around, with the hotels moaning loudest. Fourth of July holiday was the first decent break the boardwalk has had this season, but still not up to expectations.

Only hope now is that the present bull stock market will continue long enough to bolster tourist business. Town has plenty of attractions, but with the presence of name bands has meant much too far.

Several hotels have had to curtail fairs and slash wages to meet the heavy slump last month. Situation here is typical of numerous resort communities along the Atlantic seaboard.

Railroad service to Atlantic City is not air-conditioned, travelers complain. That might help explain!

Pic Museum on Coast

Culver City, July 12. Construction of a motion picture museum was approved last week by the City Council. Site, valued at \$100,000, near the Metro studio, has been authorized and funds amounting to \$120,000 have been insured by the Public Works Administration. In addition to the Hall of Fame, which will contain personal effects of Will Rogers, Rudolph Valentino, John Barrymore and others, there will be a broadcasting and television studio, theatre and sound stages where pictures will be made in view of visitors. Project is expected to be finished by next April.

Sponsor Story

Philadelphia, July 12. An advertiser feels that he's a privileged character. Many tell radio stations how to run their biz.

Last week a swimming pool advertiser suggested a local station refrain from giving forecasts for poor weather on Friday, Saturday and Sunday.

STILL AFTER KIT CORNELL

Understood that Metro is dickering with Katharine Cornell to make one picture. Studio is reported willing to pay her as high as \$300,000 for the single job if she's willing to accept a celluloid assignment.

At the rate of 300's, this is believed to be a record offer made by a player for a one-picture deal. Up till now—and there's been no word from her thus far on this latest offer—Miss Cornell has repeatedly reiterated her refusal to make a picture. At one time or another practically every major film company has made her an offer.

After being off the stage one year, Miss Cornell is anxious to return, and according to the office of Guthrie McClintic, her husband and manager, there is no chance that the star will accept the record offer from Metro so far as next season is concerned, nor has she changed in preferring the stage to the screen.

McClintic returned to New York Monday (11) after having conferred with Clevencoe Davis in London for one week, bringing back the completed script of 'Hercules and Miriamme', which will be Miss Cornell's first play in the fall. Manager went to Martha's Vineyard to complete plans with her for the production, and said she has started rehearsals will be decided soon. Also on her schedule are 'Fanny Hill', a 'Parish' hit, 'The Ivory Fan' and a Shakespearean work.

'Shut-In' Vaude Circuit, Midwest Hospital Route

Cleveland, July 12.

Series of benefits that were started by Seymour's local machine, as purely charity affairs have developed into a well-organized enterprise giving steady employment to more than a score of small-time entertainers here.

Shows are put on weekly shows for shut-ins at hospitals and institutions but get paid for it by Seymour's 'Cheer-Up' Club. Organization has support of several rich socialites interested in charity work, but most of its funds come from public donations averaging 25c.

Talent from smaller niteries and sticks is giving 'shut-in' vaude shows, and four times weekly in 40 institutions, depending upon the state of the 'Cheer-Up' Club's treasury. If donations live up, acts average from \$3 to \$1 each for each hospital performance.

AIR'S NEAR-STARS FIND IT TOUGH

'A Summer Layoff' May Turn Into a Year or Longer and Reverse Upward Trend—Most of the Actors Not Very Good at Business—Depend on 'Breaks' Rather Than on Self-Planned Careers

DON'T HOLD GAINS

Although still a young amusement radio is already notable for short and erratic careers. Rapid rises, short sojourns at the peak and fairly rapid return to semi-obscure are being the destiny of many personalities in broadcasting. This remains true despite the stellar survivals, a small band of hardy perennials, such as Amos 'n' Andy, Rudy Vallee, Jack Benny, Phil Baker, Joe Penner, Burns and Allen, Easy Aces, etc., whose staying powers merely accentuate the commonplaceness of the opposite type of experience.

Every new 'cycle' brings in new personalities that tend to disappear (Continued on page 21)

GOT TIPS 2 YRS. AGO, NOW WORTH \$750 PER

Pittsburgh, July 12. Less than two years ago, Maxine Sullivan was singing at the now defunct Benjamin Harrison Literary Society, a privately chartered club, for tips. Next week (19) again returns to town for first time since she left, to headline bill at Stanley, WB at 10, at \$750. It'll be her last date in the east before she pulls out for the Coast to go into Par's 'St. Louis Blues'.

Same show will include Maurice Spitalny's staff orchestra from KDKA (here: Fanny, the horse, Blumettes and Eddie White, as m.c., his fourth date here in years).

Stanley will follow with personal of Gene Autry and on Aug. 5 gets Ozma Nelson's band with Harriet Hilliard. Deal for Tony Martin's orchestra still pending due to money difficulties.

'Antoinette's' \$2,500,000 Cost May Be '38-'39 High

One of the highest cost pictures on the 1938-'39 schedules possibly the highest this year for all majors, will be 'Marie Antoinette,' which Metro is producing currently in Los Angeles, with cow York and other keys to follow.

It is reported to have cost \$2,500,000, the latest alone, headed by Numpy Shearer, representing a substantial portion of the total nicks.

Femme Warblers Complain Wages Don't Pay for Their Fingerwaves

Censor Turns Tenor

Ottawa, July 12. Wishart Campbell has resigned as a member of the Ontario Board of Motion Picture Censors.

Will concentrate on his other job—singing tenor for the Canadian Broadcasting Corp.

PRESS AGENTS' SCHOOL COLD

International Association of Public Relations' Councils, organization of pa's headed by Edward L. Bernays, discussed last week and then dismissed as a 'nuisance' a plan broached to open a school for publicists next fall. Idea was to hold a course of lectures, tutored at \$50 for the series, at which various members of the association would talk.

Shortly the group will announce what it has voted as the best balmy job of the past year, leading the race for such recognition is the fight to bring the subject of syphilis and its prevention and cures out into the open. This tussle was led by Dr. Thomas Parran.

Last year the laurel for the stunt deemed tops by the association was Charles Michelson's campaign for President Roosevelt's reelection.

Expo's Surrealism

Julien Levy is negotiating financing for a surrealist project for the N. Y. World's Fair. Building in the shape of an eye will be the 'Yummy house of tomorrow.' Amount sought is \$100,000.

Girl singers in front of the nam bands are lining peeves over their stipends they receive while the maestros collect in the heavy money. The baton-wielders rebut that the showcase value alone is worth plenty but the pals say that, with the exceptions of songstresses like Frances Langford, Alice Faye, Doris Rhodes, Harriett Hilliard, Joy Hodge and possibly a couple of others, the showcasing in front of the bands has meant little.

Major peeve is that the chirpers must lend the s.s. touch to a bunch of horn-tootin' mugs, must wear Poirot creations and Antoine coiffures but have a tough time making ends meet at the \$35 to \$75 weekly salaries most of 'em get.

Femme warblers point to a host of solo singers who were not handicapped by being with bands as making good in no uncertain terms such as Jane Froman, Pickens Sisters, (Continued on page 12)

Det.-Canada Ferries, In Red Since Repeal, Finally Call It A Day

Detroit, July 12. Detroit-Windsor ferries, which carried Detroiters 'abroad for a nickel' for more than 75 years, ceased operation yesterday (Monday), leaving Detroit with only a tunnel and a bridge to Canada.

Rolling back in nickel fares when localities during prohibition ferried across the Detroit River to quench thirsts, the ferry company saw revenue dive with the arrival of the 21st amendment and building of tunnel and bridge. Losses mounted each succeeding year.

Operations of ferry boats to Boh-Loo Park and other river resorts hereabouts will not be affected.

THE ALL GIRL SINGING ORCHESTRA

The Hour of Charm

THE COMPLETE RADIO PROGRAM

PHIL SPITALNY, PARK CENTRAL HOTEL, NEW YORK

GAINS SUPPORT

Bank Financing Suggests East May Come In for a Revival Of Pix Production This Coming Year

**DE SYLVA PULLS
STAKES AT U**

Loew's earnings amounted to \$1.80 on the common, as compared with \$7.07 in the previous year. On the preferred stock, Loew's showed \$1.09 per share against \$35.09.

Exhibitor leaders in this territory are unanimously in favor of the self-regulation project, and state that they would be willing to abide by any decision arrived at by a true representative body of men.

Tinted Pics Booming; Labs Rushed to Handle Forthcoming Release

**MILTON FELD AT U
AS EXEC ASSISTANT**

Wright New Par A. P.
Hollywood, July 12.—William H. Wright has joined Paramount as an associate producer. First job is 'Disbarred,' featuring Randolph Scott and Gail Patrick. Second assignment will be 'Anna May Wong starrer.'

It could mean a revival of production on the Atlantic Coast on a large scale, comparable to what it was 10-15 years ago. There has been a lot of eastern shooting during the past few years, although bankers always felt it would be more economical to make pictures in and around New York. The old Motion Picture Capital City may be revived. Information being the downtown interests are considering that move. This company made a lot of money out of financing film production and one time had as much as \$7,500,000 invested, with its stock owned by the big board. Also, a few years back a financing group downtown which is said to have included J. H. Whitney, money, split in several di-

(Continued on page 40)

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Agency-Client Disputes Over Cancellations Must Go to Court

Hollywood, July. . . Question of how legal action should be brought, a puzzle to many attorneys, is being settled by the State Labor Commission, an opinion issued by Leo L. Schumner, deputy commissioner in the Los Angeles office, declares all disputes centered around the cancellation of a managerial contract must be taken directly to Superior Court for trial.

Determination by the labor body of its power to arbitrate this particular phase of its guidance over agents has been looked forward to since last April, when the California Superior Court handed down a ruling declaring that when a representation contract between an agent and a client had been terminated the state labor commissioner no longer had the authority to act as arbitrator in disputes arising from such cancellation.

In its opinion, the labor board quoted from two Supreme Court decisions, both of which have had an important bearing on its position in the matter. One, *Winters v. United States*, cited by Collier & Wallis vs. Mary Astor, in which the high court upheld the exclusivity of the State Labor Commission, and the other, *Private Employment Agency Act*, declaring that any matters in dispute between employer and client must first go to the commissioner for determination before being in the courts. Supreme Court ruling failed to clarify specifically what the 'matters in dispute' covered, leaving the ruling open to numerous interpretations by the legal genius.

Previous Ruling
April high court ruling, given in the case of *Louis Friedlander v. 10-Percent Stanley Bergman*, again left the matter in the air, as contentions had been made that the Private Employment Agency Act was a state law, and as such no mere cancellation of the contract could move its power to sit in arbitration of disputes arising from cancellation.

Ruling in the Friedlander-Bergman matter settled that "The defendant's employment contract, as defined by Collier & Wallis, Ltd., vs. Mary Astor. That case is not in point for the reason that it was tried and decided upon the assumption by all parties that the contract of employment was still in force and effect, and it does not appear that the non-existence of the contract or its termination was involved in any way."

The instant action was brought upon the contention that the contract of employment had been cancelled and terminated. If the contract had been terminated, then the arbitration provision was inoperative.

Opinion given last week by the Labor Commissioner reads in part: "By reason of said decision must conclude that the Private Employment Agency Act now effective in this state does not confer upon the state commissioner jurisdiction or authority to hear and determine matters in dispute which involve revocation, cancellation or termination of contracts." Schumner's brief opinion was in dissenting majority of the Small Co., for hearing on the case with Robert Baratt over cancellation of contract.

Interpretation of commissioner's law affects its jurisdiction to determine matters that arise when the validity of the contract is unquestioned.

WB ASSIGNS BLANK, EDELMAN TO CHORES

Hollywood, July 12. Associate Producers Jerry Blanke and Lou Edelmann have been assigned to the duties of "The Wolf and the Brother Orchid" respectively.

Pat O'Brien draws title role in *Wolf*, and Edward G. Robinson and Wayne Morris split top billing in *Orchid*.

Dudley Nichols East
Hollywood, July 12. Dudley Nichols, literary director of the Screen Writers' Guild, planned out yesterday (Monday) for New York. Nichols in two days will be expected of writer-director contract at RKO.

MG Sets Young, Rice In Trial Marriage Yarn

Hollywood, July 12. Metro purchases "Vacation from Love," trial marriage yarn, by Harlan Warne and Patterson Merritt. Will team Robert Montgomery and Ervino Rice, Edwin L. Marin directing.

INDIES ASK PICS TO BE TRUSTED

Washington, July 12. Inclusion of the picture industry in the research program being charted by the special Congressional department to study the picture industry has been advocated by indie exhibitors and persistent reformers.

With hearings tentatively until fall, the legislative-executive group has decided upon preliminary procedure to be followed in the study. What types of businesses will be probed for this angle is unlikely to come into view until the committee—which includes six legislators and six representatives of department and commissions—is pondering suggestions that it dig into many particular fields.

Agenda prepared for a lengthy session last week, was confined solely to broad general subjects. Justice Department will dig into economic propositions, notably combinations, mergers, and price-fixing. Commerce Department will dig into economic angles, including thorough study of NRA records and unpublished reports. Labor department will consider angles affecting both workers and consumers; Treasury department will be charged to get into work over governmental expense in letting contract; Securities and Exchange Commission will scrutinize corporate setups and financial customs; Trade Commission will be asked to report on business practices and competition problems.

Another broad survey of the movie trade was sought last week by Allied States Association, eternally agitating Federal action against the majors.

Familiar acquaintance that the major gang was on indie exhibs was laid before the committee by William Myers, Allied board chairman.

Study of the alleged monopolistic control exercised by integrated companies also was recommended by Ray Lyman Wilbur, former secretary of Interior. Under President Hoover, who is leader in the research Council operations, Board of directors agreed to have indie film distribution brought out, he said.

HUSTON WILL PLAY LINCOLN FOR WB

Hollywood, July 12. "Life of Abraham Lincoln," now in the research stage at Warner's, is slated as one of the most important pictures the studio has undertaken.

Henry Blanke is die for the production, and Walter Huston in line to play Lincoln.

Larry Blake Dickering
For 'B' Way Play, P.A.'s

Larry Blake, film player, may be seen on Broadway in *Brooklyn*, his first legit try. Does a stage show date this month at the Earle, Washington Square, and in August, and has others pending. Arrived from the Coast in time to make the contract for the picture opening last week on the Hotel Astor.

Astor also has an offer from Mayfair to do the pic, *Janina* (Jan), with Charles Laughton, which goes into production in August, and in the summer. Even if none of his other plans jell, Blake doesn't plan to return to the Coast for a couple of months.

FARNOL BACK WITH UA 'AS PUB AD-DIRECTOR

George J. Schacter, vice-president and general manager of United Artists, has appointed Lynn Farnol as director of advertising and publicity for that company, successor of Maurice Greenhalgh, who continues as director of exploitation art in charge of trade paper advertising.

Ben Washer, publicity representative for Samuel Goldwyn in the east, says that Farnol's appointment becomes effective next Monday (18). Myer Weiss, who handles the publicity of publicly, continues with the firm.

Farnol gets a three-year term. That Farnol might join U.A., where he was once associated as advertising and publicity chief for Samuel Goldwyn, had been bruited in the trade for several weeks. Farnol has been with the advertising agency of Donahue & Coe for the past several years.

Prior to this new setup there has been talk about the possibility of moving the entire advertising and publicity staff to the Hotel Astor, but this was finally nixed.

EXTRAS TO GET THAT PERSONAL

Hollywood, July 12. What was expected to amount to a new registration of the extras listed at Central Casting will be a resumption of the interview department, to be left to members of Screen Actors Guild in good standing. Simultaneously, Central will establish a special department for racial groups, headed by a man experienced in the big and know.

Extras will have their own department will have own phone numbers and operators speaking several languages.

In addition to interviews, extras will be permitted to write Central Casting on any matter pertaining to film work, with letters considered on merits and each answered personally. Central is expected to be in a position to qualify for more desirable calls if specially qualified.

Guides to the industry will be able to plan with the idea of giving extra opportunity to renew personal contacts.

When interviews discontinued and registration books were closed.

KAY FRANCIS WASHING UP WITH WARNERS

Hollywood, July 12. Kay Francis, who plays *Women in the Wind*, set for a camera start Aug. 13, is expected to be in the proposed picture after her contract expires in September, when offered less than her present salary, \$5500 a week.

Miss Francis will again marry after conclusion of *Women in the Wind*.

Kelly Will Be Peck's 'Bad 'Un for Lesser

Hollywood, July 12. Tommy Kelly, Bronx native, gets the title role in Sol Lesser's *Peck's Bad Boy* series for RKO release.

Peck was borrowed from David O. Selznick, for whom he played the name role in *The Adventures of Tom Sawyer*.

AGENT LOSES TAX SUIT
Sue of Edmund Brons, agent who handled the world picture sale rights to the works and stories of Ernest Hemingway, to recover \$3,000 in income taxes from the recovery was dismissed Friday (8) by the Federal Judge Samuel Mandelbaum.

Pauller contended that government had no right to sue Brons for sales of the rights to the works of *Lois Bairo*, who wrote the play, *Hotel Imperial*. Pauller also claimed that *Great Love*, and Eugene Helzel, who wrote *Silent Knight*, the picture *Hotel Imperial*, in the plays were sold for \$64,500.

H'wood Still Chumpo Land

Actors Go for Phony Taps to Keep on Terms with John Law—Warned Repeatedly It's the Bunk

Seiter to Direct 'Nother' For RKO After 'Seiver'

Hollywood, July 12. William Seiter, now filming *Room Service* at RKO, has signed a new contract with that studio to direct another picture.

It's to be made within 12 months.

UA 'B'D STALLS

OLIVIERO GIANNINI, UA SUCCESSION

Trade is concerned over the presidency of United Artists, left vacant by the resignation of D. W. Griffith. He was also chairman of the board and a member of the board. No successor has been named. A. H. Giannini is in London. He and Murray Silverstone, old friends, were much time together when Silverstone was abroad recently.

Apparently there's no immediate prospect of the party appointing of directors to name a successor to Dr. Giannini. The president of the board, of course, must be on the directorate.

Silverstone is chairman of the executive committee and operating head of U.A. He is not a member of the board, but is the chief operating officer of the company, although operating books.

To clarify that peculiar situation, it is expected that the directors at a forthcoming meeting will name Silverstone to an office as a company commensurate with the overall management powers he wields.

TOM MIX WILL TOUR ENGLAND FOR 2ND TIME

Tom Mix with his pony, Tony, and other people, makes return British tour when he opens Sept. 1, at the Palladium, London, for two weeks, then to Blackpool for a week, and 19 more weeks on road in the provincial varieties. It's the second time over and he is being guaranteed \$2,000 up to \$2,750, depending on the houses, against a percentage. William Morris agency booked.

Miss closes with his circus in August, until Aug. 24 to debut at the Palladium.

Lloyd Talks Quota Pic

Harold Lloyd, hero from the Coast has talked with David Rose, in charge of Paramount's British production, to discuss the possibilities of making "What I Did in the Shade" feature with Lloyd in the star.

If deal goes through, it will be the fourth quota picture set by Paramount.

Lloyd brought Jack Murphy, his business manager, and Joe Reddy, his press agent along with him.

'Trade Winds' Blow For Wanger in Aug.

Hollywood, July 12. Walter Wanger's "Trade Winds," slated to roll in August, will be promoted for "Personal History," by March, Pat Garrett directing.

Story was evolved by Garrett on a round-the-world yacht cruise two years ago, when he shot thousands of feet of background.

Mary Astor Appeals

Hollywood, July 12. Mary Astor filed an appeal in Superior court to the California State Bar Commission, which had ordered \$42,476 in favor of the Ruth Culkin, which originated six years ago, refuses to allow commission on the amount period of an RKO contract.

Hollywood, July 12. Film colony in still a puzzle over the old police racket. In spite of repeated warnings, the boys in the studio are still digging for the law, and twenties to support money men, supposed to be published by the Los Angeles Times.

Operation of the racket is childish, by simple. The racketeer phones the actor in the morning and says, "The night mag. The actor, craving to be on good terms with John Law, leaves a switchboard or two, as the instructions, at the studio desk, where it is picked up by one of the racketeer's men."

To break down the thesp's sales resistance, the voice on the phone hints that a check contribution may help him in case of a jam with the "jam" idea, although few of them ever need police influence, and that the racketeer will pay a good spot light or park too long on one light. In case of a serious jam, a copper's influence would be about as useful as a buggy whip.

Recent chattering operations caused the racketeer to be a little more careful. Victims were told that they couldn't do anything about it, because the racketeer was a member of the publication, sponsored unofficially by a few local state cops.

The racketeer was a very poor book, but no other official publication. Still, the actors fall for the racketeer's trick, and the few producers, directors and extras.

Property Custodian For A. C. Blumenthal on Suit Of Peggy Fears in N.Y.C.

Appointment of a receiver for the property of A. C. Blumenthal was granted Monday (11) by the Supreme Court Justice Timothy A. Leary, at the request of attorneys for Peggy Fears, New York.

Since Blumenthal owes her \$10,999 on a judgment for back almost in full, the receiver was granted when Blumenthal failed to appear in court.

Request for a receiver was granted, it was learned, chiefly because of Blumenthal's alleged financial troubles, including a judgment for \$24,000 obtained by the government for income tax arrears. Both Blumenthals are now in California.

WEISMAN FOX REC'R ADDITIONAL 6 MONTHS

Milton C. Weisman has been continuing as receiver for Fox Pictures for another six months beginning July 12 and ending Jan. 12, 1939, in which the receiver is N.Y. Federal Judge Martin Stanton.

During this period Weisman will be required to submit a list of all contracts or leases subject to the approval of the court.

Mary Pickford For, But for Cosmetic Biz

Reaching New York from the Coast Monday (11), Mary Pickford will be in the city to see the new office, but principally discuss the launching of a new cosmetic business in which she is interested.

The cosmetic line bearing the Pickford name is to go on sale within a week, according to plans.

King's Next to New 20th 'Fact to Be Jesse James'

Hollywood, July 12. Henry King was handed a new historical contract to be "Jesse James," starting in early September.

RKO Spots Levene

Sam Levene has been signed by RKO for "The Mad Miss Manton," which is already going into production, starring Bette Davis, Stanwyck and Henry Fonda. P. J. Wolfson will produce.

Levene, from legit, has appeared in two previous films, "Yellow Jack" and "Showman Angel," both for Metro.

STYLISH COLORED

Silverstone Reports to U.A. Board: Expect Wilcox to Close Deal

Murray Silverstone, chairman of United Artists, has resumed of United business conditions, stress the importance of international cooperation in relation to the industry, at a meeting of the Board of Directors of the company held at the company offices yesterday (Tuesday). Routine company matters otherwise were discussed by directors. Attending were: Murray Silverstone, Capt. Dennis O'Brien, Charles Schwartz, Ed. Rafferty, James Mulvey, George Schaefer and Emanuel Silverstone.

Herbert Wilcox, according to London reports, will produce a series of pictures for United Artists release under a long term deal. This impression was gathered from the fact that those who were in attendance at U.A.'s London sales meeting, only Wilcox was an outsider.

Wilcox, of course, will thus extend and amplify U.A.'s world-wide activities, not to mention U.A.'s British firm, majority of which will be made by Alexander Korda.

Silverstone's return to the States has set the U.A. situation humming. Joint activity, Countess Mollie, Douglas Fairbanks, Charles Chaplin, Eddie Simm, Hal Roach, Walter Wanger, David O. Selznick, Sam Goldwyn and Alexander Korda, U.A. "I'll have one of the largest array of pictures under long term deals of any company. Understood that most of these producers are under contract to U.A. for eight years.

Silverstone accompanied by Attorney Charles Schwartz leave for the Coast tomorrow (14). It is understood that the principal purpose of Silverstone's present Pacific slope trip is on the prospective renewal of the United Artists deal. Silverstone's arrangement for an additional term of years.

Silverstone has two pictures to go on his present U.A. deal. Negotiations to renew for a number of years, already started here before Silverstone made his recent trip to London. Under Silverstone's supervision U.A. London subsidiaries will be under the joint managing directorship of Ted Carr and George Archibald. John Lewis was named as general treasurer of all of U.A.'s European offices, totaling approximately 35 firms.

In London, also, Silverstone was guest-of-honor at a dinner which was attended by U. S. Ambassador Joseph P. Kennedy.

What Murray Silverstone, new appointing head of United Artists, has returned from abroad, it is more than probable that George Schaefer's 12-year contract as general manager of distribution of U.A. will be signed this week. Negotiations Schaefer to renew with the company were undertaken prior to Silverstone's departure for London a week or so ago.

Schaefer's present contract has round nine months to go. The new contract to Schaefer will be in the nature of a reward for his work as sales head of the firm for more than 12 years, during which time, U.A. achieved new and exceptional income records.

The Schaefer deal is understood to have Silverstone's approval and attention during his present stay in New York, before heading for the Coast. Details have been worked out and only certain conditions of terms were still remaining to be smoothed out. Silverstone is expected to return from abroad Monday (11).

Understood that the new Schaefer deal provides for a substantial increase in salary plus participation in earnings.

S-I Signs Cromwell

Hollywood, July 12. John Cromwell was signed today (Tuesday) by Selznick-International to direct "Made for Each Other." Cromwell, Lombard and James Stewart are to be co-protagonists.

Fitting Climax

Hollywood, July 12. Carol Lombard's brief career as a Mayor (for publicity purposes only) reached its climax last Saturday (9) with a self-imposed day off.

An honorary mayor of Culver City, she declared it a legal holiday for Selznick-International employees, and got away with it.

N. Y. PAR LINES UP PIC, BANS TILL DEC.

Setting up his film schedule to take the house into December, the N. Y. Paramount is also fortifying its position through engagement that far in advance of stage bands. Among latter set to come in are Gene Krupa, Chick Webb, Phil Spitalny, Eddie Dunn, Larry Clinton, Glen Gray and the Raymond Scott Quintet.

The Jimmy Dorsey orchestra, under today (Wed.) with "Professor Beware" (Wed.), plus Andrews Sisters and Ruth Davis. Following, "I'll Be There," "St. Louis Blues" and "Artists and Models in Paris."

ARREST 2 MG STUDIO MEN ON FORGERY RAP

Hollywood, July 12. George Donald Smart, Metro sound recorder, and Layne Britton, makeup artist at the same studio, were arrested on charges of grand theft and forgery. District attorney's office claims Smart netted \$30,000 by claiming to act as confidential agent for Louis B. Mayer to effect instructions of clauses in a studio contract with Jeanette MacDonald, Nelson Eddy and Charles Laughlin, who would terminate their services to Metro. Case Mayer left the studio. Turnover of the forged notes is said to have brought the gains.

RKO Sets O'Brien for 6 More Films; Howard Also

Hollywood, July 12. George O'Brien, shortly starting his fourth and final picture under current RKO starring deal, will be retained for a series of six additional action films.

Pandro Berman, studio production chief, has lifted option on David L. Ray, who has directed O'Brien in 15 pictures in last five years.

Murfin, Wylie Teamed

June Murfin is teamed with L. A. R. Wylie to write screenplay for latter's original story, "The Darling Assassin," slated for fall summer production by Samuel Goldwyn.

Film will mark Jascha Heifetz's screen debut.

Jack Curtis is to direct "Jack Curtis, who devoted New York for his film agency but New York, returned to the Coast yesterday (Tuesday) after a couple of weeks in New York.

Put a couple of desks on the fire while here, making 150-170 per

DEE J. S. MAKE COBBLER STUN

Producers Line Up to Block Ratification of Election—May Order New Hearing on Guild Sweep—Stake Issue on Secret Ballot

MERGER DENIED

Hollywood, July 12. Executive board of the Screen Writers Guild approved the bargain today to be submitted to producers soon as certification is received from Dr. Towne Niyander, regional director of the NLRB, who is deciding Thursday (14) whether to order a hearing on the objections of producer attorneys to the intermediate report made to the board, or refer later to NLRB for immediate action.

A new move was started by producers to block control of film industry labor by the Government, and stymie certification of the Screen Writers Guild as bargaining representative for screenwriters, when attorneys filed objections to the intermediate report by the National Labor Relations Board regional director on June 28 election of writers. First protests were filed by 20th-Fox and Paramount, with Metro, Universal, Republic and other studios where elections were held quickly following suit.

Action temporarily halted certification of the SWG. The action will result in a new hearing being ordered by Dr. Towne Niyander, regional director of the NLRB. At this hearing, attorneys will be given an opportunity to question the affidavits filed by writers stating that they were employed on June 4 at one of the 18 studios named in the NLRB report. If the action is upheld, it also will be permitted to question the accuracy of any statement of facts contained in the intermediate report, and probably will be allowed to incorporate their objections to the record.

The Screen Writers Guild, which has been designated by vote as bargaining representative for the industry, was not opposed to a new hearing, as Leonard S. Janotky, Guild counsel, has been trying to build a record that would be shockproof in the event of an appeal to federal court by one or more of the producing companies. Hearing would deal certification of the SWG only with the question of whether one of the grounds of appeal used by Henry Ford and other large industry employers, as Lady Laidlaw, appeals on the grounds the employers were not given an opportunity (Continued on page 24)

DOUGNE NIXES 'PUSHOVER' TAG

Protest of Irene Dunne, who in turn had received complaints about her scheduled appearance in a picture with George Raft, "The Pushover," will result in a change of title. Paramount has given the film the working title of "Intoxication and Pinches," but not set whether it will be the final handle or not.

The picture, which will be a picture, with Fred MacMurray opposite her, is reported to have received complaints about the picture from Catholic sources.

Claude Brulson, who is taking the picture, "The Pushover," in the Coast Monday (15) after gathering cash and material in the city. He has a picture in "Jack-garden" (Friday), and a picture in "The Pushover," which will be released on Tuesday (16) or three weeks later.

Will Query Major Pic Execs in N. Y. On Anti-Trust Suit Brought by MG Group

Double Duty

A new way of cinching a screen test, as proved in the case of Henry Arthur from the New York legal stage, is in writing your own script. Arthur, who pens plays as a hobby, prepared his own material for a test made with Twentieth-Fox, and won, with result he goes into an untried feature in the 20th sports series.

He was recently in the Broadway show, "Oh! This Way."

REELS GET EDGE ON HUGHES' FLIGHT

Smashing of the New York-London non-stop flying mark by Howard Hughes, motion picture producer and aviation enthusiast, was a break for the five American newsreel companies. Although the reels were unable to grab actual pictures from the plane, as had been planned originally, each one of the five had a print of about 100 feet length on the ship. These showed preliminary preparations for the take-off and a pre-recorded hop-off of the Hughes plane.

American newsreel correspondent in France was permitted to compare the film being available and added on photographs of actual landing of the plane near Paris. Understood that this gave most companies a 200-foot story of the non-stop flying flight. Pictures on the screen in Paris Monday (11) night were available in England and elsewhere on the continent by yesterday (Tuesday).

Hughes made the flight to Le Bourget field, France, in 14 hours 35 minutes after leaving N. Y. at 7:00 p.m. Sunday (10). This bested Charles A. Lindbergh's non-stop flight to Paris, which was 33 hours 29½ minutes, made solo in May, 1927.

NO 'LETTY LYNTON' DECISION BEFORE SEPT.

Decision on the amount of damages Edward Sheldon and Mrs. Mary Carter Ayres Barnes, authors, are entitled to for the thefting by Metro of their picture, "Dissonant Lady," in the play, "Letty Lynton," is not expected to be handed down by U. S. Federal Judge Vincent Liebell before September. This was indicated last week when the authors and attorneys for both sides until July 15 to submit briefs.

Both sides are opposing the recommendation of Special Master Gordon Auchincloss, that the plaintiffs be awarded \$100,000, including profit on the picture and damages.

John W. Davis, for Metro, claimed that the picture was a "copy" of the original copyright law the higher courts have held that plaintiffs were entitled to for both damages and profits. O'Brien, Driscoll & Rafferty, representing the authors, opposed the award of the sum, claiming the findings as being too small, and made demands at least twice as much.

Bessie Merz, who was one of the owners of the Capitol, N. Y., was also named defendants in the action.

Pathe Renews Briggs

Pathe Film Corp. directors, at a meeting Tuesday (Tuesday), voted to renew the contract of O. Henry Briggs, president, for three years.

Depositions of executives of practically every large picture producing corporation and subsidiaries will be taken within the next two weeks in connection with an anti-trust suit filed in the Federal District Court of Massachusetts in Boston. Judge Murray Hubbard signed the order Friday (8) for the questioning of the officials before trial of the action. The quizzing will take place in New York and will be held before Rose S. Meyerson, a notary.

Suit has been brought by a group of New England picture house owners, who charge the defendants with conspiracy to violate the Sherman Act in preventing them from obtaining picture releases at the time called for in their contracts. They assert the defendants hold out the pictures until they are practically useless at far less reasonable loan-office returns are concerned. The group bringing the action include: Acier Amusement Enterprises, Inc., Maine & New Hampshire Theatres Co., Commonwealth Amusement Enterprises, Inc., National Theatres Co., Inc.; Colonial Theatres of Nashua, N. H.; Elite Amusement Enterprises, Inc.; Ideal Amusement Enterprises, Inc.; Standard Amusement Enterprises, Inc., and the A. W. Amusement Co., Inc.

Attorneys for the plaintiffs received the right to preliminary questioning of the defendants' executives before trial on the ground that the books and records of the defendants must be inspected in order to bring the matter to trial. They ask for triple damages under the Sherman act, and for the cost of the suit. The defendants named in the action are:

Paramount Pictures Distributing Corp., Inc.; Paramount Pictures, Inc.; Loew's, Inc.; Warner Bros. Pictures, Inc.; Vitaphone, Inc.; National Theatres, Inc.; Irving Trust Co., RKO Radio Pictures, Inc., United Artists, Inc.; Famous Players-Lasker, Inc.; United Pictures, Inc., Big U Film Exchanges, Inc., and Columbia Pictures Corp.

MG'S \$150,000 'ANGEL' OFFER

Hollywood, July 12. Metro is reported offering \$150,000 for "I Married an Angel," Broadway stage hit, for a picture. Metro's Larry Hart. Asking price is \$250,000. Studio already has a half-interest in the piece. As Rodgers and Hart were under Metro contract when they wrote it.

BROWNE EAST TO SET PROD-LABOR CONFAH

Hollywood, July 12. George E. Brown, president of the IATSE, and his personal representative, William Blott, trained to set up a 12-hour conference held among New York. They will confer there with Pat McCarty.

Browne announced that his move to spread studio labor employment over a 12-hour period will be among the important matters discussed. Also will talk for a five-day week with present pay.

WB Ties Up Next 2 Novels by Lloyd Douglas

Hollywood, July 12. "Fervid Use Our Troubles" and the third of the Lloyd Douglas novel "Warriors' List" for upcoming the summer.

Probable director of "The Fervid Use Our Troubles," who played the Duke in "White Banners," will be Lloyd Douglas. He is already in Warner's picture.

GOVT. COORDINATING PIX, RADIO AND OVER THE AIR STATION

However, Needs Congressional Authority and Funds—Wasted Film Footage and Confusion in Radio Activities in Past the Reason for Present Move

Washington, July 12. Coordination of all Federal radio and film activities into a single unit—the U. S. Information Service—appears ultimately to include a broadcasting station and motion picture studio—is going forward, Treasury wide. Government use of both radio and screen for educational work both here and abroad.

While lack of funds and Congressional authority will hamper development, the National Emergency Council already is laying the groundwork. At outset, it will be concerned chiefly with film distribution and book-making programs, but as personnel is assembled and preliminary chores are finished it will branch out.

Objective is primarily to insure more successful use of radio and films by the numerous government agencies now on the air, using pix either as an integral part of their own work, or in acquiescing the Government Federal funds.

Secondary purpose is to reduce needless competition between the agencies, boost administrative efficiency, and get more value out of expenditures. Centralized supervision of film production is the first of a series of progressive goals. Instead of having dozens or more studios and bureaus shooting whenever they get the urge, the NEC hopes to standardize shooting, arrange for work schedules, and lift standards of quality.

Regulation that much footage has been wasted and both the public and theatre managers offended by some of the trashy productions currently being shown in theatres. While some Government pix have gone over well—about the Plough that saved the Plains, for instance, directed by Pare Lorens for the Resettlement and Farm Securities Administration—there have been instances where poor calibre reels have created general animosity toward government projects.

Reason for centralizing the radio activities is somewhat different. Most of the units broadcasting are not a fairly satisfactory job, but there is unnecessary confusion and lack of coordination. Stations are over-recruitment at the number of requests for time coming from dozens of federal and bureau agencies. They do not check with each other and think their programs are of great importance.

The changes in the radio field are not likely to be as great as with pix. Nature of the work requires each sponsoring agency to do its own production, but it is felt that a central booking office would be of help. It would be in a position to give advice about technique and fit the activities together better.

First step in direction of centralizing film work was taken some months ago when the NEC catalogued all Federal film activities, both commercial schools and non-theatrical groups—schools, farm organizations, labor bodies, and children's organizations—into one clearing-house. Similar job is being tackled in radio, with Robert Berger, formerly in charge of radio casting for the Democratic National Committee, embarked on a survey of radio transmissions, scripts, and talent sponsored by various departments and independent offices.

There is move directly into place which have been discussed more frequently of late. Within the past year there has been steadily growing sentiment for a government-operated broadcasting plant, while establishment of a film studio was suggested a few months ago.

Senate committee studying possibilities of saving money and increasing efficiency through reorganization. Extent to which the government uses films and radio never has been measured. Since the New Deal started, more and more advantage has been taken of these means of reaching the public and generating interest in Roosevelt programs. Among biggest film producers are the Agriculture Department and Interior Department.

He Knew Pix When

Hollywood, July 12. Screen's first gang buster, Walter Cameron, 69, who foiled gunmen in "The Great Train Robbery" 32 years ago, returned to the films last week in Selznick-International's "Made for Each Other."

Cameron retired in 1922 to run a horse-racing stable.

TO TEST PHILIP BANNON GAMES

Philadelphia, July 12. Maneuver is being worked out here by Dave Barrist, biggest of the game distributors, to take into Federal Court the action of the Mayor in banning his new gimmicks despite approval by the City Solicitor's office. Mayor S. Davis Wilson, in putting the six last week on four new type games to replace bingo, decided that theatres can't get along without gambling, they should close.

At their own hand, however, speculation here on what actually caused the action of the Mayor, who is generally regarded as liberal. Theatre men are incensed at the blast he took at picture houses, which right now are in no need of any possible help.

One thought is that he intends running for the Governor next year. Senate in the fall and is looking for support of the strong church people. At their own hand, however, many churches which operated bingo are losing as much income as theatres by the Mayor's refusal to allow the games to operate.

MONO BUILDING OWN TO MEET BIZ BULGE

Hollywood, July 12. Due to increased business, Selznick is planning to establish its own studio within the next year, according to George Weeks, general sales manager, here on a coast-to-coast inspection tour.

Rise in the stock market and governmental pump priming will pep up business for all companies during the next month, Weeks said. He left Friday (8) for a tour of the Coast exchanges.

Constance Bennett Asks \$7,500 Wtly. for P.A.'s

Constance Bennett is being paid by Music Corp. of America for personal appearances.

Asking \$7,500 a week.

ERROL'S RKO SERIES

Hollywood, July 12. Leon Errol went into action last week in the picture, by the two-reel comedy as RKO, directed by Charles Roberts.

A short feature, Budmy Rogers and his band also got under way, Jean Yearbrough piloting.

HALL LEAVING PAR

Others, including Social Security Board, Federal Housing Administration, and Works Progress Administration, have splurged at times. Inability to get together on new deal is prompting closure.

Philly UMPTO to Meet, Though Feud Still On

Philadelphia, July 12. First general meeting of United Motion Picture Theatrical Owners' indie group here, since the Paramount deal and buying strike was settled more than nine months ago, has been set for Thursday (14).

Cause for the failure to hold regular meetings was the feud between President Lewen Pizer and Charles Segal, chairman of UMPTO's board, on one side, and the affiliated Theatre Circuit, headed by Dave Milgram, on the other.

Pizer maintains Pizer violated the ethics of the organization by building in competition to his. Waltons theatre, which has repeatedly threatened to demand Pizer's impeachment at the first general meeting, since he has repeated threats in exhib' rank—which actually has already taken place—Pizer continually put off meetings on the basis that there was no business to be attended to.

There has been a general desire growing among exhibs, however, for a meeting, and since Pizer has several plans up his sleeve—regulation in the industry—which he feels will regain for him some of his lost prestige, the meeting has finally been called.

Tamiroff Co-Stars With Raft in Par's 'Applause'

Hollywood, July 12. Akim Tamiroff is slated for co-star billing with George Raft in "The World's Applause," forthcoming Paramount picture built on "Cavivar for His Excellency," story by Charles G. Seeling.

Screenplay is being written by Aben Kandel and Robert Shannon.

Major Films Withdraws Stock Plan After 4 Yrs.

Washington, July 12. Financing scheme of Major Film Productions, Redding Hollywood independent studio, was abandoned last week nearly four years after submission to the securities and Exchange Commission.

Corporation, of which Fred Church is president, withdrew its registration statement covering contemplated stock issue.

AMPA Awards Thurs.

Annual awards by the Association of Motion Picture Advertisers will be made tomorrow (Thurs.) at a special luncheon to be held in the Waldorf-Astoria Hotel. Selection this year required more time because of comprehensive anti-trust system.

After various pictures, on which excellent advertising publicity and exploitation campaigns have been used were nominated for consideration, representative circuit admen and leading independent exhibitors were asked to ballot on them.

RKO Lets Holmes Loose

Hollywood, July 12. RKO is not picking up a picture on Ben Holmes, producer of the recently completed Joe Penner picture, "The City."

Holmes checks off lol when pact expires July 31.

Republuc Buys 'Rider'

Hollywood, July 12. Republic bought "Circuit Rider," original by Ben Fields, who will do the treatment.

Yarn is slated for Gene Autry.

Years Turn Jeers

Hollywood, July 12. Bertion Churchill, who had not sung in 30 years, tried out his rusty tonals last week before a crowd of one mile "Sweethearts." He did his best to register pathos, but it came out as a howl. Churchill demanded a recount, but Director W. S. Van Dyke vetoed it.

The picture is the picture as a comic bit.

HARMAN-ISING ASSKS REORG UNDER 77-B

Hollywood, July 12.

Harmar-ising Pictures, Inc., asked permission in federal court here yesterday (Monday) to reorganize under 77-B of the bankruptcy set.

Cartoons company's petition on states it is unable to meet obligations at present, but under financial arrangements now being negotiated indebtedness can be taken care of.

Company lists assets at \$41,265.92 against liabilities of \$12,017.28.

Chaplin Will Build Transaxler in H'wood

Hollywood, July 12.

Charles Chaplin and Tim Durant, screen writer, announced plans last week to build Hollywood's first motion picture theatre, a 500-seater designed especially for current event films. Construction will start in six weeks.

Theatre idea was hatched while Chaplin and Durant were writing two screen stories during a six-month hiatus at Pebble Beach.

Polls Offer 10G Settlement of 100G Alienation Suit

New Haven, July 12. Estate of S. Z. Peli, and Mrs. Rosa Peli, his widow, have offered \$10,000 settlement of a \$100,000 alienation of affections suit brought by son-in-law, Thomas F. Nolan, recently divorced by Lucretia Peli Nolan.

Suit was filed two years ago. Mrs. Nolan granted the divorce three weeks ago on grounds of desertion.

Settlement is reported agreeable to all parties and awaits approval of the probate court, inasmuch as \$5,000 of the amount will be due, from the Peli estate.

G.O.P. Renames Harris

Pittsburgh, July 12. Frank J. Harris, former Pennsylvania state senator and ex-cue of the Harris company, has been renamed chairman of the G.O.P. party in Allegheny county for another year. Harris' re-election was unanimous at all positions having disappeared before the balloting.

In the recent state primary Harris ran for lieutenant-governor with future Governor Gifford Pinchot, but was defeated.

Drops Assault Charge

Denver, July 12. Nat Wolfe, indie distributor, withdrawing assault and battery charges against Ed and Bob Magel and Earl Newman just as the case was being tried in justice of the peace court. Wolfe had charged the three beat him up because they were connected with the alleged hijacking.

Schmeling filed films from an express office.

The films were returned after an intermediary had received \$500 ransom.

'Alcatraz' Getting Gun

Hollywood, July 12. "King of Alcatraz," prison picture, directed by Lewis Allen, at Paramount. Robert Florey directing.

Cast is headed by Lloyd Nolan, George Patrick, J. Carroll Nash and Robert Preston.

A. SAPERSTEIN DIES IN CHICAGO

Chicago, July 12. Aaron Saperstein, president of Allied Theatres of Illinois and an outstanding independent theatre entrepreneur, died Sunday afternoon (10) following a heart attack and taken ill on the train Saturday after he took a week in Chicago while on business trip to New York.

Saperstein had been active in mid-west business since his high school days, having started in the indie Mutual exchange in Chicago some 25 years ago. After many years with the Mutual exchange, where he became booker, he stepped out and went into the exhibition field and operated his own theatres, including such houses as the Palais Royal, Lexington, Crawford, Colo. During his early years, Saperstein was active in the National Theatre Association.

He was a leader in the organization of Allied theatres group nationally, having been active in Allied at the inception. He organized the local group of Allied in 1929 and was elected president of the group. He was a member of the group since then but was unanimously declined any position. During the NRA days he was a member of the motion picture committee here.

RKO SUES 2 N. Y. COS. FOR BREACH OF PACT

RKO-Radio Pictures, Inc., yesterday (Tues.) filed suit in New York against Center Music Hall, Inc., and Rockefeller Center, Inc., claiming breach of contract for failure to play a certain number of pictures in the Radio City Music Hall, N. Y.

The complaint, filed by William J. Donovan, attorney for Irving Trust Company, trustee of RKO, avers that agreement was reached on agreement dated May 7, 1934, and which was later extended, under which the center was to play a certain number of pictures in the Radio City Music Hall. The agreement was guaranteed by Rockefeller Center, Inc. Plaintiff claims that defendants have failed to show the number of pictures specified under the contract and wants the balance of contract voided. It was lost as a result of the alleged breach.

The RKO claim against the Music Hall dates back a couple of years. Probability is that on account of this, the trustee and its attorneys may have to prolong their tenure in RKO, after reorganization.

Mayer Gets OK to Sue GN on 4-Picture Deal

Hollywood, July 12. Ray Mayer was granted permission to file a claim in federal court against Grand National Pictures Co. for breach of contract.

He was granted permission to sue for one of a four picture agreement. Defendants have failed to live up to the work picture at \$750.

Mowbray in Hosp.

Hollywood, July 12. Alan Mowbray is in the hospital following his collapse on the set of "There Goes My Heart" at Roach.

Illness was diagnosed as a kidney ailment.

In the Family

Hollywood, July 12. Owen Davis, son of the late Cal Doreado, a play based on the California gold rush, and has sold a half interest in his play to the Broadway.

Later is now seeking a Broadway producer.

All in the Family

Hollywood, July 12. "Everything happens in the family" the gun at Republic tomorrow (Wed.), Gus Mains directing.

Cast includes the picture producer, Charles and Lucille and Russell Gibson head the supporting cast.

Mem Scores Again

Hollywood, July 12. Monogram's "The Man Who Knew Too Much," starring Jean Parker, won the Parents Magazine medal at the biennial family picture of month.

This makes three months ago when "The Hooper Schoolboy" and "Big of the Streets."

CONTROL

Film Cos. Nix Estimates on % Earnings Despite Social Security Tax Ruling

Although the Government claims figured, was that if anyone on the payroll was paid a percentage of earnings of a picture over and above a percentage of the Internal Revenue Dept. had ruled that there was no point in any further meetings on the matter.

The Government, in effect, places upon the picture companies the burden of attempting to figure out a producer, artist, writer, director or others will earn throughout an entire year, with tax from the beginning of the year to be paid in accordance with the computation made. Ruling made, after numerous meetings in which the Motion Picture Producers & Distributors of America figured, was that if anyone on the payroll was paid a percentage of earnings of a picture over and above a percentage of the Internal Revenue Dept. had ruled that there was no point in any further meetings on the matter.

Skilled attorneys in the industry sought to impress Social Security tax officials with the utter silliness of computing a tax based on percentage earnings a year in advance, since a picture might not be profitable until a big smash would, but the unwillingness of the government to budge has been the result of the new law. Now the picture companies refuse to do any such thing.

Since this year's total earnings, is the corporate payroll tax which all companies must pay the government under the Social Security Laws, over and above the regular old age (65 yrs.) and social security tax, which is deducted from the \$3,000 of salary, paid equally by the employee and the employer.

Experts familiar with the operations of motion picture companies which have people on payrolls at a fixed salary plus percentage, or entirely on percentage, hold to the opinion that not only is it impossible to guess total earnings on a year as far as 12 months in advance, but that if eventually the companies are forced to pay tax on an estimated income, the estimate is going to be "very conservative." Position taken in this connection is that if the tax is levied, based on an exaggerated estimate, it may not be easy to picture a refund. Rather, it is better to estimate low and make up the difference at the end of the year. If an estimate is made to be made at all, it is inferred.

Mentime, the picture companies are understood without question by the Government will not. Not altogether unlikely that suits may be brought to test the present ruling.

Seitzer Quits Warners To Join Roach Studios

Philadelphia, July 12. Jules Seitzer, Warner Bros. advertising, publicity and exploitation department here, resigned today to join the advertising department of Hal Roach Studios on the Coast in about two weeks. No successor named yet.

Seitzer has two brothers already on the Coast. They are Frank, with Roach, and Walter, with Metro.

Lombard, Fowler Collab On Her P. A. Experiences

Hollywood, July 12. Following weeks' stint as guest publicity director for RKO as present nationalities, Carole Lombard and Gene Fowler, who wrote her copy for "The Sign of the Cross," at a press party incorporating her experiences, titled "Life Kicks-Up Its Heels."

No producer act.

On Wrong Set?

Hollywood, July 12. Glenn Morris, Olympic sprinter, was knocked for a long count while playing a football captain in 20th-Fox "Hold That Coed."

He was beamed by a battered baseball.

RITZ BROS. \$15,000 WEEK FOR B&K

Ritz Bros. have been booked into the Chicago theatre, Chicago, for the week of Aug. 5 at the near record salary of \$15,000 per week. Last time they appeared in a stage show house was Al Jolson's appearance at the N. Y. Capitol a few years ago at \$20,000.

Ritz' deal at the Chicago, set from Hollywood by Lou Irwin, calls for six regular years ago a percentage of \$15,000 a week was a year ago for RKO in Boston. Then they were replaced in a day. Last time they appeared in a stage show house was Al Jolson's appearance at the N. Y. Capitol a few years ago at \$20,000.

All-time high salary for a personal appearance was paid Marjorie Chase in 1927 when she appeared at a national auto show. This was \$25,000, but Jolson's 200's remains the all-time theatre high.

Script Worries Upping 'Cowboy's' Million Budget

Hollywood, July 12. Script difficulties are still hampering production of Samuel Goldwyn's "The Cowboy and the Lady," in spite of the substitution of H. C. Potter for William Wyler as director.

Potter had to dismiss the company in mid-afternoon (8) because cameras caught up with the script, handed in page at a time.

With \$400,000 already invested, picture is likely to cost more than the original \$1,000,000 budget. Story of "Cowboy" was written by Leo McCarey and Frank R. Adams, with S. N. Behrman and Sonia Levin serving tied with screenplay to date.

GN's 77B Deadline

Los Angeles, July 12. Grand National must file its 77-B reorganization plan before Sept. 1, order of Federal Judge William P. James.

Filing of the plan, okayed by the court, will enable the company to complete negotiations for distribution deals now under way.

Gillham Back

Bob Gillham, director of publicity and advertising for Paramount, returned to New York from London, where he spent several weeks on the Coast, following a stopoff at Kansas City, to look over new budget and discuss merchandising plans for coming releases.

Virginia Verrill, radio singer, will start on a short, "Styles and Sentiment" for RKO as soon as present stage engagements are finished in the east.

This is a Nu-Artist musical production which Milton Schwartzwald is making as one of a series for RKO's 1938-39 program.

MASTER OF FRAME CHANCE ZONE

Consent Decree Observance, Minus Red Tape, Seen in Proposal Under Discussion—Readjustment Held Necessary Due to Growth, New Houses

ENDS SNOOPING

Washington, July 12. Source of constant trade bickering and legal tangles since the government in 1933 won from distributors and Fox-West Coast Theatres consent decree to observe the Sherman anti-trust act, the Southern California film territory may be preceded over by a master in chancery, to be appointed by the United States District Court, Thurman Arnold, assistant attorney general in charge of the anti-trust division of the department of justice, is calling a conference of distributor and theatre chain representatives to discuss the plan.

For more than a year, department of justice agents have been in Los Angeles analyzing film contracts of all exchanges and Fox-West Coast with special review into the clauses governing dealers and owners as they affect independent theatre. Under the consent decree, which was signed by the Federal Trade Commission, with exception of Columbia and Universal, the exchanges pledged themselves to observe only reasonable clearances in licensing agreements with Fox-West Coast companies. The plan, designed by investigators to make sure that all exchanges were observing the terms of the decree led to the investigation being conducted intensively conducted by a staff of examiners.

It is time to light, according to reports, that some of the zoning and competitive areas established in 1933 have been changed materially by the building of new theatres and the heavy population increase in suburban Los Angeles. Readjustment of zones is held a necessity.

Under the plan contemplated, the special master will handle, as the court's representative, any grievances pertaining to zoning and other trade practices covered by the decree. This procedure will remove the red tape of formal action citing one or more of the signatories to the decree, and will permit adjustment of individual squawks without upstaging the entire network of clearance.

Special master will conduct hearings and be privileged to make personal investigation of the facts in any case brought before him. His report will be submitted to the court for approval.

Freeman Back From Uptate Operating Talks

Y. Frank Freeman, Paramount's theatre chief, returned to New York over the weekend from Buffalo, N. Y., where he had been in local situation with Vincent McFall and others in partnership with Pat Barry. Freeman, who was director, assistant to Freeman, is in Memphis discussing business in the Tennessee-Mississippi-Alabama territory operated in partnership with Pat Barry and M. A. Lightman.

Frank Barry, who operates Ohio, West Virginia and Kentucky houses, was in New York during the past week contact with Freeman. He left for Hamilton, O., Friday (8).

Tinting on 'Devils'

Hollywood, July 12. "Devils" being directed by the first of "Cinema Paradiso" series at 20th-Fox. Tinted by John Doolittle and Wally Zukor.

'Snow White' Influence on Percentage Terms Exhib-Rapped—Minneapolis

Off with the Title

Hollywood, July 12. Far-sighted p.a.'s at Selznick-International have invited 65 survivors of the Titanic disaster to attend the premiere of the picture, "Titanic."

It will be four months before the picture goes into production.

REP. SETS NEW 5-YR. DISTRIB. FRANCHISES

Principally because conditions have altered since distributing franchises were made about three years ago, Republic is setting up new five-year contracts with all franchise owners. Since the old deals have another year to go, the new arrangements involve a cancellation of the union.

Already closed with franchise owners on a five-year basis for the Dallas-Oklahoma City, Little Rock, New York and Philadelphia exchange zones, Republic on Monday (11) signed an agreement for the same period with Floyd St. John, president of Republic Pictures Corp. of California, which controls the distribution of the studio's product in San Francisco and Los Angeles territory.

James R. Grainger is acting for Republic in the negotiation of all the deals superseding unexpired franchise contracts. Among reasons for the creation of new agreements are increased costs of production.

N. Y. Astor Lobby Will Hold Antoineite' Museum

Unusual preparations are being made by Metro at the Astor, N. Y., for the showing of "Marie Antoinette," which will be shown at the theatre lobby for a limited time. A museum display meant the life of the French empress will be staged weeks in the theatre lobby for a limited time.

A new canopy sign is being installed with running lights to announce the premiere. It will probably be completed this week.

Kaufman Pulls Out Of Selznick Agency

Hollywood, July 12. Albert A. Kaufman resigned last week as vice-president and general manager of the Metro-Selznick agency. No successor was appointed, as Selznick will take over, the duties himself.

Kaufman came to the agency three years ago from Paramount, where he had been a vice-president for 10 years. He has no plans for the immediate future.

Getting Tropical Again

Hollywood, July 12. Delayed for two months by untropical weather, Allan Dwan is now shooting last week on "Suez" in the back-lot desert at 20th-Fox. Hundreds of truckloads of sand were hauled in to cover the sands.

Interiors for the picture, featuring Loretta Young, Annabella and Tyrone Power, have been completed.

Fuchs Goes West

Hyman Fuchs, music editor of RKO-Palme, was left Friday (8) for Los Angeles.

He will remain at the studio for one month supervising the selection of music for the RKO-Palme News. For the coming season.

Minneapolis, July 12. In spite of the avowed determination of Northwest Allied to taboo percentage deals and to refrain from buying unless the demands of a reduction of at least 25% in film rentals is granted, and despite the advice of President W. A. Steffer of the organization to do no buying whatsoever at this time, major exchanges here claim their sales are running ahead of the corresponding period a year ago. They also claim that their contracts call for boosts, instead of reductions, in rentals.

When exhibitors outside the Twin Cities paid 50% for "Snow White" and "Birth of a Nation" and the Twin City independents came across with 40% up to the split figure, the prediction was that the independent circles here that a "bad" precedent had been established and that other distributors coming along with new season product would make similar "unreasonable" demands in rentals.

Now, the Indies say, that's just what's happening. The percentage demanded for "Wings" is the same as that which "Snow White" and "Birth of a Nation" got. The highest in the industry's history here. Independents outside the Twin Cities are also taking a hard line. Paramount product with the 50% picture, more than 200 deals already have been made.

Some of the other major companies are asking up to 40% for their product, with little resistance outside Minneapolis and St. Paul, apparently. And United Artists has declared positively that it will not make any deals whatsoever, even in the Twin Cities, except entirely on a percentage basis.

At least two of the major companies, 20th-Fox and Universal, claim to have many more Twin City independent deals, but without the exhibitors' consent. Both exhibitors the choice of straight rentals or percentages, with much stiff resistance for those who prefer the former.

We've about 20% ahead of the corresponding time a year ago in our sales," says Joe Levy, 20th-Fox district manager. "We've already made several deals with Twin City independent exhibitor accounts and several more are pending."

Joe Levy, 20th-Fox branch manager, says Universal is 20 deals ahead of the corresponding time and has sold 100 deals in Minneapolis and Twin City independent dealers. Metro and United Artists also claim gains. "We've made a lot of deals in Twin City deals yet. After closing a 100% deal with the Paramount circuit, RKO is now making a lot of deals. Results and is far ahead of last year, according to L. E. Goldhammer, exchange manager."

Madge Evans East For Barnyard Chores

Madge Evans, who is under contract to Republic and for that company recently completed "Army Girl," arrived in New York Friday (9) and will be seen in stock at Suffern, N. Y. She later plays at the Cape Playhouse, Denmark, N. Y.

Miss Evans is slated to return to Hollywood for Republic end of next month.

CARRILLO IN 'WILD'

Hollywood, July 12. Leo Carrillo gets the nod to star in "Raining Wild," the next Jane Withers picture at 20th-Fox. Most of the picture will be done in Sequoia National Pk.

Francis Flynn and Albert Ray are without doubt the company for an early August start.

Sall Rand Bubbles to \$16,000, L. A.; 'Goodbye' \$21,500, Antomette Regal, 'Snow White' 12½G, 'Toy Wife' \$5,900

Los Angeles, July 12. Generally improved tone in the local first-run picture market, and even couple of holdovers are in fairly good shape. The picture of 'Marie Antomette' got under way at Carthay Circle, and is expected to clean three days before opening, and with better than average advance. Tri-State Chinese and State are heading for comfortable \$12,500 on advance, while Sally Rand and her stage unit, topping the Paramount show, will come close to equalling recent Ted Lewis take. Holdovers are 'Snow White' at RKO and Panams, and 'Toy Wife' and 'Marie Antomette' at Hollywood and the Warner Gaydards. Hollywood and 'Snow White' at RKO and Panams, and 'Toy Wife' and 'Marie Antomette' at Hollywood and the Warner Gaydards. Hollywood and 'Snow White' at RKO and Panams, and 'Toy Wife' and 'Marie Antomette' at Hollywood and the Warner Gaydards.

Estimates For This Week
Carthay Circle (1,516; 55-51; L.A.)—'Marie Antomette' (G). Away for smash start on what looks like healthy run; premiered Friday, July 8, 1938, netting \$10,000 on the performance, complete sellout. Hollywood (1,600; 55-51; 30-40-55-75)—'Always Goodbye' (WB) (2nd wk). Trade on the upbeat and nearly profitable with \$10,500. Last week, 'Toy Wife' (WB) and 'Passport Husband' (WB) (2nd wk).
Downtown (WB) (1,800; 30-40-55-75)—'Marie Antomette' (G) and 'Torchy Blane in Panama' (WB) (2nd wk). Should hit next \$6,500 on second week, after six weeks on first seven days.
Fair Lane (F.W.C.U.A.) (900; 40-55)—'We're Going to be Rich' (G) (1st wk). Second week extended for three days for okay \$3,500 on the 10-15-20-25-30-35-40-45-50-55-60-65-70-75-80-85-90-95-100-105-110-115-120-125-130-135-140-145-150-155-160-165-170-175-180-185-190-195-200-205-210-215-220-225-230-235-240-245-250-255-260-265-270-275-280-285-290-295-300-305-310-315-320-325-330-335-340-345-350-355-360-365-370-375-380-385-390-395-400-405-410-415-420-425-430-435-440-445-450-455-460-465-470-475-480-485-490-495-500-505-510-515-520-525-530-535-540-545-550-555-560-565-570-575-580-585-590-595-600-605-610-615-620-625-630-635-640-645-650-655-660-665-670-675-680-685-690-695-700-705-710-715-720-725-730-735-740-745-750-755-760-765-770-775-780-785-790-795-800-805-810-815-820-825-830-835-840-845-850-855-860-865-870-875-880-885-890-895-900-905-910-915-920-925-930-935-940-945-950-955-960-965-970-975-980-985-990-995-1000-1005-1010-1015-1020-1025-1030-1035-1040-1045-1050-1055-1060-1065-1070-1075-1080-1085-1090-1095-1100-1105-1110-1115-1120-1125-1130-1135-1140-1145-1150-1155-1160-1165-1170-1175-1180-1185-1190-1195-1200-1205-1210-1215-1220-1225-1230-1235-1240-1245-1250-1255-1260-1265-1270-1275-1280-1285-1290-1295-1300-1305-1310-1315-1320-1325-1330-1335-1340-1345-1350-1355-1360-1365-1370-1375-1380-1385-1390-1395-1400-1405-1410-1415-1420-1425-1430-1435-1440-1445-1450-1455-1460-1465-1470-1475-1480-1485-1490-1495-1500-1505-1510-1515-1520-1525-1530-1535-1540-1545-1550-1555-1560-1565-1570-1575-1580-1585-1590-1595-1600-1605-1610-1615-1620-1625-1630-1635-1640-1645-1650-1655-1660-1665-1670-1675-1680-1685-1690-1695-1700-1705-1710-1715-1720-1725-1730-1735-1740-1745-1750-1755-1760-1765-1770-1775-1780-1785-1790-1795-1800-1805-1810-1815-1820-1825-1830-1835-1840-1845-1850-1855-1860-1865-1870-1875-1880-1885-1890-1895-1900-1905-1910-1915-1920-1925-1930-1935-1940-1945-1950-1955-1960-1965-1970-1975-1980-1985-1990-1995-2000-2005-2010-2015-2020-2025-2030-2035-2040-2045-2050-2055-2060-2065-2070-2075-2080-2085-2090-2095-2100-2105-2110-2115-2120-2125-2130-2135-2140-2145-2150-2155-2160-2165-2170-2175-2180-2185-2190-2195-2200-2205-2210-2215-2220-2225-2230-2235-2240-2245-2250-2255-2260-2265-2270-2275-2280-2285-2290-2295-2300-2305-2310-2315-2320-2325-2330-2335-2340-2345-2350-2355-2360-2365-2370-2375-2380-2385-2390-2395-2400-2405-2410-2415-2420-2425-2430-2435-2440-2445-2450-2455-2460-2465-2470-2475-2480-2485-2490-2495-2500-2505-2510-2515-2520-2525-2530-2535-2540-2545-2550-2555-2560-2565-2570-2575-2580-2585-2590-2595-2600-2605-2610-2615-2620-2625-2630-2635-2640-2645-2650-2655-2660-2665-2670-2675-2680-2685-2690-2695-2700-2705-2710-2715-2720-2725-2730-2735-2740-2745-2750-2755-2760-2765-2770-2775-2780-2785-2790-2795-2800-2805-2810-2815-2820-2825-2830-2835-2840-2845-2850-2855-2860-2865-2870-2875-2880-2885-2890-2895-2900-2905-2910-2915-2920-2925-2930-2935-2940-2945-2950-2955-2960-2965-2970-2975-2980-2985-2990-2995-3000-3005-3010-3015-3020-3025-3030-3035-3040-3045-3050-3055-3060-3065-3070-3075-3080-3085-3090-3095-3100-3105-3110-3115-3120-3125-3130-3135-3140-3145-3150-3155-3160-3165-3170-3175-3180-3185-3190-3195-3200-3205-3210-3215-3220-3225-3230-3235-3240-3245-3250-3255-3260-3265-3270-3275-3280-3285-3290-3295-3300-3305-3310-3315-3320-3325-3330-3335-3340-3345-3350-3355-3360-3365-3370-3375-3380-3385-3390-3395-3400-3405-3410-3415-3420-3425-3430-3435-3440-3445-3450-3455-3460-3465-3470-3475-3480-3485-3490-3495-3500-3505-3510-3515-3520-3525-3530-3535-3540-3545-3550-3555-3560-3565-3570-3575-3580-3585-3590-3595-3600-3605-3610-3615-3620-3625-3630-3635-3640-3645-3650-3655-3660-3665-3670-3675-3680-3685-3690-3695-3700-3705-3710-3715-3720-3725-3730-3735-3740-3745-3750-3755-3760-3765-3770-3775-3780-3785-3790-3795-3800-3805-3810-3815-3820-3825-3830-3835-3840-3845-3850-3855-3860-3865-3870-3875-3880-3885-3890-3895-3900-3905-3910-3915-3920-3925-3930-3935-3940-3945-3950-3955-3960-3965-3970-3975-3980-3985-3990-3995-4000-4005-4010-4015-4020-4025-4030-4035-4040-4045-4050-4055-4060-4065-4070-4075-4080-4085-4090-4095-4100-4105-4110-4115-4120-4125-4130-4135-4140-4145-4150-4155-4160-4165-4170-4175-4180-4185-4190-4195-4200-4205-4210-4215-4220-4225-4230-4235-4240-4245-4250-4255-4260-4265-4270-4275-4280-4285-4290-4295-4300-4305-4310-4315-4320-4325-4330-4335-4340-4345-4350-4355-4360-4365-4370-4375-4380-4385-4390-4395-4400-4405-4410-4415-4420-4425-4430-4435-4440-4445-4450-4455-4460-4465-4470-4475-4480-4485-4490-4495-4500-4505-4510-4515-4520-4525-4530-4535-4540-4545-4550-4555-4560-4565-4570-4575-4580-4585-4590-4595-4600-4605-4610-4615-4620-4625-4630-4635-4640-4645-4650-4655-4660-4665-4670-4675-4680-4685-4690-4695-4700-4705-4710-4715-4720-4725-4730-4735-4740-4745-4750-4755-4760-4765-4770-4775-4780-4785-4790-4795-4800-4805-4810-4815-4820-4825-4830-4835-4840-4845-4850-4855-4860-4865-4870-4875-4880-4885-4890-4895-4900-4905-4910-4915-4920-4925-4930-4935-4940-4945-4950-4955-4960-4965-4970-4975-4980-4985-4990-4995-5000-5005-5010-5015-5020-5025-5030-5035-5040-5045-5050-5055-5060-5065-5070-5075-5080-5085-5090-5095-5100-5105-5110-5115-5120-5125-5130-5135-5140-5145-5150-5155-5160-5165-5170-5175-5180-5185-5190-5195-5200-5205-5210-5215-5220-5225-5230-5235-5240-5245-5250-5255-5260-5265-5270-5275-5280-5285-5290-5295-5300-5305-5310-5315-5320-5325-5330-5335-5340-5345-5350-5355-5360-5365-5370-5375-5380-5385-5390-5395-5400-5405-5410-5415-5420-5425-5430-5435-5440-5445-5450-5455-5460-5465-5470-5475-5480-5485-5490-5495-5500-5505-5510-5515-5520-5525-5530-5535-5540-5545-5550-5555-5560-5565-5570-5575-5580-5585-5590-5595-5600-5605-5610-5615-5620-5625-5630-5635-5640-5645-5650-5655-5660-5665-5670-5675-5680-5685-5690-5695-5700-5705-5710-5715-5720-5725-5730-5735-5740-5745-5750-5755-5760-5765-5770-5775-5780-5785-5790-5795-5800-5805-5810-5815-5820-5825-5830-5835-5840-5845-5850-5855-5860-5865-5870-5875-5880-5885-5890-5895-5900-5905-5910-5915-5920-5925-5930-5935-5940-5945-5950-5955-5960-5965-5970-5975-5980-5985-5990-5995-6000-6005-6010-6015-6020-6025-6030-6035-6040-6045-6050-6055-6060-6065-6070-6075-6080-6085-6090-6095-6100-6105-6110-6115-6120-6125-6130-6135-6140-6145-6150-6155-6160-6165-6170-6175-6180-6185-6190-6195-6200-6205-6210-6215-6220-6225-6230-6235-6240-6245-6250-6255-6260-6265-6270-6275-6280-6285-6290-6295-6300-6305-6310-6315-6320-6325-6330-6335-6340-6345-6350-6355-6360-6365-6370-6375-6380-6385-6390-6395-6400-6405-6410-6415-6420-6425-6430-6435-6440-6445-6450-6455-6460-6465-6470-6475-6480-6485-6490-6495-6500-6505-6510-6515-6520-6525-6530-6535-6540-6545-6550-6555-6560-6565-6570-6575-6580-6585-6590-6595-6600-6605-6610-6615-6620-6625-6630-6635-6640-6645-6650-6655-6660-6665-6670-6675-6680-6685-6690-6695-6700-6705-6710-6715-6720-6725-6730-6735-6740-6745-6750-6755-6760-6765-6770-6775-6780-6785-6790-6795-6800-6805-6810-6815-6820-6825-6830-6835-6840-6845-6850-6855-6860-6865-6870-6875-6880-6885-6890-6895-6900-6905-6910-6915-6920-6925-6930-6935-6940-6945-6950-6955-6960-6965-6970-6975-6980-6985-6990-6995-7000-7005-7010-7015-7020-7025-7030-7035-7040-7045-7050-7055-7060-7065-7070-7075-7080-7085-7090-7095-7100-7105-7110-7115-7120-7125-7130-7135-7140-7145-7150-7155-7160-7165-7170-7175-7180-7185-7190-7195-7200-7205-7210-7215-7220-7225-7230-7235-7240-7245-7250-7255-7260-7265-7270-7275-7280-7285-7290-7295-7300-7305-7310-7315-7320-7325-7330-7335-7340-7345-7350-7355-7360-7365-7370-7375-7380-7385-7390-7395-7400-7405-7410-7415-7420-7425-7430-7435-7440-7445-7450-7455-7460-7465-7470-7475-7480-7485-7490-7495-7500-7505-7510-7515-7520-7525-7530-7535-7540-7545-7550-7555-7560-7565-7570-7575-7580-7585-7590-7595-7600-7605-7610-7615-7620-7625-7630-7635-7640-7645-7650-7655-7660-7665-7670-7675-7680-7685-7690-7695-7700-7705-7710-7715-7720-7725-7730-7735-7740-7745-7750-7755-7760-7765-7770-7775-7780-7785-7790-7795-7800-7805-7810-7815-7820-7825-7830-7835-7840-7845-7850-7855-7860-7865-7870-7875-7880-7885-7890-7895-7900-7905-7910-7915-7920-7925-7930-7935-7940-7945-7950-7955-7960-7965-7970-7975-7980-7985-7990-7995-8000-8005-8010-8015-8020-8025-8030-8035-8040-8045-8050-8055-8060-8065-8070-8075-8080-8085-8090-8095-8100-8105-8110-8115-8120-8125-8130-8135-8140-8145-8150-8155-8160-8165-8170-8175-8180-8185-8190-8195-8200-8205-8210-8215-8220-8225-8230-8235-8240-8245-8250-8255-8260-8265-8270-8275-8280-8285-8290-8295-8300-8305-8310-8315-8320-8325-8330-8335-8340-8345-8350-8355-8360-8365-8370-8375-8380-8385-8390-8395-8400-8405-8410-8415-8420-8425-8430-8435-8440-8445-8450-8455-8460-8465-8470-8475-8480-8485-8490-8495-8500-8505-8510-8515-8520-8525-8530-8535-8540-8545-8550-8555-8560-8565-8570-8575-8580-8585-8590-8595-8600-8605-8610-8615-8620-8625-8630-8635-8640-8645-8650-8655-8660-8665-8670-8675-8680-8685-8690-8695-8700-8705-8710-8715-8720-8725-8730-8735-8740-8745-8750-8755-8760-8765-8770-8775-8780-8785-8790-8795-8800-8805-8810-8815-8820-8825-8830-8835-8840-8845-8850-8855-8860-8865-8870-8875-8880-8885-8890-8895-8900-8905-8910-8915-8920-8925-8930-8935-8940-8945-8950-8955-8960-8965-8970-8975-8980-8985-8990-8995-9000-9005-9010-9015-9020-9025-9030-9035-9040-9045-9050-9055-9060-9065-9070-9075-9080-9085-9090-9095-9100-9105-9110-9115-9120-9125-9130-9135-9140-9145-9150-9155-9160-9165-9170-9175-9180-9185-9190-9195-9200-9205-9210-9215-9220-9225-9230-9235-9240-9245-9250-9255-9260-9265-9270-9275-9280-9285-9290-9295-9300-9305-9310-9315-9320-9325-9330-9335-9340-9345-9350-9355-9360-9365-9370-9375-9380-9385-9390-9395-9400-9405-9410-9415-9420-9425-9430-9435-9440-9445-9450-9455-9460-9465-9470-9475-9480-9485-9490-9495-9500-9505-9510-9515-9520-9525-9530-9535-9540-9545-9550-9555-9560-9565-9570-9575-9580-9585-9590-9595-9600-9605-9610-9615-9620-9625-9630-9635-9640-9645-9650-9655-9660-9665-9670-9675-9680-9685-9690-9695-9700-9705-9710-9715-9720-9725-9730-9735-9740-9745-9750-9755-9760-9765-9770-9775-9780-9785-9790-9795-9800-9805-9810-9815-9820-9825-9830-9835-9840-9845-9850-9855-9860-9865-9870-9875-9880-9885-9890-9895-9900-9905-9910-9915-9920-9925-9930-9935-9940-9945-9950-9955-9960-9965-9970-9975-9980-9985-9990-9995-10000-10005-10010-10015-10020-10025-10030-10035-10040-10045-10050-10055-10060-10065-10070-10075-10080-10085-10090-10095-10100-10105-10110-10115-10120-10125-10130-10135-10140-10145-10150-10155-10160-10165-10170-10175-10180-10185-10190-10195-10200-10205-10210-10215-10220-10225-10230-10235-10240-10245-10250-10255-10260-10265-10270-10275-10280-10285-10290-10295-10300-10305-10310-10315-10320-10325-10330-10335-10340-10345-10350-10355-10360-10365-10370-10375-10380-10385-10390-10395-10400-10405-10410-10415-10420-10425-10430-10435-10440-10445-10450-10455-10460-10465-10470-10475-10480-10485-10490-10495-10500-10505-10510-10515-10520-10525-10530-10535-10540-10545-10550-10555-10560-10565-10570-10575-10580-10585-10590-10595-10600-10605-10610-10615-10620-10625-10630-10635-10640-10645-10650-10655-10660-10665-10670-10675-10680-10685-10690-10695-10700-10705-10710-10715-10720-10725-10730-10735-10740-10745-10750-10755-10760-10765-10770-10775-10780-10785-10790-10795-10800-10805-10810-10815-10820-10825-10830-10835-10840-10845-10850-10855-10860-10865-10870-10875-10880-10885-10890-10895-10900-10905-10910-10915-10920-10925-10930-10935-10940-10945-10950-10955-10960-10965-10970-10975-10980-10985-10990-10995-11000-11005-11010-11015-11020-11025-11030-11035-11040-11045-11050-11055-11060-11065-11070-11075-11080-11085-11090-11095-11100-11105-11110-11115-11120-11125-11130-11135-11140-11145-11150-11155-11160-11165-11170-11175-11180-11185-11190-11195-11200-11205-11210-11215-11220-11225-11230-11235-11240-11245-11250-11255-11260-11265-11270-11275-11280-11285-11290-11295-11300-11305-11310-11315-11320-11325-11330-11335-11340-11345-11350-11355-11360-11365-11370-11375-11380-11385-11390-11395-11400-11405-11410-11415-11420-11425-11430-11435-11440-11445-11450-11455-11460-11465-11470-11475-11480-11485-11490-11495-11500-11505-11510-11515-11520-11525-11530-11535-11540-11545-11550-11555-11560-11565

Mpls. Biz Spotty, but Mostly Off; Wonderfull Time 'G, Tropic' \$5,500

Minneapolis, July 12. Aggregate of loop grosses continues pathetically low, at least one house, the Orpheum, is showing some signs of life, thanks to a Western. "Wonderful Time" (RKO) and "When Were You Doing?" (WB) are sure-sellers. "Hitting a Six" (WB) is getting to be a regular. "Swiss Miss" (M-G) and "Rascals" (20th), dual first runs and Louis Schmainder's "Eight Paths" (2d runs), good \$1,600.

Century (Par-Singer) (1,600; 25-35-40)—"Wives Under Suspicion" (U). Will be lucky to top light \$2,500. Last week, "Woman Against Woman" (M-G) mid \$3,500.

Orpheum (Par-Singer) (2,800; 25-35-40)—"Hitting Wonderful Time" (RKO). That's just what house is doing at boxoffice; looks like a good \$7,000, a lot of money for a light. Last week, "Crime Sheet" (WB), fair, \$6,000.

Par-Singer (2,000; 25-35-40)—"Tropic Holiday" (Par). Heavily and but receding. "Hitting Wonderful Time" (RKO) stretching hard to land mid \$3,000 on eight days. Last week, "Lord of the Flies" (M-G) mid \$4,000.

Time (Berger) (280; 15-25)—"King of the Ring" (RKO). (2d runs) looking toward light \$600. Last week, "Spirit of Youth" (GN), \$500 in six days.

Uptown (Par) (1,200; 25-35)—"Last Great Groove" (Par). Showing neighborhood showing. Looks like light \$1,000. Last week, "Marco Polo" (UA), pretty good \$3,000.

World (Stieffer) (300; 25-40-55)—"The Women" (M-G). (2d runs) looking to go above mid \$800 on eight days. Last week, "Mystery House" (UA), \$400, light after big first week, \$1,800.

7 SEAS' 7G'S, DENVER; 'SHOWPORN' OK \$17,200

Seattle, July 12. Second Valentino revival hit town within a month. 'Son of Sheik' current at Liberty is attracting heavy attention; not only old admirers but younger femmes who want to see what this Valentino rep is about. Town settling down after first week, which didn't help a o. very much.

Estimates for This Week

Bliss House (Hamrick-Evergreen) (2,300; 25-37-42)—"Port of Seven Seas" (M-G). (2d runs) looking to go above mid \$3,000. Last week, "The Women" (M-G), (2d runs) looking to go above mid \$3,000. Last week, "Mystery House" (UA), \$400, light after big first week, \$1,800.

Calisium (Hamrick-Evergreen) (1,950; 21-32)—"Golden West" (M-G) and "Moto's Chance" (20th), dual. For possible moderate moderate \$3,000. Last week, "Test Pilot" (M-G) and "Island" (20th), dual. (2d runs) looking to go above mid \$3,000.

Colonial (Sterling) (200; 21)—"Birth of a Baby" (Indie) and "Hollywood Showgirl" (M-G). (2d runs) looking to go above mid \$3,000. Last week, "Mystery House" (UA), \$400, light after big first week, \$1,800.

Fifth Avenue (Hamrick-Evergreen) (2,300; 25-37-42)—"Port of Seven Seas" (M-G). (2d runs) looking to go above mid \$3,000. Last week, "The Women" (M-G), (2d runs) looking to go above mid \$3,000. Last week, "Mystery House" (UA), \$400, light after big first week, \$1,800.

7 Seas and 'Showporna' Each 5G, P'tland, Ore.

Portland, Ore., July 12. "Port of Seven Seas" opened quickly at Parker's Broadway, became a b. o. and held for a second week.

Hotel employees' strike in the burg hasn't seriously affected summer tourist trade on which houses depend a good deal in the slack season.

Estimates for This Week

Hamrick (2,000; 25-40)—"Port of Seven Seas" (M-G) and "Mystery House" (WB) (2d weeks). Hefty \$5,000. First week great, \$7,000.

Mayfair (Foster-Silverman) (1,500; 30-40)—"Romance of the Limberlost" (Mono) and "The Muses Are Here" (Mono). Week \$1,500. Last week, "Mystic Castle" (M-G). Average \$2,000.

Hamrick (2,000; 25-40)—"White Banners" (WB) and "When Were You Doing?" (WB). Last \$3,500. Last week, "Hitting a Wonderful Time" (RKO) and "Law of the Law" (RKO). (2d runs) looking to go above mid \$3,000.

DARREUX 23G, 'BANNERS' 12G, 'DETROIT' 12G

Detroit, July 12. Scorching weather sending folk out into drives, but film biz is holding fairly well. Best bet here is to "Rage of Paris," plus Gene Kelly at town's elite the Fox.

Estimates for This Week

Adams (Bushman) (2,000; 25-40)—"Sinners in Paradise" (U) plus "Lone Wolf in Paris" (Co). dual. (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

Fox (Indie) (3,000; 30-40-55)—"Rage of Paris" (Co). (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

Michigan (United Detroit) (2,000; 30-40-55)—"Happened One Night" (M-G) and "Mystic Castle" (Co). (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

Sally Rand Out of Her Fans and Into a Murder

Hollywood, July 12. Sally Rand goes before the cameras July 24 in "Murder on Sunset Boulevard," a George Hirshman production. Picture is based on a Liberty mag story by Harold Joyce. Paul Frank and Arthur Hoerl are writing the screenplay.

'Banners' \$16,500, B'klyn; 'Kiss' 15G, 'Goodbye' 13G

Brooklyn, July 12. Flock of good fighters in downtown show. "Banners" (M-G) and "Kiss" (WB) are going to be big. "Reformatory" (M-G) and "Goodbye" (WB) are also looking to go above mid \$3,000.

Estimates for This Week

Adams (Bushman) (2,000; 25-40)—"Sinners in Paradise" (U) plus "Lone Wolf in Paris" (Co). dual. (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

Fox (Indie) (3,000; 30-40-55)—"Rage of Paris" (Co). (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

Michigan (United Detroit) (2,000; 30-40-55)—"Happened One Night" (M-G) and "Mystic Castle" (Co). (2d runs) looking to go above mid \$3,000. Last week, "Blind Man" (2d runs) and "To Victor" (Co). (2d runs) looking to go above mid \$3,000.

BUFF. BIZ BLAH; 'TROPIC' POOR \$7,000

Buffalo, July 12. This looks like the worst week in at least a year at local boxoffices. After a bad sinking spell during the little improvement, with ratings scraping the bottom.

Estimates for This Week

Bliss (Shea) (3,500; 30-35-50)—"Tropic Holiday" (Par). Very bad at \$7,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Crowley (Shea) (3,000; 25-35)—"Religious Ruckers" (Royer) and "Ladies in Distress" (Rep). May get \$10,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Bliss (Shea) (3,500; 30-35-50)—"Tropic Holiday" (Par). Very bad at \$7,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

'HATING' \$12,500, 'ANCEL' 12G D.C.

Washington, July 12. Keith's is having "Wonderful Time" and leading the town doing it, even though it's a "Wonderful Time" (RKO). "Hating" (M-G) and "Ancestral" (M-G) are also looking to go above mid \$3,000.

Estimates for This Week

Capitol (Loew) (3,425; 25-35-40-55)—"Hating" (M-G) and "Ancestral" (M-G). (2d runs) looking to go above mid \$3,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Capitol (Loew) (3,425; 25-35-40-55)—"Hating" (M-G) and "Ancestral" (M-G). (2d runs) looking to go above mid \$3,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Rhythm Tunes \$3,200, 'Mice' \$3,100, Lincoln

Lincoln, July 12. "Rhythm Tunes" (M-G) and "Mice" (WB) are looking to go above mid \$3,000. "Reformatory" (M-G) and "Goodbye" (WB) are also looking to go above mid \$3,000.

Estimates for This Week

Liberty (Cooper) (1,200; 10-15)—"Rhythm Tunes" (M-G) and "Mice" (WB). (2d runs) looking to go above mid \$3,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Liberty (Cooper) (1,200; 10-15)—"Rhythm Tunes" (M-G) and "Mice" (WB). (2d runs) looking to go above mid \$3,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

'Wonderful' \$7,000, Frisco, 2d Wk.; 'Tropic' \$12,000, 'Showporna' \$12,000

San Francisco, July 12. Having a Wonderful Time, 't the Golden Gate, is showing a b. o. and St. but less powerful than on first nights. "Tropic Holiday" is just as good. The Fox is showing newcomers at the first-run fairing fairly well are "When Were You Doing?" (WB) and "Always Goodbye" at the Wardfield.

Estimates for This Week

Fox (P-WC) (5,000; 35-55-75)—"Tropic Holiday" (Par) and "Passport Husband" (RKO). Mixed notices and midhigh \$12,000. Last week, "Lord Kelly" (M-G) and "Fast Company" (M-G) \$14,000 in the till.

Golden Gate (M-G) (2,850; 35-55)—"Hitting Wonderful Time" (RKO) and "vaudeville" (2d weeks). Hopeful to reach mid \$10,000 on the holdover. Last week picked up plenty from country folk to town, good \$2,500.

Orpheum (F&M) (2,400; 35-55)—"Hitting Wonderful Time" (RKO) and "vaudeville" (2d weeks). Hopeful to reach mid \$10,000 on the holdover. Last week picked up plenty from country folk to town, good \$2,500.

Estimates for This Week

Bliss (Shea) (3,500; 30-35-50)—"Tropic Holiday" (Par). Very bad at \$7,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

Crowley (Shea) (3,000; 25-35)—"Religious Ruckers" (Royer) and "Ladies in Distress" (Rep). May get \$10,000. Last week, "Hitting Wonderful Time" (RKO), held up for \$11,000.

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Hitchcock to Direct 'Titanic' in Hollywood

Hollywood, July. Alfred Hitchcock, British director, signed a deal with Selznick-Intertitles last week to pilot "Titanic," a \$10,000, 12-reel picture. It will be Hitchcock's first major effort in America. For several years he has directed for British-Gaumont.

O'Loughlin, Ferri on Coast For 20th Product Confabs

Hollywood, July 12. O'Loughlin, Ferri of Toronto, a d. charge of 20th-Fox sales drive this year, and Roger Ferri are here from New York for studio conferences of product.

Anderson Off to Dixie

R. V. Anderson, film executive for many years with Universal News, has been sent out of recent tour with circuit activities because of his new duties as Metro's radio producer. Anderson's advice to the Capitol will not doubt be conclusive. Stage activities of the Broadway department under his supervision for several years.

BUCK NIGHT OUT

Galveston, July 12. "Buck Night" took it on the chin last week when court of appeals ruled against the injunction on temporary injunction against operators by Robb & Rowley United, Inc. in Palestine. Trial court at Palestine had refused to grant writ, but appeals court here reversed the decision.

W&V Takes WB Lineup

A deal calling for the complete 1934-35 lineup, including features, shorts, trailers, has been made by Warner Bros. and W&V. Vincent chain, which has 13 theatres in the W&V circuit.

Dual Bill Headache Starts in Mpls. Following Par's Admish Scale Slash

Minneapolis, July 12.—Exhibitors are having more headaches as a result of the Princess theatre, 1,000-seat indie nabe house, upscaling the applicant by going double features—the first uptown theatre here to kick over the traces since Twin City indies, members of Northwest Allied States, agreed two years ago to refrain from the policy despite the fact that the Paramount circuit inaugurated it at two of the chain's loop houses.

The twin bill development comes as the heels of Paramount's slash in price from 55c to 40c after 8 p.m. at its sear downtown houses as well as selling cut-rate tickets in some of its other situations. First is general that the double featuring and admission price slashing will spread.

Pictures on the Princess theatre's first dual bill are "Rebecca of Sunnybrook Farm" and "Hurricane," with the admission price set at 40c. Hamilton, the owner, is a member of Northwest Allied. Said to have been approached by a distributor, W. A. Steffen, of that organization, he is reported to have declared his intention to continue the double featuring "for 60 days." He claims his peculiar situation is the only one in the policy because his house is located in fairly close proximity to the Gateway theatre, another twin bill, and because he has to follow a number of other policies in his own section on play-dates.

Paramount circuit recently disclosed double bills at one of its two downtown houses, but still retains the policy at its St. Paul loop house. At the latter, the company only pictures of "B" or lower classification. However, there was considerable independent perturbation last week when it offered a Jane Withers picture, "Rascals," along with the Loretta Young "Swiss Miss," both first runs, and the second-run Louis-Schmeling fight film.

Twin City indie houses are rumormongering because of their number the past week have seen a move to give away dished and utilize Screeno with such a picture as "In Old Chicago." Most of the houses are using Paramount, free dished and other gift stunts, as well as padding patrons free parking facilities.

Independents are seeking to have Paramount confine its St. Paul double featuring to one house, the same as in Minneapolis, and have threatened general admission price cuts if the chain fails to meet the cut-rate tickets.

St. Louis Exhibits Warned
St. Louis, July 12.—Unless members of the Motion Picture Theatre Owners of eastern Missouri and southern Illinois discontinue the practice of slashing admission prices and cutting down the number of seats for the summer season they will find themselves on the blacklist of Kansas City exhibitors, who are operators of a 25-seat top-for-first-runners and the top double bill features and giveaways in the nabe.

According to Fred W. Wertz, president of the organization and owner of a string of nabe houses.

Wertz declared "Keep Admission Prices Up" Week, the last week sent personal letters to several exhibitors. In part, the letter reads: "Quite a number of exhibitors in St. Louis are cutting admission prices to try to outdo the exhibitors in business. Experience has taught us that we go through this summer each year, the exhibitors who cut admission prices will avail us nothing. One exhibitor cuts, his competitor follows suit, and the exhibitor who cut first has the advantage that the first theatre has 'cashed' for the reason that he had no advantage over his competitor, and the first thing we have to do is to get the exhibitors in the city who are cutting prices." Wertz said he would not realize that our business is different from any other. "For instance, the milliners, the dry goods store, the hardware store, when summer comes along we close down."

Equine Bows

Stagehand, the thoroughbred who endeared himself to Coast-las last winter, performed like a high school horse at Empire track, N. Y., Saturday (9), when he equalled the record in winning a stake contest. As he was led down the track to his stall after the race, fans applauded and Stagehand took bows all along the line.

He was bowing at the barrier first and was almost left at the post.

Pathe Launching Hollywood Plant For Processing

Hollywood, July 12.—Pathe Film Corp. is entering the Hollywood field with a plant equipped to handle the processing of both natural color and black and white film, under the name of Pathe Color Corp. Plans for the structure have already been approved by O. Henry Flanagan, director of construction of the plant, which will be completed in late August.

It was set, way before the departure of Briggs from Hollywood, weeks ago, when he spent a fortnight conferring with H. T. Farnham, general manager of International Cinema Corp., a veteran Coast lab operator, who recently formed Color Corp. after the purchase of patented cameras and lab equipment will be used by Pathe in the undertaking with James moving over to the new plant to handle the color end.

U. Par Newsreels Cop A. C. Headliners' Awards

Atlantic City, July 12.—Newsreel pictures by Universal and Paramount won awards in the annual selections by the National Headlines Club, which will make formal presentation at the club's anniversary banquet, S. J. Zuckerman, president of the club, presiding at the Ambassador hotel. Norman Alley's motion pictures of the bomb-bomb and sink-bomb U. S. number "Panzy" for Universal topped the foreign newsreel prize, while those by Alvin Karpis of Paramount, from the domestic award for his pictures made while carried about by a cluster of balloons at Old Orchard, Maine.

H. S. Wong, newsreel photographer for "News of the Day," was recognized for his shot of a Chinese baby crying in a shell-hole Shanghai railway station. He was given the still photograph award. Newsreel clip being distributed extensively as a still and reproduced in many newspapers. William C. Miller and Edward R. Morrow won a prize for the best radio reporting for their work in recounting Hitler's escape into Austria over CBS.

Best series of cartoon prize went to D. B. Baughman of the Chicago Star for his campaign for safe driving. Other awards were for outstanding journalism and news feature achievement. Nominations were made last month.

The poor pictures now being delivered by the producers and exhibitors are all contributing factors. What the exhibitor must do is to get the exhibitor to cut his admission prices, and use every means to try to keep his head above water during this off season.

SHOOTING THE PICTURE IN THE THEATRE

Just as Detrimental as Give-aways in Lowering Theatre Standards—Bankers' Influence Noted in the Spotting of Free Footage in Circuit Houses

ST. LOUIS EXAMPLE

Top film showmen aver that there is as much harm to the theatre business in screening commercials as there has been in applying give-aways, banter, screenos and bingo stimulation to the b. o.

The commercials are spreading. Notably the extension of commercial screen occurs in theatres controlled or under the influence of bankers behind some of the major companies. Such bankers have been known to use their influence to obtain screenings of commercials in which they are interested in certain circuit theatres around the country.

To showmen one of the shining examples of what giveaway stuff has done to theatre business is the St. Louis situation, where Farnham and Marco dominate. In St. Louis they are still using giveaways and two-reel stuff, and can't get rid of them.

The free films and commercials and the bingo-banter-screenos stuff often is used several nights weekly nowadays.

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New Commercial High

Detroit, July 12.—With its three studios in full operation, production of Wilding commercial pic and slide films reached a new all-time high during first half of 1938, company records show. Previous year high was set in first months of 1937.

Most active was Wilding's Culver City Cal. studio, on the Selznick International lot.

CHARGES SCREENO LIST, SUES EXHIBITS FOR 50¢

Los Angeles, July 12.—Charging "screenos," William W. Screeno, licensee holder in a game district, filed a \$50,000 suit here last Thursday (7) against Morris Barsky, Harry Finkler, Kelly Seligson, and Max Shapiro, theatre operators.

Wertz alleges the defendants induced one of his employees, Joe Livingston, to steal 100,000 Screeno cards which they bought for 40c per 1,000 and used to cash in on the company's game. Screeno is instituting Screeno. Their action, he declared, cost him business amounting to \$50,000.

Heavy Oriental Play

Hollywood, July 12.—Heaviest Oriental invasion in 20th-century U. S. history is being mounted by "By the Dawn's Early Light," More than 300 Chinese are used as extras in supporting parts.

Local Russian crowd also contributes to cast. Picture deals with a Chinese revolt near the Russian border.

N. Y. Theatres in the Middle Of Union Fight Over Candy Sellers

Hollywood Milk Man

San Antonio, July 12.—Metzgers Dairies now sponsoring a three weekly film personalities program over KOSA Show, titled "Hollywood Milk Man," has some new twists in presenting the pallet.

Spiegel, supposed to tell what he "sees and hears" when delivering milk in the early a.m. to the stars' homes in Hollywood and Beverly.

'Blockade' Out In Omaha Due To KC's Protest

Omaha, July 12.—Omaha Theatre here called off "Blockade" after the local Knights of Columbus requested the theatre to label picture as "Leftist propaganda" if it was shown as scheduled.

"Blockade" was due to start Tuesday (7), but theatre held over previous week's bill and debated fate of "Blockade." Theatre is unwilling to say picture won't be shown in one of its local houses, but is not out of this concession.

K. of C. explained that it was following lead of its Supreme Council, Pierre was sent to Omaha to see what and most objects have not seen it. Catholic weekly, "True Religion," attacked film and some priests read the K. of C. resolution in pulpits Sunday (10).

'Blockade' in Rochester

Rochester, July 12.—Film "Blockade" which Rochester Knights of Columbus attempted to have barred from a showing here is booked into Lewis' July 15. This action stirred a storm of protest in which newspapers and individuals held their attempt at censorship was unwarranted.

Officers of the Knights have indicated they would take no further action, other than within their control.

Appeal 'Wreckage' Ban

Albany, July 12.—Infema Service Corp., with offices in New York, has appealed to the Board of Regents from a decision by Irving A. Finkler, director of the education picture division of the State Education Department, denying a license to the exhibition "Wreckage," a film on the theme of social diseases. Finkler rejected the picture.

Kreutzer, Hauser & Selman are attorneys for the petitioner.

The case was argued before the Supreme Court Justice Gilbert V. Schenck, in the appeal from a decision of a Board of Regents refusing to license a "second revised version of 'Remons,' French-made sex picture, was served on the Education Department Saturday (9).

The picture has been issued for one year by the Board of Regents, and "Wreckage," same picture with French subtitles, was issued by the Board of Regents, and a permit for a second version of "Remons," which the claimant estimated cost of the material ordered eliminated on the first submission.

Korda's New P. A.

Minis Helfern, personal representative for Alexander Korda, may remain in London for another fortnight before returning to the States. Korda is incensed by John Myers, his London publicity man, to produce his trailers. Myers also will continue no expatriation.

Succeeding to Myers' publicity chair is John Ware. Fleet Street, who will soon announce his staff.

American Federation of Labor and C.I.O. unions threaten to come into conflict and the Loew circuit in the metropolitan New York area is in serious danger of being affected, following a move for organization in all theatres of the candy counter workers and attendants. In the move toward organizing this branch, the A.F.L. union covering candy sellers and the like has started picketing theatres which do not employ union help for its staff. Largest house to suffer picketing during the past week was the Paramount on Broadway.

The situation, which develops with respect to the Loew chain differs in that the sale of candy in their theatres is under concession with a company which has already signed with the C.I.O.

Other concessions, including those of the RKO chain, the Fox and the Strand in Brooklyn, as well as others are handled by another concessionaire, while certain other theatres, such as the N. Y. Par, do not rent out this concession.

The A.F.L. union which is setting out to organize the theatres selling candy, says it has known of the Amusement Clerks and Concessionaires Employees Union, Local 1115C, since the A.F.L. unions already in those houses, including the operators, stagehands and musicians, will in any way support an A.F.L. organizational move where CIO is already indirectly concerned.

GATTI'S AFRICAN SHORTS TO GET WB RELEASE

Warner Bros. has closed a deal with Gatti's African shorts, explorer and author of "Great Mother Forest," for the release of a series of shorts to be made by the commander in the Belgian Congo. Commander Gatti sailed Wednesday (6) for Europe, from where he will proceed to Africa.

Norman Morphy, heading shorts department, has acted as company in the deal, while Jacques Koepfer, former Paramount executive, is handling the contract. Morphy will spend a year in Africa making the shorts.

New Talent Getting Auditions Via Shorts

Kendor Productions is making a series of two-reelers to be marketed as the "New Talent Series." All are being shot at the Film Art studios in the Bronx, N. Y. Way Corine directing.

Shorts are in the nature of a first introduction of screen aspirants to the big screen. The series is headed as well as to the film public. Among those signed for appearance are: "The New Talent Series," Southern belle, Lucie Lawrence and Ben of Manor and Mizon.

Two Start at 20th

Hollywood, July 12.—Two 20th-century pictures are to start their "Early Light," an Edward Kaufman production, and "White Beryl Stone," second of M. Wurtzel's Roving Reporter series, were released before the cameras Thursday (7).

Gregory Raitoff is directing 'Dawn' and Bruce Humberstone pilots the sleeper.

FIRST PHILLY CLOSING

Philadelphia, July 12.—First closing of the season took place here Saturday (9) with shuttering of the Locust. Wend Phillips, Durston, was substituted to summer list, however, but to house's general consternation.

For Locust, the theatre for the past five years.

Tokyo Continues to Hold Out in Deal To Lift Japan's Foreign Import Ban; Sino Conflict Seen Thwarting Pact

Tokyo, June 23. American distributors here are starting to feel that nothing may come of negotiations, in progress for the last four months between the American Motion Picture Association and Tokyo Kinema Company, towards lifting of the ban on foreign film importation. Gloomy outlook, based on continued silence by the Finance Office. Any statement whatever has been made by the Finance Office on the situation other than that a proposition is being considered.

Several sources feel that the reluctance of the government to clinch the deal is based on the prospect of a considerable and considerably longer than anticipated struggle with China. Original ban on film importation brought on by a desire to prevent large chunks of Japanese coin from reaching the hands of the Yakuza firms. When the pending deal to lift the ban, through an agreement of the war, American to cold storage all money. The Government had thought at the time the conflict with China would be finished soon. Idea now is that it would be unwise to have commitments in three years, coming down, and if the war went on for an indefinite period.

Activities here seem to point to a deal with the Finance Office of the U. S. distributors although American companies will not touch this. Consequently, many Jap distributors of foreign pictures are hoping to get hold of what weakies are left. American war should U. S. companies quit the country.

Huddles of Jap distributors to make a deal with European films may be brought in, when and if the import ban is lifted, have ended in no time.

Though many recent releases have been subjects turned down heretofore, Jap distributors, who at all times is above normal for this time of the year. Government figures show the foreign picture released in the first six months this year as compared with 183 for the same period in 1935. Of the 86.

Absence of word from the Finance Office of Japan is regarded in N.Y. by some picture representatives as in testing that there is no intention to set up the Japanese market for Japan, Italy and Germany, to the exclusion of the U. S.

There has been a three-way pact between these nations in existence so that the industry as a whole may be felt in the present film situation to the detriment of American film interests in Japan.

METRO SETS PICTURES FOR BRITISH PRODUCTIONS

Tokyo, July 5. Metro has arranged its schedule of English productions to follow "The Citadel." Finished script is ready for Robert Donat's next. "Goodbye Mr. Chips" and Sidney Fox's "The Great Escape" are under production. Metro is to direct. Spencer Tracy will be over for the leading role, too. "The Great Escape" is by Vaughn Williams, with Hugh Walpole on the script; "Bushman's Boyhood," "Death on the Table," "The Music Minstrel," with Wallace Berry, also are on tap.

Ontario Tightens Watch On Foreign Propaganda

Toronto, July 12. With the increase in the number of foreign films coming into Canada, a careful watch will be maintained for propaganda of a nature inimical to the Ontario censors. One Russian picture, "Mincrow" has been banned and six alterations made in 15 others recently.

A curious anomaly is that while the vast majority of American pictures requiring alterations and deletions relatively few, slightly less than half of the British-made films submitted in the past few months have been subject to censoring.

Sabu Should Be Twins; Merle Oberon's 'Austrian'

London, July 5. Sabu, 14-year-old Indian boy who made his debut in Flaherty's "Elophila" stands in line for promotion as Alexander Korda's star player. Last recently made his second at Denham, "The Drum," and is already assigned for three more, to be included in London films' next batch. "Two will have India settings—'Calcutta,' for which Michael Powell is off 'his' location unit shortly, and 'Jungle Book,' based on Rudyard Kipling's famous tales, with Sabu as the boy Mowgli—and third is to be the remake of 'The Thief of Baghdad.'

Merle Oberon is spotted for the title role of 'Elizabeth of Austria,' historic tale of Franz Josefs' tragic wife, and London also announces production of 'Greenmantle,' sequel to '39 Steps,' rights of which Korda has bought from John Buchan. Lord Tweedsmuir, Governor-General of Canada.

New shooting is 'Prison Without Bars,' remake of a French talker. Next scheduled is Technicolor version of A.E.W. Mason's 'Four Feathers,' Zoltan Korda's directing.

NEW \$2,000,000 LONDON PIC CO.

London, July 12. New company, Albion Films, is in course of formation headed by Sir Adrian Ballie, member of Parliament, and Montague Marks.

Understandably involved in over \$2,000,000, with capital secured from Swiss interests.

Company will make three features annually.

Liszt Directs Mexer

Hollywood, July 12. Panamerican, new producing company in Mexico City, has hired Ben List, former Hollywood director, to pilot its first film, "Running Wild." Yesterday, dealing with a revolt of chic workers against Porfirio Diaz.

Shooting starts, this week in Quintana Roo, southern Mexico, with native army and navy co-operating.

Mex OK's \$22,000,000 To Support Pictures

Mexico City, July 12. State-supervised bank to finance all phases of the domestic picture industry is feasible, the senatorial committee, which drew up the bill, has reported to President Lázaro Cárdenas. Idea was put to Cárdenas yesterday.

Bank, to have its headquarters here, will have a capital of about \$22,000,000, to be supplied mostly by the government and film people.

Board Verdict Hits Pic Production Under English Quota Qualifications

London, July 5. Co-op production has been hit by Board of Trade ruling in respect to qualifications for quota tickets. Ruling says when players draw annual salary, plus percentage, the latter cannot be included in the labor costs, which must equal 50 per cent of money actually disbursed or contractually agreed upon.

Decision makes a difference, for where star, producer and director may agree on a split of the profit, each actually spent in production may not have a picture's labor budget sufficiently to bring it up to the quota class, although the net outcome final outlay may well figure the minimum required for production. Failure to secure trouble or double quota certificates would obviously affect picture's value to a distributor, for by an American with the

First-Come-First-Served Dubbing In France Draws Disfavor of U. S.

Pic Concerns as They Fall Behind

Fresnay, Printemps For 'Parlez Picture'

Paris, July 5. "The Three Wives," popular operetta of the last season, with music by the three Strauss, is going to be made into a film, with Pierre Fresnay and Yvonne Printemps again in the roles they played in the stage production.

Ludwig Berger will direct and produce. Expected to commence early next month.

\$1,000,000 HELP BY FRANCE TO THEATRES

Assurance that the French Government won't have to shutter for the remainder of this year has just been made by a ministerial decree placing nearly \$1,000,000 at the disposal of the Opera, the Opéra-Comique, the Odéon and with small amount of the credits destined for theatres in the provinces.

The plight of the national theatre was extremely serious as the credits destined for them and first included in a bill last December, which the Senate never voted, had again been shelved before the recent adjournment of Parliament. The only manner in which the needed credits could have been made available was by direct method.

Minister of National Education, Jean Zay, prevailed upon Prime Minister Daladier to take.

COUNCIL FOR QUOTA HOLDS 1ST MEETING

London, July 5. New Quota Act can now be regarded as fully in operation.

Film Council which was appointed to assist Board of Trade in operating it, met last week for the first time. Occasi was, however, mostly formal, members being welcomed by B.O.T. President Oliver Stanley, who indicated to them importance of their task, after which methods of procedure were considered.

Being virtually a Government department, Council will meet privately. It is secreted by the Government, which will not publicly publish a report on its activities. Sir Frederick Whyte, chairman, is to receive honorarium of \$10,000 a year, but is not expected to devote his full time to the panel. Officers will draw up pay, except for expenses.

Paris, July 5. Though the number of dubbed films which can be shown in France in the coming cinema year again has been set by new decree at 91 per cent of the same quota, which has prevailed for the last few years, there are several developments that displease representatives of U. S. picture companies here. 'Trouble is that it's now virtually a matter of the censor getting its product to the censor, for dubbing okay, receiving the big break.

One logical solution, advanced but never okayed, was to allocate visas according to the average number presented by each country at the beginning of film dubbing. French producers, however, doubtlessly would never permit an increase in the number of dubbed films shown here.

While basically the law remains the same, with foreign nations able to import 188 dubbed films each year, the increased number of German pictures has produced difficulties. Oddly enough, German pictures have shown the greatest increase in the number of imports. Dubbed visas has produced difficulties. During the same period American companies have averaged about 150 dubbed films per year. But at the time that the decree was published, it's estimated that only 70 U. S. films were registered with the French visas. Which hints how far behind American companies were on dubbing.

The American film interests made sacrifices to develop dubbing in France, and now they are being rewarded by a policy towards dubbing visas. Which hints how far behind American companies were on dubbing.

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No French Opposition

Despite this threat from German and English opposition, it's doubtful if anything will be done by the French Government to halt this new activity by these two nations in the dubbing field. On the surface it looks like the film which gets its product up for dubbing visas first has the biggest chance of securing permits. It's not, however, that simple. The French censor may regulate the number of countries and sometimes does.

The quotas have been made, to coincide with last year. Starting Jan. 1, 1939, no visas will be given unless the picture has been shown in previous public showing in any manner two years previous to application for visas. This would mean that pictures which have been popular in America this season, Regulation was aimed at making it impossible for the U. S. to import many foreign films of ancient vintage.

New Regulation Sets the method by which dubbed pictures presented for visas are to be determined.

Previously the films could be registered for visas before dubbed, this being to encourage the French film industry. Now the dubbed movie must be shown in public before registration is valid. This affects pictures registered since Jan. 1, 1939, which if they are not shown in public, they have to be before Visa application is acceptable.

This clause is the bitter enemy currently because it is not the U. S. picture companies' fault that a large number of important feature dubbed and ready to show in France, the semi-annual dubbing quota which was set in 1938. The new regulation is further complicating this situation, and is further complicating the situation for American producers.

ROARING ALONE

IN THE BIG-SHOW SKIES,
A MIGHTY AIRPLANE DRAMA ROLLS THE THUNDER
OF ITS THRILLS TO A WAITING SUMMER SCREEN!

He-man hero Richard Dix as the reckless Viking who rode the clouds in glory . . . Handsome Chester Morris as the cocky flying cadet . . . Lovely Joan Fontaine as the girl whose love built a wall of hate between two comrades of the airways . . . IN A DRAMA AFLAME WITH THE THRILL OF FLIGHT ALIVE WITH THE BEAT OF HUMAN HEARTS! ...ANOTHER BIG SUMMER SHOW FROM RKO!

SKY GIANT

STARRING

RICHARD DIX
CHESTER MORRIS
JOAN FONTAINE

WITH
HARRY CAREY • PAUL GUILFOYLE
DIRECTED BY LEW LANDERS • PRODUCED BY ROBERT SISK
STORY AND SCREEN PLAY BY LIONEL HOUSER



DAILY VARIETY *Calls It*

SCREEN'S MOST FASCINATING CRIME STORY!

VARIETY *Calls It*

AN UNQUESTIONABLE WINNER!

HOLLYWOOD REPORTER *Calls It*

A PERFECT BOX-OFFICE HIT

M. P. DAILY *Calls It*

A NEW TOP FOR ROBINSON!

L. A. TIMES *Calls It*

A BREATH-TAKING FILM!

FILM DAILY *Calls It*

A PICTURE SURE TO SCORE!

L. A. EXAMINER *Calls It*

The ANSWER To The EXHIBITOR'S PRAYER!

NATIONAL EXHIBITOR *Calls It*

A MONEY-MAKER! BOGART SENSATIONAL!

ACTION FROM WARNER BROS!

DONALD CRISP • GALE PAGE • AN ANATOLE LITVAK PRODUCTION
Screen Play by John Wexley and John Huston • From Play by Berre Lyndon • A First National Picture

CLAIRE TREVOR • HUMPHREY BOGART • ALLEN JENKINS

EDWARD G. ROBINSON

The Amazing Dr. Clitterhouse

HAROLD LLOYD in "Professor Beware" KEY CITY COMIC STRIP CAMPAIGN...

Paramount comes through with a new idea in comic strip advertising in key cities from coast to coast. Full page ads in many spots in full color will get the comic strip millions excited about Harold's hilarious hit.

EVERYTHING HAPPENS TO HAROLD !!!



WHAT HAPPENS TO ME?

DO I GET CHOICES BY THE TURNER? YOU GET MY GIRL? ANSWERS IN MY NEW PARAMOUNT PICTURE COMING TO YOUR FAVORITE THEATRE!

HAROLD LLOYD in "PROFESSOR BEWARE"

with PHYLLIS WELCH · RAYMOND WALBURN · LIONEL STANDER
WILLIAM FRAWLEY · THURSTON HALL · CORA WITHERSPOON · STERLING HOLLOWAY
DIRECTED BY ELLIOTT NUGENT · A PARAMOUNT PICTURE





When you browse through the quarterly magazine published by Consumers Bureau of Standards, Summer 1938 issue, you'll be startled to find that motion pictures are appraised just like canned salmon, government graded butter and women's slips (pardon the expression).

There are 26 productions listed under the heading "RECOMMENDED MOTION PICTURES" and, if you will forgive our blushes, 9 are M-G-M, the next nearest competitor has 4 and thereafter the various companies rank with 3, 3, 3, 3 and 1.

If M-G-M didn't win one of these surveys, polls or star popularity votes... that would be news. It would not only be man bites dog, but lion bites editor.

It's NEWS in any case.

Here's news, too, Lend an ear.



INSIDE STUFF ON "MARIE ANTOINETTE"

"Just met a theatre circuit operator back from California. This fellow was tipped off to a sneak preview (prior to the World Premiere—see below) of 'Marie Antoinette' outside of Los Angeles. Claims it's by far the greatest picture turned out in years. It's the talk of California. And here's what the Manager of the theatre showing the Preview wrote to his home office... confidentially: ... This was the first preview and played to a full house. The minute the audience saw they were to witness 'Marie Antoinette' they pretty nearly tore the theatre down. We have never received a finer reaction to any preview in this theatre. The comment cards elected it as one of the greatest motion pictures of all time."

★ ★ ★ ★ ★

EXTRA!

As We Go to Press!

"MARIE ANTOINETTE" WORLD PREMIERE

CARTHY CIRCLE
LOS ANGELES
SENSATIONAL!

WATCH THE PAPERS
READ THE REVIEWS!
ANOTHER GREAT M-G-M
TRIUMPH IS LAUNCHED!

"Today's white-haired boy"



JIMMY STEWART— THE NEXT CHAMP AT THE BOX-OFFICE!

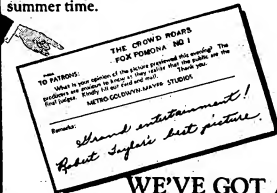
Rosy predictions for you, James. We get it from the showmen who show "Shopworn Angel." Listen to the fans. Overheard in the lobbies of America where money talks: "There's my new passion, girls, Jimmy Stewart." "Reminds me of how my Frankie makes love, so modest-like." "He's never been so appealing." "He's a real American type, the kind I'd like to have around the house." Mr. Stewart has been climbing, hit by hit, up the ladder of success. Conservative theatre men say that his co-starring role with Margaret Sullavan in "Shopworn Angel" represents the final clincher. He's a box-office name. Listen to the gals in your lobby after the show and you'll say ditto!

★ ★ ★ ★ ★



24-SHEET ROARS!

America gets an eye-full of M-G-M advertising. In 1200 cities the gay billboards tell the crowds about Bob Taylor's big new show. Depend on your pal Leo anytime but especially when you need him most, in the good old summer time.



WE'VE GOT A MILLION OF 'EM!

The audience at the Preview of "The Crowd Roars" returned more "Comment Postcards" to the studio than for any picture within recent years. That's a Hollywood high sign.

M-G-M EXECS EXPLODE

"Love Finds Andy Hardy" was shown in the M-G-M projection room Monday. M-G-M execs were still laughing when they came to work Tuesday.—Advt.

★ ★ ★ ★ ★



Play up the Stars in ads, as above.

★ ★ ★ ★ ★



WHAT'S THE SHOOTING FOR?

Reports from the filming of "THE CITADEL" are exciting. King Vidor directing. Robert Donat, Rosalind Russell co-stars. Looks like the MEF (Metro Expeditionary Forces) will bring back an attraction bigger than "Yank at Oxford."

The "BOYS' TOWN" company still on location at the actual famed spot in Omaha. Spencer Tracy, Mickey Rooney — perfect casting for this heart story. Norman Taurog directing. A show to look forward to.

Hunt Stromberg, Producer, Van Dyke, Director, are too busy to take the bows for "Marie Antoinette." They're back with the pair they launched to co-stardom — Jeanette MacDonald, Nelson Eddy. "SWEETHEARTS" is the show, and the show's a sweetheart.

The talk of the M-G-M studios: the beauty, the romance of "THE GREAT WALTZ" (Luise Rainer, Fernand Gravet, Miliza Korjus) and the thrill, merriest and box-office wallop of "TOO HOT TO HANDLE" (Clark Gable, Myrna Loy).

All is not quiet on the Western front. It's busy as hell at the M-G-M studios.

And it all spells

BUSINESS!

Leo

Okay, Mister—You asked for it!



HERE'S POWERHOUSE at the BOX OFFICE!

FLASH REVIEW "Hollywood, July 7. — "Little Tough Guy" (Universal) — Fast-moving drama of slums featuring "Dead End" kids. In acting, story, production, direction, picture compares favorably with anything in which this talented group of youngsters has appeared and should fare proportionately in box office popularity and patronage. Billy Halop, Huntz Hall particularly splendid in well-rounded cast. Ken Goldsmith produced. Harold Young directed. BOX OFFICE

The "Dead End" kids break loose... A title that grabs from the start... a drama with pounding mass appeal... that hits where it hurts—with what it takes to line them up at the cashier's window!

THE NEW UNIVERSAL PRESENTS
THE "DEAD END" KIDS

in

"LITTLE TOUGH GUY"

with

HELEN PARRISH • JACKIE SEARL • ROBERT WILCOX • BILLY HALOP
Huntz Hall • Gabriel Dell • Bernard Punsly • Hally Chester • David Gorcey

Screen Play by Gilson Brown and Brenda Weisberg • Directed by Harold Young • Associate Producer, Ken Goldsmith

World Premiere
New Orleans
Thursday, July 14!
—
National Release
July 22!

ALL CHE



Hailed by "Redbook Magazine" as the outstanding picture of the month!

"Not since Valentino have we had a more romantic looking star than Charles Boyer in 'Algiers'. Hedy Lamarr is one of the most ravishing creatures I have ever beheld."

—Hedda Hopper, famous movie columnist

"Most gorgeous item to come to the films in the past year is Hedy Lamarr. She'll — are talk than any performer in seasons. Terrific!"

—Ed Sullivan

"This showmanship entertainment merchandise gathers itself into one compact wad of punchy and suspense-laden entertainment."

—M. P. Daily

"'Algiers' ranks with the best motion pictures. Boyer has never been so romantic and exciting and Hedy Lamarr is so beautiful I still think I dreamed it all."

—Shelagh Graham, North American Newspaper Alliance

"Here is an offering that rates laurels on every count and should clean up."

—Film Daily

"Positive on all kinds of Boyer giving polished Miss G. builds matic show Long

WALTER WA

CHARLES
BOYER

in

"ALGIERS"

World Premiere Tomorrow

RS FOR "ALGIERS"!

Critics unanimous in praise for this "picture for your must list"!



for
es.
most
traval
le dra-
her role
for Hedy

—Daily Variety

"The Wanger film, with its handsomely staged exotic locale, its sustained excitement, and its departure from the trodden story track, should prove the independent producer's most successful screen venture."
—*Newsweek*

"Walter Wanger has really delivered a celluloid masterpiece. It should be a welterpiece. It should be a rainbow of hope for all exhibitors dreading the usual summer slump."
—Warren Stokes, radio commentator and critic, *Jay Emanuel Pub.*

"A fascinating mood picture. Boyer proves himself one of our finest actors . . . Hedy Lamarr, sure to be a sensation."
—*Lowella Parsons Hearst Newspapers*

R presents

ERSTM

Sigrid GURIE • Hedy LAMARR

Joseph

Alan

Gene

Mme. Nina

CALLEIA • HALE • LOCKHART • KOSHETZ

Directed by John Cromwell • Screenplay by John Howard Lawson
Additional dialogue by James M. Cain • Released thru United Artists

RADIO CITY MUSIC HALL

Canadian Production Personnel Weak

Possibility of More Local Station Show-Building
Emphasizes Manpower

Montreal, July 12. Increased activities by radio station production departments during the coming year are foreseen by Canadian station men as a result of the elimination of the time brokers who previously represented one of the major sources of production ideas in canvassing advertising agencies as well as prospective sponsors.

As a result of the rulings adopted at the spring session of the Canadian Association of Broadcasters, now evidently being enforced by the great majority of station men, time brokers are no longer eligible for a second 15% cut and being deprived of this means of compensation there is no inducement for time salesmen to prepare campaigns for the advertising agencies.

In the opinion of some broadcasters those stations not producing their own shows to sell are being obliged to do so if they have to furnish the program ideas free to advertisers or face the possibility of being swamped with spot announcements which will cut into their own advertising and still less effort to sell.

Producing agencies may also add radio production departments, it is believed, for the purpose of developing shows for sale. This does not seem to be in the cards that exclusive station reps will lose the trouble of making production ideas when their commissions are assured in any case.

Should the need for increased radio production by stations and advertising agencies make itself seriously felt, Canadian station men estimate will find themselves faced with a shortage of capable production men.

A survey of the field of Canadian radio showmen indicates that there are not more than five or six first rate producers, by local standards, in the entire country, and certainly not more than two.

Cuban Stations Anxious for More Power Must Wait

Havana, July 6. No Cuban station will be permitted to raise its actual power until the relocation, according to the Havana Treaty made by Radio Comandante headed by Comm. Andres Bello of the Cuban Army, according to the latest order by the Secretary of Communications.

Since late last year quite a number of stations have requested an increase in power, many of them in order to catch the special channels assigned to them in the Havana Treaty. Some have rushed work as CMCD with its new 15,000 watt transmitter built in New York by Dr. Victor K. Zorin who is now in Havana conducting the final tests with its special antennas on the 530 kc. This is the first real American made transmitter here, built specially for CMCD and with special location—swamp lands at the end of the Havana bay—and directional antenna for the island after many months of testing of special studies for the location. All the Cuban broadcasters are watching closely.

Among the stations that are rushing work to increase power are the two new installations of the 10 kw. transmitter to increase the signal to 15,000 watts; CMX; is putting the final touches to the new installation of building outside of Havana, near the new CMCD location, and has already received all the parts for the equipment that will be assembled by the local engineer Karmen.

WBXN, N. Y., Hopeful WBXN, Bronx, N. Y., station which devotes the major slice of its time to foreign-language programs, may have its power lifted to 5,000 watts soon. At present it's 1,000.

FCC examiner has o.k'd the station's application, and now it only it remains for the Commission to put on the official seal.

Writers, Too

Ottawa, July 12. Canadian Broadcasting Corp. has arranged to offer cash prizes for original Canadian drama, suitable for broadcasting, by Canadian authors as soon as a semi-independent board of adjudicators is set up to supervise the editorial material. In this connection, Major Gladstone Murray handed an orchid to Miss Mary Weekes of Regina, Sask., for her story, "The Last Buffalo Hunt," which was recently etherized, as being an example of the desired type of material. Thus far, general manager states, the most successful drama offerings over the networks had been adaptations of stage plays and novels. Some original radio writing in Canada, though, but not of a very high quality. There is great field for radio writing, dealing with Canadian contemporary subjects and the interpretation of one section of the Dominion to the other and it is desired to encourage this type.

AMATEURS GET MORE, SHOULD CONGRATULATE THEMSELVES

Havana, July 6. Country is again—or still—amateur mad with every station running with prizes of all kinds, from a dime package of cheese to \$500 in cash.

At the cashing of the prizes, when a train, carrying Canadian troops home from maneuvers 165 miles from Windsor, Ont., was derailed.

Clare had the story to CKLW reviewed minutes after the derailment, even before commanding officers had chance to examine wreck.

These broadcasts last two hours daily ending Sunday, 10 a.m. in cash prizes given away daily by various sponsors. Finals are held at the Teatro Nacional every two months, and the two previous have been complete sellouts, drawing nearly 6,000 persons. During the finals about \$1,500 in cash is dished out to winners. These sessions last for an aggregate of 25 days, and the winner in his home nursing the swelling and discoloration.

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Radio Theatre offers prizes for the best and worst of the week.

Canada's Mobile Trucks

Toronto, July 12. First setup of a proposed fleet of mobile broadcast trucks will be used to broadcast the Calgary Stampede and the annual Indian powwow at Banff for the Canadian Broadcasting Corp. Initial unit was recently assembled and delivered to the CBC. It will be used for the CBC national hookup either through line wires or shortwave transmitter up to 50 miles.

KSTP's Nork Spierler

St. Paul, July 12. Val Bjornson, KSTP's editorial commentator, has been selected as speaker for the Life Line Convention to be held October 8 in Brooklyn. Meet will be held under auspices of the National Life Line League, composed of 30 Norwegian societies, and will be attended by an anticipated 5,000 Norwegians. Bjornson is of Icelandic origin, he rings a mean line of chatter when he unleashes himself in Nork.

English Notes

Speeches at installation of Lord Tweedsmuir, Governor-General of Canada, as Chancellor of University of Edinburgh, will be broadcast by B. C. July 20.

Cecil Lewis marks his return from service in Hollywood with talks in television series 'Speaking Personally'.

Almea and Philip Stuart's drama 'Nine Till Six' will be done in two programs, July 16 and 20, with Leslie Robinson in her original role as tragic head of a fashion salon.

Joseph P. Kennedy will make his first broadcast in England since appointment as U. S. Ambassador July 18, when he does a speech at Boston, Lincolnshire. Occasion will be annual visit of representatives from Boston, Massachusetts, to the 'mother town' from which early New England settlers emigrated.

BBC proposes to put 'Midsummer Night's Dream' into Welsh for transmission from Welsh station, and to equip with Welsh version.

Version is by Dr. T. Gwynn Jones, who has done two Ibsen plays on the vernacular.

Number of registered schools on BBC panel of institutions taking BBC school broadcast service has grown in a year from 6,800 to 8,500.

St. Frederick, Whyte, chairman of New Films Council, talks to higher grade scholars weekly on Foreign Affairs.

Air peasant at Gatwick airport organized by London 'Daily Express' has been played throughout U. K. on coast-to-coast hook-up, was not heard over B.B.C. network in U. K. Corp. is sold against free broadcast on British air, and item might have been publicity for the newspaper and for Gaumont-British's newswriter, E. H. V. Emmett, who saw the story through the ether.

Val Clare, news commentator on CKLW, Detroit-Windsor, was right about the cashing of the prizes when a train, carrying Canadian troops home from maneuvers 165 miles from Windsor, Ont., was derailed.

Clare had the story to CKLW reviewed minutes after the derailment, even before commanding officers had chance to examine wreck.

CLAIM ANY DUCK CANADIAN SET TAX

Saskatoon, Sask., July 12. Charges that more than one hundred Canadian citizens are licensed and the Federal government is losing money continually through an inadequate check-up system were made at the Canadian Postmasters Association, Saskatchewan, when the Canadian Radio Masters set radio licenses in most centers. The \$2 collected, less commission to the Canadian Broadcasting Corp.

One postmaster, recounting means of the Government's collection, said that when the first car equipped with an overhead aerial came into his office, he was told to go to the radio inspector. He sold 35 licenses that day.

WMCA's \$300 Phone Toll For Maurice Chevalier Radio Cite, commercial broadcaster in Paris, France, is feeding via transatlantic phone a special event program to WMCA, N.Y., tomorrow (Thurs.) in honor of Bastille Day, national French holiday.

The program will be aired from an all purpose setting in Paris, where annually a celebration is held. Locals in the birth site of Maurice Chevalier, and the performer is promised on the show. WMCA is taking the program because of the Chevalier appearance, and paying the phone bill, which will exceed \$300.

George McCall Renewed

George McCall has been renewed by the CBC for another year, 13 weeks, effective Aug. 11. With the latest term the film group will not sound a year on the cusp of the payroll.

'You Shall Have Music' True Seems To Have Double Meaning on B.B.C.

Vox Popping Spreads

London, July 1. Reading Variety has visibly added to vocabulary of John Peel, B.B.C. He's been already for colloquial phraseology, but lack of of the 'S' now when he drags the man in the street before the microphone, he calls it 'vox popping,' though his department's guess is only on this side knows the meaning.

DEMOCRATIZE B.B.C.; STAFF FORUMS

London, July 1. 'With a view to satisfying staff's desire for autocratic power of B.B.C. heads, corporation is working on a staff representation scheme to give all employees a voice in the company as concerns themselves. By permission of Sir John Reith, 'recreation' private meetings have been held by over 150 staff groups since April, and subsequently confirmed by nominees of these have investigated the situation.

Sub-committee is now working on details, and staffs will later meet to debate full proposals are put to secret ballot of all members of the organization.

In the Argentine

Buenos Aires, June 28. Andre Kostelanets will conduct the symphony orchestra on Radio El Mundo (LR1) in three broadcasts over the station's long and short waves for CBS on Sunday, July 31, Aug. 7 and Aug. 14. These broadcasts will not be commercial and the announcements over short wave will be broadcast in English.

LR 11, official station of the Province of Buenos Aires, is re-airing the symphony concerts of the British Broadcasting Corp. which come from London, short wave to South America. This is another proof of the fact that the government decrees about rebroadcasts of foreign programs which created some misinterpretation abroad, referred only to certain types of programs.

Radio El Mundo has booked Rodolfo D'Amico, Mexican tenor, now in Chile, for the months of September and October.

Gitta Alpar, Hungarian singer, is en route from London to B.A., contracted by Radio Belgrano (LR5) for a series of broadcasts.

MacFadden on Normandy

London, July 24. Contract for 52 Wednesday afternoon quarter hours on Radio Normandy has been placed with the British Broadcasting Corp. by MacFadden Magazines, Ltd. Friday morning is additional to the New York quarter hour which is currently being used for True Story Magazine.

CBM's New Tower

Regina, Sask., July 12. New 400-vertical radiator antenna supporting CBM, Regina, is under way. The tower, which was turned Friday (8). The supporting steel mast expected on site shortly for erection. Modern transmitter building will be included.

Regatta Via CKB

Regina, Sask., July 12. CKB will pick up remote, the Henley regatta, Canada's outstanding rowing event, from the Regatta grounds of the events to the CBC. Races are held at Port Dalhousie, near Regina, annually, are carried on July 28-30 this year.

London, July 1. John Watt, B.B.C. Variety Director, holds to his contention bands should be a background to not light entertainment, but leaving this way he can make the dance combinations acceptable to the ears of the general public, who voted them down as entertainment. New series of summer programs, therefore, will be planned.

Aggressively, too, will be given them, season opening with new series of 'Radio Music'—'You Shall Have Music! Twelve programs under this title will be balanced by the great variety of orchestral broadcasts which conducts B.B.C. Variety Orchestra under contract, with programs ranging from light classics to swing. Series will be supported by guest artists, and Leslie Mathews renews acquaintance with Louis in first, set for July 7.

Hint of aggression is seen, also, in second series, aimed at showing back at listeners selections from musical programs aired in earlier quarters of the year. Will include numbers from 'Band of Angels' and 'Sweet and Lovely', 'Rhythm Express' and 'Melody from the Sky'.

Another series is 'Radio Roadhouse', orchestral and cabaret show, with Vic Oliver in regular charge each week. Introducing such artists. Item is intended to balance 'Bungalow Club' series already in air, in signing valuable new air, in a similar show of a lighter type.

Desde Vasee Partly prompting Watt to keep show going with material of this class is greater difficulty experienced by B.B.C. in signing valuable talent during summer period. Mecca of most top liners during middle of year is coast resorts, where concert parties pay good dough and give performers vacation by the sea on the way.

In one effort to counter situation, Corp. has talent scouts touring the coast, and offering to pay for contract entertainers to go on the air. Idea is to hook-up the shows, instead of waiting for what holidaymakers are enjoying in the flesh. First of such programs is August 8, when the Clayton holiday camp comes over the ether with a variety bill stronger than most any B.B.C. could put over under its own auspices. Will include George Robey, Elsie and Doris Waters, Vic Oliver, and the Clayton, and Mantovani and his orchestra, and Lew Slone and his band.

Panama Rates Attract Agency Attention in N.Y.

New York ad agencies last week received letters bidding for big from Radio, commercial broadcaster in Panama, Canal Zone, headed by Alfredo Graziani, manager of the station. The offer was for a lot of time for 15 minutes a time with program furnished which can include a variety of programs for \$30. For \$20 one can buy a quarter-hour with guarantee of an evening program of jazz, piano, piano, chorus, group of musicians such as trios or quartets alone or with a piano. \$15 buyer can get 15 minutes with the station chosen.

A program giving the station a daily-sponsored program for a period of a month can have a 30% commission for less the cut is the standard 15%.

HPSC, operating on 2,000 watts, is the most powerful station in the Americas. It is limited to four hours daily, 6-10 p.m.

Lapham on Shortwave

Clude Lapham will have a program of his original music followed by the program of the Regatta, WEXAF and WZAX, Schenectady, N.Y.

Background Buzz

PACIFIC

Edmund Pitts of the San Francisco office of J. Walter Thompson, was recently elected chairman of the National California chapter of the American Association of Advertising Agencies. Others elected included Alvin Long, of the Long Advertising Service, San Jose, vice-chairman; San Hutton, of Erwin, Wasey & Co. secretary-treasurer; McCulloch Campbell of Lord & Thomas and James C. Kinsler of Gerth-Kuolli, directors.

New art director and production manager for Beaumont & Homan, Inc. San Francisco, is Marshall Hubbard, who has been away from San Francisco for five years.

Lloyd Yoder, manager of KPO-KGO, San Francisco, is busy again at his annual stint as chairman of Radio Day at the Sausalito (Cal.) Roden, July 14 to 17. A large group of air personalities from bay region stations will be guests of honor at the Radio Day celebration Friday (17).

Lee Vandover, secretary to manager Clarence Juneau of KYA, San Francisco, recuperating from a brain concussion which resulted from a fall while horseback riding recently during a KYA staff party in Marin county.

Roland Drayer, tenor on the NBC San Francisco staff, and school teacher Wilma Goss are newlyweds.

Hal Burdick, author-narrator of the "Night Editor" yarns aired from NBC's San Francisco studios and announced by the station as "The Night Editor," is writing and directing this year's Low Jinks play to be given by the Ben Hemen Club's "dove" later this month. Larry Allen, manager of Consolidated Radio Artists' office, is one of the principals.

Dul-in Oliver, tenor, formerly of NBC's New York staff, is scheduled to make at least three guest appearances on the Alton Bros. Milling Co.'s "Good Morning Theater" musical from NBC's San Francisco studios. Oliver recently appeared on the stage in Felix Borowksi's operatic serial, "Fernando del Nonatasco."

Louise Barte, authority on California, is currently doing a series of talks on western fairs in the past

her "Pageants of the Pacific" program over KFFC, San Francisco, under the leadership of J. Walter Thompson International Exposition for 1939.

Manager William S. Ryan of NBC's San Francisco sales department is vacationing with wife and three children in the San Francisco area. He is in Hechey, Cal., starting next Monday. Hubert Gago, western division radio manager for the United Press, with headquarters at Sacramento, Calif., honeymooning with his bride, the former Lucille West, following their marriage recently in San Mateo. Both Gago and his wife were previously on the staff of KJBS, San Francisco, the latter in the traffic department.

Charles Brown, sales promotion manager for NBC, San Francisco, vacationing on his brother's ranch at Willows, Cal.

Ernest J. Derry, of the Three Cheers vocal trio at NBC's San Francisco studios, is the staff's newest papa. It's a boy.

Don Cope, Benton & Bowles production chief, vacationing for a month in San Francisco with brother Frank Cope of KJBS.

Walter Kelsey conducting an orchestra of 18 strings and a harp on the Friday night NBC-Blue network program from San Francisco, On Wings of Melody, with chief announcer Richard Eilers doing the NBC Hollywood staff, spending his beach at San Francisco.

Charles Bailey, KOMO-KJR, Seattle exploitationist, back from motoring east as far as Des Moines, Iowa, where he showed the commercial film of these stations.

Charles Vanda back at his Kraft music desk after confabbing in Hollywood with Columbia tinheads. The Foursteps spotted on Kraft music hall for 15 weeks during summer.

Since taking on Good Grief as a sponsor for his first t.c., John Nesbitt added the middle monkey of Booth for his air billing.

Jerry Wald and Ken Barton renewed for another year as Richfield Reporter over KFI (Los Angeles).

Wu Wilson hopped from KFVB (Hollywood) to KFI (Los Angeles) with his waker-upper routine.

Hal Horke, CBS Coast publicity

CBS Vs. Green

There are 130 pages of argument, arithmetic and point-with-priding in the annual CBS sales promotion dept. has prepared to offer the one-man campaign of NBC's self-promotion salesman, Jack Green. Later, he told up the point of his annual announcement of a 1937 postcard survey of farm program, popularity made by the CBS sales department in formal presentation in chart form, as does CBS in reply, but doesn't use chalk and a blackboard.

Result of the Green "lectures" last week under the CBS rubric, the CBS rebuttal is that wherever Green goes, CBS follows in. CBS' marshaling of data is said to be the most complete self-inventory in five years. NBC, as far as known, has not yet gotten more than an intimation of the contents.

head, aired east to talk over this 'n'

Leo Reisman is set for 13 broadcasts this summer from the Ambassador Hotel, L. A., over NBC chain, that is, he will continue to the count Groove and rest from the Ambassador. Lido.

SOUTH

Richard Pettison, chief announcer of WSPA, Spartanburg, S. C., has switched to the same post as in Indianapolis station. Pat McGowan succeeds.

W. H. Farrell, formerly of WRBL, Columbus, Ga., now WAGA, Atlanta, is back in engineering. He replaced Ray Campbell.

Dick Whitman, WBT, Charlotte, N. C., technician, and his wife and three children are on a car-cruising tour of the South. Jim Beloung, chief engineer at WBT, Charlotte, N. C., has been sent to Birmingham to assist in the installation of WAP's new directional antenna.

Bill Green, cellist on the music staff at WBT, Charlotte, N. C., and his wife, are in the South. Bill Davis, instrumentalist and comedian on the staff of the North and South Carolina Association of Musicians, is in Florida.

Bob Carpenter, auditor for WBT, Charlotte, N. C., has just returned from New York City, and a conference there with CBS officials.

WBT, Charlotte, N. C., invited all Carolina sports editors to the studios for a couple last week. Charlie Crutcheff played host.

Clara's daily radio programs on WHIC have been cut to two a week. Among the programs of the air is Radio Column of the North and South.

Dispatch, which owns WBSN, still carries signed column by Carl De Bloom, Jr.

Portland, Ore., July 12.

All daily papers in the burg have agreed to discontinue radio chatter columns and station publicity.

This does not apply to display space, but it spells the end of blarney and squawks from the nuke commotion in the dailies.

Durante On For Vallee

Jim Durante, current in the Casa Manana, N. Y. variety show, will guest on the Rudy Vallee (Gaelic) program, Thurs. (14).

First important air date for the Schmozzola in around a year.

Inside Stuff—Radio

Some 25 Philby labor leaders drafted plan on Saturday to press via an airplane tour a nation-wide boycott of Philco Radio & Television products. Contab, attended by heads of both CIO and A. F. of L. unions, designated John Edelman, CIO director here, as chairman.

Within a few days a group of Philco workers, who claim they were locked out on May 1, when the corporation's manufacturing unit closed down, will start an airplane tour of the industrial centers of the country. They will meet with labor, social and civic groups in an attempt to establish a boycott.

Since the shutdown, Edelman said, Philco has been farming out its orders, mostly in the west. Meantime an attempt is being made by the State Department of Labor and Industry to conciliate the dispute over wages and hours.

Columbia's KNX in Hollywood grabbed off for itself a mess of trouble last week when it undertook to join a transcription tour in the event of a speech made earlier in the day by Alf Landon, who is quite well liked by the voters of Maine and Vermont. To make matters all the more for the Kansan, who was having his own troubles outbubbling the script, the platter stuck a few times and was allowed to drone the repetitious passage until the terrible operator got around to untracking the speaker. That happened three times and just about ruined the spiel. Station's explanation was that the wax was badly cut. Some Reps set up a few cries of sabotage, being so close to balloting time. Landon was taking some healthy pot shots at the administration when the disc stayed in the groove and made the speaker sound silly.

Wayne Wiggins, Detroit, has released the initial results of its Broadcasting Guild's use of the "listening table" technique in surveying program listening popularity and habits. Listening tables are passed out to the children by teachers with instructions to keep them beside the radio and to fill in the program heard during a particular day. The results cover 1,269 Detroit families.

Results of the survey credited WJZ as being the most popular station during the week, the ball game broadcast on the same station as top daytime program and the Major Bowes show on WJF, the leading nighttime show. Of the entertainment on before 10 p.m. Jim Penney's survey's list, while the Lux Radio Theater on WJR was behind Bowes by 2 1/2 of a point. Jack Benny was a close third.

WAAT, Jersey City, is the latest radio station to conduct a poll. It reports that 57,000 votes were cast for 39 swing orchestras, 42 all-around dittos, 37 sweet ensembles, 37 female vocalists and 40 males.

Voting was supervised by three members of the station's 350 Request Club, conducted by Maurice Hart, and station says the ballots can be audited at the station any time by any authorized rep. for orchestra. Top names in the several groups included Tony Dorsey (in two classes) Frances Langford, Guy Lombardo and Bing Crosby.

CBS plans a sustaining musical show with announcements and continuity simulating Vester's headline style. It is being scripted for the "Instrumentals," by Bob Smith who writes continuity for the "Saturday Night Swing Club." Intended program is for Thursday at 11 a.m., but is being held up at the present time as its length hasn't been decided on. Script calls for 15 minutes and the spot has been previously held a half hour show. Scripter feels that would be too long.

Columbia's latest promotional piece, Take the Case of Soap... makes capital of the fact that this network has in 1936, 1937 and 1938 carried a greater dollar-volume of soap advertising than NBC. Jump for CBS was from \$100,000 to \$200,000 in four years, the latter figure referring to 1937, while the soap business rose a third half of '38 on the same week.

Charlotte Beckford, commentator over WMCA, New York, who was married June 27 to Lewis Harmon, will summer at Stony Creek, Conn., where her husband is p.a. for a strawhattar.

Scraps-Howard Columbus Citizen Drops Radio Dept.; Its WHKC Programs Cut

Columbus, July 12. Signed radio column by Lehman Ollie has been dropped from the Scraps-Howard Columbus. Program listings and best bets are still carried. Columbus disappeared when Ollie left for his summer home June 17. However, he was not informed of the change in policy until he returned to work July 5, after spending part of his vacation in New York gathering column material. No explanation of change of policy has been given readers.

Ollie has been transferred to general assignment reporting and a counter-claim is being handled by George Hage, who also became music critic and assistant theatre editor in a shake-up in which the ax fell on R. L. F. McConis, former music editor.

Citizen's daily radio programs on WHKC have been cut to two a week. Among the programs of the air is Radio Column of the North and South.

Dispatch, which owns WBSN, still carries signed column by Carl De Bloom, Jr.

Portland, Ore., July 12.

All daily papers in the burg have agreed to discontinue radio chatter columns and station publicity.

This does not apply to display space, but it spells the end of blarney and squawks from the nuke commotion in the dailies.

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Jim Durante, current in the Casa Manana, N. Y. variety show, will guest on the Rudy Vallee (Gaelic) program, Thurs. (14).

First important air date for the Schmozzola in around a year.

NEW YORK
AND
BROADWAY
THEATRE
ROCKWELL-O'KEEFE INC.
and his band

NEW YORK • CHICAGO • HOLLYWOOD • SAN FRANCISCO • LONDON

Added Attraction
in this
Billion Dollar
Market

WTIC's section of New England's great summer playground stands on added attraction for advertisers this time every year. Because people by thousands come here on vacation with their families. Everyone of them is a customer for food and clothing, sunburn lotion, and the thousand other things it takes to make a vacation a success. And, mind you, these are extra customers in a market with an enviable reputation for the stability of its billion dollar spendable income.

WTIC can help you sell more of your goods to more of these people—because it ranks as Southern New England's most popular station—and because its record rates these "firsts":

FIRST...IN LISTENER POPULARITY by more than 2 to 1
...IN NUMBER OF NETWORK ADVERTISERS
...IN NUMBER OF NATIONAL SPOT ADVERTISERS

Write today for our interesting 35 page brochure giving full details on the Ross Federal Survey of WTIC's popularity and facts about the WTIC Billion Dollar market.

WTIC 50,000 WATTS
HARTFORD, CONN.

THE TRAVELERS BROADCASTING SERVICE CORPORATION
MEMBER NBC RED NETWORK AND BLUE NETWORK

Paul W. Harney, General Manager James F. Clancy, Sales Manager
Representatives: Ward & Company New York, Detroit, Chicago, San Francisco

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20,000 titles of program series used by U. S. and Canadian stations and networks.

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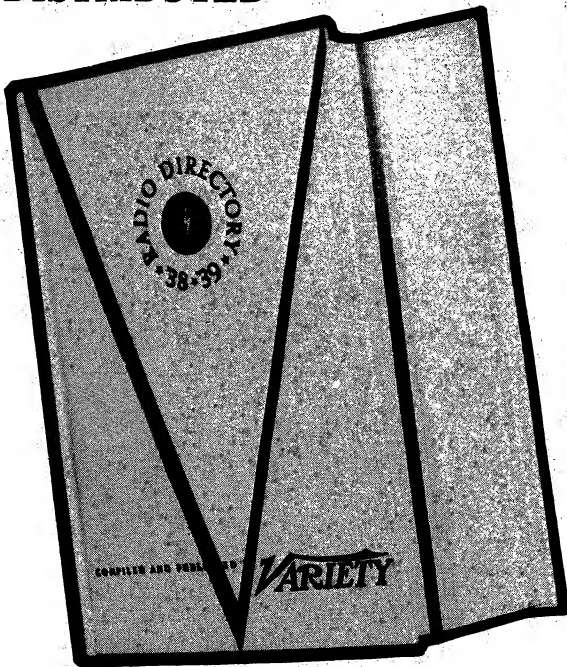
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ARTISTS BUREAUS

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CHICAGO

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63 West Randolph St.

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WASHINGTON
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154 West 46th Street, New York

Please send copies of VARIETY RADIO DIRECTORY (\$5 per copy, postage prepaid; \$5.10 per copy in New York City; duty not prepaid in foreign countries).

Enclosed find \$.....

Name

Address

City

State

Firm Name

International Moving Day For America, Canada, Cuba, Mexico Probably to Be Early in 1940

Washington, July 12.

Informal conversations about putting into effect the North American radio agreement, which opens up 14 frequencies not now used in this country, have been started with the objective of fixing a definite moving day for huge preponderance of American transmitters. Looks as though the wholesale spectrum shifts will take place about the first of 1940.

With the pact itself setting an effective date one year following ratification by all four signatories, a definite understanding must be reached so the general transfers will not result in temporary chaos and the various nations will be acting anticipating the effect of the accord by putting its provisions into operation in an orderly fashion. Not expected that the date will be moved up through taking advantage of the provision which allows three countries to ratify and the fourth to give its promise. Instead, it is almost certain Cuba and the U. S., which already have gone through the formalities, along with Canada, which will finish the ritual this fall, will wait for affirmative action by Mexico.

Very Involved

Machinery for carrying out the transfers, which will affect around two-thirds of the existing U. S. transmitters, has not been set up but thought already is being given to the processes in order to avoid last-minute snarls and congestion. Because of the complexity of the U. S. structure, this country will need more time than the other signatories to make readjustments. Throughout the four nations, around 1,000 broadcasters must be satisfied.

As previously announced, the Federal Communications Commission intends to give all stations required to move to a new spot on the spectrum a chance to present plans for some other berth or to protest against the spot where they would be shoved. No material difficulty is seen, however, inasmuch as the accord generally preserves the existing competitive relationships and the economic status quo.

The block system presumably will

Reliever Seeks Relief

Douglas Chandler of the production dept. of Federal Theatre Radio starts a gossip and personality sustainer on WMCA, N. Y., Friday (15), 2:15 to 2:30 p. m. Program will include personal interviews.

If the program clicks and is sold, Chandler goes off the Federal payroll.

minimize squawks, since all occupants of virtually every affected frequency will move shoulder-to-shoulder. Only rare instances where the rating of an existing transmitter would be changed, while users of only four frequencies have to make up their minds about which one of several alternate stripes they would prefer to occupy.

The agreement contains sufficient compensating advantages so that most observers doubt if any obstructionist tactics will be used by disgruntled operators, who unquestionably will be very few. Furthermore, little chance they would succeed if they get nasty.

Full Force of Law

Prospect that a court action would tie up the reallocation is almost nonexistent. Having been ratified by the Senate, the treaty now has the full force of law, and is of such a character that there is no legal way of attacking it. Consequently, if the Cominch pays full attention to the obligation not to deprive any licensee of property without due process of law, it is virtually impossible that the courts would interfere with the shifts. The FCC, however, must be scrupulous about affording hearings and complying with procedural requirements.

In the unexpected event that some displeased operator seeks to take refuge in the courts, the cominch will go ahead with the reallocation as far as it affects the remainder of the U. S. industry. Single individual could not stop the shifts, as far as the court of appeals is concerned. Court of Appeals expected to throw out any complaint against the effect of the shifts, although it might sustain, charge that

the cominch was too arbitrary. But in this case, the only consequence would be to force further deliberation on individual matters.

Five of the fourteen frequencies opened up to America would be available to all comers, while existing stations would be automatically shifted to the other nine new ribbons. Preferential treatment will be afforded certain applicants for the new frequencies on these channels as well as on others currently assigned in the U. S. Probably the cominch will give consideration to the applicants from areas which now lack a station, then to those from places where home competition is needed or existing service is inadequate.

Three of the five unassigned ribbons are reserved for particular types of stations, with qualifications making them unavailable to certain areas. The 730 and 1570 kc ribbons are reserved for Class 2 stations (secondary transmitters on clear channels using from 250 watts to 50 kw depending on location) at least 650 miles from the nearest point on the Mexican border; 1540 is similarly reserved for operators farther away from Cuba; and 1570 and 1580 are limited to plants which will not interfere with Canadian operations.

The other presently-unused frequencies will be allotted as follows: 680 to Class 2 plants from 1910 kc removed from the Canadian border; 840 to 1-A's and 2's from 820 kc; 910 to 2's from 880; 960 to 3's from 880; 1030 to 1-A's and 2's from 990; 1510 to 1-B's and 2's from 1470; 1520 to 1-B's and 2's from 1480; 1590 to 3's from 1530 and 1600 to 3's from 1550.

Room for More

There is room in the reallocation for several more of additional transmitters, due to the regrouping over the dial and the new classifications and revised interference yardsticks. Unlikely many of these roots will be parceled out until after the treaty is effective, with the cominch desiring to reserve them for the small plants in areas where more service is needed.

Considerable number of new operators in the central part of the country particularly could be accommodated on the three now unused ribbons and the five frequencies being vacated. Further room for Class 1-B and 2 plants is afforded on 940, which now is a regional ribbon but to which stations would be moved under the redistribution formula.

The possibility of putting Class 4 stations on Class 3 channels which are not fully exploited further allows for creation of more local radio in the poorly-served areas. This is not peculiar to the treaty, however, and is included in the proposed new rules.

Radio Schools

(Continued from page 22)

faculty members. Summer course is \$125 per future star.

Two schools flourish in Radio City, New York. Pagan School of Dramatic Art is self-described as occupying new studios in the nation's center of entertainment and commercial broadcasting... offers students a unique opportunity for close contact with modern broadcasting... prospects' further states: "Radio technique is not simply the knowledge of how to stand in relation to the microphone for best voice results."

The Pagan contemporary, the School of Radio Technique of which George Marshall Durante is director, offers 20 lessons for \$85, 40 for \$160, and 60 sessions for \$215. Private lessons are 45 minutes in duration. This institution does not accept all who apply. They must have talent. To discover if they have any talent, students are required to give an audition. There is a fee of \$5 for this service. The student gets the results of the audition. Staff members include Frank M. Thomas, Frank McCullough, and a radio script writer, Charles Allen.

Rockport Theatre Colony at Rockport, Mass., announces that its department broadcast over WJAW, Lawrence, Mass., station that recently went on the air. Summer price for radio instruction is \$85.

One of the oldest schools for professional stage training, the Alvieve, located in New York City, has added radio to its curriculum. Radio work appears to be more complete and detailed than the average. Its radio courses, heavily stressed upon broadcasting, are as follows:

R: Radio Dramatics and Entertaining

The subjects are selected from the following list in conformity with the requirements of the students of the class (Part A): Voice, Diction, Modes of Expression, Dramatic Interpretation, Creative Reading, Developing Power of Visualization, and Imagination. (Part B): Character, Diction, Dramatic Scenes, Playlets, Skits, Monologues, Story, and Imagination. (Part C): Announcing. (Part D): Microphone Techniques and Practice, Training the Voice to Effect your own program over the air, Creating action through the voice, Conveying atmosphere through sound effects, Speed, pauses, characterization, creating Types, Acquiring Ease, Confidence and Artistry in confronting the microphone. Three months' attendance, four days weekly, two one-hour classes at each, eight hours weekly.

Tuition fee, \$110. Payable upon enrollment, \$25. Upon completion, \$85. Like the painter and sculptor, the successful Radio Artist and Announcer must be able to transform his word pictures in many colors.

R-1: Radio Announcing and Commercial Broadcasting

Study subjects selected from the following curriculum: (Part A): Voice, Diction, Fluency and Naturalness of Speech, Pronunciation, Vocabulary, Building, Story Telling, Extemporaneous Speaking, Reading from Manuscripts, Voice Broad-casting, Reporting, Reading Announcements, Interviewing, Introducing Guest Artists, Sales Talks, (Part B): Microphone technique, Practice in announcing over the microphone, Journalism, current events, banquets and political meetings.

Three Months' Attendance, one class and one private lesson, daily, four days weekly. Tuition \$200. Upon enrollment, \$50.

Ponca City's New Faces

Ponca City, Okla., July 12. W. E. Robleske, formerly of KTKO, Okla. City, has been appointed head of the WBZB commercial department and Harold Sparks, for several years on the staff of KFJR, Oklahoma City, has moved in as a newscaster.

Two remote studios, one in Blackwell and the other in Ardmore, Okla., Kansas, have been installed by WBZB with commercial programs presented daily from each.

RADIO COMEDY WRITERS

Do You Want a Break?

We have a novel idea requiring unusual comedy material. Write for appointment... Tell us how funny you are.

Address BOX 83, Variety, New York

Nelson's Rise from Indie Station Operator to NBC Based on Local Enterprise

Pittsburgh, July 12.

NBC officials holding up appointment of successor to A. E. Nelson, station manager last week named sales head of Blue network, for couple of weeks until they inspect Nelson's record. It is result of good job he did of ruttin' KDKA back on its feet since he came here July 10 from post of Dealer, where he managed KOA. Before that he owned a small Chicago station.

Nelson, 40, held most of his time here have been built of showmanship and station has risen in local as distinct from network popularity.

Larry Roller Heads Drive To Pedagogize WHK

Cleveland, July 12.

Larry Roller is now educational director of WHK, WCLR and WHXT as result of his work this year with college programs. Roller now building up a new fall series with the local colleges that will take WHK's educational hours up to 25% of total air time. As a tie-up he's starting a department in radio education in Theatricals, national school program, as its editor.

Besides handling special events for the stations, Roller also turning professor of radio for a summer course at Miami University.

Latest radio station to appoint a director of educational broadcasts is WHK, N. Y.

He's Dr. Ernest Trattner.

Don Quinn Recuping

San Francisco, July 12.

Following treatment for injuries he sustained in an auto accident in Pierre, South Dakota, in which his wife was killed, Don Quinn left here last week (6) for Pebble Beach, Cal., to recuperate at the home of his parents-in-law, Mr. and Mrs. George Stevens. Quinn, who is the writer of the Fibber McGee and Molly radio scripts, was accompanied by Jim Jordan (Fibber McGee) and Tom Fiedale, his press agent, and Mrs. Stevens on his trip here by train from

They brought with them the body of Mrs. Quinn, for whom services were held last Tuesday at Cypress Lawn Crematorium.



"Don't use you, Shakespeare-but for my dog's food program you could use Hector for sound effects."

MICHIGAN RADIO NETWORK

WXYZ
KEY STATION

DETROIT
MICHIGAN

Th: Paul H. Raymer Co., Representatives

5000 Say 1000 Night

WCS

Columbus

ALL YOU NEED IN CENTRAL OHIO

John Blair, rep.

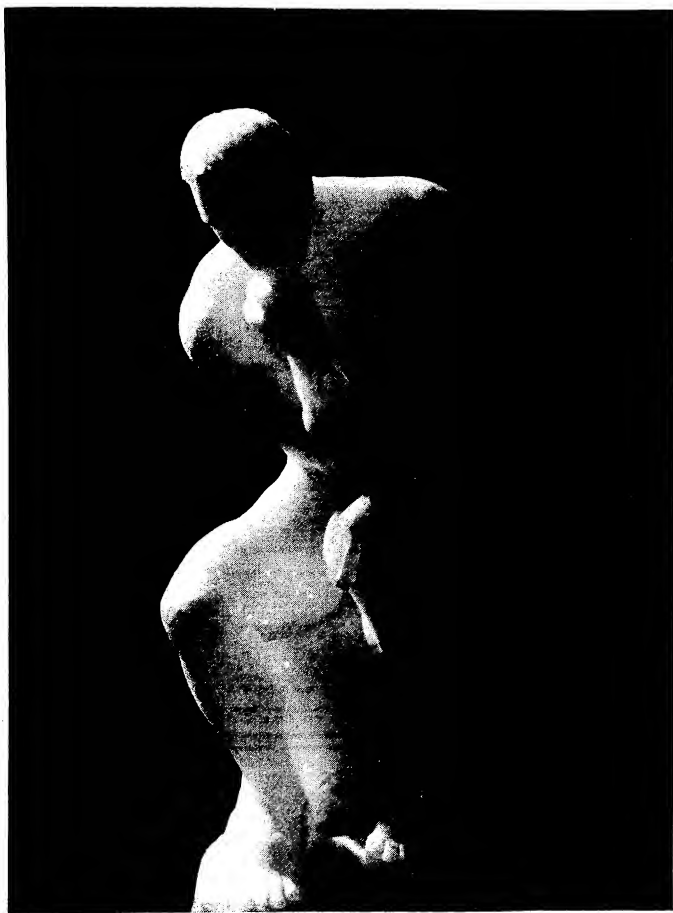
In Baltimore, it's

WFSB

ON THE NBC RED NETWORK

NATIONAL REPRESENTATIVES

EDWARD PETRY & CO.

*Soap Sculpture by Lucie Golz*

Take the case of soap...

The figures leap from \$2,300,000 (in '34) to \$4,200,000 (in '35) to \$6,100,000 (in '36) to \$8,500,000 (in '37) — invested by the big three soap manufacturers yearly for *radio network time*. And in 1938—when advertising strategy *has* to be good—these companies *increased* their investment to \$5,500,000 for the first six months.

Because selling soap is one of advertising's biggest jobs, selling America its millions of units of

soap each day, is *more and more* radio's job. But to take the case of soap alone is not enough. More advertisers invested more money for radio network time last year than ever before. They find that radio takes less money to reach *more* people—*more* often. And they invested more on Columbia than on any other network. For they have discovered that the world's largest radio network is also the world's *leading* radio network. May we give you the facts?

Columbia Broadcasting System

Show-Down Due on Shepard's Political 'Side-Taking'; Major Precedent Inherent in Action

Washington, July 12. Questionable programs for KGEC, San Francisco, and other political broadcasts by John Shepard III and Yankee Network people will be weighed when the Federal Communications Commission ponders renewing the license of the Frisco transmitter and of WAAB, Boston.

After two-weeks' head scratching, the Commission Friday (8) disclosed the issues which will be taken up this fall at hearings on renewal applications of the two ticket-holders. Charges against WMIN, St. Paul, also were belatedly unveiled.

Indictment against the Frisco operator was the most sweeping but the nature of the charges filed against the Bostonian was more serious. Only one specific accusation—an alleged violation of the anti-lottery clauses—was hurled at WMIN.

Propaganda Shows

Specific behavior of the Frisco station which the FCC questions, and which the operator must show did not conflict with the public interest, are: "Cal King's Country show," put on by D. C. Kinkaid from Aug. 12, 1937, to Jan. 22, 1938; harangues of Robert Noble and other cure-all expounders who have a pension scheme under which every person would be funded \$25 each week; advertising of Tampax and of Basic Science Institute; talks sponsored by the C.I.O. between June 1, 1937, and April 18, 1938; and spiels about the California Pension Plan.

In addition to these items, the Commission wants to know if everybody obeyed the law when the Golden Gate Broadcasting Co. engaged S. H. Patterson to manage the station. Four counts growing out of suspicion about control are validity of the agreement under which S. H. Hables operated the plant from 1929 to 1931; possible assignment of license to Patterson and William C. Grove, chief engineer; management contract of July 1, 1937, between Patterson and the company; and whether the station has been operated by the licensee since March 25, 1937, in accordance with the act. An asserted lottery and general program service were included in

the phases of WAAB conduct that the FCC wants to observe, but the more serious accusations against Shepard indicated the Commission is not satisfied he did not infringe on non-political provisions of the statute.

Among the things the examiner must determine are whether the facilities of the Boston station were used for the purpose of promoting or opposing any candidate in the 1937 mayoral campaign contrary to the requirements of law and whether at other times the station was used to promote or oppose any candidate for office or to promulgate the viewpoint of the licensee or persons in control on public questions in general. Latter reference is to blasts against dog tracks during the heated controversy over whippet racing in the Bay State.

The indictment against Shepard is of national importance, inasmuch as it will bring up the right of station owners to adopt editorial policies. Whether operators can take part in general arguments about social, economic and political matters—a question which has intrigued lawyers and industry leaders for a long time—is the heart of the case.

The only accusation against WMIN, aside from the usual blanket reference to general program service, is that "Prosperity Night," a sort of bingo entertainment, aired early this spring under the sponsorship of the W. N. Cardozo Furniture Co. may not be in harmony with the anti-lottery clauses. Similar complaint is contained in the Shepard bill of particulars, which refers to alleged gamble promoted by the Jay Jewelry Co. last winter.

Danny De's Clippings

Cleveland, July 12. Danny De, formerly of KDKA, is jumping from his "Helpful Hairy Commercial" for Glidden Paints to sustaining show for WGAR. Called "Clipping Bureau." Mornings at 1:30 for 15 mins.

Virgil Evans, manager of WSPA, Spartanburg, S. C., completed new home on his 80-acre estate.

Owen D. Young Talks

Schenectady, N. Y., July 12.

Its age, its "first" in broadcasting, and its new facilities convinced the theme played on a dozen special programs aired over the week end by WGY as a part of the celebration of the opening of the station's new studios. Owen D. Young, chairman of the board of General Electric (original operator of WGY and now lessor to NBC), in an address during a 45-minute coast-to-coast shot, Saturday night (July 9), turned back the pages of radio history and reminisced about WGY's contributions as did the pioneer mixers and technicians.

Lenox R. Lohr, NBC president, in a well-delivered talk, congratulated GE "for its faithful service to the public," especially in pioneering with WGY. Saying that "it is not surprising to find WGY on the top layer of stations at this date," Lohr cited the technical developments which engineers have contributed to the radio industry. He emphasized the partnership which WGY and NBC have maintained since 1927. This reflects great credit upon the parent organization.

CONNERY RAPS MC NINCH, PATS PAYNE

Washington, July 12.

More rebukes for FCC Chairman Frank H. McIninch, additional plaudits for Commissioner George Henry Payne, and repeated warning that a radio scandal is inevitable closed the 1938 chapter of the Congressional controversy over broadcasting monopoly.

In renewing charges against the industry, Rep. Lawrence J. Connery of Massachusetts had the last word in the final post-mortem issue of the Congressional Record, predicting disclosures "of the deplorable conditions" existing at the FCC and the influence of the radio trust will "plague Congress until a real Congressional investigation is made and the proper remedial legislation enacted, unless the radio monopoly is soon broken up."

Defense of Commissioner Payne, whose removal was demanded 10

Commission's Political Rules Fail to Settle Many Issues

Washington, July 12.

Despite general industry dissatisfaction, little chance the Federal Communications Commission will elaborate on its interpretation of the political equality feature of the Communications Act. Outlets from FCC sources tonight said that broadcasters should try and get a legislative declaration on the matter of their liability for any libelous statements by political operators. An amendment stipulating that stations should not be held responsible for the utterings of any candidate taking out letters of the equality section was suggested as the only possible remedy.

Some think the commission's reaction to a few more angles of the broadcasters' problem will be made known later but only if particular complaints are sent to the FCC. In the event a candidate complaint about a broadcast is given him or some legislature about what was said over the radio, the subject will get a little more light on the subject in acting on a special situation.

days earlier by Congressman Eugene C. McCarthy, who leveled his criticism of Chairman McIninch. Contrasting the two FCC "feudists," the present chairman in Charles McCarthy fashion dated to the music of the radio Pled Pledge. Payne's manner before the House Rules Committee was "frank, positive and fearless." Connery slapped at McCarthy in the chieftaincy of a post court examination, "if it was laughable" to hear McIninch beg Congress to let the FCC probe itself.

Commissioners also a body and their individual acts as Commissioners have made possible the present radio monopoly, Connery asserted. "There are some who would, if they could, lead us to believe the mess which Chairman McIninch a year ago promised to clean up is due to employees of the Commission. Only those too cowardly to assume full responsibility for the many official errors ever resort to such interference."

Without using names, Connery derided Rules Committee members who did a flipflop when the radio fight reached a head, was astounded to hear many who earlier were vociferous in demanding a probe "respond most graciously to the whinings of the FCC chairman."

Still unsatisfied, the scheduled FCC network and monopoly probe will be anything but a whitewash. Connery re-emphasized that two of the Commission members, acting as judges, are in great part responsible for the "many complaints."

Members fearful of what a probe would show were energetic in trying to discredit Payne, Connery charged. Industry lobbyists, "like a pack of hungry wolves," blamed for trying to rub out any public official who does not do as they wish. Summarizing the most familiar complaints, the Bay State lawmaker built new generalized charges. Thorough investigation, he predicted, would disclose "two of the Commission members, by their official acts, made the present radio monopoly possible, on leaving the Commission were presented with a presidential order of the Columbia Broadcasting Co. that a present high executive of one of the radio chains secured his position and draws a princely salary cashed because of his ability to influence a Washington banker to advance several thousands of dollars to an official of the governmental agency in charge of regulating radio, to equip stations which he held with others contrary to law."

Writes Script to Order

Detroit, July 12.

Unable to satisfy a potential sponsor with anything he had at hand, Francis Bettefield, assistant sales manager at WWJ here and station's former rep in N. Y., sat down at typewriter and created "Ace Branigan—G-Man of the Air."

Clicked with Ned's Auto Supply Co., and then Bettefield turned writing job over to station's publicity staff.

Betty Leonard, home economist for WSPA, Spartanburg, S. C., recuperating from hospital stay.

WWJ WEB IS AN IF-AND-WHEN PERHAPS

Detroit, July 12.

Possibility of a WWJ-operated Michigan network, a la WXYZ's current eight-hour web, appears remote for time being, even though Detroit News station is shipping two programs daily to WGBM, Bay City, a member of WXYZ's chain. WGBM's contractual obligations for WXYZ's commercial programs, including Harry Heimann's Detroit Tiger baseball broadcasts, Kellogg's and Mobil, have long time term, prohibiting any switch-over to WWJ.

WXYZ also has its other seven outlets under contracts, most of which run for 15 months. Each King-Trendle's "Lone Ranger," "Greta Horne" and "Fadfinder" commercials are a determining factor. "Horne" soon will go commercial in Chicago, St. Louis and Don Lee's West Coast. "Fadfinder" will sell-Well Co.

WWJ at present is feeding Fry's sporting sports program, sponsored by Purity Bakeries, and the sustainer "Tonight's Dinner," to WGBM.

WSPA to Kelly-Smith

Kelly-Smith Co. has been appointed the exclusive national sales rep for WSPA, Spartanburg, Ala. Howard E. Pili, WSPA's new head of the deal while in New York last week.

Allen Stout Joins WKRC Cincinnati, July 12. Stout, lately with WHL Louisville, has joined WKRC announcing staff as assistant to Bill Ware, sports speaker. He's originally from Knoxville, Tennessee.

WINNIPEG 15,000 Watts Western Canada's Largest Station

WEED & COMPANY RADIO STATION REPRESENTATIVES NEW YORK - CHICAGO - DETROIT

WEED & COMPANY

RADIO STATION REPRESENTATIVES NEW YORK - CHICAGO - DETROIT

WEED & COMPANY

RECORDED
2nd WEEK
PARADE
NEW YORK
(Third Repeat Engagement)
XAVIER
COLEMAN
AND HIS ORCHESTRA

JUST FINISHED
FIVE CONSECUTIVE YEARS AT

WALDORF ASTORIA
NEW YORK

AUGUST

SEPTEMBER

OCTOBER

Rice Hotel, Houston

Baker Hotel, Dallas

Waldorf Astoria, New York

F. C. C. CHALLENGES PENDING

AIR A-COURTING WOULD GO IN C.

**Numerous Important Points
Raised by Sundry Broad-
casters in Asking District
of Columbia Court for
Relief From Commish
Ways and Decisions**

BUSY YR. AHEAD

Washington, July 12.

Several propositions of interest and importance to the entire broadcasting industry are included in the series of questions about FCC powers and procedure which the District of Columbia Court of Appeals is expected to answer in the fall. Repetition of the 1937-38 term, when unprecedented number of vital points were cleared up, looks probable.

Besides the usual claims of arbitrary and capricious action, the issues raised in appeals now on the book involve fundamental conditions in government regulation of radio. Some of the more significant matters on which rulings has been asked by dissatisfied licensees and aspirants include:

1. If the Commish can consider ancient history in punishing stations for violations of law or failure to serve public interest.
2. If economic considerations should be weighed in deciding whether to grant a newcomer's plea.
3. Whether local monopolies

should be considered in deciding on requests for new facilities.

4. Whether other occupants of a shared channel shall have a crack at time vacated by a transmitter going off the air.

5. Adequacy of FCC findings. (This matter was involved in most of the outstanding cases settled by the courts last year.)

While the various opinions of the D.C. tribunal last winter and spring ended arguments over numerous procedural points, the cases already docketed for the judges' attention after the recess involve almost as many basic problems. If the hard-boiled attitude is maintained, another flurry of changes in operating methods will be unavoidable.

In view of the stern FCC manner toward stations who are named in complaints, the crucial proposition in the case of KWTN, Watertown, S. D., probably takes first rank in importance. Because the order deleting the station has been challenged on the ground the Commish cannot go far back into past conduct in order to justify denial of a renewal license.

Ben Fisher's Case
Among the various objections raised by Ben S. Fisher is the fact that the Commish issued renewals subsequent to actual occurrence of some of the offenses cited as reason why the plant should be taken off the air. Each time a ticket was forthcoming, the Commish signified all had been forgotten; counsel contended. Renewals stop the regulators from considering past sins in his estimate, and in the particular case the Commish could weigh only one complaint, that growing out of activities since December 1936, when the last previous renewal was granted.

Other counterclaims were made by Fisher, said that, besides lacking evidence to justify the denial, the Commish had no grounds for revers-

Too Good Is No Good

Lincoln, July 12

University of Nebraska athletic department advanced an unusual view this week in connection with proposed broadcasting of the home football games this year. Reggie Martin, when KFAB-KFOR station manager, handled them for the past two years, but since he's gone, Ed Cummi, sales head, is trying to sell Harry Johnson, the regular sports announcer, on the job. He told the athletic department he was convinced Johnson would do a swell job. Athletic department came up with:

"What you'd think was a swell broadcast and what we'd think was okay might be two different things. We don't want the radio airing to be too good, because we want to sufficiently discourage the listeners so they'll buy tickets to watch the game."

ing the examiner, who recommended a renewal, or for refusing to grant another hearing at which newer facts could have been presented. Failure to consider good points, including management's willingness to comply with all requirements as soon as short-comings were cited, was given as another reason why the decision is outrageous.

The El Paso case, which has been one of the outstanding tiffs for well over a year, is in court again. Operators of KFSM, who won one signal victory over the Commish during the winter, have attacked the second opinion that Dorrance D. Roderick is entitled to build a 100 watt operating on 1500 kc. Original grant was reversed by the D. C. jurists several months ago because of sloppy procedure.

Charging the FCC still has not

conformed to it. Court opinion, Philip G. Loucks and Arthur Scharfeld, attorneys for the owners of the only existing El Paso transmitters, again raised the question of proper findings and completeness of the decision. Some far-reaching policy matters also are involved, including competition, availability of talent, need for more coverage, and obligation on a newcomer. Commish erred by not requiring Roderick to demonstrate that KFSM would not be adversely affected, petition says, adding the decision fosters unfair, destructive and ruinous competition between a pioneer and a novice. Finding that KFSM denied time to any religious group is capricious, papers state, and based on incompetent hearsay testimony.

Monopoly Charge

Perpetuation of a local monopoly was cited in the appeal of Dr. William States Jacobs, who lost out in request for permit to erect a new regional plant at Houston. Some of the arguments are almost identical with those in the El Paso case—inadequacy of findings—but novel squawk is the FCC's failure to find that monopolistic control of radio facilities would be broken by granting the Jacobs plea. Record shows Jacobs contended Jess Jones, heavyweight New Dealer and financial tycoon, is the real owner of KPRC, KTRH, and KXYZ, although he does not appear openly in the corporate set-up of all.

The Commish overlooked the fact that the most desirable hours are tied up by networks, as far as Houston listeners are concerned, and that more regional and local service is needed to protect the public interest, documents claim. Monopoly matter is of "paramount importance," especially in view of the recent clamor and Commish policies. Town does not enjoy its fair share of regional facilities, court is told.

Rights of existing operator also at

stake in appeal of Arthur Fawcett, owner of WCNW, Brooklyn. Fighting against decision giving WWRL, Woodside, L. I., the portion of 15 on 1500 formerly used by WMBO, Brooklyn, Elmer W. Pratt, Fawcett's attorney, is seeking to establish principle that all parties on a shared channel are entitled to the same opportunity to seek better facilities. Commish should have allowed both of the other. It says it wants to make their proposals when WMBO went out of existence because of tiffs between owners.

Casey

Economic questions are presented again in the appeal "Gallatin Radio Forum" (company in which Ed Crane is moving swiftly) from opinion giving rival outfit, Roberts-McNab Co., franchise for a new station at Roseman, Mont. Denied a rehearing, Crane is attacking the FCC finding that there is need for night service in this sector.

Commish erred in not repaying the case to receive evidence that one of the Roberts-McNab partners is a non-resident, Loucks and Scharfeld assert. Dr. Jacobs' attack directed at the way the Commish weighed the competing applications. Error involved in holding that Roberts-McNab should get the break because they planned to operate unlimited time while Crane's idea was to function only during daylight except when some unusual event justified additional service. No finding that the town can support a full-time, jurists reminded.

Drops WCPO's Listings

Cincinnati, July 12.

Times-Star has dropped the listing of WCPO's daily program schedules.

WCPO is owned and operated by the Scripps-Howard chain, of which Times-Star's afternoon opposition, the Post, is a member.



DEALERS' CHOICE

*An impartial dealer survey
proves WCAU a 2-to-1 choice over all
other Philadelphia stations combined.*

Write for booklet "Dealers' Choice"

WCAU

50,000 WATTS · PHILADELPHIA

WAAB, BOSTON, ATTACKS WMEX DECISION

Washington, July 12.

Provisions of the North American radio pact and the unapproved new rules were invoked last week as reason for reconsidering the power granted WMEX, Boston, by the Federal Communications Commission to change its mind as well as by Yankee Network, primarily on behalf of WAAB, Boston. Charges, that additional power for WMEX would intensify competition in the Boston area, the sharp interests were extremely solicitous about the effect on WLAC, Nashville. More wattage would increase interference between the two stations in a manner contrary to the purpose of the treaty and the proposed regulations.

Anticipating what might happen within a year from a problematical date when the treaty becomes operative, Paul D. P. Spearman, attorney for Yankee, charged the Commission with failure to find that WLAC would be entitled to occupy Class 1-B status on 350, could go to 50 kw, and would not decrease production to approximately 720 miles from its transmitter. Allowing the Boston station to jump to 5 kw would destroy potential secondary service which WLAC might provide under changed conditions.

Lack of business in Boston for a more powerful station was one of the other principal arguments advanced as support of the reconsideration request. Spearman said the Commission made a series of mistakes in weighing this phase of the case, as well as in deciding what benefits would accrue to listeners from more powerful WMEX signals.

Umbrella Court Al Fresco

St. Paul, July 12.

First open-air broadcast of KSTP-Minneapolis Journal's "Umbrella Court," the q. and a. game that has become a northwest pastime, will be heard Friday (15) and Saturday before several thousands in Brainerd, Minn. Will be aired from the new stand Saturday (16) night as one of the highlights of the Paul Bunyan Exposition in the northern burg.

Station, stepping out with its mobile unit and pack set for good-will in Minnesota cities, will cover the entire festival both Friday and Saturday with a series of shots, including interviews with old-timers, tall tales of the Buynavogue type, descriptions of parades and the low-down on Brainerd's beard-growing contest.

WOW-WNAX Members Wed Omaha, July 12. Ray Olson, WOW announcer, and former program manager, WNAX, Yankton, S. D., has twined himself to Ruth Ringquist, WNAX flatter, Decoration Day.

Mildred Nelson, of WOW program department, and Glenn Finn, station engineer, also Pauline Tully, WOW sten, wedding's this month.

WRITERS WANTED

AT ONCE

By Large Mid-Western Broadcasting Station

Must have extensive experience writing successful daytime radio strip shows. Writers without such experience need not apply.

Send detailed list of past experiences and references to

BOX 205, VARIETY NEW YORK

Merle Pitt, Jaeger's Quiz M.C.'d by WNEW's Arthur

New variety program using Merle Pitt orchestra, Johnny Jaeger and his New Quiz and Douglas Arthur, m.c., started Monday (11) on WNEW, N. Y.

Program scheduled for an hour daily six days a week from 1 to 2 p.m.

Publisher Has Series

Seattle, July 12.

Joseph D. Roberts, publisher of the Seattle Guild and the Seattle morning broadsheet his own series over KVI, local CBS outlet. Tabs it "Life of the City."

Stanza in the last few weeks has presented the cast of the touring "You Can't Take It With You," William Smith Culbertson, former ambassador to Roumania and Chile, and other personalities traveling through the northwest.

WOAI EXPANDS

San Antonio, July 12.

Coincidental with opening its new studios, WOAI has expanded its staff considerably. Total newsmen are five.

W. Von A. Combs, formerly with Procter & Gamble's sales promotion staff in Cincinnati, and Lou Riklin, have been added to sales. Anna Kaye Carroll has been taken on to do copy on national and local spot bill. Shirley Adusius goes into traffic department.

ALL DOCUMENTS, F. C. C. MINUTES OPEN TO PUBLIC UNDER PROPOSED NEW POLICY

Two-Year Rule Also to Be Relaxed on Lawyers, Etc.

—Speeding Up of Administrative Procedure an Essential Goal of Revision

Washington, July 12.

Tighter control over administrative procedure was proposed Monday (11) by the F.C.C. in set of new rules drafted by the Rules Committee. Simultaneously relaxation and broadening of the hotly debated two-year rule, establishment of a motions docket to insure more uniform treatment of applicants, and requirement for more specific information are the chief features of the suggested changes. Written comments have been invited, but whether hearings occur before the Commission considers the reaction is up to the Rules Committee. Definite report required by Sept. 15.

Disclosures at last year's disbarment trial were mirrored in clauses calling for more complete and positive data in all applications. Papers must show the real parties at interest and their legal financial qualifications. Protection aimed at dummy corporations.

Id practice of promising to specify site and equipment later is knocked in the head. Henceforth, applicants must name the location and supply a detailed account of their technical plans when making request for facilities.

Open For Inspection

Removal of the veil of secrecy from contracts for station sales and other papers will result from the rules, which also call for more complete financial data with all renewals. In the future, any document made part of an application and filed with it will be open for inspection. This is in sharp contrast with the present practice, where formal request for consent to examine each paper must be filed and acted upon by the entire Commission. Another innovation is statement that minutes will be available for perusal by any interested persons.

Change of the two-year rule, sure to provoke another controversy, is

expected to encourage some Commission employees to quit the government if the committee's recommendations are followed. Proposal would apply to any employee or official of the Commission, not merely to lawyers, but would not bar them from practice for a period of two years. They could not represent clients in any matter which was pending while they were on the payroll but would be permitted to appear as witnesses in any proceeding.

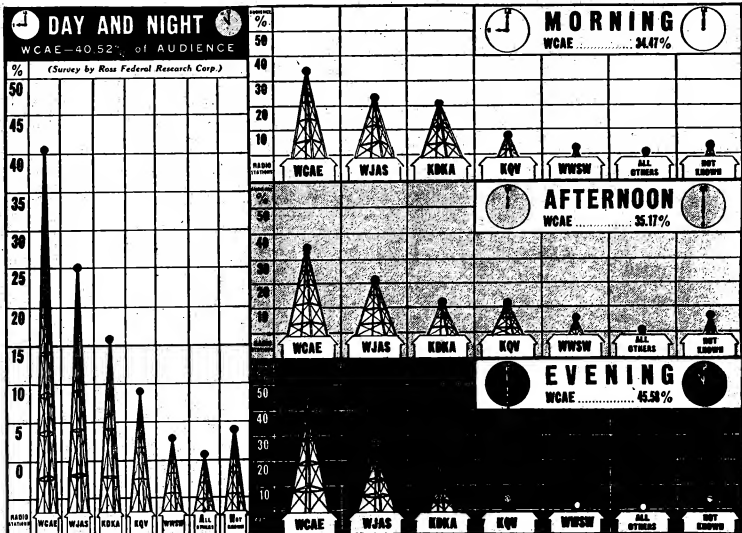
Less leeway in the matter of special authorizations is proposed. Committee suggested restriction limiting such privileges to a 30-day period and thinks exact nature of broadcasts to be carried under these "tickets" should be stated in advance.

Speed Up Procedure

The motions docket, which will be handled by either a Commissioner or Examiner, would speed up procedure, put a curb on favoritism and connivance, and bring more standard treatment to all parties. Arguments on requests relating to handling of cases will be heard Tuesdays and Fridays.

Ed East due to be a grandpup in July.

ROSS FEDERAL SURVEY PROVES WCAE Has Pittsburgh's Largest Radio Audience



40.52%
OF ENTIRE AUDIENCE FROM 9 A.M. TO 11 P.M.

THE SEAL OF AUTHORITY
NATIONAL REPRESENTATION BY
INTERNATIONAL RADIO SALES
NEW YORK • CHICAGO • DETROIT • SAN FRANCISCO

Listen Regularly to
WCAE
NBC RED - MUTUAL - NETWORKS

In Pittsburgh's most recent radio survey—20,029 completed telephone calls, by Ross Federal Research Corporation—during the week ending May 26, 1938, WCAE was the First choice of the listening audience, DAY and NIGHT!

Ross Federal found that 34.47% of the Pittsburgh radio audience, between 9 and 12 noon, listens regularly to WCAE!

Ross Federal found that 35.17% of the Pittsburgh radio audience, between 12 noon and 6 p. m. listens regularly to WCAE!

Ross Federal found that 45.58% of the Pittsburgh radio audience, between 6 and 11 p. m. listens regularly to WCAE!

Ross Federal proved that, for the greatest audience—and greatest profit—your Pittsburgh radio program, or sales message, should be broadcast by WCAE!

Disc Reviews

By Abel Green

The Sophisticates, banded by Matty Malneck, ex-Paul Whiteman's violinist, is a crack combo, new, on arrangements of 'Dark Eyes' and 'Song of the Volga Boatmen'. Results from several of the best and complete this personnel such as Bobbie Van Epps, piano; Malneck, violin; Louis Chico, bass; Marshall Fisher, guitar; Mel DeLug, accordion; Louis Chico, bass; Marshall Fisher, guitar; Mel DeLug, accordion; Louis Chico, bass; Marshall Fisher, guitar; Mel DeLug, accordion.

Milt Herbig's Quartet has made the first and best—'Flat Foot Floogie' recording, tremendously added to the authority of Teddy Bunn and O'Neill Spencer, on Decca 1899. These two are respectively the guitarist and drummer of the Herbig quartet. Actually, of course, Slim and Slam, a couple of boys from Harlem, created this new craze. Herbig at the organ and Willie (the Lion) Smith, pianist, comprise the Herbig quartet, and it's plenty in the groove with this and the companion 'Lonely Little Toony', by Terry Shand and Jimmy Eaton. The Herbig's couple of 'Egyptian Lily' and 'Shout the Lullaby', Mr. Johnny King, on Decca 1898, is another singer.

An extraordinary version of 'Floogie' on Decca 1876 is by Leslie Armstrong with the Mills Trio, backed by Caravan. The boys do their vocal calisthenics, and the Mills solos on the horn for the back-up.

'Something of a cause belli' is Eddy Duchin's version of 'Man Mose', wherein the bolshie Petrela Nervosa is heard scolding what sounds like a somewhat ribald perversion of some of the lyrics. Actually it's very heated, but that's all, however, the curiosa Americana adjectives have chosen to breathe life into it with result there's been a run on Brunswick 3155, and an unaccounted literature. Between the Devil, reversed, is likewise hot. Both, in fact, are a reversal of the pianistic Duchin's former personal style; he's quite in the groove as a matter of fact.

On Bluebird 7670, 'Pola-Bol-dol-dol', by Jan Savits and his Trio Tates, sounds very promising, backed by 'When Twilight Comes' and 'Silver' and 'We the People', Blue-

bird 7668, also by Savill, is in the same sophisticated idiom. Ben Ben and Carolea Dale split the vocals. Duke Ellington is in an ultra mood with Brunswick 3144 for 'Pyramid', by Juan Tizol and Ellington, primed by Paul Caravan, and while not approaching that rhythmic class, it's a very nice right with the Ellington baton. When My Sugar Walks Down the Street has Ivy Green strutting herself, vocal, and the other couple is titled 'You Gave Me the Gait' and Dinah's in a slam, and both are bescapous jammed.

Appropriately enough the George M. Cohan medley on Decca 1886, with sides by Frank Luther, Zera Leyman, Leonard Staker and Dick Robertson, is timed with the 50th anniversary of America's No. 1 Yankee Doodle Boy. Faced enough nostalgia for anybody.

Good was showmanship is Decca 1897-1898, evolving one entire week's releases to a potpourri of Irving Berlin's 'The Music Masterpiece', Alexander's Ragtime Band (20th-Fox) album. A galaxy of artists, ranging from Bing Crosby and Connie Boswell, with Victor Young's orchestra, and introduced by Eddie Cantor, right through Harry Sosick, Henry King, Ben Pollack, Baby Newnam, and the Chick Webb orchestra, with their respective vocalists, interpret a medley of many of the Berlin tunes.

London, via Columbia X-35, comes an album of Gershwiniana, on 12-inchers, with the late composer's Fred Astaire, Billie Holiday, Larry Adler, Christopher Stine, Alvin Karpis, Webster Smith, and Carrell Gibbons and his English orchestra, doing the highlights of that composer's tunes. It's a skillful blending, re-recording sundry other recordings of the same into a set on two large plates.

The Andrews Sisters register on Decca 1875 with 'Oh! Fatness Made', classic in swing time, and 'Says My Heart', and also on No. 1858 with 'On, Ma-Ma' and 'Pagan Love Song' in their inimitable style of trio harmonies. Ever since their rousing debut, with their pioneering version of 'He'll Let Me Go', they lend strong impetus to that tune, the whirling record to this has been very socko on the wax.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on WEAF, WJZ, WABC and WOR computed for the week from Monday through Sunday (July 4-10). Total represents accumulated performance on the two NBC links, CBS and Mutual from 8 a.m. to 1 a.m. In 'Source' column, a denotes film song, 1, legit tunes, and 'pop' speaks for itself.

Title	Publisher	Source	Grand Total
Says My Heart	Famous	'Cocoanut Grove'	63
I Hadn't Anyone Till You	ABC	'Pop'	57
I Married an Angel	Robbins	'I Married an Angel'	57
When I Played the Piano	Robbins	'Pop'	54
Let a Song Go Out of My Heart	Mills	'Pop'	51
My Heart in Your Hand Tonight	Robbins	'Pop'	51
Let Me Whisper	Chappell	'Pop'	49
You Leave Me Breathless	Famous	'Cocoanut Grove'	49
Flat Foot Floogie	Green Bros.	'Pop'	48
When Mother Nature Sings Her Lullaby	Santly	'Pop'	38
Why'd You Make Me Fall in Love?	Paramount	'Pop'	38
Lovehitch in the Starlight	Spier	'Pop'	37
This Time It's Real	Olman	'Pop'	36
I've Been Saving Myself for You	Feist	'Pop'	35
My Margarine	Remick	'Pop'	35
You Go to My Head	Remick	'Pop'	35
Day Dreaming	Shapiro	'Pop'	35
I'm Gonna Lock My Heart	Shapiro	'Pop'	31
Let's Make Believe	Olman	'Pop'	30
In a Little Dutch Kindergarten	Fox	'Pop'	27
Till Death Do Us Part	Paramount	'Pop'	27
Have Myself a Time	Bregman	'Pop'	27
Will You Remember Tonight Tomorrow?	Bregman	'Pop'	27
Can't You Be a Little Bad	Shapiro	'Pop'	25
On, Ma-Ma	Shapiro	'Pop'	25
It's the Way You Were	Chappell	'Joy of Living Ragtime Band'	23
Spring Is Here	Robbins	'I Married an Angel'	23
Don't Be That Way	Robbins	'Pop'	23
It's the Way You Were	Morris	'Pop'	23
Girl in the Bonnet of Blue	Crawford	'Pop'	22
Why'd You Make Me Fall in Love?	Feist	'Pop'	22
Hi Yo Silver	Chappell	'Pop'	21
Cowboy from Brooklyn	Witmark	'Cowboy from Brooklyn'	21
Love Walked In	Chappell	'Goldwyn Follies'	20
There's a Star in Your Eye	Harms	'Pop'	19
There's Rain in My Eyes	Ager-Yellen	'Pop'	19
So Close to Time	Gilbert	'Pop'	19
It's the Little Things That Count	Marks	'Pop'	18
Let's Make Believe	Bregman	'Pop'	18
Lost and Found	Santly	'Pop'	18
Why'd You Make Me Fall in Love?	Bregman	'Pop'	18
Stop and Reconsider	Lincoln	'Pop'	17
Alexander's Ragtime Band	ABC	'Alexander's Ragtime Band'	17
Let's Make Believe	Tenny	'Pop'	17
It's the Dreamer in Me	Feist	'Pop'	17
Let's Make Believe	Feist	'Pop'	17
Isn't It Wonderful—Isn't It Sweet!	Miller	'Pop'	17
On the Bumpy Road to Love	Feist	'Pop'	17
I'm Glad I Waited for You	Stany	'Pop'	16
Garden in Granada	Schuster	'Pop'	16
Something Tells Me	Witmark	'Pop'	15
Ride, Tenderfoot, Ride	Witmark	'Pop'	15
My Walzing John	Remick	'Pop'	15
Cry, Baby, Cry	Shapiro	'Pop'	15
My Walzing John	Remick	'Pop'	15
Don't Wake Up My Heart	Chappell	'Pop'	15
Minut in the Past	Berlin	'Pop'	15
Toy Trumpet	Circle	'Pop'	15
Josephine	Remick	'Pop'	15
At Your Beck and Call	ABC	'Pop'	15
Josephine	Remick	'Pop'	15
I Got a Guy	Fisher	'Pop'	15
Beide a Moonlit Stream	Famous	'Pop'	15
Weekend in a Private Secret	Remick	'Pop'	15
I Wanna Go Back to Bali	Remick	'Gold Diggers in Paris'	15
Moonlight in Waikiki	Harms	'Pop'	15

Production East?

(Continued from page 3)

rections, out of it coming the Standards Capital Corp., of which J. C. C. Cowdin is president. In other fact in that group turned into Pioneer, of which Selznick International was the outgrowth. Jack Whitney figured in this group originally and still does in S-I.

The Eastern Service studios, largest in the east, will see more activity this coming season than for more than two years. Frank Spindel, president, stating that with the regular shorts and commercial production, plus Orib's Third of Nation and planned features of other interests, now in various stages of negotiation, the outlook is for positive sustained eastern production. Spindel feels that this outlook augurs a highly beneficial effect in continuing picture production in the east. His studio is now employing 375 people regularly to handle shorts and commercials. When Orib starts his feature in the next few weeks, the whole studio will go on a full-time basis.

Production activity at the Eastern Service plant this coming season will include two features, to be turned out by Al Christie, and six Spanish talkers to be made by William Rowland. Both Christie and Rowland already have the financing, it is understood.

In addition to the full-lengths, Christie will continue making shorts. He has been producing two-reelers for the Astoria plant for five years for Educational release. Louis Schwarzwald is also producing shorts here, having just started on two series, one for BKO and one for Universal release.

Al Fremont pencilled into Lincoln Terrace, Pittsburgh, on quick book, following departure of Bob Grayson outfit for mid-west engagement.

Miller Hits...

THAT HIT THE SPOT!

From "Breaking the Ice"
(a Sol Lesser Picture)

PUT YOUR HEART IN A SONG
THE SUNNY SIDE OF THINGS
HAPPY AS A LARK

Songs by Frank Churchill (writer of the "Snow White" score)
and Paul Francis Webster

The First Hit of the Summer Season

THERE'S MONEY ON THE MOON TONIGHT

By Haven Gillespie, Mack Davis and J. Fred Coss

From "Three Blind Mice", a 20th Century-Fox Picture

ISN'T IT WONDERFUL, ISN'T IT WELL

Another Hit by Lew Pollack and Sidney D. Mitchell

MILLER MUSIC, INC.

1270 SIXTH AVENUE NEW YORK

ROBBINS MUSIC CORPORATION

LARRY LESTER

SPECIAL

THE COMING NO. 1 HIT

WHEN THEY PLAYED THE POLKA

Words by Leo Heiter Music by Felix Arndt

THE YEAR'S FAVORITE PRODUCTION HIT

I MARRIED AN ANGEL

By Lorenz Hart and Richard Rogers
From the Musical Comedy
'I MARRIED AN ANGEL'

A ROGERS AND HART MELODIC CLASSIC

SPRING IS HERE

From the Musical Comedy
'I MARRIED AN ANGEL'

THE NEW BELLED HIT

THERE'S A VILLAGE IN A VALLEY

By Mitchell Parish and Abner Silver

SPREADING LIKE A PRINCE FINE!

A-TISKET A-TASKET

By Ella Fitzgerald and Al Poldans

ROBBINS MUSIC CORPORATION

109 SIXTH AVENUE NEW YORK CITY

Musicians Translate Judge's Language Into Conflicting Slants

Layers for music publishers and the counsel for the Songwriters Protective Association last week read conflicting interpretations in the decision handed down by the U. S. Circuit Court of Appeals in the case of the Tobani family against the Copyright, Inc. Attorneys representing publishers held that the decision was a good one for their clients, while John Schulman, SPA prez, wrote saying Copyright, SPA prez, that he didn't think that the decision tended to fix the rights of author and publisher where no employer-employee relationship exists. SPA had made a party to the Tobani action by suing a party in the latter's behalf.

Schulman in his letter doubted whether the ruling could be interpreted to mean that a writer who sues with his renewal rights at any time he wishes before they become due. Circuit court in this respect was written. The statute section 241 clearly provides that an individual claim will vest the right in him if he is living but he may divert himself of any right thus reserved for him by parting with the right in writing. The statute also provides that interest in a work or by agreement to convey the copyright shall be added to the author's estate. In the former instance (an employer-employee relationship) he (the writer) has no right in the work and cannot rightly claim an additional privilege granted by the statute. In the latter case (no employer-employee relationship) he (the writer) is bound by his right to transfer to another the right when it shall accrue to him.

Reeds Differently
Schulman disagreed with publishers' lawyers on the broadness of the appeals court's language. He wrote Carter that it was his belief that the above rule should be read in the light of the holding that the employer became the author in the meaning of the statute and therefore the person who was entitled to take out the renewal. In other words, that Tobani, by virtue of his employment, had lost the status which he might otherwise have had under the copyright law. John Schulman, SPA prez, said the ruling is far different than the interpretation which has been expressed—and that exists in the absence of an employer-employee relationship, a sale of the author's literary property or an agreement to transfer the renewal made before the copyright's expiration (a year before the copyright's expiration) accrues. would have the same effect. We do not think the decision to determine the rights of the author and publisher where no employer-employee relationship exists.

ATTRACTION COUNTS MORE THAN SAT: NITE

Lincoln, July 12.
R. H. Platter has dropped Saturday nights at the Turquoise. He will play the spot on a Dodge basis until Sept. 10, when he names for the first time. Platter says he is now on will be to take names only and on any night in the week they are wanted.

Clay McCoy comes (18) and Rita filling in.

\$65,295.55 AWARD

But Victory Appeals Again—At Law Since 1928 as Name

Philadelphia, July 12.
Judge John Bond Aves, Jr., U. S. District Court in Camden, N. J., last Friday ordered the Victory Talking Machine Co. to pay \$65,295.55 to Dan I. Graves. Order in royalties on records of the 'Weck of the Old 77'. The court ruled that the Victory Co. would accept for the U. S. Circuit, prolonging the suit, which has been in the courts since 1928. George von was named as Victor in the U. S. Supreme Court, but the Victory Co. was named as the plaintiff. Judge Aves' decision was in this suit.

Rita Covale, quitting Italian Gardens, Pittsburgh, for the latter city. He'lls' Supper Club in Atlantic City, opening July 15. Johnny Chiff, leaving the Italian Gardens for another of summer.

Identified as Suicide, Saxophonist Alive

Mason City, Ia., July 12.
A corpse hanging in a courthouse steeple at Albert Lea, Minnesota, was discovered about a week after death. Coroner called a suicide, and six residents of the town identified the body as that of George 'Red' Russell, saxophone player now with Jimmy Smith's orchestra, which plays through this area.

After burial and not to Russell's family the musician was discovered playing in Waterloo, Iowa. Suicide not yet identified.

Waring Batons Woods Orchestra for Special Date at Golf Event

With his own crew on the Coast, Fred Waring last week took over the outfit of Howard Woods, to fill work at the Bucks County, Pa., near Stouffville. Fully publicized the switch, went was in connection with annual convention and tournament of the Professional Golfers Association, which will be held at the club played at nearby Shawnee-on-Deleware.

Not unusual for a band leader to break out of another band but it is unusual when it's admitted. Waring started waving the wand over Woods' Saturday (12) and was given a CBS coast-to-coast wire for the opening. He gave the details of the unusual situation and made several praising references to his adopted outfit. Woods was at Laurel-in-the-Pines, N. J., most of past winter.

FIO RITO COMPETED WITH SELF NEXT NITE

Mason City, July 12.
Ted Fio Rito did not fare so well on his one-nighter at the surf ballroom, Clear Lake. It was one of the slimmest turnouts in some time for a name act, with about 300 passing through the stiles at \$2 admission. Couple years back Fio Rito packed the same spot.

Bad showing may, in part have been due to the circumstances. Fio Rito was booked to play the following night at the Terp ballroom in Austin, Minn., which is about 65 miles north and just across the state line.

Music Notes

Dave Dreyer and his music department at RKO, re working on scores for 11 features and two shorts, biggest job they have had this year.

St. Brendan's Choir recorded two songs for Warner's 'Angels with Dirty Faces'.

Oscar Hammerstein II and Dimitri Tiomkin have dictated an arrangement of 'Voices of Spring', based on Johann Strauss music, for Metro's 'The Great Waltz'.

Yip Harburg and Harold Arlen wrote two ditties, 'Ding Dong' and 'It's a Good Day', and 'I Only Had Heart', for Metro's 'Island of Oz'.

Mary Kaye sold two campy ditties to Universal, 'Ain't It Wonderful' and 'Swing That Cheer'.

Hoagy Carmichael and Frank Loesser wrote 'Men With Wings' as a theme song for Paramount's 'Vivacious' picture.

Rigmund Krumpholtz and Joe Kohn wrote two ditties for Metro pictures, 'Repentless Sun' and 'Soldier of the Sea', will be used in 'Bachelors' and 'Here I Lie' in 'Hollywood'.

Music Men to Europe

Harry Warren and his wife are sailing today (Wed.) for Europe with Mr. and Mrs. Edwin M. Bulfinch. Morris, head of Warner Bros. music publishing group. Four more will be gone about six weeks.

Max Mayer Has Renewals Of Fred Mills

Max Mayer, publisher and music jobber, has obtained the copyright renewals on all the works of Fred A. Mills, who was one of the most prolific writers of his time. There are over 50 numbers in the catalog, with these including 'You Can't Get From Lovin' Me', 'A Whirl of Mine Steals a Gal of Mine', 'Pleading Rites', 'Take Me Out for a Ride', and 'Fascinating Rhythm'. In some of the instances Mayer holds but half of the renewal rights since other publishers obtained assignments from the co-writers, namely, Al Bryan, E. Ray Goetz and Joe 200 new Mayer now also holds the copyright renewals on all of the late Paul Dresser's work, sharing the rights with his adopted son, 'My Gal Sal', with E. R. Marks.

Radio Income of ASCAP Declines but Quarterly Melon Still Beats '37

Royalty distribution of the American Society of Composers, Authors and Publishers for the second quarter of this year figures at \$1,125,000, which is 5% more than the money that was whacked up for the last period of 1937. Checkers of the divvy are currently going out to writer and publisher members. While the income from radio continues on the downbeat, the added collections from other sources such as hotels, taverns and dance halls have more than sufficed to take up this slack. The Society has acquired new licensees since the first of the year.

Indications are that ASCAP will during the next quarter feel a revenue setback for the first time since the beginning of the recession. The distribution for the third quarter of 1937 was \$984,000.

Inside Stuff—Music

Brunswick Record Co. is checking to find out who owns the rights to many music pieces deciding whether it wants to reuse a couple of Rudolph Valentino recordings. Platter, which got into the New York newspapers last week through a discovery made by Teddy Powell, Alex Lyman's list of the records which contain the film titles 'The Sheik' and 'Indian Love Call'. Powell unearthed the disc while digging through old collections.

Joe Higgins' recording merrily, said Monday (18) that the Valentino picture was made for a firm calling itself Celebrity Recording Co., and that he is living in and out through the Brunswick files the conditions under which the picture was made. He said he was sure there was a good likelihood, Higgins added, of a rescue being put on the next list, thereby taking advantage of the interest stirred by the revival of some of Valentino's pictures.

As agent and trustee for individual publishers Harry Fox last week undertook to gather additional evidence to claim for lack of royalties with Decca Records, Inc. Fox has been authorized to ask Decca to pay a difference between the amount of records manufactured and the amount of royalties received by the publisher as the result of the deal. Fox, who recently had the phonograph record company's books audited, is under orders to recover the difference.

Joe Higgins, who has been claiming that he sent him statements in duplicate showing the various sums received from Decca from Aug. 11, 1934, to date, the debts received and the quantities involved. The distribution for the third quarter of 1937 was \$984,000.

Cos Edwards disputes the claim of the Warner Bros. music publishing group that it holds the renewal of copyright on his earlier works. Edwards states that he has recognized over 500 of his own compositions beginning with 'The Great Waltz' and 'The WB group has been claiming that the renewal rights in these are only the lyrics of the Edwards tunes. WB publishing enterprise take the position that Edwards agreed to assign copyright renewal to a bank of music publishers and to let it take on current copyrights and it proposes to hold Edwards to the contract, even though the renewals involved have been assigned by Edwards to his wife. Warner looks on the latter as merely a technicality.

Although the writer still returns to the hospital for new casts at various intervals, Cole Porter's broken leg is reported to be mending nicely. Porter received the injury when he fell off a horse last October.

Metro, Par Disinclined to Tie Hands on Renewal Grabs; Fear 'Restraint of Trade'

WPA Music Funds Are Increased in Michigan

Detroit, July 12.
Allotment of \$500,000, double that of last year, has been received by Michigan's WPA Music Fund, which is to jobs for professional musicians. Will add 151 musicians to WPA music rolls, increasing present list to 412.

Detroit will organize a new concert band, two dance bands and two small orchestras. Present Detroit Symphony will also be augmented.

Hungary, Sweden, Danes, Czechoslovakia Go On With ASCAP Agreements

Performing rights societies in Hungary, Denmark, Sweden and Czechoslovakia have renewed their alliances with the American Society of Composers, Authors and Publishers. Cable information that these agreements have been signed was received last week from Saul A. Bornstein, president of ASCAP. The societies have been designated as performing ASCAP at the convention of the Association of International Performing Rights Societies in Stockholm.

ASCAP was also advised that the confederation voted to hold its 1939 convention in London and to meet in New York the following year.

LOU DIAMOND ON ASCAP APPEALS BD.

Lou Diamond, head of Paramount Pictures' music publishing interests, has been elected the third member of the ASCAP appeals board. The board is the ASCAP's appeals board in the American Society of Composers, Authors and Publishers. He replaces Johnny O'Connor, who was recently named to the ASCAP directors.

Other members of the appeals board, which sits on protests from rulings of the availability committee, are E. R. Marks and Ralph Peer.

Metro-Robbing group and Lou Diamond, head of Paramount's picture enterprises, have advised the War Publishers Protective Association that their companies will not become parties to proposed agreement regarding the 'sipping' of copyright renewals. Metro doesn't want to become entangled in thing that might rattle the issue of restraint of trade or that involves arbitration by publishers, while Diamond is reluctant to give up his hold in the matter of collecting valuable copyright renewals.

Jerry Vatel, who in recent years has been especially active in the acquisition of the renewal rights of the publishers, has likewise opposed to signifying the pact. Despite the attitudes of the two picture concerns, the advertising of arbitration felt assured that it will be adopted as an intra-industry measure.

Schulman's Idea
John Schulman, counsel for Songwriters Protective Association, last week delivered in writing to the publishers a letter in support of the proposed pact, in which he said he thought that publishers' efforts to compete for renewal copyright would be chilled if they had to give the 30-days notice or required to make the agreement. Schulman also wrote the protection given the publishers of the original copyright might serve to limit the publisher's incentive when it came to exploiting new works. He also wrote that under the proposed system of arbitration the writers stood a chance of having their royalties reduced on all sides until the controversy had been settled.

HOT GUESTS GIVE GRASS LESSONS

Grand Hotel, Highmont, N. J., last week was the scene of a series of instruction to its guests this week. Via booking with MCA and Abner Greiner, hotel brought in Harold Lloyd and Ross Chula for exhibition dancing on floor show basis with instruction as added pleasure.

Guests must pay for individual teaching in tango-rumba, show manipulations, however.

Philly Not Emulating Pittsburgh on Remotes

Philadelphia, July 12.
Philly Musicians' Local will not ban remote singing by radio, phonies and hotels. A. A. Tomei, prez, decreed this week after a trip to New York to discuss the problem with Joe Weber, A. F. of M. chief. Weber-Tomei conflict followed new Philadelphia rules that the remote off the air on the theory that they were keeping other musicians out of work. Tomei, on his return to Philly, announced: 'The question of remote control broadcasts is purely local and constitutes no problem in Philadelphia. Here we permit such broadcasts only if studios employ union musicians, and if spot work is not cost for more than one-half hour a day. Stations which have no union musicians are not permitted to broadcast no musicians' services of any kind except on a double wage scale basis.'

Chicago Jam Special

Chicago, Ill., July 12.
Continued midweek fun for jam session gets underway to it is a jam session. (17) when Phil Donko's orchestra moves from the Empire Room to Red Leagues. The jam session of the Palmer House for a saving period. Most of the swing leaders of the territory are in attendance. The jam of the afternoon. Among them will be Fletcher Henderson.

MCA Execs Hear Pittsburgh Local Bands at Request of Union Prez

Pittsburgh, July 12. Following a ban of remote broadcasts from niteries and hotels, Local 69 made a move over week-end to facilitate hiring of local groups by Pittsburgh cafe operators. President Clair Bleeder invited Bill Goodhart and DeArv G. Barton, both of MCA, to town to hear rock of bands here, also to discuss possibility of enlisting some of them under the organization's banner.

Bleeder had offered niteries an alternate of using local bands six months out of the year, but Green's Penn hotel, New Penn, Bill Green's and Willows turned down proposition, insisting only name outfit would pay them to keep open. Meeder's idea that with MCA or CRA backing, network broadcasts for local bands would be facilitated.

Goodhart and Barton heard Val Garvin, Brown Elliott and Steve Matthews, outfits, with other auditions pending. They made no comment, however.

Tony Martin Heading Own Band for P. A.'s

Hollywood, July 12. Tony Martin leaves July 28 for an eight-week personal tour with his own band.

Martin will not be on the final Burns-Allyn ailer, ducking for the summer Aug. 1.

Los Breeze to Pittsburgh. Chicago, July 12. Los Breeze orchestra closes at the Chez Paree here on July 23 after a 10-week engagement in the niterie. Goes into the New Penn club in Pittsburgh on July 28, getting out there by way of a series of one-night dates.

James Farette and his 'Gates of Rhythm' orchestra are playing at the new Club Pennwood near Bushkill, Pa., home of the famous 'Niagara of Pennsylvania' falls.

Al Cameron, warbler at KMOX, CBS outlet here, has resigned, effective Wednesday (20), to become a member of Ted Weems' orch as composer-arranger of special numbers, etc. During the two and one-half years here, Cameron produced the tremendous set, and several other commercial group programs. His latest song was 'I Saw It in Variety.'

Cameron will join Weems at Catalina Island about Aug. 1.

Hookup Hints Will Boomerang Vs. Bookers, Warns Joe Weber

Under a new policy adopted by the American Federation of Musicians a band booker, agent or personal rep is barred from telling or intimating to an employer that unless an aggregation is booked through him the spot will be denied a broadcasting hookup. Violation of this injunction will make the booker liable to loss of his license from the AFM.

Warning letter on the subject has been issued by Weber, who acted on a resolution passed at the international's recent convention.

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On the Upbeat

Howard Woods to Tybee Beach, Savannah, Ga., July 23, for two weeks, replacing Bert Block.

Ralph Williams booked into El Tirol Club, Dallas, July 12, by CRA.

Charlie Barnett to Fordham Club's Budd Lake, N. J., Pavilion, July 22.

Jan Savitt plays Stanley theatre, Pittsburgh, for week starting Aug. 12.

CRA's stroller bookings this week included Top Hatters, Leland hotel, Aurora, Ill., July 13, Charlotte Reynolds' Duo, Zarnow's Cafe, Evansville, Ind., July 8, Kazan's Musicals, Loraine hotel, Madison, Wis., July 14; Knights of Rhythm, Orlando hotel, Decatur, Ill., July 15; Flynn Duo, Netherlands-Plaza hotel, Cincinnati, July 14.

Chick Webb into the Paramount theatre, N. Y., Aug. 19.

Carl 'Descon' Moore plays Enna Theatre Park, Auburn, N. Y., Aug. 1 to 2. Rita Rio also booked for spot week of Aug. 22.

Freddy Goodman, Benny's fere and new CRA acquisition, Mullins, N. C., July 12.

Bob Grayson opens at the 400 Club, Wichita, Kan., July 15.

Mike Riley into Gray Wolf Tavern, Sharon, Pa., July 18.

Fran Eichler plays for Westview Park, Pittsburgh, Pa., week of July 25. At the Pines Club, same city, this week.

Ken Meyer into the Sin-A-Bar, Kansas City, this week.

Leo Blake, stak, at the Commodore Perry Hotel, Toledo, for month of July.

Royal Worth to Lincoln Terrace, Pittsburgh, July 14.

Ossie Nelson plays a week at the Eastwood Park, Detroit, starting July 27. Booked by the Rockwell-O'Keefe office.

Mal Hatfield has had his contract extended beyond Aug. 1 at Playland, Rye, N. Y.

Ben Bernie opens at the Arrowhead Inn, Saratoga, July 28. Agented by Music Corp. of America.

Vincent Lopes goes into the Picking Rock Club, Saratoga, July 28. MCA set the deal.

Fran Eichler spotted at Pines, roadhouse near Pittsburgh, for indefinite stay. Placed by F. E. Miller for CRA.

Rube Wolf returned to the Paramount theatre in L. A. after an absence of nine months.

Glen Gray Caza L. ma band doing a series of one-nighters along Pacific shore.

Raymond Scott and his Quintet due in New York next month for series of concerts and radio appearances.

Eddie Leamer, orch. at Forest Hills Show Bar will be aired twice weekly by WOR, starting Sunday (17).

Jack O'Donnell's Boston swing band is playing at Crooked Lake Hotel, Averill Park, back of Troy, O'Donnell planned for several seasons over WOKO, Albany.

Bernie Whitman orchestra will play the entire summer season at Harold Boardard's Mt. Pocono Grill, located at the forks, Mt. Pocono, Pa.

15 Best Sheet Music Sellers

(Week ending July 9, 1938)

Music, Manolo, Please	Berlin
"Says My Heart"	Famoro
Cultural in the Music	Best
I Let a Song Go Out of My Heart	Mills
"You Leave Me Breathless"	Famoro
Twilight in the Garden	Shirley
I Hadn't Anyone Till You	ABC
Girl in the Bonnet of Blue	Crawford
Oh, Ma	Shirley
Little Lady Make Believe	Olman
I Married an Angel	Robbins
It's Time to Whistle	Paranout
This Time It's Real	Spier
There's Honey on the Moon	Miller
It's Rains, Who Cares?	Morris

* Indicates film musical song.

† Indicates stage production song. The others are pops.

Cops Quell Shag in Wooden Stands As Jupiter of Jive Gives Out

By BERNIE WOODS

Benny Goodman orchestra drew nearly capacity attendance into the 10,000 seat marine stadium at Junes Beach State Park Sunday night (10) for a swing concert lasting as far as Goodman's swingers was concerned, about an hour and 15 mins. and at prices ranging from 50c to \$1.65. Whole thing was over in less than two hours. Affair was promoted by Nickey Blair, with the Shuberts, who lease the stadium with Fortune Gallo for operettas, and the State Park Commission taking a cut of the proceeds.

Concert was a small scale repetition of the Randall's Island concert a few weeks back, with every jitterbug and his brother cheering every movement made on the stage 150 feet across the water. It was a dangerous stunt from the angle of the stadium itself, unlike the Randall's Island horseshoe which concrete and steel, this one is constructed entirely of wood. Bad enough to have every foot in the place pounding the boards but to allow any shagging to gain headway was courting disaster. To prevent overexcessiveness from going to town regular attendants were backed up by a flock of state park cops. Six footers who don't take a gag for an answer.

Biggest part of the crowd, contrary to what probably was expected, were not holdovers from the afternoon's beach activities. Most seemed to have come for the concert only. Causeway leading into the park from Southern State Parkway was heavy with traffic. Same applied to other roads, all cars heading for the parking field closest to the stadium.

Though the mob was composed mostly of younger aligators, there was a good turnout of oldsters probably curious to find out what excites the youngsters. Kids came to be hung on the clouds and Goodman didn't disappoint 'em. Jitterbugs had a field day bating the troopers, impromptu shag sessions hopping all over the place kept the cops running around in circles quelling 'em.

Pew holders along the top tier got more than their money's worth hanging over the edge of the stadium egering on quartets of big apples doing their stuff on the walks out, side the bowl where the jive could easily be heard. And around the ends of the stadium where hundreds who didn't want to fork up the cash lined up.

Session had its usual screwball happenings too. During an intermission to give the cats a rest, the Junes Beach water ballet troupe did its stuff. Twelve female swimmers and a like number of men went through a series of intricate maneuvers. They were as close to working in perfect union as any troupe could be and drew a deserved hand for their efforts. While they were putting on the exhibition cops and life guards had to haul a guy out of the drink who jumped in clothes and all to join them. It developed later the whack had had a couple less many and made an impulsive bet with his wife that he could swim as well as ballet men. Attendahs called another member from the same who stopped to remove his pants and shoes.

Goodman came down by special train from Lake St. Catherine, Quebec, for the session. He and his crew played a late up there Saturday night and left Montreal by special rattle at 4 a.m. Extra ticket Goodman for \$1,200. He and his crew are set to go into the Empain Room of the Waldorf Astoria Hotel, N. Y., Oct. 28.

Ina Ray Hutton's Gross

Lincoln, July 12. Ina Ray Hutton ran up \$450 gross at the Turpin Casino here (4), good, considering three-day holiday which found thousands ducking the burg for the country. Fishing and resorts. She was priced at \$150 a couple.

Blonde leader was painfully burned when a firecracker blazed the nails from her thumb and index finger.

When Twilight Comes

I'M GONNA LOCK MY HEART

(And Throw Away the Key)

OH, MAINE

SO LITTLE MORE

I LOVE YOU MORE AND MORE

ANYTIME AT ALL

Shapiro, Bernstein & Co. Inc., 420 Building, New York City

Louis Brindley, President

John Tapp, General Manager

LARRY CLINTON'S DISTINCTIVE MUSICAL ACHIEVEMENT

MY REVERIE

based on CLAUDE DEBUSSY'S "Reveries"

ROBBINS MUSIC CORPORATION • 299 SEVENTH AVENUE • NEW YORK

N. Y. Booker Group Presses Drive For Orgs. Aid in Exting Agent Evils

The Entertainment Managers Assn., N. Y., took the initiative this week in promoting greater cooperation among various theatrical groups. Stressing its drive, EMA forwarded a plan to groups outlining its tentatively titled "Theatrical and Entertainment Guild" and Entertainer's Association and Coordinating Committee of Greater New York. Main idea is to bring closer relations between unions and agents in order to secure favorable legislation and to elude abuses.

Recipients of the plan were the Theatre Authority, American Federation of Actors, Actor Equity, Broadway League, and the Federation of Musicians. Jack Rosenberg (Local 802-AFM) and George Goldsmith (Equity) already approved the plan and promised full cooperation.

Plan is a feeler to gauge attitude and willingness of those in industry. Instead of sums to get together permanently is threat that has never been overcome, but action among self-organizing agents and proper agent-union tie of late brightens this attempt. There was a union association some time ago but nothing ever came of that.

Council would consist of reps of all groups, including AFA, AFTA, Equity, TA, Screen Actors Guild, Screen Directors Guild, Screen Writers Guild, American Federation of Radio Actors, American Guild of Musical Artists, the Associated Actors and Artists of America, EMA, Agents and Artists Representative Assn., concert and lecture bureau, and radio station artist bureau.

On the vaude-nite agent front progress has been made in the past month. Randall has completed by constitution and by-laws and sent a copy of this to the AARA. A meeting will be called late next month of the AARA to vote on its protest.

New state statute to bring agents, already in draft form, prepared by License Commission, Paul Moss, would divorce theatrical agents from other agencies under existing general business laws, thus eliminating threat of absorption by State Labor Commission. It would also change names of agents to bureaus for further distinction. Fees would not be fixed by law but controlled by local license commissioners in cities regulating them to conditions. Present law fixes fees at \$4 and has remained unchanged in 34 years.

Harold Goldblatt, theatrical agent interested in the situation, objects to present fee fixing clause of license law. He's not opposed to license as a general business law and as a legitimate form but not under existing conditions.

TEXAS CASA REOPEN JULY 29; SLATE NAMES

FL. Worth, July 12. The Texas Casa Manana will open its third season here July 29 for a four-day run, with the possibility of six weeks.

Musie Corp. of America to provide the show. Wayne King's orchestra signed for the first two weeks and Ann Garber for the second two weeks. Morton Downey will be featured the first nine and Ed Egan for the last. Bogen will appear for one night, Aug. 1.

First show will be given each night, featuring seven vaude acts and one burlesque. Local business men and underworld show for \$50,000.

Casa Manana will have competition in Showboat, new open air club near Lake Worth, which has been booked business nights since opening weeks ago. Casino, on Lake Worth, also is booking big bands.

Shutta, Paul Draper, Lyman for Chi's Cheez

Ethel Shutta and Paul Draper will headline the new Cheez Parée show, starring with Abe Lyman's orchestra, starting July 22. Bill will also include Raul and Eva Reyes, Rose Blum, soloist with the Lyman orchestra, and Iris Wayne, tapper.

Ricman in Deal To Prod. 'Follies,' Open N. Y. Nitory

Harry Ricman, who returned Monday from London aboard the Normandie, is dickering for his own nitory in New York and has a deal to co-produce the "Ziegfeld Follies" in the fall with Les Shubert. Also has some nitory dates.

Spots being considered by the singer as site for his nitory are the shuttered House of Morgan, on the 44th and 45th Sts., and the Blue Sapphire Room (previously the Embassy) in E. 57th St.

Only definite safe date set is the Cheez Parée, Chicago, where the singer opens Sept. 9 for four weeks. Also will appear at the El Comodoro, Los Angeles, July 20, but is seeking to have the date set back to Aug. 15, and the El Comodoro, a new repertoire of songs. Says he would put his own coin in the nitory and "Follies" ventures.

Ricman was accompanied from London by his wife, Isabel Forbes, ex-wife of the singer, and Jack Irving Golden, his pianist.

RUFF DAVIS HUDDLING FOR RETURN TO RUBES

Rule Davis has a dicker on with the Radio Rubes, hillbilly act, to join them again. Davis left the troupe about three years ago to single, and since then has played in films.

Since Davis left the troupe, Artie Hall, who formerly owned the Rubes act, has died. Harry Duncan, friend in the troupe, now manages the troupe, having been twined the act by Hall.

'Benefit's' Benefits

Triple-play booking deal was set last week by Manie Sachs, of Music Corp. of America, by sending three acts to a good time at the Anchorage, Philly nitory. As a direct result, Burton Pierce, hooper, nity, moving to Chicago, and musical: Aurilia Colombo, singer, was released by Arthur H. Padua who is currently conducting a nitory, and the Crane Twins, hoopers, were booked by the Stanley Theatre, Pittsburgh.

Sacks sent the acts to Philly to do the Saturday night show at the nitory, and the nitory, for himself. Idea was to have them show their stuff for Max Gordon, who is currently conducting a nitory. J. Rone-Charles Friedman revere, Gordon's presence at the nitory was a intended surprise. The nitory of CBS and owner of WCAU, Philly, who was hosting the producer and Ben Bernie, over the weekend at his estate in Germantown, before joining RCA. Sacks worked for Loe's in Philly.

Downey-MCA Sign

Morton Downey has signed an exclusive personal management contract with Music Corp. of America, already beginning for the Fort Worth circuit, headed July 22.

20 WEEKS SEEN FOR POSSIBLE HIT

Chicago Leads with Seven Houses—Split Weeks for Iowa, Illinois and Michigan Included on Most Active Schedule in Years

N. Y.'S UPSWING

Brightest outlook in years for vaude revival this coming season indicates there will be at least 20 full week stands in the Midwest by Oct.

Houses which are figured for vaude revival are in Chicago, Chicago, State-Lake, Palace and Oriental in the loop, and the upstart, the Riverside and Tivoli on the nabes. Oriental has been dark for the past month, but will be re-opened with a vaudein policy whether the house continues under the current Balaban & Katz banner or if taken over by a new operator.

B-K is planning a vaude return in its first prime nabe spots this fall, following double features that have proven only fairly successful.

Other likelihoods include spots for running vaudein: Detroit, Milwaukee; Fox, Detroit, and Lyric, Indianapolis. Figured for return to vaudein are the El Comodoro, Rivoli, Toledo; Colonial, Dayton; Orpheum, Omaha; Ambassador, St. Louis; Rialto, Louisville; Palace, Milwaukee; Orpheum, St. Paul; Orpheum, Minneapolis; Mainstreet, St. Paul.

In addition, there will be split weeks through the Blank circuit in Iowa, the B-K States circuit through Illinois and for the Butterfield loop through Michigan. Expected Black time will average two weeks in St. Moines, Cedar Rapids, Sioux City and Davenport; three weeks in Peoria, Springfield, Rockford, Danville, Joliet and Decatur. Butterfield time will be three to four weeks. Gratiot, Rapids, Pontiac, Battle Creek, Jackson, Lansing, Ann Arbor, Flint, Pelee, and Bay City.

Optimism In East

Besides the current 11 acts at the Casa Manana, N. Y., Billy Rose will probably have one more straight vaudeville bill and then ready a girl show for the Casa. Either that or he will continue the "streamlined fiddlers," with a line of girls as background, on the theory that there's a chance for a permanent vaude comeback.

The Casa's vaudeville policy has been doing well so far. It was originally intended as "no weather" (Continued on page 34)

N. Y. Cops Clamp Down on Cafe Boat In Burley Try; Evade Fine Lay Point

Cabaret TAC Seen Slated For Next Season in N.Y.

While no deal has been closed, it's understood that the class conscious Theatre Arts Committee will present its Cabaret TAC nightly at John and Bedford Krinsky's American Music Hall, N. Y., next season.

Profits will go to the Theatre Arts Committee. Under the present plan all participants will be paid.

Similar idea for a political cabaret, being worked on for Hollywood. John Murray is heading the Coast Cabaret.

DENY B.B. VAUDE TO EXIT IN WASH.

Washington, July 12. Story in last week's Variety reporting that stage show policy might be dropped, at Warner's Earle theatre here in a deal between Warners and Loew's brought a "no comment" reaction from Carier Barker, Loew's division manager.

An official denial to the Washington Post from John J. Fayette, Warner zone manager.

There is absolutely no basis of fact in this story's declared policy, who asserts "new policy" of handling acts has clicked with audiences and filling a stage supper.

New presentation policy referred to by Fayette was brought about because when houses engaged Harry Arger to book and produce shows as units, rather than for straight vaudein bill, which had been policy for six years.

N. B., CANADA, EASES U. S. ACTS' AUTO TAX

A monthly tax of \$24 per vehicle used by American performers traveling through New Brunswick, Can., approved last spring by the legislative assembly, has been shelved after considerable protest by acts.

A new measure provides for \$2 per month on each passenger car and \$5 on a commercial vehicle. This of course applies only to Americans entering the province with intentions of performing for profit. Reported no other assessments will be made following the initial payment.

N. Y.'s police clamped down on the S. S. Yankee's maiden trip as an off-shore burlesquely last week. Plainclothesmen took over the tub when it tied up at the Battery, N. Y.

New York City authorities have no jurisdiction on a boat in the river but once it's tied to a pier, they have the say. Steps taken to halt the Yankee's doffing plans were simply to refuse it a cabaret license, which meant that the boat could not load passengers from a city pier.

Paddle- wheeler sailed on its initial trip July 11 and was run as a show-boat, with a nitory show, six nights a week. Sunday night was to be the burlesque sailing, with Tony Miccio, former operator of the People's and Irving Place, both N. Y., burlesque stands, backing.

Following the Initial vaude sailing and license trouble, the boat was temporarily suspended showboat operation due to poor grosses, making only three commercial trips daily to Atlantic Highlands. Nitory sailings were not licensed either but were permitted to operate on a temporary basis. Sid Rheingold and Harry Davies, producers of the nitory show, one, Capt. Kirk, had applied for a cabaret license to operate weekends.

INJUNCTIONS HALT QUIZ OF K. C. CAFE GAMBLING

Kansas City, July 12.

Injunctions have been issued halting the hearings of eight Kansas City nite clubs, which had been cited by the state liquor control board supervisor, on charges of operating gambling games in connection with sale of beverages.

Tavern operators were informed that they were charged with operating disorderly houses, but weren't given 30 days within which to file a petition to have the proceedings conducted in said to have occurred.

Issuance of the injunctions is likely to stop the hearing in Kansas City nite club drive until after primary election. Operators blamed the drive on the state liquor control board, Democratic organization. At the same time K. C. liquor sellers blasted Star's Sunday night committee with an application for injunction aimed at Sunday closing of saloons.

U. S. to Deport Singer; Stole Clothes to Wed

Detroit, July 12.

Yen for new clothes for her planned elopement not only upset the wedding plans last Saturday (19) of Eileen's nitory, but also led to her deportation to Canada. Caught stealing clothes in a Detroit department store, Miss Burridge was turned over to immigration authorities.

Warbur, a native of Saint Isle, Marie, Ont., failed to report to proper authorities when entering the U. S., and as result has been illegally in this country for two years.

Edmund Lowe Opens P.A.'s in Flint July 30

Edmund Lowe opens a vaudein flesh parade in the Rialto, Flint, Mich., July 30. Follows with a date at the State Lake, Chicago, Aug. 5. Charles Alton booking.

AKRON'S P.A. RETURN

Palace here, after several weeks of straight films, will revive vaude units for four days starting July 22, with Ithaca Held's band booked. Also scheduled to do a broad show Sunday night, July 24, from he P. Not likely any other stage before September.

AFA Hires a Press Agent, Acts To Invoke AFL Boycott of Ringling

To counteract the unfavorable press attendant on circus-union friction, the American Federation of Actors hired its first press agent this week. Arthur H. Burton, former trade paper reporter, was immediately put to work issuing proclamations of threats concerning the savadist difficulties. Union's more chronic headaches slipped back to the circus room for the giving "big top" hanger.

Nation-wide boycott of any proposed repeal of the anti-circus law, now on or in the future, combined with an immediate attempted boycott of the Ringling Bros. Ringling-affiliated A. C. Byrne show will be issued today (Wednesday). National aid of the parent American Federation of Labor will be sought for effectiveness. Instructions to all city central have been given on the matter to put Ringling shows on

the unfair list will go out this week. Committee for Industrial Organization (CIO), now working with the AFL on some matters will also be out for the week.

Also among the AFA statements this week was announcement of filing of a complaint against Ringlings with the National Labor Relations Board for alleged violation of the Wagner Act. The charge, the management with fraudulent and discriminatory discharge of 24 members in violation of section 8, subdivision 3 of the Wagner Act. AFA states that 21 acts of the Ringling show were transferred to the Brynes trick, "pursuant to fraudulent and collusive scheme." Ringling show is also accused of violating "right of self-organization" of employees.

(Continued on page 34)

Art and B.O. Not Enemies

By O. M. Samuel

(O. M. Samuel was VARIETY's representative (without pay and without honor) right from the beginning of this paper. He's a successful New Orleans business man with a chronic love for show biz. He never fails to appear before George Jean Nathan's "Theatricals" column with a few cracks. Which proves that O. M. remains, wasp, one of VARIETY's best patriots.)

New Orleans, July 12.

In the current New Orleans there appears the annual disagreement. It is Yvonne's maintenance of a critical boxoffice wherein the "art" averages, in relation to boxoffice potentiality, are filed. It might be explained once again, at the time VARIETY inaugurated its rating of "art" appraisal, New Orleans was in the throes of a severe criticism, for the most part. The theatre was suffering thereby with owners of playhouses, producers, managers, playwrights and players in many instances being victimized by a mere turn of a cute silly. Something had to be done and VARIETY's rating was a gesture—not at all of retaliation, for it never was intended thus, but of right, to encourage a sentiment, said that people may be entertained. The play that appeals to the greatest number of persons IS the best play, and the reviewer who most correctly senses the appeal of a play to the public IS the best critic. Witness the fact the Pulitzer annual award has been made to a play that has proved a resounding boxoffice success in nearly all instances.

Time has its influence. The right player in the right part means much. Some require the ultimate in costume and the scene builder's handiwork. Loose of presentation is extremely important. Broadway's "The New Yorkers" has been out on the road in a few weeks. "Turn to the Right" ran a year but who would produce it now? Pedagogy and puritism, real, supposed or imagined, may practice or appreciate at length, but in the last analysis the theatre is a place of entertainment and the PUBLIC is ALWAYS RIGHT.

'PINS' QUIT CHI AFTER 5 WKS.; LOOP STRANDED

Chicago, July 12.

Loop it now shuttered, with "Pins and Needles" scrambling out of the Grand. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

Next show slated is on Sept. 12, when "Golden Boy" due at the Harris. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

Estimate for Last Week
"Pins and Needles" Grand (1,300; \$2.20). Finished five weeks here and landed to the Coast. Finished to \$7,000, at night.

WPA
"Anthony and Anne" Blackstone. Doing nicely.
"Mr. Jim" Selwyn. Closed Saturday (9).

'ROAD'S' \$30,000 IN SYRACUSE

Syracuse, N. Y., July 12.

"Tobacco Road," which opened under a stock arrangement last week at the N. Y. drive-in, drew \$30,000, regarded as excellent at \$1.85 top, and is holding over with a second week. The first show of the town has had in years, with the exception of "Fiddler" last season by Nat. Theatricals, the Syracuse drive-in. "Road" will have at least six weeks in summer stock, slated at five.

Road plans for next season include bookings into the deep South, inclusive of Georgia, where the show has been booked. Richard Lambert, who routed the show last season, is again slated to handle the bookings. Road top takings were secured in Texas, where the show was booked for 12 weeks. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

B'way Musicals

Continued from page 47

per: Max Gordon, the Shuberts (two), Vinton Freedley, Sam H. Harris, Lawrence Schwab (all from Hollywood), George Abbott and George Balanchine-Vernon Duke, a stage-visual combination.

Latter due is tied up with N. Y. World's Fair interests from which the show has been booked. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

New York's Fair is definitely the background for N. Y. 8 investigations sport next season, one certain show should a marked increase in business be anticipated. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

During Stone's absence from "Lil" will be replaced by the Bracken, who is already in the show in a lesser part. Norman Tognoli, actor on the Coast, has been there some time.

Reversing the east-to-west procedure, the road show of "What a Life" Cora returned last week to the Coast.

John Carter's Dates

John Carter has been booked

Harris & Steek, through Haevel & Jones, for concert dates, 2 at Washington Park, Milwaukee, 4 at Grant Park, Chicago, 4 at the University of Chicago & Sanborn 1938 show.

B'way Prospects Improved This Wk., Indicating Season's Low Is Past; Grand Shows Sag, 'Right' Finally Out

Total B'way Grosses

Estimated total grosses last week on Broadway, \$113,768. Last week on Broadway, \$113,768. Last week on Broadway, \$113,768.

RITA IN FIRST WEEK, CLEVELAND, HITS BIG 21G

Cleveland, July 12.

"Rio Rita," first of the Aqueduct all-fresco light opera, finished \$21,000 in the black in its initial week. Weather cleared enough to permit the performance after postponement of one hour.

Second week's production, current "Gay Divorcee," being conducted by Pierre de Rodas, is doing well. Walter Donahue heading cast of 104. "Mollie" taking first night, and "Joe" in role of Julie, opening Friday (15).

Marrietta Socks. L.ville With \$11,000 in 1st week

Louisville, July 12.

First week of operetta here, with "Naughty Marrietta" under the sponsorship of local, Kountze, and backed with intensive publicity grossed an impressive \$11,000.

Operettas are produced by Fortune Hill, in association with the Shuberts, and local people are well understood to be guaranteeing \$12,000 weekly.

Tax Tax Evasions

Continued from page 47

for the collector took as high as 20% on the actual selling price.

Next week Equity will consider a deal with the League of New York Theatres, which proposed a code of fair ticket practices in exchange for a basic agreement. There is said to be little doubt that Equity has arrived at a decision giving the managers the right to a term agreement, which would stop policy changes by the actors' assn.

Managers' committee will be present at the session, and the association contracts were signed last week. The Krinsky brothers, one of whom were in the committee, said that the Fair, will be concerned too. It's assumed that there will be additional music, some being more or less vaguely announced.

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During Stone's absence from "Lil" will be replaced by the Bracken, who is already in the show in a lesser part. Norman Tognoli, actor on the Coast, has been there some time.

Reversing the east-to-west procedure, the road show of "What a Life" Cora returned last week to the Coast.

Reversed activities are said to be a forerunner to the government making a statement about the revenues. Some assessments have been paid on a weekly basis in some instances. Ticket sellers who still owe on the claims state that, as they are not working during the summer, they are unable to keep the payments. Government claims that half of all gratuities is collectible, and that the show is to be paid.

Summons have been issued in certain box-office people to present their records for N. Y. 8 investigations. Renewed activities are said to be a forerunner to the government making a statement about the revenues. Some assessments have been paid on a weekly basis in some instances. Ticket sellers who still owe on the claims state that, as they are not working during the summer, they are unable to keep the payments. Government claims that half of all gratuities is collectible, and that the show is to be paid.

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Squawks of outdoor showmen sided when a second consecutive clear weekend followed that of last week. Heavy dew, which was the populace seeking for the open, Broadway's legits sagged. Even "I Married an Angel" as affected, for the first time since opening.

"Angel" had registered over capacity every week since opening until last stanza. Average ticket has been \$22.00. Last week the gross was \$27,400, but missed S.R.O. Monday (11) it jumped to capacity and other shows reported superb business, indicating that last week's figures proved the low marks of the summer.

There was a notable exception to last week's slump. "The Sign of the Cross" had a record week, with \$17,000, but missed S.R.O. Monday (11) it jumped to capacity and other shows reported superb business, indicating that last week's figures proved the low marks of the summer.

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'LOST WALTZ' PREEMS TO \$4,000 IN ST. LOUIS

St. Louis, July 12.

American premiere of "Lost Waltz," Viennese operetta, with outstanding songs by Robert Soltz opened several weeks ago. The show, which had been at an average \$7,000 per week, was yanked out of the Selwyn by the Grand.

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Summer Theatres

(NEW PLAYS)

"An American Invasion," Cape theatre, Cape May, N. J. (12).

"Dance Day," Barter theatre, Appleton, Wis. (14).

"My Other Husband," Cliff Soltz, Peapack, N. J. (13).

"Because We're Here," Babanash theatre, Westford, Mass. (11).

"Uncle Harry," South Shore Playhouse, Dorchester, Mass. (12).

"Brand," Littlefield Playhouse, Littlefield, Conn. (13).

"Amie," From Broadway, Ogunquit Playhouse, Ogunquit, Me. (18).

"Farewell," Farragut Playhouse, Rye Beach, W. H. (18).

"Savage," Hill Top Playhouse, Lake Mohaut, N. Y. (18).

"Lost My Gal," Red Barn, Leconte Valley, L. J. (11).

"The Inner Circle," Country Playhouse, Westport, Conn. (12).

"Michael Breggs In," Ridgeway theatre, Little Plains, N. Y. (12).

"I Can't Help It," Red Barn, Leconte Valley, L. J. (18).

"The Howard Millers," Paint Shop, Somerset, Pa. (12).

"The Servants," Stony Creek theatre, Stony Creek, Conn. (12).

"Tomorrow's Dreams," Woodbound theatre, Stony Creek, Conn. (12).

"For Sale," Barter theatre, Appleton, Wis. (14).

"The Howard Millers," Paint Shop, Somerset, Pa. (12).

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JACK HARRIS

Owner of the CIRO'S CLUB, London's
Most Exclusive Nitery, Is Gratified to
Inform the Whole World that

HARRY RICHMAN

Broke All-Time Records Both for
Business and Length of Stay



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NEW YORK, WEDNESDAY, JULY 20, 1938

56 PAGES

RADIO TOPS IN STIX

Sight Unseen Marriages New Radio Amateur Stunt for CMQ, Havana

Havana, July 19. "Find your better half" is a contest now staged by CMQ-COCQ in connection with its Amateur Program. Unattached boys and girls register for the contest and must submit to a blood test. Then on a certain date the final drawings will be held at the Teatro Nacional. On the stage is placed a large basket full of oranges cut in half in different patterns. First the girls pass in line each picking up a piece of orange from the basket, then the boys do the same and then they try to match the oranges to see if they fit according to the special pattern of each.

Pairs that have matches get married right then and there, with all expenses paid and with six months rent-free clothes for both, furniture for three rooms, money to last six months and a bank account of \$100 for the first born when and if. The catch is that the boys and girls will not see each other until the date of the drawing.

Charlotte, N. C., July 19. WBT has inaugurated a Marriage Chapel. Recent weddings performed, and broadcast, by Rev. M. D. Barwick, youthful leader of WBT's early morning devotionals, have given the idea to many other young couples, and now WBT has a be-floored studio, with wedding music, and room for studio guests of the choosing of the bride and groom all ready when a wedding appears. WBT Marriage Chapel will be maintained as a regular convenience.

Couples have to get up early because those marriages are broadcast at 7:30 a. m.

NOW FRISCO IS BURNIN' AT WB'S QUAKE SCENE

San Francisco, July 19. Reenactment of Warner's plan to spend \$100,000 on a San Francisco earthquake sequence in "The Sisters" is being expressed here by natives, following word that Warner will follow in the footsteps of Metro de the quake scene in the latter's "San Francisco."

Release of "The Sisters" will be made at the time Warner has Francisco will be making its strongest attraction tourists for the 1939 Golden Gate International Exposition, it is claimed.

Howard Hughes' Gesture

Despite the press of functions in honor of Howard Hughes, he took time out to attend to the matter of releasing the men who circled the globe with him last week.

Insiders reported crack flyer quietly placed \$50,000 to the credit of his wife.

Wasted Gloss

Claude Binyon, Paramount writer, on his recent trip to New York, was introduced to a lady who proceeded to conduct her conversation with a very wide 'A' until Binyon remarked he used to work for VARIETY. Whereupon the broad ceased vanished.

"For crying out loud," she exclaimed, "why didn't you tell me sooner. Here I've been straining myself being refined."

RADIO TOPS PIX IN MAG'S POLL

Survey to be published July 25 by Fortune on "What Industry Has Best Met Public Demands" finds radio and films running second and fourth respectively. However, latter has poor showing next to broadcasting, according to the public vote.

Leading quartet in the industrial group are automobiles with 43.1%, radio broadcasting with 29.2%, air transportation 2.8%, and films 8.5%, others gradually down the scale.

Mag wanted to ascertain which of industries does most bending toward public taste in eyes of the mob.

NO PROFIT IN LUNCHEONS, NITERIES DROP 'EM

Numerous niteries in New York are dropping lunches, not opening until late afternoon, mostly around 5 p. m., for cocktails. Business is usually slow even until around six or later near the dinner hour.

Most places have found that there isn't sufficient play at nighttime to keep open for luncheon. Also, that the average person will not have more than one cocktail at lunch, if any at all. In the majority of cases, as luncheons were seated, the only real made was in the drinks sold.

Award Film Stock as Collection Hypo On returning to New York yesterday (Tues.) George W. Weeks, general sales manager of Monogram, laid plans for a collections drive which will call for the award of 100 shares of Monogram stock to the exchange showing the best results during the campaign to get in money on pictures.

This will mark the first known instance where any picture company has decided to hand out stock on a drive. The campaign will continue eight weeks and end Sept. 3 next.

TOUR UNCOVERS Except for Occasional Stars, Juves Strains Clear of Film Entertainment—Exhibits Claim Producing Industry Is Losing Public Esteem

By JOHN C. FLINN Elk City, Okla., July 19. Bouncing across country behind a steering wheel, with one cautious eye on the lookout for women drivers and the other eye and both ears open to discover the truth of present-day exhibition problems, the conclusion is thoughtfully reached that there are many things irritating the film industry that good pictures alone cannot cure. That, at any rate, sums up numerous conversations with theatre men, both chain and independent operators, many of whom are veterans of 20 years through both silent and sound cycles.

Shown down the matter from two viewpoints: the apathetic public, which is getting as choosy over film entertainment as a spoiled debutante, and the internal machinery of distribution and exhibition, which is rusty and out of whack, full of loud, curdling squeals, which are really squeals. And the latter phase, not so important in the minds of some observers as the industry's strained public relations, is timely and vital, in view of the impending trade conference to be held in New York this autumn.

From this meeting, now being organized by a committee of distributors, under the chairmanship of Sidney R. Kent, there is the expectation that some form of industry self-regulation of film merchandising may result, thus circumventing regulation by legislation—threat that dangles over the head of (Continued on page 4)

Crosby Gaige's New Kind Of Show, Patent Models

Crosby Gaige, legit producer, and Dorothy Hertz, thetician, unveiled an unnamed amount of cash last week for 3,780 U. S. Patent working models of which they intend applications for patents as far back as Civil War days. Collection belonged to Sir Henry Mottet and was stored in a Tuckahoe, N. Y., garage.

Care and Hertz intend putting the models on auto exhibition in the International Building, Radio City, N. Y., and transferring them next year to a spot at the New York World's Fair. Among models uncovered so far they were knight suit worn by President Lincoln, first

Few B'way Possibilities Among Crop Of Strawhats Despite 75 New Plays

Rated Over Hughes

Harry Kalemie, who books stage attractions for Paramount, has called Douglas G. Corrigan, solo trans-Atlantic flier, an offer to appear at the Par, N. Y., on his return from Ireland. Reported Par is willing to pay the flier \$12,000 a week.

When Howard Hughes completed his globe-girdling flight, Al Rosen, for Loew's State, N. Y., offered him \$10,000 to appear at that theatre. There was no response.

ADDING SWING TO SYMPHONY

Chicago, July 19. Classical music is all very well, but the Chicago Park District and the Chicago Federation of Musicians, joint sponsors of the free nightly concerts in Grant Park, have decided to mix in some pop music for the entertainment. From 7:30 to 8 p. m., when the regular concert starts, the early mobs will be sessioned by a local pop orchestra.

Leading off this new series will be the Frankie Masters orchestra from the Hotel Sherman's College Inn. Others lined up for appearance at the lake front band-shell include Shop Fields, Bob Crosby, Allyn and Orrin Tucker.

25% TO CHARITY ON PRINCE'S DISCS

Chicago, July 19. Deal has been made by the Woods Recording Corp. here for the plastering of an address of welcome to all Swedes in America by the Crown Prince of Sweden, who is now in Chicago on his tour of this country.

Woods firm will turn out some 10,000 of these discs which will retail at two dimes a sweater. In making the deal the Woods outfit agreed to give 25% of the total gross receipts to the Swedish Home for the Aged.

Hop, Skip, Etc.

String of one-night-and-out dates were played last week by the O. C. tick show. Because of complaints in each instance, the carry, playing under the sponsorship of the local Veterans of Foreign Wars, was bounced from near a hospital, then from a residential neighborhood.

Finally landed at a ball-street where it's popular.

Indications are there will have been more new plays tried out in the summer theatres than first estimated. Probably about 75, or around 25% more than originally listed. Whether this year's season of the slicks will be more productive of regular production possibilities is not clear, although two musicals presented in the open at St. Louis, which are counted as tryouts, have shown promise.

The peak of the new crop in the highways is being reached during the current week with 14 plays. Last week there were eight, with 13 the two previous weeks, opening June 27 and July 4. The early portion of last month saw but five fresh ones.

Broadway possibilities are notoriously limited among the strawhat tryouts. There are four shows out of those already seen, which are figured to land among next season's presentations. Straight plays which stand out are "Dance Nature," done at Westport, Conn., two weeks ago, then at Mt. Kisco, N. Y., last week, and "Uncle Henry," put on at Chatham, Mass., last week. Final reports on last week's hefty crop are being digested and there may be additional possibilities.

Two musicals tried by the St. Louis municipal opera outfit may also land. "Gentlemen Unlaid" is said to possess an excellent score, but the book is reported needing doctoring. Also, done there was "Two Hearts in Waltz Time," adapted from the imported film of that name. There again the music is well regarded, while the book pretty much follows the story of the picture and probably needs revision.

"Dance Nature" is expected to be a starting break for the Theatre Guild, which, however, may hold the play back until later in the new season. It's from the French of Andre Birnbaum, with adaptation by Patricia Collinge.

ONCE FOR BANKING, NOW FOR DRINKING

Atlantic City, July 19. This shore resort metropolis now boasts four night clubs or "dives" spots located in buildings formerly used by banks and banking establishments.

Neptune Inn, reputedly the first in the country to be converted from a bank into a "dive," is operating. Others are the "Scow," the "Prohibition" and the "Pavilion." Occasion for converting banking quarters into bars and "dives" is thought to be the fact that the bank's kicked out. There was a demand for "choice" locations. This, indeed, was bounced from near a hospital, then from a residential neighborhood.

Finally landed at a ball-street where it's popular.

LEGION OF DECEITFUL MOVIES SNEELS TO FILMS STATES

Chairwoman of Motion Picture Dept. of Catholic Organization Disclaims Connection Between Legion and Other Censorship Movements Outside Cinema

NATIONAL LEGION OF DECEIT
465 Madison Ave., New York, July 15.

Editor, VARIETY:
The editorial entitled "A Growing Censorship," which appeared in the June 22nd issue of VARIETY, has come to my attention.

The editorial suggests that the same organization (Legion of Deceit) moved in on the sensational magazines, assuming they would leave the obviously obscene to the corrective powers of the police and censor boards, chiefly with the border-line infringements which did not palpably belong to the police department. In other words, the magazines must conform to the Legion's sometimes peculiar ideas as to what is and is not obscene.

"Again the newspapers have given the matter serious and appreciative consideration. Probably the same thing will happen when the league (sic), with the magazine publishers linked, will move in on fiction, later on the stage and eventually demand arbitrary powers over the daily press."

The statement is not factually true. The Legion of Deceit has not moved in on the sensational magazines, and the Legion has confined itself exclusively to the consideration of moral standards in the motion picture. As for the future, the Legion intends to restrict its concern for right moral standards to the cinema.

I am amazed that a trade paper, which is expected to be an accurate motion picture market, should have been guilty of this serious misstatement of fact.

In the interest of truth, I request that you correct this error, so that readers will not harbor any false impressions as to the activities, purposes and functions of the Legion of Deceit.

(Signed) Mary Harden Looman, Mrs. J. James F. Looman, Chairman, Motion Picture Department, International Federation of Catholic Amateurs.

Editorial to which Mrs. Looman's allusion was concerned with the growing number of reform movements and how each victory for the advocates of censorship encouraged the Legion to intensify its piling up of the difficulties of those who sell entertainment in any and all forms, including literature.

Omitted from Mrs. Looman's letter are the following paragraphs: "When the Legion of Deceit moved in on the picture business, forcing what virtually was a self-imposed censorship, it suggested that it was made that this was perhaps but the first step in a move to impose the same church censorship on the instantly growing field until even the daily press became involved."

"Publishers of daily papers merely smiled indulgently. The Legion of Deceit and its allies, however, were merely putting over a long deferred and much needed clean-up campaign, and leads to what are today the Fourth Estate. The Legion has not only put over the Legion as something needed and desirable."

"No one for a time seriously considered the machinations of the Legion. Soon, however, the persistent, boring reminder in prohibition and the development of the gangster elements, which merged with narcotics, kidnaping, labor racketeering, and similar sources of revenue when prohibition was finally abandoned."

"With similar quiet persistence, the selected censors will continue their activities until they eventually a small group of earnest thinkers will completely impose their will on the entire nation in every form of art endeavor."

"Granting the need for regulation in certain instances, it does not seem legitimate to permit a comparatively small sector of the population to restrict the entire nation to standards on

Hughes Was News

(THEN ALONE CAME CORRIGAN)

By JACK OSTERMAN

We had the honor of being one of the fifty guests at the luncheon given at the Metropolitan Club to Howard Hughes. It was a grand tribute to a grand guy and Grover Whalen took much of the honor. Hughes, assuming as ever, got a terrific kick out of the reception, but as usual Jimmie Walker was the star of the speech-makers. His personality is outstanding and the only complaint he had was that the flowers brought at Howard weren't as good as the ones (Betty Walker) florist shop. Jimmie remarked about the time he greeted Lindbergh, but will always remember when Seabury reeled him.

The memory of this occasion will always live in our memory, but no sooner had we left the club (at least it seems no more) than I saw a note. Can't wait till someone flies in a barrel. If these trans-Atlantic trips continue, we'll be picking up their homes and saying, "Hello Mom, I won the fight!" Cables at read, the dinner party in mind, we were leaving right immediately because am having breakfast in Australia.

It Happened Last Week

Harold Lloyd chasing himself all over the Paramount screen... "radio to the Music Hall... grand pic, 'Algers'... To the ball game with Al Lackey, whom we asked, 'Are you going away this time?' he answered, 'No, they're picking my yacht.' Up to the Park Central to say hello to the new Central with a swell band, see Myles... a fiasco over to Tommy Lyman... who describes night clubs... branch offices of Mattew... Lane Tree and Edwards taking turns to visit N. Y. for a day from Wells County Club in the big hotel, where they are entertainers.

Thoughts While Thinking

Hank (Lewis) and Garcon, radio set, early, tonight a night baseball game was called off on account of too much light... Al Goldman, promoter of The Fu Man Chu, folds up. He told us he committed Cho Seyidee... Good news to hear Doc Michel is well on the mend... swell line from 'Shadow and Substance'... Sleep is safe, dreams are dangerous... and Geo. Lottman told us of the Blue Room Club on B way, when you say I like a guy, it only means you don't hate him!

SCHULBERG NAMED IN

\$59,218 U. S. TAX LIE

Los Angeles, July 19. Uncle Sam has taken a lien in U. S. district court on B. P. Schulberg for an additional \$59,218 on his 1937 income tax return.

Others named in lien were Ann Angel, for \$156 in 1936; Marion Gerger, for \$1315 in 1937; and Kurt Neumann for \$225, none paid.

N. Y. to L. A.

Mort M. Blumenthal, Mr. and Mrs. Leslie F. Whitman, Paul Parry, Mary Pickford, Nicholas Schenck.

the whole world of art and literature, merely because there is no organization to oppose their efforts. With each fresh victory the Legion will find it easier to take the next step in the campaign.

"The time has left this usurpation of personal liberty is before the organization grows too strong to be resisted."

KENT TO MEET ZANUCK IN N. Y. FOR CONFABS

Darryl F. Zanuck is due back in New York Aug. 1 after an European tour. At the same time, so that both can confer in New York, Darryl Zanuck leaves for the Coast, Sidney R. Kent is expected to return from Maine. He is up there for a month's rest.

Delayed several times in the take-off for abroad, having sailed only a week ago, Joseph M. Schock will not get back until August 15 or Sept. 1. Kent is expected to be in N. Y. also at that time.

INDE LIBERAL GROU BACKS 'BLOCKADE'

A voluntary publicity campaign is being carried on by the Associated Film Audiences for the Walter Wanger film, 'Blockade'. An intense effort to oppose the protests against the film is being carried on through groups affiliated with the film non-profit organizations. The groups support films with social significance. Neither the Wanger office nor UFAA is connected with the effort, which is entirely voluntary as far as the AFA is concerned.

Organization has sent out appeals for letters to be addressed to Walter Wanger expressing appreciation of the picture and is asking it to send letters to urge neighborhood theatre managers to book the film. Also urges that ministers be asked to sermion favorably on the picture.

A number of church groups are said to be cooperating with this group. These include divisions of the National Council of Churches, Council of Social Action of the Congregational Church, Y.M.C.A. and Y.W.C.A., Board of Christian Education of the Presbyterian Church and the Methodist Federation of Social Service.

SAILINGS

Aug. 10 (London to New York) Mr. and Mrs. Nat Kolshelm (Normandie).

Aug. 3 (New York to London) Julian Duviols (Normandie).

July 27 (London to New York) Mr. and Mrs. Abel Green, Eddie Cane (Normandie).

July 23 (New York to Paris) Harry Huxton (Nieuw Amsterdam).

July 20 (New York to London) Ernest Ross, Annabella, Sylvia Sidney, George Cane, George Pettit, George F. Snow, Harry Ross, Eugene Ford (Queen Mary).

July 20 (London to New York) Mr. and Mrs. Nell Helprin (ile de France).

July 20 (Los Angeles to Melbourne) Nell Kelly, Haz Haz & Co., Johnny P. Johnson, Senna, Balducci & Ray (Montehera).

July 16 (New York to Genoa) Mr. and Mrs. W. G. von Schmus, Mr. and Mrs. Bob Wilby (Conte di Savoia).

July 14 (New York to Copenhagen) Mr. and Mrs. George P. Raymond (Pilsudski).

July 13 (New York to London) Mr. J. Majeski, Margery McHugh, Mrs. and Mrs. Willie Hale, Ludwig Johanne (Deutschland).

July 13 (New York to London) Mr. and Mrs. M. G. C. (Normandie), Hughes, Theodore Dreiser (Normandie).

July 8 (London to Capetown) Mr. and Mrs. Larry Adler, Afrique (Carnarvon Castle).

ARRIVALS

Charles Ballance, Kermit Bloomgarden, Edna Gurney, Henry Jones, Ruiz Vilapiana, Jacqueline Pennington, Claire Fanning, Peggy Ryan, Vera Treadwell, Clifford Odets, Joyce Wessdale, Cliff Odets, Rafael Ordovic, Harold Churman.

Other News of Interest to Films

Deny English production fall. Page 11
Soyuzdetfilm's \$3,950 assets. Page 11
Penner's \$7,000 a week radio deal. Page 23
Grabhorn quits Hearst. Page 24
Radio review of Will Fyffe. Page 30
AFA organizing theatres. Page 43
AFM raps Vaude Sound Track. Page 43

Metro Studio Tops Quizzed in Pay, Bonus Extravagance Suits

Farnol Going West To Contact Studio Mob

Lynn Farnol is planning to leave for California the end of the week. Saturday (23) he will discuss matters in connection with his takeover of the advertising and publicity department of United Artists, as well as to meet everyone at the studio with whom he will have to deal.

No changes in the department in N. Y. have been made or are set, entire force that worked under Monroe Greenblatt remaining intact.

\$1,050,000 Suit Names Ruben, Par. 20th, UFA

Minneapolis, July 19. Alleging that the defendants forced an unlawful combination to force it out of business in violation of the Clayton anti-trust law, the U.S. District Court in Minneapolis has granted a \$1,050,000 suit against Eddie Ruben, independent circuit operator of this city, the Ruben theatre chain, the Paramount Northwest circuit, Paramount Pictures, 20th-Fox and United Artists.

LaCrosse claims that Ruben, acting in behalf of the Paramount circuit, or Paramount Pictures, or both, tried unsuccessfully in 1934 to force it to sell out to him. Since then, he alleges, it has been unable to obtain adequate film service and has been compelled to pay exorbitant and unfair prices for whatever film it secures.

Following his inability to make a deal with LaCrosse, Ruben invaded LaCrosse, building two theatres, the complaint states. After the Ruben theatres started operating, Paramount cancelled its contract with LaCrosse and induced 20th-Fox and United Artists to do likewise, it is alleged.

Crosscom company is headed by Franz Koenigsberg, who for many years had been the sole LaCrosse executive. He was one of the defense attorneys in the North Dakota theatre divorce law hearing, relating his present 'troubles.'

L. A. to N. Y.
Charlie Adler.
Annabella.
Bill Becker.
Harry Rosen.
Bob Braun.
Trem Carr.
John Matthews.
Scott R. Dunlap.
Eugene Ford.
Nelly Farnol.
William R. Hearst.
George Kelly.
Harry Koenigsberg.
Fritz Leiber.
Robert Marko.
Charles MacArthur.
John Matthews.
Harry Mailish.
Eliel Merman.
Harry Rosen.
Eliel Nugent.
Helen Plunkett.
Edward Small.
James Stewart.
Margery McHugh.
Arthur H. Sulzberger.
Jack Yellen.

Hollywood, July 19.

Earl K. Ellis, Manhattan attorney, here to take depositions of Louis B. Mayer and 10 other Metro executives before trial of suits brought in New York State Supreme Court by Eli Loew's, Inc., stockholders charging payment of excessive and illegal salaries and bonuses to the corporation. Ellis will be in New York for a brief late this week. Already in his charge late is the testimony of Mayer, Arthur H. Sulzberger, LeRoy, Larry Weinstein and Edith Mannix.

Summoned for questioning before Ellis heads back to New York are Bernard Hyman, Sam Katz, Hunt Stromberg, Harry Rapf, Nicholas Nayck and Ben Thau.

Testimony is being taken by Ellis behind closed and carefully guarded doors at the Ambassador Hotel. Examination of Mayer was devoted to Metro's production set-up and basis used in fixing the profit-sharing percentage granted each of the officials to be quizzed. LaRoy was quizzed as to the details of his own pact, in which he, too, shares in the complete list of pictures that he has not yet produced a picture for Metro.

ANTI-TRUST SUIT MAY BREAK IN CAL.

Long threatened, comprehensive anti-trust suit against the federal government directed against a major provision of the industry now is expected to break loose in California. Although it is believed that Will Hays came east last week, denial was made at the Hays office in N. Y.

Federal investigators have been on the Coast for nearly a year now covering the situation, but thus far no suit has been filed. Principal circuit operation in California is Fox-West Coast and it is against this circuit that most independent exhibitor squawks have been directed in recent years.

Breen, Pettijohn Due Back in N. Y. This Week

Joseph I. Breen, head of the production code division of the Hays office, and Charles C. Pettijohn, in the legislative department of the Hays office, are expected back in the Hays office this week. Last word is that they would reach U. S. from London tomorrow (Thursday).

Breen has been on vacation in Europe for about three months, while Pettijohn has been away for about five weeks.

Marcus Mulls New 2-Yr. Pact as RKO 'B' Chief

Hollywood, July 19. Lee Marcus is dickering with RKO for a new two-year contract as chief of the studio. Present pact runs until Aug. 15.

Studio wants Marcus for at least two more years.

Hope, Rayns in 'Die'

Hollywood, July 19. Paramount will co-star Bob Hope and Martha Rayne in 'Die, Die My Darling'. Rayns is producing. Starts August 15.

WEEKLY SLAP

THE WEEKLY SLAP

Jimmy Fidler is still slapping a wrist or two for dear old Procter & Gamble. Last week he rocked the nation to its foundations by hinting that leading ladies and leading men who make love to each other in scenes anywhere aren't guilty of mutual admiration in real life. On that bluish this doesn't seem so very daring.

Fidler, however, does not draw back from his responsibilities as the head curse of the cult of ya hadn't oughta. Other people's behavior has now become his pet-ecology. He can make any star seem to be younger than Shirley Temple by his fatherly and masterly I-hurt-me-to-have-to-mention-this approach. On the Fidler cost-of-arms is emblazoned in letters of milky-purness this motto: "Tsk! tsk!"

Nelson Ruddy emerged from last week's mental picture-painting by Fidler as a fairly disagreeable person who isn't satisfied with singing baritone, but also wants to take the soprano arrias away from Jeanette MacDonald. This hints Fidler is just like a baritone, but not like the many little Nelson Fidler Fidler wants to grow up and be worthy of Drene Shannon.

Then, there's Ginger Rogers. Rather a valuable box office property right now, Miss Rogers, isn't just a pity. Fidler suits up million right now, that she's carrying on that way about Fred Astaire. Fidler is a little vague. More rumor than detail. But what's the harm in calling attention to the minor facts of Miss Rogers. Anyhow, it doesn't harm dear old Procter & Gamble.

Gene Raymond and Ann Southern also were dusted off. Stories that come out of the west, that they quarrel to the death. This makes the commentator fear that the public will have its illusions destroyed and will not respond to the Raymond-Southern love scenes as heretofore. Fidler must be getting to be quite an expert on the public's illusions by now.

One of these little sermons on personal behavior is a regular part of Fidler's radio broadcasts. He does a popular part. He handles them cleverly with a shrewd feeling for legal niceties. His program is tuned in by presumably innocent numbers.

Meanwhile—maybe it's not a secret—the motion picture industry is surrounded by enemies, by advocates of censorship, by threats of government intervention, by falling grosses. The big, in fact, is so strong by long-range problems and social-economic hazards that its best neglecting its main job of selling entertainment. While the picture big cuts down on its own merchandising and publicity, Fidler continues to keep the public in the dark about the real enemies to the dear old, foolish cinema what the essence of animal fat to soapmakers.

Silverstone Huddling on Coast With Selznick, Whitney on New UA Pact

Hollywood, July 19.

With the arrival here this week of Murray Silverstone, chairman of United Artists executive board and operating head, a series of conferences goes under way on the possibility of a new United Artists releasing contract for Selznick-International, as well as to clarify Chaplin's position with the producing organization. Underlying this is the mild breach between Chaplin and Samuel Goldwyn has been healed and that, with Goldwyn's trenching on his dominating attitude in operating UA, Chaplin is reconciled to the current setup and agreeable that it continue under Silverstone's leadership.

Silverstone stated that no board meetings will be held here during his visit, as in the future all UA meetings will be held in New York. Early in week Silverstone conferred with Goldwyn and Walter Wanger on production matters and had informal talks with Hal Roach and David Selznick.

Chaplin currently is in Northern California, but is expected here by end of week to sit on confabs. Following discussions between Silverstone, Jack Whitney and Selznick on new releasing pact, Charles Selznick's attorney, who came west a week ago, is expected to sit in the deal to get contractual possibilities. James Muevey, who came west with Silverstone and Schwartz, will return east with them and end the week.

Costly Storm

Hollywood, July 19. Twentieth-Fox upped "Suez" budget by \$100,000 for a spectacular anti-storm sequence to make it comparable with the scenes in "Old Chicago" and "The Storm" which costars the same storm scene in "Suez" at \$250,000, requiring three weeks to film.

INDUSTRY FEELS IT MAY SPREAD

Loss of Par's Case in N. D. a Blow to Film Company Operation of Theatres—Trade Feels, However, That U. S. Supreme Court Will Declare State Law Unconstitutional

INDIES ACTIVE

Not only is it feared that the loss of Paramount's case against chain divorcement in North Dakota will lead to introduction of similar bills in many other states as legislatures convene this fall or winter, but, greater than that, is the fear that if the U. S. Supreme Court sustains the North Dakota statute on appeal, nationwide circuit divorcement may be the result. After Paramount lost in North Dakota on a hard-fought and expensive case, there is much less certainty as to what the U. S. Supreme Court may do when it gets the case.

The odds, however, in the trade are, two-to-one that the chain divorcement bill in North Dakota will be declared unconstitutional, based on the excellent case built against it by Paramount and, on the other side, other distributors, through the U. S. office, etc. The decision last Friday (15) thus coming a bombshell.

Nationwide Threat
The question in industry circles is not what the loss will be to produce-distributors in the event of a nationwide circuit divorcement in North Dakota itself, should that state's divorcement bill be upheld by the highest tribunal in the country, but what a dangerous and probably insurmountable precedent would be set. The first impression is that every legislator in the country, with what would be needed, will rush forth with similar measures against chain store operation within their states, no business organizations as allied, together with local exhibitors groups of one description or another, represent a very distinct danger aside from the competitive groups of one description or another, expected to press this fall for divorcement in other territories following the victory in North Dakota.

For this reason, the industry will immediately prepare for appeal to the U. S. Supreme Court, hoping that the case may be considered at an early date. Although the estimate how soon the case might be heard in the highest U. S. Court, it is believed it will come up sooner than many other cases. If adverse, the longer it is delayed the better since it is restraining other courts.

(Continued on page 22)

RISKIN MADE CHIEF AIDE TO GOLDWYN

Hollywood, July 19. Robert Riskin has joined Samuel Goldwyn as chief aide, under a five-year contract as a writer, producer and general production executive. First job is to speed up production on "Lady and the Cowboy".

Columbia about eight years, Riskin scripted most of pictures directed by Frank Capra.

Pearl White Ill

Paris, July 19. Pearl White, silent film star in her early forties, is reported seriously ill. She is in a villa located in Sanos, near Paris.

Self-Reg. Committee May Have Skeleton Plan by End of Week

Avoiding any more delay than can be helped in the hope of adoption of industry self-regulation by the fall, or before the next Congress and State legislatures go into session, the committee is working on the job, making what it regards as excellent progress. Although the preliminary work is considerable, and the exploration of the many problems involved, legal and otherwise, Bill Rodgers, general sales manager of Metro, believes a skeleton plan by which negotiations can proceed may be set up by the end of the week. The committee, including Rodgers, Ned Depine, v.p. of RKO in charge of distribution, and Alie Montague, general sales manager of Columbia, has been meeting regularly with a view to getting at a basis of a plan on which to proceed at the earliest

possible date. They are giving much thought and time to the problem in spite of the fact that all distributing companies at the height of the selling season right now, July and August being the two busiest months in the year for the sales forces. The committee is going forward on a plan in spite of the fact that S. R. Rodgers, chairman of the committee in Maine for the entire month of July. However, he is being kept busy with other steps taken to alter the chain of command. The committee is going forward on a plan in spite of the fact that S. R. Rodgers, chairman of the committee in Maine for the entire month of July. However, he is being kept busy with other steps taken to alter the chain of command.

Peeling the setup of a skeleton plan as a basis on which to work, the committee has not arrived at a point where anything very definite can be discussed for dissemination.

Alger Approves RKO Reorg Plan, But Recommends More Rights For Stockholders; Board Still Up in Air

Feeling's Believing

Hollywood, July 19. Robert Riskin feels like a million dollars. That is the total salary he will draw under his new five-year straight term contract with Samuel Goldwyn as a writer and production aide.

20TH-FOX PROD. AHEAD OF ALL OTHER COS.

Producing far in advance of release, with the wheels turning on 1938-39 product long before Darryl F. Zanuck left for Europe in June, 20th-Fox has now practically completed its entire first quarter features for the new season. The company is ahead of all others.

Twentieth leads off the '38-39 semester with "Alexander's Ragtime Band," which was finished nearly two months ago and last night (Tues.) was given a special invited, N. Y. It goes on national release Aug. 3, that being the date it will play the Roxy, N. Y.

MAX GOLDEN SIGNS U PRODUCER PACT

Hollywood, July 19. Max H. Golden signed producer pact yesterday (Monday) at Universal and started work at once. First picture will be "Living That Cheer" and other college series started by George Blison, who walked last week over disagreement.

Golden previously was associate producer under Sol Wurtzel at 20th-Fox, handling Jones Family pictures.

Nick Schenck on Coast For MG-Exec Huddles

Hollywood, July 19. Nicholas Schenck, trained in yesterday (Monday) for conferences with Louis B. Mayer and other Metro studio heads.

He'll be here about a week.

Hearings on the question of fairness of feasibility of RKO's reorganization plan have ended, and special master George W. Alger has approved the amended plan, with certain changes. Attorneys have until Monday (18) to file objection to his recommendations and then plan goes before Federal Judge William O. Bondy for formal approval and acceptance.

It is apparent that the special master felt that the creditors were not getting all they were entitled to under the plan, and one of his recommendations, therefore, is that both the preferred and common stock of the reorganized company shall possess cumulative voting rights. Alger also recommended that debenture holders be given the choice of accepting the plan's present recommendation of one share of new preferred plus five shares of new common for each \$100 debenture held, or of accepting one and two-fifths shares of new preferred.

However, he provides that in accepting the latter, debenture holders must make their choice known within 20 days of the time formal approval and acceptance of the plan is given by Federal Judge William O. Bondy. Alger recommends a change in the operating agreement on the Radio City Music Hall, as owned by Rockefeller Center, Inc. and RKO.

Also, that the proposal by Atlas Corp. to acquire a controlling interest in RKO's reorganization, must be in writing and incorporated as part of the plan. Alger also recommends that in the event a new debenture issue should be required, (Continued on page 50)

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Supreme Court to Decide Liability Of Distribs for State Profits Taxes

Hollywood, July ..
'Concentration Camp' is next for
the Dead End kids at Warners, with
Humphrey Bogart and John Gar

Most frequent suggestion is that films should emulate the radio networks by obtaining and screening dominant non-entertainment subjects, which, nevertheless, are highly informative. One man said, "March of Time" is the only new production idea the picture business had in five years.'

Pictures is set for late summer production under a heavy budget.

MORE ACTS FA

GEO. M. COHAN GETS METRO OFFER

Report that Metro is dickering with Katharine Cornell to do a picture is not correct. Star's fixed inclination is well known.

George M. Cohan has been offered a two-picture deal, at \$150,000 each, with MG wanting to develop him as another Will Rogers.

How far the deal will go is problematical. Cohan, who sailed last week for a European vacation, has repeatedly said he would never again make a picture. He was last on the Coast for Paramount and starred in "The Phantom President". He is due to take "I'll Rather Be Right" on tour in the fall.

RKO Asking \$72,374 From Center Theatre For 11 Unplayed Pix

Details of the breach of contract suit, which was begun last week in N. Y. Federal Court by RKO-Radio Pictures, Inc., against the Center Music Hall, Inc., and Rockefeller Center, Inc., were reported Saturday (16), when attorneys for Rockefeller Center filed a complaint in Federal Court. The suit asks \$72,374, plus interest.

RKO claims that on May 7, 1934, it entered an agreement with the defendant whereby the Center was granted the right to exhibit RKO pictures in Radio City Music Hall. The contract called for the showing of 20 features between September 1, 1934, and August 21, 1935, at a minimum rental of \$4,950 a picture. Center was also given an option to renew the contract for five years, which it exercised. Rockefeller Center guaranteed the Center's end of the contract.

RKO now claims that Center breached the agreement by exhibiting only nine of the 20 pictures contracted for and wants payment for the remainder.

WANGER'S 'COACH' TO COST \$1,000,000

Hollywood, July 19. Walter Wanger will produce "Stage Coach," story of the early American frontier, for United Artists release at cost of around \$1,000,000. It will be directed by John Ford.

Goos into production immediately after completion of "Trade Winds," which starts in early August.

Beerys to Pay \$6,601 On Income Tax Claims

Washington, July 19. The Federal tax collector was delinquent last week, the compromise called for payment of a 1934 income tax deficiency of \$6,601.

Internal Revenue bureau refused to let Beery and his wife, Loretta Young, pay the income tax deficiency, which included \$4,040 for a European tour, \$5,048 for upkeep of the manager, and \$3,797 for publicity and entertainment.

ANNABELLA TO PAREE

Hollywood, July 19. Annabella left for Paris Saturday (16) after 20th-Fox studio executives approved her work in "Suez," in which she is featured with Loretta Young and Vernon Doolittle.

French actress is considering a film role in Paris before she returns here in October.

Angels Turn Pink

Hollywood, July 19. No more roughhouse stuff for the Dead End Kids while they are working in Warners' "Angels with Dirty Faces".

Edict came last week, when the juvenile youngsters put a kink in James Cagney's spine.

U.S. 'CAVALCADE' PIC SET FOR N. Y. FAIR

Formal approval of a historical picture, "Cavalcade of America," which will be the picture industry's contribution to the New York World's Fair, was given by the Hays office directors last week. Film will be nine to 10 reels, and its cost will be shared jointly by member companies of the Motion Picture Producers and Distributors association.

It's planned to show the picture in the Federal building at the N. Y. Exposition. Educational Committee of the fair, and experts on educational affairs at the Hays office, will collaborate on the film's script and actual production. Production will be made in the east, with many excerpts drawn from already-completed feature pictures made by Hays member companies.

Idea of having any special picture industry building or display has been temporarily pushed into the discard.

WURTEL HAS DOZEN PIX TO WORRY OVER

Hollywood, July 19. Sol Wurtel, with seven bread-and-butter series under his production wing in addition to "Mr. Jane Withers" pictures and the Dionne feature, "Five of a Kind," rates as busiest producer at 20th-Fox.

Bread-and-butter series are "Mr. Moto," "Charlie Chan," "The Jones Family," "Specialty," "Big Town Girls," "Roving Reporter" and "Camera Dementia".

Coast Getting 3 Ice Shows; Henie, Dare

Hollywood, July 19. Hollywood gets three ice shows during fall and early winter—Ice Capades, extending run in Atlantic City; Sonja Henie's new tour, and "Hollywood on Ice," headed by Irene Dale, five-year-old ace.

John McClain Signs Goldwyn Writing Pact

Hollywood, July 19. John McClain, N.Y. New York newspaperman, who came to the Coast sometime ago for a trial job, has been signed to a straight year's contract by Samuel Goldwyn.

McClain's short story, "Ingle Crossing," currently is appearing in Cosmopolitan mag.

turbi at Metro

Hollywood, July 19. Joe Turbi, conductor-composer, pianist, has checked in at Metro for his film debut in the musical, "Sweetheart," starring Jeanette MacDonald and Nelson Eddy.

Turbi is also slated to conduct two concerts in the summer music festival at Hollywood Bowl, Thursday (21) and Friday.

Colbert Hurt

Hollywood, July 19. Claudette Colbert suffered a leg ailment while rehearsing can-can dance and was unable to report at Paramount yesterday (Monday) for scenes in "Zaza".

George Cukor, directing, shot around the star.

STUDIOS CULLING TEMPER-DOGS

Failure to Click, Too Few Suitable Parts, Temperamental, Prompt 'At Swing-Changed Economics Halts Idea One Successful Foreign Find Equals Many Flops

SWEEP UNDER WAY

Hollywood, July 19. Too few roles suitable for too many accents has Hollywood film producers again using the shears on their rosters of imported thespians, the weeding this time reaching up into the high salary brackets. Matter of temperament, too, having taken into consideration in the handing out of the blue envelopes.

Current culling is the second to hit the local foreign colony in last two months. Initial axing lopped off the names of light comedians, the weeding this time reaching up into the high salary brackets. Matter of temperament, too, having taken into consideration in the handing out of the blue envelopes.

Already made fee agents are Metro's Della Lind, David O. Selznick's Toni Novinski and Warner's Bruce Lester and Isabel Jones. Slated to go within next 60 days are 20th-Fox's Monroe Simon and Paramount's Georges Rigaud. Momentarily shaky is the American future of Pharamond, Isa Miranda and Francisca Gade.

Industry's total investment in the eight players named runs into figures of starting proportions. Largest expenditure on build-up of any one person in the group was that laid out for Simon.

Studio biggies used to say that uncovering of one Garbo more than paid off for 1,000 Europeans who failed to click. But a changed economic set-up has suddenly brought about a revision in their views. Production tops have also learned, after years of experimentation, that the majority of those brought from overseas across the seas are too hard to handle once they get the feel of the local situation.

Quickly Acclimated

Della Lind, a Continental musical star, watched her Metro check mount steadily during the year of idleness she spent on the Culver City lot. Then Hal Roach borrowed her for his "Laurel-Hardy" stars, "Swiss Miss," and the stories that floated her to Metro axes caused them to chill toward her.

She was temperamental, checked out of the studio only when she was moved here and on those occasions failed to decline to take direction. She stubbornly disapproved of the cause she constantly mouthed the least during her warbling sequences. She was found necessary to edit a picture, camera editing, in which she was seen on the screen at the time of her removal.

Writers used both Bruce Lester and Isobel Jones in one or two pictures each, but the public's reaction was none too enthusiastic, despite the fact that they are talented and experienced, having soared to the top on the London stage and in English films. Lester, a Londoner, is a native beauty, while he will appear in two of Warner's British-made pictures, "The End of the World" and "The Great Dictator".

(Continued on page 35)

Extras Cop 700G's in 10 Weeks, Setting New Record for Season

Plenty B.O.—No Coin

Biggest pay on Broadway is the S.R.O. business the free exhibit on "Marie Antoinette" (MG) is getting at the Astor, N. Y. Lobby holdouts are occurring early in the morning.

Picture opens here Aug. 18.

HIKE IN BUDGET PLANNED FOR MONO

Plans will be formulated for a substantial increase in Monogram's 1938-39 budget of \$2,500,000 at a special board of directors' meeting tomorrow (Thursday) in New York. Larger allotment will be handed special features scheduled for the new season since grosses are coming in on several of its larger-budgeted pictures made for 1937-38.

Raise on budget sheets is justified, company also feels, due to better playdates in first run situations, therefore open only to the larger outfits.

Among matters to be taken up at meeting will be the outline of special campaign to back the four Boris Karloff specials and the two starring Jackie Coopers. First picture to draw larger budget will be Coopers' "Boy," Cooper starring, which rolls Aug. 15.

Scott H. Dunlap, vice president in charge of production, is in New York to attend the session, remaining east one week.

AMECHE STRICKEN WITH APPENDICITIS IN EUROPE

Paris, July 19. Joe Mockowicz and Darryl Zanuck Sunday (17) flew to Holland to see Don Ameche, who is suffering a sudden attack of appendicitis. Ameche was near Amsterdam when stricken. Zanuck expects to sail home July 27 unless Joe Sechen's deferred sailing relays him.

Tapley-Paramount Split Over 'King' Assignment

Hollywood, July 19. Colin Tapley, under contract to Paramount for four and one-half years, demanded and was given his release last Wednesday (16) after an argument over a bit part in "King of Alcatraz".

Amche claimed he deserved a larger role after being featured in "Boo-Boo".

Bradna-Millard Top Par's 'Say It in French'

Hollywood, July 19. Olive Bradna and Ray Milland are the stars of "Say It in French," Paramount. Picture originally was written by Jacques Deval as "Souvenirs".

Andrew Stone, producer and director, left New York today (Tuesday) to shoot backgrounds.

Curtiz on 'Faces'

Hollywood, July 19. "Smores" has assigned Michael Curtiz to direct "Each Dawn I Die," based on the Jerome O'Donnell novel. Production starts as soon as Curtiz finishes his current job, "Annie with a Plan".

Hollywood, July 19.

lim extras are now in the midst of the greatest financial bonanza they have enjoyed in the past two years. Junior players earned approximately \$700,000 during the last 10 weeks, with June setting a high mark for the year and the first weeks of July starting off at an even faster pace.

Total job placements for Friday (15) reached 2,000, a new high mark for any single day in last two years. Central Casting Corp. worked until 3 a.m. getting calls and experienced considerable difficulty in furnishing additional extras in the \$5.50 bracket.

Kenneth Thomson, executive secretary of Screen Actors Guild, expressed gratification over increased earnings for the extras, said action of the Guild in expelling "chiselers and occasional players" and in closing its registration books for extras, was beginning to be reflected in the earnings of players who depend upon the industry for a living.

Extra earnings are figured on an average of \$10.50 per day. This will be slightly more than a month when the average climbs because of the number of calls placed in the higher wage brackets.

CAULOR'S BIG SUCCESS IN ENGLAND

London, July 19. Eddie Caulor will play a "bent" midnight show at the Hyams Bros. State Cinema, Kilburn, July 23, which will be his first appearance in England. Scale will range from \$2.50 to \$25 top for the show.

Entire library will go into Caulor's collection for Gurnani and Austrian ticket refunds.

Caulor's library this week includes Sheffield, Leeds, Glasgow, Manchester and Nottingham. In four days he will reach \$85,000 and is now convinced he will get \$250,000 instead of the \$150,000 he originally set out to collect.

O'Brien (Freelance) Now Suing O'Brien (WB), et Al, On 'Blacklist' Conspiracy

Hollywood, July 19.

Amended complaint charging conspiracy to blacklist was filed in superior court today by Pat O'Brien, freelance actor, against Warner Bros., Pat O'Brien, WB star, Louella Parsons, columnist, Jimmy Fidler, radio chatter-columnist, and 21 unidentified individuals and corporations.

Document is based on newspaper coverage of section of California State labor code, which makes efforts of employers to keep out of business employ out of jobs elsewhere a misdemeanor. Original suit was based on charge of conspiracy only.

Bilson Out at Universal

Hollywood, July 19. George Bilson checked out at Universal (15) after finishing his production job on "Freshman Year," first of a series of comic pictures. Bilson is in on "Each Dawn I Die," more pictures of the series under preparation, another production will finish this fall, and a third universal last spring under Charles Rogers.

PROSECUTION OF MONOPOLIES STILL VERGEE ON PROSPECT, BUT NOT ON PAPER WHEN

Justice Dept., However, Says Investigation Into Monopolies Will Have No Bearing on Future Prosecutions—Ass't Attorney General Denies Inviting Distribs for Confab

Washington, July 19.—With the proposed bill of complaint against the picture industry still in limbo, the Justice Department last week stamped rumors that the monopoly investigation will be a disguised probe for prosecution of major types of business. Yet, it nixed the idea that films have nothing to worry about.

Forthcoming legislative-executive study into monopolies, which won't get into the open until hot weather ends, is not to become an instrument for gathering evidence which can be used in prosecutions, anti-trust division said. It's only a search for facts, which will be useful in determining general government policies and framing new laws to protect the economic welfare.

No sense in using the inquiry as vehicle for requiring data that could be laid before a grand jury or a judge, the division comminates. Collection of evidence for particular prosecutions is a laborious job, which entails much more than grubbing than the general probe contemplates.

Additional reassurance for those fearful of witch-hunt was the concluding comment that the power of subpoena given the special committee to compel witnesses, who asserts his privilege shall be prosecuted or subjected to any penalty in accordance with any transaction which he is forced to tell the probe about. Consequently, the D. J. will be unable to cite in its special committee record. Of course it could use the hearings as leads.

Prosecution of Pictures
Prohibition of picture sales in prospect, despite reports that some settlement may be made. Report that an industry-government committee scheduled was denied by Prof. Thurman Arnold, new assistant attorney general in charge of monopoly barrages. He said it was somebody's pipe dream that he will invite representatives of distributors to meet and see him soon.

The industry is entirely free to approach the D. J. whenever it has queries about trade habits. Arnold emphasized in citing the recent statement of anti-trust policy, and the door is open for the industry to say for anybody else. But that doesn't mean he is sending out invitations.

Learning from general experience of big-business tycoons who have taken advantage of his attitude, little remedy have come away thorough. He satisfied and largely empty-handed. Most the majority have received assistance to read the D. J. to their consciences by their guides.

When, where, why and how the picture may be taken, the court remains a conundrum. Some speculation is that the talking may be meted out by effect. The picture reform and play ball politically everything will be forgotten. That is not borne out by the D. J. remarks or a chance slip by a D. J. subordinate, who asked a newspaper spokesman if he was going to ask about the 'stiletton' concerning indictment of films.

Marking on interest in film matters, Arnold made off-factly commented that everybody interested in the picture industry is being investigated for months and observed that something will happen in time. He said that Cummings at his desk only occasionally in the past few months, the industry is unlikely to suggest any bill of complaint will be filed until cool weather. Would have to be priced by secret evidence-taking, anyway.

Bertrand's Position
An aggressive crusader for the picture industry in the Independent Film and watch over motion pictures will play a key part in the scheduled study into industry in the picture industry monopolies. He's a D. J. resident, former NRA economist, who authored lengthy history of the

industry and its problems after the Blue Eagle's execution. When someone says an idea he will decide policies, Bertrand gets vital post as administrative assistant to Leon Henderson, the old NRA brain-truster who has been dubbed executive secretary of the legislative-administrative probe to see if the anti-trust laws need strengthening. But are regarded somewhat as general film majors.

Industry people will recall Bertrand's survey of the film code and historic review of trade practices. It held that voluntary arbitration alone won't give the solution and declared centralization of adjustment machinery counteracted the theoretical advantages in the code set-up. As a remedy, he urged 'Federal assistance' to the industry, which would wipe undue fears of black-buckering, over-buying, discrimination and other abuses. He said that business in general terms, claiming there is a monopoly which the government ought to break up.

Col. Stockholder Loses Suit To Inspect Books
A stockholder's right to inspect the books and records of Columbia Pictures Corp., unless for a good substantial reason backed by positive evidence of wrong-doing on the part of its officials, was denied Thursday (14) when N. Y. Supreme Court Justice Arthur S. Aaron granted a writ of mandamus to a holder of 162 voting trust certificates of the corporation.

Betty Davis (not the star) brought the action for the inspection of the records, claiming that Jack and Harry Cohn, executives of Columbia and Joe Brandt, former president, who organized the corporation in 1929, had manipulated the business of stock without the knowledge of the stockholders in such a way that they benefited, but not the corporation. She specifically charged that the three officials caused Columbia to enter a contract with them in 1929, which was called the Purchase Warrant Agreement and under which, she alleged, the Cohns and Brandt were given 20,000 shares of stock at fixed prices in violation of the terms of the incorporation.

Miss Davis charged these shares should have remained in the treasury of the corporation. In 1934, she says, the two Cohns made restitution of \$124,000 for this stock, but she says it was the amount due the corporation.

For this reason she wanted the Court to direct Columbia to submit its books and records for inspection so that a later suit could be instituted to recover damages, sheher claims. She substantiated the also wished to find out if Brandt also made manipulation to the corporation and for how much.

Attorneys for Columbia, in asking for dismissal of the action, entered the petitioned order for inspection of a writ of mandamus on the claim that the statute of limitations had expired.

USC Lays Claim To Pie Script Instruction
Dr. Rufus B. von Kleinsmid, University of Southern California president, said that the first college to teach picture writing. U.S.C. has been teaching it for 11 years. The picture declared, with such professors as Joseph B. Lovell, Earl Lubitch and Milton S. Eastmuth instructed in picture writing course last fall.

FOX RECEIVER'S \$12,500

Milton Weisman Requests Confirmation By Federal Judge.

Milton C. Weisman, receiver for the Fox Theatres Corp. on Monday (18) was allowed an ad interim allowance of \$12,500 on his bid for \$15,000 by Federal Circuit Judge Martin T. Manton. Allowance covers the period from Jan. 15 to July 15.

At the same time Judge Manton authorized Weisman to pay the Chicago Title Trust Co. additional dividends totaling \$8% on its allowed claim of \$110,085. Weisman's report stated that the only outstanding claim is that of William Fox for \$7,167,627.

Total claims entered against the corp. were over \$30,000,000 and those allowed other than that of Fox have been settled for \$8,100,949.

RKO GIVES UP K. C. THEATRE

RKO gives up Mainstreet, Kansas City, tomorrow (Thurs.). Theatrical circuit, "Rough," will reopen the Orpheum there in the fall. There has been an argument over the Mainstreet lease, with RKO said to have laid low on the rent for several months.

There have been futile intermittent efforts during the past several weeks to iron out the Mainstreet situation.

The Orpheum is controlled directly by RKO. Mainstreet is owned by a local group.

Baynes Court Order To Tie Up Atlantic Property in N. Y. State

George McLeod Baynes, who handled the distribution of United States and Canada of the Atlantic Film Productions' British made picture, "Thunder in the Streets," yesterday (Tues) obtained an order attaching to any property the London concern may have in the State. McLeod obtained the attachment in connection with his suit to recover \$35,000 as his commission from Atlantic, basing that amount on the 150,000 copies of the picture in this country and Canada.

Plaintiff claims Atlantic breached an agreement made with him in 1936.

NO MORE EATS AT THE COMPANY TIME

Universal studio went on a time clock basis yesterday (Mon), with all employees on the mechanical payroll ordered to eat breakfast and park their cars before punching the card.

The picture department was also accounted for, by order of David S. Garber.

Thompson Produces Next Crosby, Follows The Sun

Harry Thompson produces the next Bing Crosby star, "The Sun," now being scripted by Don Hartman and Ken Ludwig at Paramount.

Thompson is preparing an untitled tale concerning George Raft and Rita Hayworth, which second appearance in N. Y. State.

BENCHMARK TO EAT

Just reached with his starring role in "The Sign of the Cross," Harry Thompson is preparing a picture about the life of St. Francis, which will be his next work.

Crosby's Giveaway

Hollywood, July 19.—Bing Crosby has a new version of the "whistle while you work" theme. His plan is to give him his horses work at the Del Mar race track, opening end of month.

Crooner has promised his customers a daily double feature, with a program of his own yodels over the loud speaker system in addition to the galloping haybushers.

Crooner's theme for the race track, to be warbled by the proprietor in person, is "Where Did I Get My Feet?" written by Jimmy Manasco and Johnny Burke. Ditty will be plugged on three NBC programs, by Crosby, Pat O'Brien and Oliver Hardy.

METRO LINING UP NEW FACES

Metro is lining up a lot of new faces for screen-testing the middle August. Possibilities uncovered at strawhats will be included. Preliminary tests already have been made with Sam, small, rascally, and Ardis Gaines, who attracted attention in "On the Rocks," left.

Complete tests on Stetson Rye, burly ballroom dancer-skater who appeared for two years at the Madison Square Garden and in 1936 Olympic games, and John Laird, professional model, have been shipped to the Coast for approval.

MC GRABS 'ICE FOLLIES' FOR 'EXCESS BAGGAGE'

Hollywood, July 19.—'Ice Follies' goes into the Harry Rapaport of "Excess Baggage" at Metro, starting in mid-September, through deal closed by Metro and J. C. Stein, of Music Corp. of America.

Troupe, including Bess Ehrhardt, who appeared in seven of the pictures, cameras. Skaters are due here Sept. 12, at close of their current run in Atlantic City.

'Mons. Beaucaire' Being Set for Tyrone Power

Hollywood, July 19.—'Monsieur Beaucaire,' on the shelf since Rudolph Valentino played it, is being brushed up as a starrer for Tyrone Power at 20th-Fox.

Booth Tarkenton tale was handed over to Nunnally Johnson for rejuvenation.

Valentino Short Revival

A Rudolph Valentino short, "The Man Who Came Back," which is being released by Astor following the revival of 'Sheik' and 'Son of the Sheik,' has been booked in the Sengier circuit in the south, covering Louisiana, Mississippi and Alabama.

Astor is distributing the short through its 30 franchise offices.

M. D. Clofine, Star of Hearst Metronews, Sailed Last Week to Look over the European Situation.

A view to expanding the company's distribution set there. Will visit offices in England, France, Italy, Austria, Germany and Czechoslovakia. Also expects to review releasing contracts.

Will be gone about a month.

Eva Novak's Patrol

Hollywood, July 19.—Eva Novak, star of silent pictures, took the second step along the comeback trail when she signed for a "Silver Trail Patrol" starring William Boyd.

The first comeback attempt was in "Marie Antoinette."

Reels Get Hughes' Record Flight In 'Nk's Releases

The five newreel companies last week had the peculiar experience of covering an around-the-world flight which took place in three days, 19 hours and 14 minutes, was crowded into the two issues distributed last week, "Takeoff" and "Midweek." The first of week issue and his landing early Thursday (14) afternoon was included in the mid-week issue.

Newreel editors calculated as well as Wednesday (13) noon that Hughes would complete his trip sometime after 3 p.m. in afternoon and left footage room in their Wednesday issues so that 100 to 200 feet of Hughes' landing may be added.

Fact that Hughes docked at the Floyd Bennett airport before 3 p.m. Thursday evening the reels to give their clips in Broadway theatres before 9 o'clock that night. Rapidly changing the next afternoon when it is realized that Paramount, shots of his landing in Paris Monday (11) actually did not reach N. Y. via steamship, until Monday (12) after the trip had been completed and termination of flight pictures shown to the nation.

One newreel company attempted to hurry arrangements for coverage through the use of a Russian film concern. But before the deal was consummated, word that the American plane had arrived in Moscow and was preparing to hop off again for Omsk, Siberia.

'Hell's Angels' Sherriage Indianapolis, July 19.

Successful completion of Howard Hughes' flight has caused a shortage here of prints of 'Hell's Angels,' according to a Settos operator of the Ohio theatre, and other theatres throughout the country.

Chicago, as on waiting list, with none available here until later.

He plans to give it a week's run instead of the usual two-week policy, plugging the Hughes production of the air epic.

Bob Carradine Set As 'Dirty Little Coward' In 'Jesse James' Film

Hollywood, July 19.—Bob Carradine got the unenvied role of Bob Ford, the "dirty little coward" who shot Mr. Howard and laid Jesse James in his grave, in 20th-Fox forthcoming production, "Jesse James."

When the picture plays Will Wright, the U.S. marshal on the trail of the James boys, and J. Edward Bromberg, Alvin Karpis, and the gang.

Arleen Whelan will play opposite Tyrone Power in the Technicolor "The Sign of the Cross" due Aug. 15. Henry King will play Frank James.

'Drums,' 'Heart Set' For N. Y. Music Hall

Current at the Music Hall, N.Y., with its 'Aigiers,' which called for un. censored advertising campaign. Will be shown with "The Sign of the Cross" by V. M. Schamus for two additional pictures, both from the 1938-39 season.

They are 'Drums,' an Alexander Korda production, and 'There Goes My Heart,' first film Ranger Returns for U.A. release. They will go into the Hall late in September or early October.

WAYNE AS LONE RANGER

Hollywood, July 19.—John Wayne gets top role in Republic's "The Lone Ranger Returns" to be produced by Armand Schaefer starting next week.

Film has a feature length, although studio has already made a 15-chapter cliffhanger around it.

ACTORS' STRIKE

Schaefer Committee Working On Nationwide Serenade of Public

Campaign plan of the industry for the national 'Attend the Movies' drive will be fully set by Monday and ready for action when the joint committee of distributor and theatre executives under chairmanship of George J. Schaefer, meets at his office, at United Artists, tomorrow (21). Understood the campaign will run at around \$200,000 to \$250,000.

This plan contemplates, however, no method or contest which it is hoped will have an educational twist, besides nation-wide display advertising and newspapering throughout the country.

An advertising agency which specializes in such campaigns is now working on the idea.

Paul Gulick, former Universal advertising man, has been mentioned as a possible supervisor for the industry of the campaign. No appointment made.

There was a meeting of the Schaefer committee at the 'Hays office' yesterday (Tues.). Following this session invitations to indie theaters around the country were issued to join drive. Meantime, in Hollywood, studio exploitation bureau trailer makers and theatre circuit executives to work out the preliminary details and ideas on the campaign.

They plan to make a short which will tally the event. Likelihood of Frank Whitcomb, Metro studio exploitation chief, will be in charge.

Since for campaign will be selected next week at a meeting held by producers themselves following Frank White's 'Will you attend' on Saturday (23) from New York.

This will be the first all-industry national campaign since the late 1920s, although various circuits have held Fall Festivals, Greater Picture weeks and other like at different intervals. Hint that some such campaign in 1939 was made by Will Hays, head of the Motion Picture Picture Distributors and Exchanges, in his annual report last spring.

Hays followed up on his general statement that something should be done to increase the nation's picture theatre audience by urging the indie advertising be stepped up as a means of promoting business activity in the picture before the Associated Motion Picture Advertisers meeting, Thursday (14).

Initial meeting of the committee of general sales managers attracted George Schaefer, of United Artists, chairman; Neil Blomch, Paramount; Herman Broder, 20th-Fox; Gray Seid, Warner Bros., and William C. Seely, Universal, comprise the committee. Committee of advertising-publicity men includes Howard Dietz, of Metro; Charles McCarthy, 20th-Fox, and Robert Gilman, Paramount. Committee of theatre circuit executives includes Frank Freeman, Paramount; Spyros Skouras, National Theatres; Joseph Morand, Warner Bros.; and Moskowitz, Loew's, and J. J. O'Connor, RKO.

Metro Pays \$20,000 For Holm's New Play

Metro has purchased John Cecil Holm's unproduced play, 'Four Cents a Word.' First effort since author's 'Sing You Sinners' which was a flop with a pulp writer. Producer was to have been Cheryl Crawford for RKO, but plans were dropped during rehearsals.

Deal, calling for around \$20,000, was handled by Jean Delacroyne of the Lein Sales office, in N. Y.

ELISSA LANDI LECTURER
Columbus, July 19.
Elissa Landi will lecture at Ohio State University Oct. 1 at the American Assn. of University Women is sponsor.

As Per Usual

Hollywood, July 19.
Warners is first to kick in with a story to grab exploitation from Howard Hughes' world flight. Script of 'Women in the Wind' has been changed to make it a flight by five women. Jay Francis will head cast.
John Farrow directs.

Mrs. Fox Offers \$500,000 to Settle \$9,535,000 Claims

Philadelphia, July 19.
Mrs. Eva Fox, wife of William Fox, yesterday (Monday) offered a \$500,000 settlement to the creditors of the defunct All-Continent Corporation. The offer, filed with Bankruptcy Referee Allen B. Enicott, Jr., was designed to end the recapture of assets suit against the corporation.

Mrs. Fox and her daughters, Mrs. Mona Baumig and Mrs. Belle Schwartz, made the offer. Hiram Steinhilber, attorney for the Fox estate and his counsel, William Elmer Brown, Jr., recommended that it be accepted. Referee Enicott set a hearing for August 15 in Atlantic City after all creditors are notified.

Mrs. Fox is president of the All-Continent Corporation, which she created in 1930 as an irrevocable trust for his family, putting into it an \$9,535,000, the corporation has been sued for the recapture of assets. Suit is pending in U. S. district court.

UNIONS MIX CUT IN SCALE

Except for a few scattered inroads, the unions are not granting the cuts to theatres over the summer which were requested prior to July 1 in view of the present state of business and conditions. The cuts were desired for July and August, a 10% reduction having been asked in most cases, but, presumably with a willingness to take even 5% if the unions would give it.

The unions took the position that the drop in business is seasonal, anyway, but the conditions are such that operators or individual operators had to effect savings in the face of lowered grosses there being no other way to effect it over the summer. Sources point out also that this year there are more closed theatres than ever before, this in itself throwing hundreds of operators and stage hands, particularly the former out of work.

Crosby Wins Title Row

Hollywood, July 19.
Bing Crosby won his battle with Paramount over title of his picture, 'Sing You Sinners' which will be released soon under that name.

Studio execs wanted to call it 'The Unholy Bebees.'

1ST RUNS LEAD NLRB Mulls Producer Blasts

Reader Interest in Pictures Warrants Even Break with Sports News, Publishers Told—Round Table Confab First Step to Enlist Greater Newspaper Sympathy

HEADWAY SEEN

Los Angeles, July 19.
Concocted drive to swale Los Angeles daily newspapers to a realization that they are overlooking reader and increased circulation by their lukewarm policy towards pictures, has been launched by first run managers here with hope expressed that headway will be made.

Exhibitor chiefs were finally successful in getting the Los Angeles newspaper publishers for a round-table confab, called primarily with the hope of getting the publishers' eyes to a situation that has become intolerable to the theatre indie. The confab, which was held on Tuesday, by their liberal outlet of free news space to sports and other news, the publishers are literally underwriting these attractions and creating problems for the theatres which have not hitherto existed.

Theatre men came out flat-footed with a demand that the local dailies give the dramatic picture news an equal break with sports news, contending that there is considerably more interest in picture news than in sports, and much more interest could be created, with attendant boost of the local dailies in picture amusements, and much more interest could be created, with attendant boost of the local dailies in picture amusements, and much more interest could be created, with attendant boost of the local dailies in picture amusements.

It was pointed out to the newspaper men that radio, against which they have been fighting so hard, has been forced to suspend because of radio, and if newspaper circulation has fallen off it is not due to radio alone. On the other hand, publishers were urged to bring their newspapers and other news organizations more news of the amusement world generally, rather than confining their columns, as at present, to brief press agency comments on current or coming attractions.

Their argument advanced was that film theatres, especially, spend vast sums annually to publicize their merchandise, and that whereas baseball and other sport events contribute only a minimum to further newspaper circulation, same applies to those racing, with pages devoted daily to handicaps, and that the daily newspaper, in fact, loses track only kicking in with a small amount of paid advertising.

Their attitude was morally convincing, and definitely convinced, there is just as much if not more, reader interest in what is happening in the motion picture world as there is in the daily doings of the professional basketball clubs, the highly-publicized race tracks, wrestling, boxing, ice carnivals, roller derbies, golf carnivals and other sports events.

Using Outlets Mediums
Local first-run recently commenced deal with the L. A. Shipping News with a three-day circulation of 400,000 copies, by which they were assured free reader space and that the dailies loosen up a little and make a apiece over entertainment news, as they do with sports attractions and news.

Local first-run recently commenced deal with the L. A. Shipping News with a three-day circulation of 400,000 copies, by which they were assured free reader space and that the dailies loosen up a little and make a apiece over entertainment news, as they do with sports attractions and news.

NLRB Mulls Producer Blasts On SWG Designation as Studio Bargaining Agency for Writers

Vincent Price Signs 12 Pictures Deal at U

Hollywood, July 19.
Universal signed Vincent Price, lately with Helen Hayes in 'Victorio Regina', to a 12-picture deal ranging over five years.

Actor will be allowed six months' every year for stage engagements.

SAG Strike Order In Chi, but Only One Operating

Halt on all film production in the Chicago area has been ordered by the Screen Actors Guild, Action was taken last week by the Chicago Eastern Reg. of the Guild, after the studios refused to sign the organization's producer contract. Pic production in Chi is at almost entirely commercial lockouts.

Time would be lost by the edict is the Burton Holmes Laboratories, Inc., where '100 Years' of the American Film is being shot by the cameras. Studio started on Monday (18) that it would sign a contract, soon, however. Other local outfits are inactive until fail. Although all the studios are reported to have agreed verbally to sign the contract when 'the others do,' each had declined to be first. SAG, therefore, issued its strike order.

Despite the SAG's negligible membership in the Chicago area, it will be helped in enforcing its no-production ruling by its affiliation (through the Associated Actors and Artists of America) with Actors Equity Assn. and the American Federation of Radio Artists, with whom it has working agreements. Figures that nearly all the picture film players in the Chicago territory are members of either Equity or AFA, or both, two organizations are cooperating with SAG and have ordered their members not to work in any Chicago picture productions. In Leo Curley, an Equity member, has been appointed SAG deputy and is handling the strike on the scene.

Situation in the Detroit territory is in the air in the moment. Large studios there, including Jam Handy, Wilding, Caravel and Castle, have already signed Guild agreements and the others have verbally agreed to do so. SAG has not taken any action in Detroit, but expects to have all the studios there lined up within a few days. A no-production order will be issued at that time against any studios holding out. As the Chicago production is almost entirely devoted to commercial feature-lengths and shorts, the SAG strike in Chicago has almost no membership there.

Mrs. Marston expects to fly to Chicago in the next few days, the expectation of signing an agreement with the Holmes outfit. She expects to be gone only a few days. She is later scheduled to leave for the Coast to spend the remainder of the summer in the Guild's office there.

Eastern Council
Advisory council of the Screen Actors Guild, eastern division, includes Stephen Kent, John Hyland, Joseph McNerney, Elmer B. Curtis, Bert Wilcox, Florence Arver, Edward Lawrence, Philip N. Ober and John S. Lee. They were elected from a

Hollywood, July 19.
Dr. Towne Nylander, regional director of the National Labor Relations Board, has forwarded his intermediate report to the board in Washington, showing that the Screen Writers Guild has been designated as the bargaining representative for screen writers. Objections of producers to the intermediate report were also forwarded to board. Unless later orders a hearing conference held on the SWG as bargaining representative is expected to be received soon.

Producers then will be advised of the decision of the Guild and directed to take negotiations. Should they refuse, studio executives will be cited in federal court after the NLRB has conducted a hearing to establish the fact that the producers actually declined to negotiate with the Guild.

Screen Playwrights, Inc. has appointed a committee to recommend whether its right on recognition of the SWG should be dropped or an appeal taken to federal court after the NLRB has conducted a hearing to establish the fact that the producers actually declined to negotiate with the Guild.

Bargaining Code
Meaningful action on board of SWG has approved a bargaining code to be submitted to the producers this past week. The code, which was prepared by Ralph Block, a special master meeting of Screen Directors Guild has been called for the committee to vote on proposed changes in the by-laws of the organization. Members also will outline the code, which will be recommended action to expedite campaign to secure producer recognition of the Guild.

W. S. Van Dyke, vice president of the Guild, is chairman of the committee. Fleck has resigned as a member of the board of directors, preparing data for presentation at this meeting. Other members of the committee are Paul Verrier, Herb Hieberman, Howard Hawks and Rowland V. Lee.

Two Juniors Resign
Robert Ross, vice president of the Junior Screen Directors Guild, and John Fleck, who resigned as a member of the Junior Board of Directors. Ross said his physician recommended that he take the extra duties, while Fleck said his work prevented regular attendance at meetings of the board.

At a time time, it was announced that the Junior board has adopted a resolution providing for expulsion of a board member who (Continued on page 21)

SAG Asks Chi Probe

Chicago, July 19.
Investigation by Chicago into the Screen Actors Guild into the coming commercial tie-up flicker between the Chicago Times and the State-Lake theatre. Likely that the SAG will insist that all performers employed by the Chicago Times and the State-Lake theatre be paid minimum wage.

Mrs. Marston is now negotiating with the other SAG members for the employment of wife SAG members.

BOX OFFICE

Vacash Exodus Boffs Chi Grosses:
Martha Raye \$28,000 on Holdover;
'Wonderful' 16G, 'That Kiss' \$13,000

Chicago, July 19.—Weather is against the theatres this week. Weekend saw the roads mobbed with out-goes, the beaches and parks were jammed. Theatres got the residue for the most part, resulting in real trade for the spots only in the evening hours.

Two strong holdovers at the Chicago and Palace, with Martha Raye on stage and screen in the former house and 'Wonderful Time' plus the Raye-Flores cafe unit on stage at the latter.

'Foxy' & Co. having had a strong fortnight with 'Son of the Sheik' aka 'The Sheik', is trying to make an early Rudolph Valentino revival. 'The Sheik' is, however, the current ticket attraction, but the business of the former fighter and looks like a single-weeker in the city.

Estimates for This Week
Apple (B&K) (1200): 35-55-63—'Fast Company' (16) and 'Open Saturday' (16) and not getting anywhere; **Apple (B&K) (1200):** 35-55-63—'Fast Company' (16) and 'Open Saturday' (16) and not getting anywhere; **Apple (B&K) (1200):** 35-55-63—'Fast Company' (16) and 'Open Saturday' (16) and not getting anywhere.

Chicago (B&K) (4000): 35-55-75—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Chicago (B&K) (4000):** 35-55-75—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Palace (B&K) (2500): 35-55-63—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Palace (B&K) (2500):** 35-55-63—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

State-Lake (Jones) (2500): 25-35-65—'Hold That Girl' (16) and 'Open Saturday' (16) and not getting anywhere; **State-Lake (Jones) (2500):** 25-35-65—'Hold That Girl' (16) and 'Open Saturday' (16) and not getting anywhere.

State-Lake (Jones) (2500): 25-35-65—'Hold That Girl' (16) and 'Open Saturday' (16) and not getting anywhere; **State-Lake (Jones) (2500):** 25-35-65—'Hold That Girl' (16) and 'Open Saturday' (16) and not getting anywhere.

RACE \$5,800, INDY \$12,500
'FOOLS' KAYE \$12,500

Indianapolis, July 19.—Testing his strength for the first time this far west, Sammy Kaye and his orchestra are proving to be a good box office magnet here this week. A vaudeville attraction in conjunction with the picture 'Men Are Pigeons' (16) and 'Radio network appearances are proving to be a good box office magnet here this week.

Estimates for This Week
Birth of a Nation (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Birth of a Nation (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Blind Me (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Blind Me (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Chance (20th): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Chance (20th):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Radio network appearances are proving to be a good box office magnet here this week. A vaudeville attraction in conjunction with the picture 'Men Are Pigeons' (16) and 'Radio network appearances are proving to be a good box office magnet here this week.

Key City Grosses

Estimated Total Gross
This Week: \$1,625,500
(Based on 22 cities, 14 theatres, chiefly first runs, including N. Y.)
Total Gross Same Week
Last Week: \$1,218,700
(Based on 22 cities, 14 theatres)

'BLOCKADE' BIG

\$9,000, INDY \$12,500
'FOOLS' KAYE \$12,500

Kansas City, July 19.—Phil Harris and orch on stage at Towns and away the week's leader, doubling figure at any other house in town. Screen fare also well accepted and aiding the cause.

Estimates for This Week
Mainstreet (RKO) (1000): 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere; **Mainstreet (RKO) (1000):** 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere.

Midland (Lodge) (1000): 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere; **Midland (Lodge) (1000):** 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere.

Blockade (UA) and Reformatory (Columbia) (1000): 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere; **Blockade (UA) and Reformatory (Columbia) (1000):** 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere.

Newman (Paramount) (1000): 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere; **Newman (Paramount) (1000):** 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere.

Three Blind Mice (20th) (1000): 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere; **Three Blind Mice (20th) (1000):** 10-25-40—'When Were You Born' (16) and 'Open Saturday' (16) and not getting anywhere.

Goodbye, 9,000, Prov.: Darriux, Per \$11,000
Providence, July 19.
 Though big is off generally, late stands are not lacking. Lack of drawing picture is hurting Strand plenty. 'Shogun' (16) and 'That Kiss' (16) are doing well.

Estimates for This Week
Carton (Fay-Laurel) (1400): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Carton (Fay-Laurel) (1400):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Shogun (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Shogun (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

That Kiss (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **That Kiss (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Strand (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Strand (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

Strand (16): 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **Strand (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

FALSE IDEAS
MANAGEMENT
BINGO, GAMES, ETC.

Chain Alone, Not at Fault on Exploitation—Many Picture House Evils Have Stemmed from Independent Operations

By PETER W. SARGENT

FROM THE COMMENTS ON recent exploitation stories, it would appear that many assume the strictures against theatre circuits contained therein applied solely to producer-owned chains, though there is nothing in the title to substantiate this.

It is immaterial whether a house "chained by a producer" or an independent, the chain system in all cases has a deterrent effect upon initiative and flavor. And there is no single factor of the exhibition business which exercises a more hurtful effect on the general show business than the exhibition business.

The most detrimental of these small operations, and most of the severe handicaps have emanated from these small operations.

Double bills, giveaways, pre-cutting and the various forms of gambling games have all derived from the small circuits. The most harmful is the one of the exhibition business which exercises a more hurtful effect on the general show business than the exhibition business.

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Bway B.O.'s Still Blah Only Algiers, \$92,000, and Lloyd-Dorsey, Orch, 41G
In the Money; '7 Seas' Bad \$10,000

Broadway Grosses

Estimated Total Gross
This Week: \$735,500
(Based on 10 theatres)
Total Gross Same Week
Last Week: \$527,700
(Based on 12 theatres)

'Algiers,' at the Music Hall, and 'Professor Beware,' with the Jimmy Dorsey band, at the Paramount, are away out front in the battle against the heat and other adversities in New York. These two theatres are, in fact, away over their recent average in business, but the rest of the town is very weak generally.

The chances are good for a \$92,000 week for 'Algiers,' which got a fine publicity and advertising campaign, while 'Professor Beware' and the Jimmy Dorsey band, ending last night (Tues.), hit an excellent \$41,000.

'Beverly Hills Cop' (Wed.) while 'Algiers' holds for a second also at the Hall, starting tomorrow (Thurs.). 'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere; **The Sheik (16):** 25-35-65—'The Sheik' (16) and 'Open Saturday' (16) and not getting anywhere.

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which pulls the house through on its summer budget. 'Port of Seven Seas' (16) and 'Open Saturday' (16) and not getting anywhere.

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ARBERT HEADING EAST
 Eddie Arbert returns to Broadway as he finishes his current job. 'Woman's Brother Rat' a week-end. Arbert's return is a role in the 'Lovers' and 'Hark' musical. 'George Arbert' is producing in the fall.

National Conciliation Board Sought in London for Exhibitor-Worker Issues

London, July 12. Labor issue between exhibitors and theatre employees may shortly be governed on national instead of local basis. Proposal is under discussion between Cinematograph Exhibitors' Assn. and labor unions for a national conciliation board to work much on lines of joint board already operating in London, so that disputes in any territory could be handled centrally. In discussions so far are National Assn. of Theatre and Cinema Employees and Musicians' Union, but it is likely English Trades Union, which is struggling against non-recognition by CEA, may come in as well.

Major issues of ETU strike still remain to be solved. Discontent is capitalized in London, Manchester and other spots, but deadlock still exists at Hull, where local CEA refuses to negotiate because of policy of parent body in London. In Manchester, union threatens to start new night units exhibitors operating under conditions which stopped the fastest stoppage.

One condition was absorption of ETU into the National Association of Theatre and Cinema Employees (NATKE), who filed gaps during strike, are being retained and over 50 of its own members have been refused their jobs. Threat is to pocket theatres concerned and to publish in advertisements accusing them of breaking faith.

'DUVAL' FIRST FEATURE FOR NEW COLOR SYSTEM

London, July 12. First feature to be produced under Duvalcolor tint system is likely to be "Duval's Duval," story of a French highwayman, which John Stafford has set to shoot this month. Earl Bessons will star in his first straight role.

Picture will probably rank for two quota tickets, and a total of six tickets Stafford is scheduled to do.

Vanistart's LFP Tie

London, July 12. Sir Robert Vanistart, chief diplomatic adviser to the British government, has agreed with London Film Productions to collaborate on scenarios of some of the forthcoming productions.

He and Edward Thompson are now working on their first picture, "Burnside Silver," in which Conrad Veidt and Sabu have the leading parts.

Shooting Starts On 'Mikado' in London

London, July 12. "The Mikado," first of the Gilbert and Sullivan operetta series to go into a can, started shooting at Pinewood Studios, where the picture is being directed by Ken G. Sainsbury, in romantic leads, include Martin Green, Audrey Granville, Elizabeth Payter and Kathleen Naylor from D'Oyley Carte Opera Co. with John Barclay, Constance Willis and George Wood also among principals. D'Oyley Carte Chorus and 300 extras also in line. Personnel, under the direction of Geoffrey Tovey and associate producer Joseph Somers, includes Victor Schertzberg directing.

Picture is being produced as all titer by G. & S. Films, for release through C. M. Wood.

John Barclay, currently with the Lints in "Amphitryon 38" in London, has been signed by Metro for the title part in "The Mikado."

Gilbert & Sullivan operetta is being made in Technicolor at the Pinewood studios outside of London, which Krakauer, of the Louis Sluiter office in N. Y., set the deal.

CZECHS CHECK CHECKED ON IMPORTS FROM U. S.

Washington, July 19. Real loosening up has occurred in Czechoslovakia, the U. S. Commerce Department learned last week. Bars are being let down to U. S. films. Czech advisory committee, offshoot of the Ministry of Commerce, allowed 14 American features to enter last May, compared with four the same month last year. Imports from the U. S. during the first five months of the year were 85, double the 1937 figure, and accounted for 59.5% of all pictures bought abroad. German imports jumped in May and held their own in the five-month interval. Believed U. S. shipments rose even more in June when import fee cut went into effect.

DISPENSE TALK OF PROD. HULL IN ENGLAND

London, July 12. Board of Trade official figures of motion picture footage played last year show that those who cried of a slump in British production did without justification. Last year 10,000,000 feet of domestic film were being played time, representing almost 80% of the whole. For feature length product, local aggregate was 11,500,000 feet, slightly under one of the whole.

Under the last year of former quota laws, minimum proportion of British film required to be shown in United Kingdom theatres was 20%, with distributors compelled to offer same proportion of official returns, covering 12 months to Sept. 30, last year, are: Aggregate length, including repeated presentations of films exhibited, 42,726,000 feet, compared with 39,758,000 feet of previous year; total length British films (features and shorts), 19,930,000 feet, 27.3% of the whole, compared with 27.4% in previous year.

Aggregate of features in above figure, 39,000,000 feet, of which 11,477,000 feet were British, representing 29.5% of the whole, compared with 28.4% in 1936.

Figures supporting claims of revival in United Kingdom production, were given by Association of Cine-Technicians. Body estimates 3,000 production hands of all types and grades, compared with 2,000 only employed before new Films Act came in. Situation, however, still leaves further 5,000 units short.

Denham staff is nearly 3,000. Pinewood absorbs somewhat below that number and Maxwell's Elstree outfit has a roster of around 500.

John Maxwell Refuses To Discuss G-B Quitting

London, July 12. John Maxwell, who resigned as a director on board of Gaumont-British May 7, refused to discuss the reasons of his departure. He's waiting until his long-pending suit against G-B on stock price charges is cleared up before making any statements.

'PILOT' BIG IN S. AFRICA

Cape Town, June 29. "The Pilot" is setting the pace here for other films carrying the same title. "The Pilot," starring Lady (Kathleen) Allambra, "You're a Sweetheart" (Liz) Plaza, "Adelphi" (High Wide and Handsome) (Pete) Blaine, "Big-Cat" (Colleen) and His Mate's "History Is Made at Night" (G.A.).

Shanghai, Hong Kong and Canton Remain Hub of Activity. They Draw Refugees—American Circuit Takes Over First- Run Theatres, Suggesting Normal Trend

BETTER THAN 1937

Amazing the foreign field today is the manner in which business has held up in China despite the Sino-Japanese warfare, floods and near famine caused by reports received in N. Y. "Business as usual" appears to be the slogan wherever it is physically possible for cinemas to operate.

Actually, the film theatre business is reported better than it was a year ago at Hong Kong and Canton. This is understandable because numerous refugees from all sections of China have flocked to these two big cities. Many of them have come in with capital in their pockets. While temporarily cut away from home ties and normal business pursuits, many refugees have the time and money to attend theatres.

The take at the boxoffice in Shanghai, which is occupied by the Japs, is only down slightly, though several theatres have been destroyed by the Japs. Those in operation are enjoying virtually normal business.

Shanghai still remains the center of film activity, with sub offices at Canton and Hongkong. Shipment of prints often is difficult because of interruption of traffic by bombings. Indicative of the normal trend of business in Shanghai is the report that several of the leading cinemas, including the first-run Grand, Nanjing, Metropole and Cathay, have been taken over by Asia Theatres, Inc., an American circuit. New circuit is promising earliest releases from all film companies. A. R. Hager heads it.

Radio productions released for China employ superimposed titles. Dubbing has been found unsatisfactory for most parts because the numerous dialects spoken in the country.

EUGENE FORDE GIVEN BRIT. PROD. CHORE

Hollywood, July 19. Eugene Forde sails tomorrow (Wed.) for England to direct an untitled picture for Robert Kane, in charge of British production for Radio Pictures.

Forde was summoned abroad by Darryl F. Zanuck, now in Europe, after his mastery is already under way for the film.

Burger, Silverstein to Sail For Metro Foreign Posts

Samuel N. Burger, home office representative for Metro's foreign department, leaves shortly on a periodic inspection tour of South America and Central American posts. One of first stops will be at San Juan, Puerto Rico, where Metro is opening a new house shortly.

Maurice Silverstein is leaving N.Y. shortly for his new post in the Far East, where he is already in charge of the Dutch East Indies. Sails from Vancouver Aug. 5.

New WB London Theatre

Warner Theatre, which replaced Dan's, is opening Oct. 12 with "Robin Hood" as opener.

Mr. and Mrs. H. M. Warner, Mr. and Mrs. J. Warner, Mr. and Mrs. Harry Warner, Mr. and Mrs. Sam Morris and Mr. and Mrs. Sam Morris are leaving for New York for the opening.

London Council Proposes to Close Fireproof Film Censor Lophole

G.U.T. EXITS DIVIDEND TO PAY OFF \$1,700,000

Sydney, July 4. There is no hope for an early dividend for Greater Union Theatres, according to Norman Rydge, G.U.T. chief, speaking before the annual stockholders' meeting of West Ltd., a unit of G.U.T. He indicated that a renewed effort would be made to reduce a bank overdraft of about \$1,700,000. He said this had been cut down by \$400,000, despite heavy sinking of ordinary inflammable film.

Greatest difficulty confronting G.U.T. Rydge informed stockholders, lay in obtaining quality pictures. The exhibitor meeting of G.U.T. paid an actual profit of \$105,000. G.U.T. went solo Jan. 1 this year.

Losses of G.U.T. for the six-month period ending Dec. 31, 1937, were \$550,000. Up to June, 1937, the circuit had lost \$44,175, though the exhibitor meeting of G.U.T. paid an actual profit of \$105,000. G.U.T. went solo Jan. 1 this year.

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LONGMAN EXHIBITS MAY BATTLE NEW CURB

London, July 12. London exhibitors may contest new London County Council regulation governing seat prices by seeking test cases in the courts.

Representatives of metropolitan branch of Cinematograph Exhibitors Assn. met LCC licensing committee Thursday (7) to urge reconsideration of proposed conditions, but met no success. Committee stated it would submit recommendation at today's city council meeting. The group had indicated any real difficulty about its operation. CEA then said it would fight.

Ordinance would compel exhibitors to fix indicators in theatre vestibules showing exact plan of seating layout, with prices clearly marked. Inside auditoriums they would be required to use price indicators plainly showing price groups. Idea is to prevent price gouging and to force patrons to pay higher admissions to keep queues waiting outside for advertisement while house is in reality partly empty.

Cinematograph Act of 1909, under which theatres are governed by licensing of regulations, and LCC is competent, CEA took the view that the ordinance is an attempt to circumvent the act, and it is to be decreed number of cheaper admissions, and to announce from the stage that the ordinance is in effect, and to give public on their side. Hal Hollos, however, has announced that he is interested in trade battles, so CEA may think twice about such plan before attempting to do it.

Other plan mooted is to have exhibitors to decrease number of cheaper admissions, and to announce from the stage that the ordinance is in effect, and to give public on their side. Hal Hollos, however, has announced that he is interested in trade battles, so CEA may think twice about such plan before attempting to do it.

'Bluebeard's Eighth Wife' Opens Suez Canal, July 19

Bluebeard's Eighth Wife (July 19) opens here for a new one of 1938 in this city.

Move to destroy a loophole in the censorship has been made by London County Council, with new licensing regulation to apply to all theatres in metropolitan area. Plan is to bar pictures of non-inflammable base from all licensed houses.

Proposal is not so meaningless as appears, due to complicated operation of Cinematograph Act, which governs procedure to be adopted by local authorities in respect to theatres. Law was made in 1909 when safety was primary consideration, so act was drawn only to apply to playing of ordinary inflammable film. Apart from indecent pictures, therefore, law has no jurisdiction over non-inflammable film.

Situation has accordingly been exploited by managements to evade censorship trouble. On occasions where subjects have been rejected by British Board of Film Censors, mainly on account of non-inflammable film, theatres, by printing copies on non-flam, have been able to play them without recourse to licensing authorities.

Recent case in point was old religious film, "The Tanqueray," the Cross, barred by BBFC because of representation of Christ on the screen. But which was played in the Cameo, Charing Cross, by device of using non-flam copy. Care was taken to ensure supporting shorts were also on non-flam and no music was played other than on sound tracks. Obviously, theatre would have been under conditions governing issue of music license.

It is the dangers of such situation, from on whole procedure and use of non-flam, that have caused some licensing laws carry fresh prohibitions against use of banned or uncensored subjects on non-flam.

Broader questions of non-flam pictures involving exhibitions in unlicensed theatres, evasion of censorship and of provisions of Cinematograph Act thereby, are to be taken up by advisory committee to be set up by Home Office, which is being pressed by industry to amend without bringing it into line with modern practice.

\$3,500 LEFT OF SYBIL JASON'S H'WOOD MONEY

Cape Town, June 29. Child custody wrangle in the courts here between Sybil Jason's mother and her father, who had been recently employed for several years in Hollywood, had total assets of only \$3,500.

Blame for the child's present financial straits has been placed on Harry Jacobson, who was married by Marie Jacobs, the moppet's mother, who had been recently employed for several years in Hollywood, had total assets of only \$3,500.

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Difficulty Seen for 'Port,' 'Algeris,' Playing France

Hollywood, July 19. Though the title is "Port of Seven Seas" probably will not be shown in that country for some time, but her sister, "Algeris," few spurs. Reason is that the Metro feature was taken from the French play "Fanny," which was hit recently in France. Understood that officials believe it would come much at the box office.

It's possible that there may be a slight change in her sister, "Algeris," into French theatres for the same reason. It was made as a French picture, "Fanny-Algeris," made good coin.

The Woman-Eater!

Now It Can Be Told! The Soul-Searing Story of Booloo, the White Tiger of the Sakai, Roaring God of the Jungle to Whose Blood-Lust Beautiful Women Were Offered in Sacrificial Tribute...



IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN....

Nature in the Raw!

Into the very heart of the Malay jungle, where the law is still an eye for an eye and a tooth for a tooth, Guide E. Elliott, producer of such mighty jungle pictures as "Living on Their Own" and "Devil Tiger" led an intrepid crew of Paramount cameramen to bring the greatest of all jungle pictures to the screen. Here you see, for the first time on any screen, the amazing story of the only man ever to face the white tiger, fiercest of the jungle and live to tell the tale. Here you see a thousand untamed beasts in deadly struggle in their native wilds. Here you see the only picture ever taken of the most ferocious of all jungle tribes, the terrible Sakai, whose weapon is the poisoned arrow shot from a thicket in the dead of night from a silent blow-gun... Here you see a thousand skulls, a thousand burning adventures, in this true-to-life story of nature's last fight against civilization...

Thrill to the War Dance of the Sakai. Filmed at Great Danureh by Paramount's Malaysian Expedition.



Thrill to the First Actual Picture Ever Filmed of the Death Struggle of the Standing and the Royal Bengal Tiger.



Thrill to the First Actual Picture Ever Filmed of a White Man Tortured by the Terrible Sakai, Most Fearsome of All Jungle Tribes.



THRILL TO BOOLOO... WATCH THE WHITE TIGER

40,000,000 readers will see this smash ad which will blanket the country on Sunday, July 31

IN THE AMERICAN WEEKLY NEWSPAPERS

Albany Times Union
Allenton American
Baltimore American
Boston Advertiser
Buffalo Courier Express
Chicago Herald & Examiner

Cleveland Plain Dealer
Detroit Times
Houston Post
Los Angeles Examiner
Milwaukee Sentinel
Minneapolis Journal
Nashville Tennessean
New York Journal-American

Pittsburgh Sun Telegraph
San Antonio Light
San Francisco Examiner
Seattle Post Intelligencer
Syracuse American
Washington (D. C.) Herald
Wichita Beacon

PLUS:

Denver (Colo.) Post
Sunday Magazine
Des Moines (Ia.) Register
Sunday Magazine
Cincinnati (Ohio) Enquirer
Sunday Magazine

Columbus (Ohio) Dispatch
Sunday Magazine
Philadelphia (Pa.) Record
Sunday Magazine

FILM BOOKING CHART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of the reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	TITLE	PRODUCER	DISTRIB.	TYPE	TALENT	DIRECTOR	WHEN REVIEWED	TIME REVIEWED
5/6/38	THE MAIN EVENT DOCTOR BRITISH LAW OF THE UNDERWORLD JONES FAMILY IN PARIS SINNERS IN PARADISE TORCHY BLANE IN PANAMA	Ralph Cohn Robert Cohn Max Sisk Ken Goldsmith Bryan Foy	Col MGM RKO WB WB	Mystery Comedy Meller Comedy Com-Meller	R. Paige, J. Wells B. Cottle, C. Caruso C. Morris-A. Shirley J. Prouty-S. Hyington J. Blair, J. Wray L. Lane-P. Kelly	Danny Dore F. Z. Cottle Law Landers Mal. Sit. John Wm. Clemens	55	6/22 5/1 5/4 6/15 5/13
5/13/38	LAW OF THE PLAINS THE SHOW GOS ON HOLD THAT KISS MUNROES IN THE PHANTOM RANGER STOLEN HEAVEN GUN LAW TIVACIOUS LADY GANGS OF NEW YORK KENTUCKY MOONSHINE AIR DANCE ADVENTURES OF ROBIN HOOD	Col H. Wilcox J. Conning, Jr. Maurice Conn Bert Gilroy P. S. Bernan C. M. McGowan T. Trem Carr Henry Blankie	Col MGM None None RKO RKO 29th WB WB	Western Rom-Dr Comedy Western Rom-Dr Comedy Rom-Dr Mystery Action	C. Starnett, J. Meredith A. Neagle, D. Carmel O. O'Keefe, M. O'Sullivan J. Randall-L. Stanley R. McCoy-S. Hardy G. Rayner-D. O. Bradna C. Westing G. Rogers-S. Steward C. Griffin S. B. Ross-T. Martin B. Wallace-B. Blake W. R. Kitchley	Sain Nelson W. A. Ricketts E. L. Murnin Sain Newfield Andrew Stevens Howard Geo. Stevens R. H. H. H. David Butler John Hawkins W. Kitchley	59 75 75 57 50 50 87 70 104	5/11 6/22 5/27 4/27 5/25 5/4 5/11 5/27
5/20/38	SIX SHOOTIN' SHERIFF SWISS MISS NUMBERED WOMEN COCAINAT GROVE BLIND ALIBI BASCAL THE DEVIL'S PARTY MYSTICAL HOUSE	M. & A. Alexander Hal. Beach F. B. Derr Geo. Arrer Cliff Reid John Stone Ed Crainier Bryan Foy	GN WB None None RKO 29th WB WB	Western Comedy Drama Mystery Meller Mystery Drama	Ken Maynard S. L. Hardy S. Blane-L. Hughes P. MacArthur-H. Hillard R. D. W. Beatty J. Wilbers-R. Hudson V. McLane-B. Roberts H. Bogart-G. Page	Harry Gray John Brown Carl Brown Al Santel L. La. La. La. I. B. Humberstone R. G. L. L. L. Low Sailer	72 85 85 63 72 72 56	5/27 5/18 5/25 5/25 5/25 5/25 5/1
5/27/38	YELLOW JACK HUNTED MEN DESERT PATROL KIDNAPPED CRIME SCHOOL	Jack Cummings Harold Hurley A. W. Hackel K. MacGowan Bryan Foy	MGM Par WB 29th WB	Drama Meller Western Rom-Dr Drama	M. Montgomery, V. Bruce L. Nolan, G. G. G. Bob Steele-W. Motion W. Baxter-F. Bartholomew H. Bogart-L. L. L.	Geo. Seitz Louis King Sam Newfield Al Wecker H. Bogart-L. L. L.	5/25 5/18 5/25 5/25 5/25	
6/3/38	THREE ON A WEEKEND THREE COMRADES A FAREWELL TO ARMS (R) SIGN OF THE CROSS (R) SAINT IN NEW YORK JOSEPH LIVES UNDER SUSPICION TITLE MISS THOROUGHGOOD	GN H. Mankiewicz C. B. De Mille Wm. Stratton Gene Markay Ed Crainier Bryan Foy	GN MGM Par WB WB WB WB	Rom-Dr Rom-Dr Drama Drama Meller Drama	M. Lockwood-J. L. L. L. R. Taylor-Tom-M. Sullivan D. B. B. B. B. F. March-Colbert-L. L. L. L. Hayward-K. Sutton S. Simon-A. L. L. W. William-G. Patrick J. Chapin	Carol Reed Frank Borzage C. L. L. L. L. C. B. De Mille Ben Holmes Al. L. L. L. Jas. Wahl J. Chapin	76 100 100 124 117 88 88	6/15 5/23 5/23 12/8/32 5/25 5/25 6/8 6/15
6/10/38	HELD FOR RANSOM THE TOY WIFE YOU AND ME KING AND KONG RIDERS OF BLACK HILLS LADIES IN DISTRESS ONE WILD NIGHT GOLDGIGGERS IN PARIS	GN Merian C. Cooper F. Rite Lang M. C. Cooper Wm. Berke Harry Grey John Stone Sain Blachoff	GN GN Par Sinc Rep WB WB WB	Meller Drama Rom-Dr Sinc Western Meller Meller Musical	O. Wilbers-B. McHaffey, J. Mulhall L. Kainer-M. Douglas-L. Young S. Sidney-G. Ruff-H. H. H. P. Wray-B. M. C. B. 3 Mequillars A. Skupien-R. Roberts J. Lang-L. Talbot-S. Toier R. Vallee-R. Lane	Clarence Bricker Richard Thorpe Fritz Lang Saboteur George Sherman A. Skupien-R. Roberts Eugene Forde Ray Enright	63 80 80 80 65 63 100	7/29 6/8 6/22 6/22 6/22 5/11 5/25
6/17/38	HOLIDAY CRIME OVER LONDON WOMAN AGAINST WOMAN PRISON FEVER BLOND CHIEF THREE BLIND MICE BLOCKADE OUTLAW EXPRESS WOMEN WERE YOU BORN	Evelyn Riskin GB David Chodorov Wm. Stratton Ray Griffith Walter Wagner Trem Carr Bryan Foy	Col WB MGM RKO RKO WB WB WB	Drama Drama Rom-Dr Rom-Dr Rom-Com Drama Western Rom-Com	K. Hepburn-G. Grant M. Graham-J. Cavanaugh V. Bruce-H. Marshall S. R. L. L. L. J. Fontaine-B. De Marney L. Young-L. L. L. F. Fontaine, C. Caruso B. Baker-C. C. C.	George Cukor Al. L. L. L. E. Sinclair S. R. L. L. L. Jas. Santley Wm. Selby Wm. Selby Geo. Wagener J. C. C.	93 68 69 69 75 75 35 65	6/22 6/22 6/22 6/22 6/8 6/8 7/29 6/15
6/24/38	HIGHWAY PATROL LORD JEY ROMANCE OF LIMBERLOST BAR 20 JUSTICE BORDER G-MAN MR. MOTO TAKES MURDER YOUNG FUGITIVES WHITE BANNERS	W. MacDonald Frank Davis None None Bert Gilroy Sol Wurtzel Barney Sarecky Henry Blankie	Col MGM None None RKO 29th WB WB	Meller Rom-Dr Rom-Dr Rom-Dr Western Meller WB	J. Wells-H. Paley F. Bartholomew-Sondergaard P. Parker-E. Linden W. B. G. Hays George O'Brien P. L. L. L. L. D. Kent-H. Wilcox C. Rains-J. Cooper	C. Coleman, Jr. Sain Wong W. B. G. Hays David Howard J. C. C. John Rollins Ed Gouding	78 70 70 61 61 67 50	7/22 6/22 6/22 7/25 7/25 6/15 5/25
7/1/38	CITY STREETS EVERGREEN (R) HAVING WUNDERFUL TIME ARMY GIRL ALWAYS GOING HOME SOUTH RIDING DANGER ON THE AIR RAGE OF FISTS MEN ARE SUCH FOOLS	W. MacDonald V. Saville P. S. Bernan S. S. S. Ray Griffith Alex Korda Wm. Stratton C. B. De Mille David Lewis	Col WB RKO RKO WB WB WB WB	Meller Comedy Comedy Rom-Dr Rom-Dr WB WB WB	Carroll-E. Bellows-H. J. Eddy J. M. L. L. L. G. Rogers-D. Fairbanks, Jr. B. Evans-P. Foster B. Stanley-H. Marshall R. Richardson-E. Best D. West-A. G. G. D. Darrux-D. Fairbanks, Jr. W. M. M. L. L.	Ed Gouding V. Saville Al. Santel Arvid Schneider S. L. L. L. Geo. Saville H. H. H. Henry Foster Buddy Berkeley	83 70 70 69 65 65 69 69	1/15/35 6/15 7/29 7/29 7/29 7/29 6/15 6/22
7/8/38	FAST COMPANY MAN'S COUNTRY CRIME KING LITTLE WOMEN (R) DURANGO VALLEY RAIDERS PANAMINT'S BAD MAN MY BILL	F. Stephani None Cliff Reid K. MacGowan A. W. Hackel Sol Lesser Bryan Foy	MGM None RKO RKO Rep WB WB	Rom-Com Western Mystery Mystery Western Western WB	M. Douglas-P. Rice C. Randall A. Lane-F. Mercer H. H. H. H. H. Bob Steele-L. Stanley S. Rains-N. Berry K. Randall-J. L. L.	Eddie Buzzell L. L. L. Leo Gouding Sain Newfield Ray Taylor John. L. L.	75 70 117 68	6/22 6/22 11/21/31 6/15
7/15/38	PIONEER LATER STRANGE BOARDERS SHPOWEN ANGEL PRIDE OF THE WEST GOLD MINE IN SKY TASSPOUT THROUGH PRISON BREAK	Col Geo. B. Mason J. L. Mankiewicz Harry Sherman C. E. Ford Sol Wurtzel Trem Carr	Col WB MGM WB Rep WB WB	Mystery Comedy Mystery Rom-Dr Western WB	E. L. L. L.			
7/22/38	REFORMATORY LOVE FINDS ANDY HARRY TROPIC MOUNTAIN BOO-LOO HEROES OF THE HILLS SKY GIANT I'LL GIVE A MILLION LITTLE TOUGH GUY PENRO'S DOUBLE TROUBLE ALGIERS	Hal Roach A. Hamilton, Jr. C. E. Elliott Wm. B. Ryan Robert Sisk R. K. Korda K. MacGowan Ken Goldsmith Bryan Foy Walter Wanger	Col MGM MGM Adv-Dr WB RKO WB WB WB WB	Com-Dr Musical Comedy Adv-Dr WB Meller Drama WB WB	J. Hottel-C. Wynders M. Roitz-J. Garland D. L. L. L. L. C. Tanley-S. Asmara-A. Lane W. H. H. H. H. R. D. C. Morris-J. Fontaine W. Baxter-M. Weaver D. D. D. D. D. B. H. H. H. H.	Low D. Collins Geo. Seitz L. L. L. L. C. K. K. K. K. Low Landers Walter Lang H. H. H. H. H. Low Sailer John. L. L.	61 69 69 57 80 70 70 95	7/13 7/13 7/13 7/13 6/15 6/15 6/15 6/15
7/29/38	SOUTH OF ARIZONA THE CRASER PROFESSOR BEWARE MOTHER CAREY'S CHILDREN LITTLE MISS SMOKEY THE YOUNG IN HEART LETTER OF INTRODUCTION AMAZING DR. CLITTERHOUSE	Col Frank Davis Harold Lloyd P. S. Bernan D. Hempstead D. O. Shtank John Stah natic Livak	Col MGM Comedy WB WB WB WB	Western Comedy Comedy Rom-Com WB WB	C. Starnett, J. Meredith O. O'Keefe, M. O'Sullivan H. Lloyd-P. Duran R. K. K. K. K. S. Temple-G. Murphy-Whelan J. Gayer-R. Fairbanks, Jr. A. C. C. C. C. G. Robinson-C. Trevor	Sain Nelson W. A. Ricketts R. H. H. H. H. Living Communit thwart Wallace H. H. H. H. H. Anstalt-Livak	59 75 75 57 80 87	5/11 6/22 5/27 4/27 5/25 5/4 5/11
8/5/38	THE WHEEL SPINS MARIE ANTOINETTE THE CROWD ROARS BULLDOG DRUMMOND IN AFRICA COME ON, LEONARD I'M FROM THE CITY GATEWAY MR. CHUMPE	H. Hitchcock A. Sternberg S. Z. Z. Harold Hurley Wm. Stratton Sinque-L. Foy	GB WB WB WB RKO WB WB	Rom-Dr Drama Rom-Dr Mystery WB Comedy WB	M. Lockwood-F. Lukas N. Sharr-T. F. F. R. Taylor-M. O'Sullivan J. Howard-H. Ansel-H. E. Warner P. Gramwell-H. H. H. J. Penner-L. Krueger D. D. D. D. D. Johnnie-L. L. L.	A. Hitchcock W. S. Z. Z. R. Thorpe Louis King H. H. H. H. H. H. H. H. H. H. H. H. H. H. H.	160	6/22 6/22 6/22 6/22 6/22 6/22 6/22
8/12/38	THE GLADIATOR WHITE COLLARS THE TEXANS PAINTED DESERT KEEP SMILING THE MISSING GUY RACKET BUSTERS	David L. Lewis Lucien Chodorov Bert Gilroy Sol Wurtzel B. Sarecky Sain Pluchoff	Col MGM MGM WB WB WB	Com-Dr Com-Dr Comedy Western WB WB	J. E. Brown-J. Travls R. Young-R. Huxey J. Bennett-R. Sain G. O'Brien-L. Johnson J. W. H. H. H. P. K. K. K. K. H. Bogart-G. Dickson	E. L. L. L. R. S. S. S. S. David Howard H. H. H. H. H. L. L. L. L. L. L. L. L. L. L.	85	7/13 7/13 7/13 7/13 7/13 7/13 7/13

IT ROCKS NEW ORLEANS WITH BIGGEST OPENING SINCE 'SNOW WHITE'!



THE "LITTLE TOUGH GUY" IS MIGHTY!

WITH THE MIGHTY DEAD END KIDS

READ THIS WIRE
FROM THE CROWDED
ORPHEUM THEATRE
IN NEW ORLEANS!

THE NEW UNIVERSAL
Presents

THE "DEAD END" KIDS

in
"LITTLE
TOUGH GUY"

with
HELEN PARRISH • JACKIE
SEARL • ROBERT WILCOX
BILLY HALOP • Huntz Hall
Gabriel Dell • Bernard Punsly
Hally Chester • David Gorcey

Screen Play by
Gilson Brown and Brenda Weisberg
Directed by Harold Young
Associate Producer, Ken Goldsmith

CLASS OF SERVICE DESIGNED	
TELEGRAM	FULL RATE
DAY LETTER	DEFERRED
NIGHT LETTER	NIGHT LETTER
WEEKEND LETTER	WEEKEND LETTER
RECEIVED BY ADDRESSEE	

WESTERN UNION

CHECK
ACCTG. OFFICE
TIME FILED

Send the following message, subject to the terms on back hereof, which are hereby agreed to

NSA 13 84 NL - NEWORLEANS LA 14 1938 JUL 15 AM 3 35

NATE BLUMBERG
PRESIDENT THE NEW UNIVERSAL PICTURES CORP
ROCKEFELLER CENTER NYK

RECEIPTS OPENING DAY LITTLE TOUGH GUY OVER OPENING
OF CRIME SCHOOL AND THE BEST OPENING WE HAVE HAD
SINCE SNOW WHITE STOP FROM ALL INDICATIONS THE NEW
UNIVERSAL PICTURES CORPORATION HAS A GREAT BOX
OFFICE ATTRACTION IN LITTLE TOUGH GUY STOP
CERTAIN OF A HOLD OVER HERE

VICTOR MEYER ORPHEUM THEATRE NEW ORLEANS LA

Advertising Tieup for Roach's "Topper" Being Set with Philco

Hollywood, July 19. Motion pictures and radio are getting together this week in a big mammoth lullaby tieup between Hal Roach and Philco Radio. Details will be threshed out on arrival from San Francisco of Harold Dittus, western sales chief for Philco.

"Idea is to hook up Roach's forthcoming picture, 'Topper Takes a Trip,' and a new Philco invention, 'Mystery Control.' Latter is a small box without wires, which can be carried from room to room and control the dial on a receiving set within a distance of 100 feet.

In 'Topper Takes a Trip,' there is a sequence in which radio plays the leading role. Roach is figuring on the Philco device to aid the story motivation. 'Mystery Control' will make a part of the retail trade some time next month, but the lullaby campaign will not start until October, when 'Topper' will be ready for release.

Advertising schedule calls for billboards, class magazines and newspapers, with the latter placed at the disposal of exhibitors who buy the Buick.

Roach had a similar tie-up in the lullaby for 'Merrily We Live,' with the American Gas Association.

REPUB. SETS 3 FRANCHISES

Three additional five-year distributing franchises have been closed by Republic, embracing the important exchange territories of Chicago, Indianapolis and Milwaukee. James R. Grainger acted for Rep. in negotiating the agreements, with all of the deals retrospective to July 1.

Arvin W. Mandel, president of Republic Pictures Corp. of Illinois, ignored for his franchise company. Previously, five-year deals were negotiated to cover the exchange zones of Dallas, Oklahoma City, San Francisco, Little Rock, Los Angeles, New York and Philadelphia.

Timmy Grainger and Jack Bellman returned to the Republic h.o. Monday (18) from Boston after closing deals for the 1938-39 production there, where the interstate circuit, operating 91 houses in the New England territory, and with the Maine & New Hampshire circuit, a Paramount affiliate, which has 28 theatres. John J. Ford negotiated the deal in behalf of the Maine & New Hampshire circuit.

Other product deals closed by Republic are with Edw. Lewis, Inc.; the Graphic and Sharby circuits in northern New England; and with Andrew T. Smith, which operates in Vermont and New Hampshire.

**Proskauer, Loew's Atty.,
Returning to New York**

Hollywood, July 19.

Judge Joseph Proskauer, who came west from New York to represent Loew's Inc., at hearings being conducted by Attorney Earl K. Ellis, designated by N. Y. state supreme court, in connection with stockholder suit brought against company on salaries and bonuses, is en route to New York.

His associate, Attorney J. Alvin Van Bergh, is remaining here until he can testify before the state court, as is concluded, probably late this week.

Winters' I Reel Charity

Hollywood, July 19.

Jane Winters is set to star in a new picture for charity. Picture is a 20th-Fox contribution to National Mobilization for Human Needs.

Winters will be used to stimulate interest in Community Relief drive throughout the country.

Marin Vice Thiele On 'Listen Darling'

Hollywood, July 19.

Edwin L. Marin substituted for William Thiele as director of Metro's 'Listen Darling,' after latter was on for five days.

Thiele was assigned to direct 'Her Excellency's Tobacco Shop,' on which he made adaptation.

CONCESSIONMEN CALL OFF N. Y. PAR PICKETS

Picketing of the Paramount theatre, N. Y., by members of the Concessionaire Union has been temporarily halted, pending the outcome of negotiations between the union, Paramount Public Packshop Candy Co. and theatre officials.

Arrival in New York this week of George E. Browne, president of the International Alliance of Theatrical Stage Employees; William Blot, vice-president of IATSE, and Louis Krouse, secretary-treasurer of the organization, was for the avowed purpose of assisting in the situation. Their visit also indicated that the Concessionaire Union have full support from the American Federation of Labor through the IATSE.

As the union, which has organized candy counter help in picture houses, as well as service men who care for candy machines including collectors, drivers and maintenance, has nearly 4,000 members and is affiliated with the A.F. of L. Members of the union claim to have signed as principal theatre circuits outside of Loews, which was organized by CIO, and Paramount, which is affiliated chains. Concessionaires and theatre circuits like Warner Bros., RKO, Confession Cabinet, Sani-tary Automatic Candy Co., N. Y., Nut House, Berlo Vending, Tri-City and others, have also signed up.

The union approached Paramount Public to take in Paramount Public Packshop candy Co. When originally turned down, picketing started in the park of the Paramount theatre, N. Y.

One of the points to be considered in the contract will be whether the separate or affiliated unions will be set up in various sections of the theatre, all under the A.F. of L. banner.

'KING' UNDER BUDGET

Lloyd Bringing in Colman Starrett At \$540,000 Cost

Hollywood, July 19.

Frank Lloyd, Paramount producer-director, is bringing in 'The King' approximately \$585,000 under the budget allocated of \$925,000.

Although only four more shooting days were required, Lloyd dismissed until yesterday (Monday) for 10 days to the picture's principal, Colman, star, to grow a beard for the final sequences.

Tech's Tax Rebates

Washington, July 19.

Fat tax refund for Technicolor, Inc., because of revised accounting for depreciation, has been granted by the company's earnings in 1929 and 1930.

Internal Revenue Bureau last week handed back nearly \$200,000 to the company, which the company overpaid more than \$400,000. Get \$6,532 in escrow because the law is not yet passed on a more recent income level.

Government agreed the concern is entitled to deduct prior losses, but that amounts originally subtracted fell short of the total.

TO LAST, MONSTER 12,000 C. IN NUHUN

Execs Can't See How They
Can Be Eliminated Unless
by Trade Agreement—
Prosperity Might Turn
the Trick

BARGAIN HUNTERS

Despite the urge of certain elements among theatre operators and the public to eliminate double features, dual programs will continue in a vast majority of theatres in U. S. for at least 12 months longer.

Production activity is aligned so as to take care of two-feature programs for the coming season.

After the next 12 to 14 months, three factors doubtfully will decide the fate of double bills. First is economic conditions, because a period of unlimited prosperity might do away with the urge for bargain bills. Second is a sweeping boycott of duals. Such a movement doubtfully would involve the bulk of exhibitors in line. This, too, is not regarded as likely, because so definitely linked with the economic status of the nation.

Third factor would be change in present anti-trust statutes, which would make legal some agreement in the trade so that certain production bills be shown only a single picture bill. That is the most logical way out of the present situation, which would take a lot of time.

Right now trade leaders fail to see how twin bills can be even gradually eliminated on a strictly business number, excepting by trade agreement, now forbidden by federal court rulings. Industry has Philadelphia and Dallas decisions in front of it is basic of warning against any such attempt.

Circuits Found Out

Without such agreement to curtail double features the highly competitive situations in the field include the elimination of dual bills. It has been several years now since the major results adopted only in Greater New York on a wholesale scale. Yet every attempt to return to a single policy has met with failure.

Circuit heads learned definitely that the public generally simply won't go for single features when a nearby theatre has two films.

Business conditions and the fact that patronage must be drawn from the big mass of population leaves the bargain of a twin bill something of a primary consideration in picture-going public. This, perhaps, is best illustrated by the increased volume of double-headed smash-bills.

Two games in an afternoon for the price of one brings out three to five times as many people.

Majority of producers have a certain number of pictures which they will not release in the single bill. It into a double-picture lineup. These will be low-budgeted features of 20 to 70 minutes' running time, and obviously made to sell at a low figure. The exhibitors demand such a picture in the line to draw a dual setup, and producers are going to continue to make them as long as the demand lasts.

Rooney on Bicycle

Hollywood, July 19.

Mickey Rooney is playing a double-billed feature in 'Boy Town' and 'Stablemates,' which are adjusted to fit.

Rooney's Rapid producer of 'Stablemates' received scores of 'Slabber' but could not find one to fill Rooney's shoes.

KELTON EAST

Hollywood, July 19.

Frank Kelton trained to New York yesterday (Monday) to the bedside of his mother.

She is critically ill.

Hammons East with GN-Ed. Merger Plan; Needs \$1,000,000 New Finances

Kay Francis Tops WB's 'Curtain Call'

Hollywood, July 19.

'Curtain Call' is finally under way at Warner, after being turned down by Bette Davis and Miriam Hopkins. Kay Francis has the lead in the picture originally titled 'Comet Over Broadway,' from a mag story by Faith Baldwin.

Job was turned over to the Bryan Fox unit, with Busby Berkeley directing.

AIR-COOLING LONGER A B.O. HYPO

Chicago, July 19.

Air-conditioning and cooling as an exploitable commodity and b.o. hypo have reached their all-time low. Where formerly the theatres annually made the ice machines the major part of their summer lullaby, they now show little interest in occasional ad and a quickie trailer.

Air-cooled theatres are no longer even the subject of gag and cartoons, having been accepted by the public as just another item of theatre comfort, along with seats and carpets.

Today, with stores, nite clubs, taverns, offices and even homes going for air-conditioning, the air-cooled theatre is no longer a novelty. Most theatres around here feel that they have lost this factor so completely they have started ignoring air-conditioning as a likely item of exploitation.

J. WALTER THOMPSON'S COMMERSH PIX DEPT.

Centralization of facilities for handling commercial films has resulted in the formation of a motion picture department by the J. Walter Thompson Advertising agency in New York. Fred H. Fidler, formerly St. Louis office manager, will manage the new department, with Wallace R. Boren, writer and contact man in San Francisco, as picture man in charge. Several others either are considering such commercial picture departments or already have.

One or more men definitely are tied to this phase of agency advertising.

Pete Smith Revealing Outdoor Cooking Art

Hollywood, July 19.

'Camping Out,' a Pete Smith specialty featuring Prudence Penny, starts tomorrow (Wed.) at Metro. Short shows how to cook meals in the great open spaces.

Two other Smith shorts, 'No Way Out' and 'Do You Think?' get the gun this week.

RKO Has Two for Loan

Hollywood, July 19.

RKO is feeling out other studios, with offers to lend two of its contract stars for single picture commercial work.

Miriam Hopkins and Ruby Keeler are the players.

Hollywood, July 19.

Earle Hammons, who arrived in New York yesterday (Monday), had plan drawn up to local directors of Educational for merging of that company with Grand National. Plan provides for reorganization and refinancing of GN and bringing in \$1,000,000 new finances, with merger organization to be known as New Grand National Pictures.

Proposition which Hammons will submit was worked out at meeting held here Thursday and Friday last week between himself, Eddie Allerton and Lloyd Wright, who are co-trustees of GN under the 7-B act.

Under the plan, the old Grand National plan will be reduced, providing it is approved by U. S. District Court and calls for distribution of 5,000,000 shares, with Educational and old GN stockholders being given stock in new company. Madai is rights to buy additional stock over year or two period. Price is set in advance in the plan.

Assets of both GN and Educational will be combined, with Hammons to become president and Allerton general sales manager. Production will be obtained through outside subscription by underwriting approved by Securities and Exchange Commission.

Currently, the distribution of Grand National's new season would be made up of 30 features and 16 westerns. Of this number, 26 features will be made by Fine Arts, and 10 by Educational. The remaining 10 features will be contributed by 'Exile Express' and 'War Comm.' Madai is rights to buy additional stock over year or two period. Price is set in advance in the plan.

The deal with Herman Freedman, who was to produce 26 pictures under banner of Film Corp. of America, has been dropped due to inability to finance the pictures. Fine Arts, the Warner Co. put its money into the deal. The deal is now being worked through 'Shadows Over Shanghai,' with Charles Lamont directing and having in cast James Dunn, Linda Gray, Ralph Morgan and Charles Barrat.

Hammons is through with the shorts field, delivering his final subject to 20th-Fox this week.

Pee-Wees' to Make Series of Pictures

Hollywood, July 19.

Sol Lesser has closed a deal with Metro to make a series of pictures, a mid-budget cast utilized in Buell's 'Terror of Tiny Town.'

Lesser is expected to be started within 30 days will be based on lumber camp, with a grown-up heavy portraying mythical Paul Bunyon. Upon completion of this one Buell is leaving for Europe to round up additional material for future productions.

N. Y. Atmosphere

Andrew Stone, Par director, is feeling out other studios, with offers to lend two of its contract stars for single picture commercial work.

Miriam Hopkins and Ruby Keeler are the players.

HARDY'S DUDE IT

Hollywood, July 19.

11th of the Hardy thirty series, 'Hardy's Dude It,' with Mickey Rourke as cowboy on a double hit.

Cost of picture is \$100,000. The picture remains, the one is in previous titles of the series.

MUSIC TO YOUR EARS!

Preview audience in stitches!

M. P. Daily

Great entertainment—will click heavily with any type audience!

Hollywood Reporter

Had the house in an uproar!

M. P. Herald

Sure to make plenty at the box-office!

L. A. Examiner

Will pile up heavy quota of laughs in any theatre!

Film Daily

Truly uproarious—exceedingly clever!

L. A. Times

Cowboy FROM Brooklyn

ACTION FROM WARNER BROS!

DICK POWELL

PAT O'BRIEN

Every song a radio hit right now!
'RIDE, TENDERFOOT, RIDE'
'I'LL DREAM TONIGHT'—'I'VE GOT A HEARTFUL OF MUSIC'
'COWBOY FROM BROOKLYN'
by Richard Whiting & Johnny Mercer



PRISCILLA LANE

A COSMOPOLITAN PROD'N
that comes to you
with a ton of national
newspaper publicity
and a 9-Day Day-
Date Ad Campaign

DICK FORAN • ANN SHERIDAN • JOHNNIE DAVIS • RONALD REAGAN

Directed by LLOYD BACON

Screen Play by Earl Baldwin—From the Play, 'Howdy Stranger,' by Robt. Sloane & Louis Pelletier, Jr.

With Distribs Mixing Admish Cutting, Chi Ops Turn to More Giveaways

Chicago, July 19.

In a territory that is becoming more and more chaotic daily, over-run with every type of fringe business gadget, the only stable element is the admission price. Despite a tendency of the exhibitors to run to the extreme in an attempt to bolster a languishing gate, the admission rate has remained at a level and despite many efforts on the part of the operators to make some changes in the tariff in the hope of attracting trade.

In every instance the exchanges have prevented such reductions. Even in the loop, prices have been maintained in spite of a readiness of the exhibitors to put through a reduction. Distributors, playing percentage deals, have insisted that the houses maintain the prices under which the pictures were sold when the contracts were signed last season.

Exchanges have given theatres adjustments on their contracts in some instances as far as price and percentages are concerned, but they have been adamant when it comes to admission prices, even refusing to deliver pictures already contracted for. The theatres indicate that they will exhibit these pictures at prices under the contract-stipulated figures. This has proved a considerable source of burn-up on the part of the exhibitors, many of whom claim to be getting better off, or at least not as badly as they were last year. But they are being prevented by the policy of losing money on territory clearance and releasing system, besides the possibility of being deprived entirely of percentage rights which had been figured on for sure-fire business.

Result has been an overdose of giveaways around the city, which figure as price reductions. Houses charging 25c and 30c are giving away dishes, while others as high as 10c and 12c, offering their customers an actual reduction of between one and two cents in merchandise.

Besides dishes, the exhibitors are giving away linen, golf balls, towels, ice cream, wall plaques, glassware, cutlery and other household and personal items.

2 More Outdoor Projects Now Plug St. Louis Ops

St. Louis, July 19.

Two more outdoor projects have sprung up to lure customers from picture theatres, which are having a hard time of it this summer. In years, The Civic Theatre, of St. Louis, Inc., a group presenting comedies in an open-air theatre in St. Louis county, and a semi-pro baseball team, playing night games five times a week, are the new promotions.

The Civic Theatre, made up of a group of Little Theatre players, has been trying to lure in the audience by offering a nice line and the baseballers are drawing an average of 2,000 per game.

In addition, the three operators have to contend with the Municipal theatre in Forest Park, which averages 10,000 a night; a half a dozen soft ball teams; and swimming pools maintained by the city. There are also one major and several smaller theatres, all getting their share of patronage.

RKO Has Real Mystery

Hollywood, July 19.

Latest mystery at RKO is not a picture plot. It's a case, played up, as if it were a mystery, to solve an epidemic of petty larceny.

Purses, desk sets, elegant and expensive hats have been missing in large quantities.

Par Restriks Visitors

Hollywood, July 19.

With nine pictures in production on the RKO lot, Paramount studio executives further restrictions last week on visiting friends.

Flitting of the lid caned grief in the foreign department, as the studios are always demanding permits for his boys from home.

Song of the Tape

Los Angeles, July 19.

Film salesmen found exhibition move a little more brisk product buys last week as a result of increased public interest due to stock market activity.

Film big generally is up from 25 to 30 per cent low prices.

PITT OPS SEE PROSPERITY, WON'T CUT

Pittsburgh, July 19.

Although the picture biz hasn't felt the upturn yet, encouraging signs lately other fields have nudged in the bud well-organized plan here to cut admission scales generally. Prices in this district have been maintaining steadily over last few years, but trade has been so bad lately prices are being cut in some spots by mid-July. Circuits would naturally have followed.

With promised recovery, however, exhibitors have decided to go along until fall, now feeling that things will be better then and tougher to hike prices up just a month or two after nothing then around. Result is ops have decided to take it on the chin for additional time.

Only price movements locally since last despatch have been up, no house in any known case cutting down. Even summer trading has been few, although flood of slits have slashed the hours of operation during warm months.

TUCSON EXHIB ASKS PROOF OF BICYCLING

Phoenix, July 19.

Louis Long, Arizona exhibitor, moved in the local circuit for weeks that the seven major film distributors which have asked him to furnish a bill of particulars. He wants them to make out a bill of particulars, stating the specific dates on which he was supposed to have shown the pictures without authority.

Infringement suit involves 49 feature pictures and the bicycling is alleged to have occurred between five theatres in Long's chain of 17 houses. The actions were brought under the Copyright Infringement Bureau.

Roach Drops 'Robbery'

Hollywood, July 19.

Hal Roach has changed the production of 'Robbery Under Arms' novel by Rolf Boldrewood, telling his option letter that he was not planning to explain it, it would be distorted too much to be advertised as a faithful screening of the book.

In its place, Roach will make 'Captain Midnight,' a tale of Australian gunplay, by Greta Herwig and Jack Jevon.

Sports Parity

(Continued from page 7)

events, there will be a marked improvement in film house attendance, enabling exhibitors to increase their advertising budgets, with everybody concerned profiting.

First-year theatre grosses in the Los Angeles sector have not been any too hot in recent months, and managers have been more or less a dither to keep out of the red. With the dailies cutting down publication, exhibitors as part of rigid curtailment measures, theatres have been those who hit, and the current agitation, which may gradually be worked out, is one step in a desperate attempt to overcome the vicissitudes encountered.

Pix Shortage May Shut 2 L. A. Houses

Film shortage here for subsequent runs has the Tower theatre down to one picture on a week-day basis. Current is the fourth week of 'Robin Hood' (WB), with the engagement extended last week solely to keep house open.

President theatre, another Broadway theatre operation, is being early shutdown because of lack of product.

RKO SLICES P'S, UPS A PRODUCT

Hollywood, July 19.

By pruning its B pictures to a minimum, RKO is set for a heavy increase in A production, with four films now before the cameras exceeding a combined cost of \$400,000. 'Gunga Din' has a flexible budget of \$150,000 to \$200,000. 'Cafecore' is a doctored at \$100,000, 'Tommy' at the same amount, and 'The Mad Miss Manion' at \$675,000.

Andro Berman, in charge of production, who believes in fewer and more elaborate pictures, is lining up top-bracket stories for the next six months. Studio's writing staff jumped from 22 to 30 last week.

20-FOX'S BEST SEASON, VIEW OF DRIVE LEADER

Hollywood, July 19.

Most successful season in history of 20th-Fox is predicted by James P. Loughlin of Toronto, leader of the Sidney R. Kent drive for the second in Minneapolis, from omnivorous of the home office to get lowdown on production.

We are set with better shape than ever before," O'Loughlin declared, "because our picture kept on coming through and have not been forced to resort to releases to fill in." He said the drive through the spring and summer.

We are set with our releases not only for the balance of the year, but for the last 18 weeks of 1938-39, with 18 pictures either finished or in completion.

There is no doubt about the presence of a better mental attitude throughout the country. Before the middle of next month business will be shooting forward at real speed. In Canada, there is a decided trend toward earlier buying of films, with Canadian cities running 45% ahead of last year.

O'Loughlin and Peet plan to visit theatres and branches before returning to New York.

Cinecolor Starts New \$250,000 Burbank Plant

Hollywood, July 19.

Cinecolor, Inc. has broken ground for a new \$250,000 plant on a three-acre lot in Burbank, scheduled to be finished by mid-November.

Plant will have a capacity of 1,000 feet of film weekly, in addition to latest equipment for developing 16mm. films in color.

Blumenstock West

Most Blumenstock, recently placed in charge of publicity and advertising for the Burbank circuit, is being paid (15) for the Coast to huddle with Jack L. Warner, Charlie Chaplin and service agency as affecting his department.

He will be out there about 10 days, in the Burbank-Haines-McCann line in Toronto discussing a deal with Famous Players-Cinecolor for the next season, which is expected to be closed shortly.

Carl Leserman, assistant general manager of Warner Bros. Radio, and Norman Moroy, shorts sales manager, returned to New York today (18) from Burbank. They conferred on product plans and sales for that territory for 1938-39.

WB Goes Flying

Hollywood, July 19.

Dawn Patrol, Warner's all-male flying picture, goes into production next month with George Brent, Claude Rains, Fritz Kwinn, Ian Hunter and Melville Cope in upper tiered roles with Errol Flynn. Edmund Goulding, L. set to direct.

Metro's Edict to Mpls. Indie Exhib May Start New Kind of Test Case; Will Withhold Pix from Dual Spot

New Kind of Jive

Philadelphia, July 19.

Tenderloin film spot here had, 'Africa Tunes.' As an exploitation stunt, manager hired luxury Negro, dressed him in leopard skins and ordered him to stand out front shouting continuous humbo-jumbo. In a few minutes the picture was jammed. Guy was selling the pie in Yiddish.

With Metro threatening to shut W. L. Hamilton, owner of the Metros theatre, independent neighborhood house, off from service because of the picture, the exhibitor started double featuring, a court suit looms to test the right of a distributor to refuse to deliver pictures under a contract that does not specifically prohibit the showing of the picture.

Although Hamilton is not one of his customers, Charlie Weiner, local Monogram co-franchise holder, says he will try to raise the fund among indie exchanges to help Jorjia film. He says the picture will come necessary. When Metro actually refuses to deliver pictures, the lawyer to determine his action.

'Paramount and its circuit neighborhood houses, as well as individual independent exhibitors, have steered clear of double features, which were confined to on Paramount loop house, the Asier, coupling 'B' and lower classification pictures.

But now, after the Metro exchange has been hit by the State, case 120p house, the picture is being shown near-panic among independent theatre owners in the Twin Cities, who fear the picture will set a precedent and the admission price slashing.

Indie Ops Protest

Hamilton was interviewed by W. A. Stiffes of Northwest Allied and said that he had been a member of independent exhibitors. Then W. H. Workman, Metro branch manager in Minneapolis, said that the Metro exchange will book no more pictures for the Princess if it persists in double featuring.

"I pointed out to Mr. Workman that there is nothing in my Metro contract that prohibits me from double featuring," he said. "I pointed out that my picture, 'Africa Tunes,' said at two St. Paul Paramount houses, and that 90 per cent of the picture is being shown in the Twin Cities and are being serviced by the Metro exchange."

Workman said that made no difference. He declared that Northwest Allied members had agreed among themselves not to double feature in Minneapolis, and that if they didn't with the policy to be used in Twin City neighborhood houses, he said they were objecting and that I was disrupting conditions and threatened to bring about an undesirable situation.

Hamilton himself has been active in Northwest Allied councils. He said that he had been a member of the Twin City Independent, members of the organization, not to double feature in the Twin Cities and nothing more has been said about it since that time. No other big exchange has any policy on him that it will refuse to service him, he says, and he declines to have his place of the picture continue the line.

So far there has been no action of the kind in the Twin Cities and no further admission price cuts. The Paramount circuit is not patronizing the more admission price slashes or more double featuring. Unless they're forced to the dual bills, independent exhibitors declare they'll continue to obtain from them. It all depends on whether the Princess will continue with the policy and hurt them or creates a situation where they're patronizing the Metro twin features, they say.

Workman said he had no comment on the situation. He said that it was purely an organization (N. W. Allied) matter, he declared.

Grant Leave to Sue

Los Angeles, July 19.

terrors Realty Corp. was granted permission to file a claim of \$8,580 against Maurice Conno, Ambassador Pictures for breach of real estate contract.

'Ambassador, now under 77-B, was allowed by U. S. district court to cancel the contract and terminate the picture's last month. It occupied Sunset boulevard property owned by the Realty firm.

OK'd More Theatres

Minneapolis, July 19.

City council of Excelsior, Minn., has voted to allow the construction of more theatres in the city, although they have been shut down.

Public opinion opposed the measure.

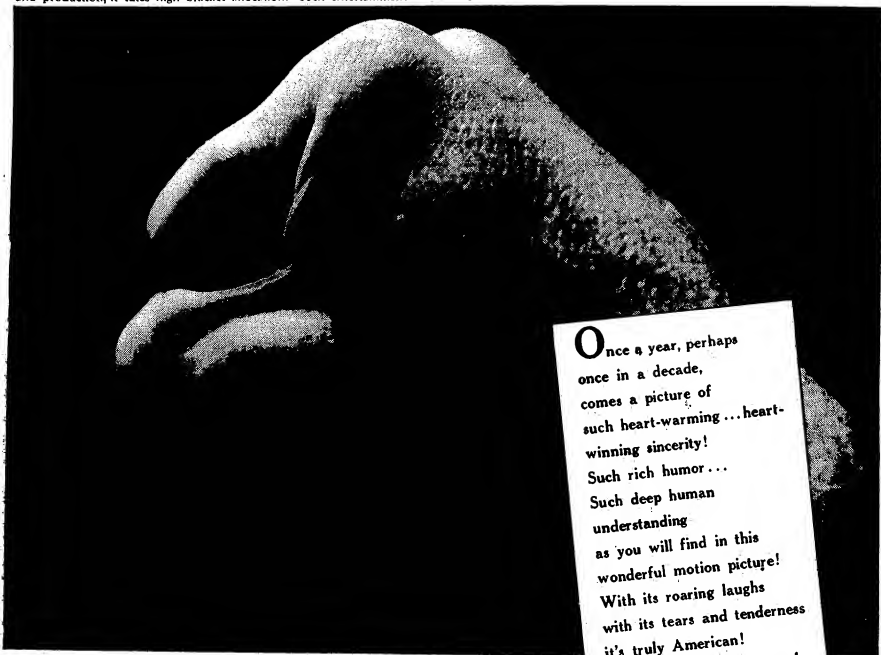
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"Best of the Judge Hardy series from Metro, this one has the class for first-run single bills where it will do boxoffice business. In story, performances and production, it rates high bracket allocation. Sock entertainment."—VARIETY



SOCK !

At the heart...At the funny-bone...At the tear-ducts...
At the purse-strings...Here is what happened in the first
engagement playing Day and Date...State and Chinese
theatres, L.A....Business so enormous...They had to give
... *Additional performance* ... Keeping box-office open until
11 P.M.... Subsequent openings confirm trade opinion
that it's the Biggest profit opportunity in months ...
Up go the ad budgets! ... Give it everything you've got

"LOVE FINDS ANDY HARDY"

An "A-Plus" Picture!

Once a year, perhaps
once in a decade,
comes a picture of
such heart-warming ... heart-
winning sincerity!
Such rich humor ...
Such deep human
understanding
as you will find in this
wonderful motion picture!
With its roaring laughs
with its tears and tenderness
it's truly American!
The best film of this year!



LOVE FINDS ANDY HARDY

Another Story of Judge Hardy's Family
LEWIS STONE • MICKEY ROONEY
JUDY GARLAND • CECILIA PARKER
FAY HOLDEN

Screen Play by William Ludwig • Directed by George B. Seitz
A Metro-Goldwyn-Mayer Picture



20TH-FOX OUT OF AMPA'S COMPETISH

Claiming that politics figure, and that the organization has done nothing constructive, 20th-Fox is hands off on the Associated Motion Picture Advertisers, and for that reason does not enter any of its campaigns on pictures for the contest decided during the past week to pick best publicity, advertising, poster and other campaign of major producers. All other companies competed.

No one in 20th-Fox's home office publicity, advertising or exploitation department belongs to the AMPA.

Metro's advertising and publicity department scored most heavily in annual Associated Motion Picture Advertisers' awards announced last Thursday (14). It was a lynchpin at the Waldorf-Astoria. Instead of mentioning individuals, AMPA this year gave full credit to the entire advertising-publicity staffs of a picked winners from balloting by representative exhibitors throughout the country.

Good Earth's campaign by Metro got the best all-around, the best public, and the best trade campaign awards, while Metro's publicity campaign on "Satanstoe" won the publicity campaign. Best distribution award went to "Hurricane," United Artists picture. Monroe Greenhalgh handled this campaign through Sam Fox, whose production drives sometimes are done outside of the U. A. organization.

Besides "Good Earth," in the all-around division, "Hurricane" (United Artists) was second and "Wells Fargo" (Paramount) and "Emile Zola" (WB) were tied for third place. In the best campaign for publicity, in addition to "Good Earth," second was "Emile Zola" and "Wells Fargo" was third. In the best trade campaign division, with "Satanstoe" (Salem) as first, "Good Earth" also topped first in this classification. In addition to "Satanstoe" in the best publicity campaign group, "Good Earth" won second place and "Emile Zola," third. Other winners in the display campaign division besides "Hurricane" were "Wells Fargo" and "Good Earth," second and third, respectively.

Cullen Vice Finney

Mike Cullen is new district manager for Loew's theatres. His headquarters in Columbus, Ohio, covering towns of Columbus, Kansas City, St. Louis, Indianapolis, Evansville, Dayton and Pittsburgh. Appointment of Cullen was announced last week by Joseph R. Vogel in New York.

W. A. Finney, whom Cullen succeeds, is on special assignment at the company's home office.

Col.'s Dividend

Columbia Pictures declared the usual quarterly dividend of 54 1/2¢ per share on the preferred stock last week, thereby maintaining the annual rate at \$2.17 1/2.

Divvy is payable Aug. 15 to stock on record Aug. 1.

STUDIO CONTRACTS

Hollywood, July 19. Paramount lifted Dolores Costello's player option.

Ananda Dutt's player contract renewed by 20th-Fox.

Dorothy Wright inked player pact at Paramount.

Warners picked up Frank McHugh's player option.

20th-Fox signed Jeanne Spitzel as stock player.

Bradley inked player contract at Metro.

20th-Fox signed Ed Gargan, actor, to a player contract.

Warners inked player option lifted by Warners.

Universal signed Vincent Price to an actor contract.

Paramount picked up Gwen Kenyon's player option.

Republic picked Eric Taylor as a writer.

RKO Has 1,200 On 'Gunga Din' Location

Hollywood, July 19. RKO's "Gunga Din" company, camped in a tent city near Lone Pine, Cal., last night for a 60-day stay. The film is laid out to house 1,200 people.

For six weeks 100 workmen have been building shacks and trailers. Director George Stevens will use 200 elephants, six elephants, eight camels and nine water buffalo.

WB, COLUMBIA SET CONTRACTS

Commonwealth circuit in the Midwest, representing 24 theatres, has signed for the entire Warner lineup, taking shorts and feature films as well as features for the 1938-39 season. Deal was set by Clarence Schuller for the circuit and Ben Kalmanson, western southern sales mgr.

WB on Saturday and Sunday (16-17) was in convention at San Francisco to discuss the business of exhibitors and ad sales meetings, with A. W. Schwalberg, supervisor of exhibitors.

Columbia has closed two important deals on its '38-39 product, with Wilmer & Vincent, which operates in the southeast, and the Fabian chain in New York state. Louis Weinberg closed the Fabian deal for Columbia, while Louis Astor and Harry Wiener acted in the W&V negotiations.

WILBY, BRANTON IN N. Y. FOR PAR H. O. CONFABS

Bob Wilby, of the Kinney-Wilby interests in the south, reached New York during the past week to confer with Frank Freeman, Paramount v. p., on current operating matters, product, etc. Ralph Branton, v. p. of the W. B. Fox circuit in the Midwest, also in partnership with Par, is also in the east on buying tour now on to plan for the coming season, set product deals, etc.

Other Par partners and operators are expected in New York at intervals now on to plan for the coming season, set product deals, etc.

Det.'s Drive-In Theatre Gets Temporary Stay

Detroit, July 19. Possibility that Detroit's drive-in theatre may escape forced closing, through protests of 'sleepless' residents, is seen in the postponement until July 22 of the hearing for an injunction.

Circuit Judge Sherman D. Calder last week delayed the hearing because testimony was so contradictory, and announced in the meantime he'd make a personal investigation to determine if the volume of sound is as great as residents declare.

Trat residents in exclusive Grose Pointe Farms, near where new theatre is located, claim the sound of flickers can be heard two miles, while theatre officials assert it can't be heard outside confines of the 1,000-foot-long lot. A nuisance-warrant hearing is set for September term of court, so residents, meanwhile, seek a temporary injunction closing spot.

Suspend McLeod's Term

Mobile, July 19. Sentence of Roy McLeod, former theatre manager, to a year, and a day in Federal prison for extortion, was suspended by Judge John McDuffie of United States district court.

He has been adjudged a threatening letter to E. V. Richards, president of the Richards-Paramount chain, is under probation for a four-year term. He paid a \$100 fine.

TITLE CHANGES

Hollywood, July 19. Warners shifted "Charters Court" to "Women Courageous."

Paramount shifted "Swing That Cheer" at Universal.

RKO switched from "Phi House" to "Sorrow House."

Latest title for "Meridian 7-1212" is "The Out for Murder."

Warner's changed "The Heavens" to "Hot Heavens."

Producer Blasts

(Continued from page 7)

fails to attend three consecutive meetings without giving a valid excuse prior to meetings. Resolution follows:

"If a member of the board fails to give three meetings without giving sufficient reason, prior to the meeting, that he be automatically suspended from the board, and that he be replaced immediately. In the event that the member is unable to attend due to the fact that he is working out of town or ill, he may appoint a proxy to attend in his place, and notify the executive secretary of this appointment."

Penalty for Delinquency
Members of Junior SDC also have adopted a resolution calling for 100% penalty for members who become delinquent in dues after Aug. 1. The only exemption will be where members advise the executive secretary in writing of inability to pay before dues actually become delinquent.

Motion Picture Painters Local 644 has endorsed a proposal for five-day week in the film industry, with present pay. Plan calls for maximum of 30 hours weekly for studio crafts, and 40 hours for creative guilds.

Tenny Wright has taken over supervision of work formerly handled by Joe Gilpin, who recently resigned as studio business manager. Artists' Managers Guild has turned thumbs down on resolution calling for appointment of a committee to police its own ranks. Resolution provided that Charles Feldman, Phil Berg and Ralph Blum comprise this committee, which would have had right to punish for infractions of money fines that would run into heavy money.

Beware, Exhibs

Harry L. Gold, eastern division sales manager for United Artists, isn't only out for big game when he's carrying exhibitors to the contract, but when he's fishing, he's also there on the technique.

He has been adjudged the winner of the sailfinishing contest of the Eastern Air Lines Flying Fishermen club, having gained the award on landing the prize catch of 77 pounds, 10 ounces. Rules of the club are that members must fly to town to catch a tarpon, marlin, snailfish or bonefish legitimately with rod and reel. Prize is a round trip to Miami by plane.

Metro Adopts UA's Policy Despite Twin City Indies' Efforts to Nix % Bookings

Minneapolis, July 19. With Metro joining United Artists in its determination to sell on percentage to Twin City independent exhibitors, or not at all, and with Paramount still holding out for 50% for "Wings," as well as lower percentages for several other pictures, the Minneapolis and St. Paul segment of Northwest Allied States continues to feel the stiffest kind of opposition in its fight against percentages and for a reduction in film rentals.

Metro has four 40s pictures on its 1938-39 deal. It will not close any contracts except on that basis, and if the Twin City independents want the product they'll have to buy it. Metro never starts selling the Minneapolis and St. Paul deals until late August or early Sept, but it has made one or two deals already, he says, because the exhibitors came in to buy.

Merchants Ask F.&M. To Reopen Fox, St. L., As Nabe Biz Stimulator

St. Louis, July 19. What is believed to be the first time a civic organization in this burg ever appealed to a theatre owner to reopen as a means of stimulating business in the neighborhood, was made last week, when the Mid-Town Business Club, composed of 250 merchants in the vicinity of the 5,000-seat Fox, petitioned Fanchon & Marco to unplug the house.

Fox has shuttered May when Harry Arthur, vice-president, and general manager of F&M interests, said that lack of sufficient screen product, a faulty cooling system and ramping of the sound system necessitated the closing.

WB Rushing 'Career Man' After U. S. Nod

Hollywood, July 19. Urged by Federal officials, WB is preparing for early production of "Career Man," an original by Robert Buckner, built on the U. S. diplomatic training school in Washington. Department of State furnished the school.

Nace Buys Col. Pix

Columbia this week signed a pact with Nace Buys circuit in Arizona for 1938-39 product. Chain of 17 houses includes theatres in Phoenix, Tucson, Prescott and Winslow. Deal set by Harry Nace, with Jerome Saffron, western division manager, and M. Weinberg, Los Angeles branch manager, acting for Columbia.

Since the ultimatum, United Artists has announced that it would not sell any of its pictures in the Twin Cities or elsewhere except on percentage. Paramount's 50% demand for "Wings" particularly has aroused independent ire.

Nearly all the major distributors claim their sales are running ahead of last year in the territory outside of the Twin Cities and a number claim to have already made deals with independents in Minneapolis and St. Paul, although it is early for Twin City selling. 20th-Fox and other companies, excepting United Artists, Metro and Paramount, are giving the independents here and in St. Paul the option of buying flat, or on percentage.

Garnett Starts His Trade Winds' Aug. 1

Hollywood, July 19.

Tay Garnett's original story, "Trade Winds," which he will produce and direct for Walter Wanger, goes into production August 1, co-starring Joan Bennett and Fredric March. Patsy Kelly has been borrowed from RKO to head the supporting cast.

GOOG PLACES...

"Those Robinson Twins," says

Danton Walker, night club commentator of the New York Daily

News, and an authority on

dancing, "are going places."



• They have already been wrote to Monte Carlo (Sporting Club), to Paris (Rex Theatre), to London (Grosvenor House).

• They are now in New York, finishing their third successful week at Ben Marden's Riviera.

• The Robinson Twins, Florence and Bob, have been going places—youth as they are—because they combine a continental smoothness with a dash, swing and shag of Young America in 1938.

Exclusive Management—WILLIAM MORRIS AGENCY

Esther Won't Divide
Guy Lombardo retires in four weeks from the Sunday afternoon spot he has been occupying on CBS for Bond Bread during the past two years. Lady Esther counters his now check schedule with a London 15 work for it exclusively as far as commercial radio is concerned. Lombardo replaces Wayne King.

20 Weeks Ahead of Schedule

Ruthrauff & Ryan has mapped out an unusual schedule of program preparation in that it proposes to have 20 completed scripts on the shelves before the return of the Lever Bros' "Big Show" to the radio. Custom in the trade for this type of show has been to keep just about a week ahead. It's nothing uncommon for the finished works to be unavailable until two or three days before the broadcast begins. But Ruthrauff & R. has seven writers and two research people currently at work on the coming season's scripts in Hollywood, with Frederick Sack, the script editor, at Chicago. Agents for the show have already said scripts pound out so far in advance it will be able to equip the program with a finer grade of dramatic fare.

GENERAL MILLS NOT AGAINST BASEBALL POLL IF RIGHTS RESPECTED

Time's New Voices

March of Time radio show is shaking up its stock company. Last week 11 recruits from the American Academy of Dramatic Art were dropped from the show after 10 months of weekly airings. Originally were only intended to remain on the show two months, but were here longer. Idea of the shakeup, reportedly, is to give other Academy grads a chance.

Donald D. Davis Writes J. Walter Thompson Agency That General Mills Will Cooperate in Kellogg Stunt Providing Testimonial Excludes Any Not Inferentially Infringed

ADMAN CHORTLES

Wheaties Sees Its Name on Every-thing. Tensu.

Minneapolis, July 13.

Editor, VARIETY: Chuckles pervaded this office when we lapped the July 6 issue of VARIETY and the box on page 17 labeled (most appropriately) "Wrong Guess."

This slip of somebody's typewriter, giving prominent mention to Wheaties, recalled another similar instance when a certain big league ballplayer a couple of years ago over a coast-to-coast broadcast declared vehemently in favor of Wheaties, when the announcer was doing his durnedst to get him to pronounce another name.

Ticked were to find VARIETY's mind, too, so imprinted with the name of Wheaties as to use it prominently, even in the wrong way. That VARIETY's staff must regularly enjoy the name and only "Beefcake of Champions."

Cordially, Knox Reeves Advertising Inc. John H. Searles, Vice-President.

PHILCO, ZENITH ADS DRAW F.T.C. TUT-TUT

Washington, July 19.

Advertising habits of Philco and Zenith set-makers will be changed under a stipulation with the Federal Trade Commission. The companies agreed to stop giving dealers propaganda displays featuring a theoretical price reduction.

According to the agreement, the advertised set was not obtainable at the advertised price unless customer bought additional equipment at extra cost.

Conrad Nagel's Oiler - Hollywood, July 19. Conrad Nagel will substitute John Nesbitt on the Union Oil Aler July 19, when Nesbitt goes to Gulf City. David Broekman's orchestra stays on the program, with Jimmy Newell as the working band.

Nagel was guested by Nesbitt Monday (18) on his bowout.

Ray Shannon Renewed

Cincinnati, July 19.

Ray Shannon at the Old Rhineland in Canal Days, reminiscent of Cincy in the 90's, has been renewed for 26 weeks by the Mohawk Radio Co. for the summer of 1938, where the series originated 18 months ago.

Program is aired Sundays at 1:15 p.m.

GENERAL MILLS TESTS KMBC SCRIPT SHOW

Des Moines, July 19.

General Mills starts the "Carolyn Ellis" program on WFO for a test Aug. 15. Show brought from KMBC, Des Moines, by the Black & Shuman-Hummert office in Chicago who have a schedule of five quarter-hour periods, under that name.

Carolyn Ellis' combines service with fiction. Dr. George Halley, KMBC's program sales chief, set the deal.

Nellie's Girl Her Sub

Reita Revell, daughter of Nellie Revell, will substitute for her mother during latter's vacation from July 24 to August 19 on NBC's "Big" substitute series titled "Rhymes and Romance" will consist of readings of Reita Revell's own poems and songs by Walter Weston, NBC baritone.

Youngman on Beer

Henry Youngman will do at least four consecutive Monday nights (Tuesdays) on the "Night Bachelor" (from Trommer) and the beer cooperative program over CBS. Youngman will be on the "Night Bachelor" program over CBS. Youngman will be on the "Night Bachelor" program over CBS.

Meanwhile, his booking at the "Night Bachelor" program over CBS. Youngman will be on the "Night Bachelor" program over CBS.

Adrian Samish's Staff

Adrian Samish, who will direct the "We People" program next year, has taken on three writers to assist him. Trio start working Aug. 15 on Young & Rubicam payroll.

Richard Dana, formerly with Blow Agency, David Levy of Philadelphia, and Bud Heister, son of Gabriel Heister, have been signed. Latter Monday on show line year also.

Ben Grauer Finch-Its

Ben Grauer will take over for Ford Bond when the latter leaves for a short vacation. Monday Grauer will handle Ford's Ripley show and "Judy's Jam" on WABC.

During his absence, Ben Grauer will handle Ford's Ripley show and "Judy's Jam" on WABC.

Registration of Scripts Offered By New Firm (It's Free at Variety)

Latest entry in the field of service-offers around radio is the American Script-Writers Guild, Inc. For on a select list of members is entitled to register five scripts per annum with the Guild's Central Registration Bureau, while for five years.

Also to use the prestige and power of the Guild to the extent that radio broadcasting companies, advertising agencies and motion picture companies can feel safe in considering any script offered to which the seal of the Guild has been fixed. Michael Young is the new outfit's executive.

Ruffner, Larsen, Andrews Due for N.Y. Once-Over

Ruthrauff & Ryan's Hollywood radio execs and producers will each spend some time in the New York office after their four-week vacation starting Aug. 1. Threesome due in E. B. (Tiny) Ruffner, C. Beu-

neid, and Clark Anderson, who is also planned to have them back in Hollywood in ample time to handle the return of the show's key A. J. Alton and Edward G. Robinson shows to the air.

Harms Goes N-S-H

Chicago, July 19. Formerly with the Young & Rubicam agency here, John Blackett, who has been in the New York office, will look-see a portion of the "Hearst" Columbia line for B-S-H.

SPONSOR CLARIFIES

Stuart Peabody Files a Gracious Word for Hugh Hughes

New York, July 15.

Editor, VARIETY:

We have come to admire VARIETY very much for its accuracy and good reporting. Occasionally, however, the latter doesn't do quite justice to a situation, and I wonder if there isn't some way through your "Inside Dope" column or otherwise in which you can get over the fact that Borden was away from the show for a while because of a radical change in sales policy and not because of any disaffection with the show.

As a matter of fact, reference to his, Crosley will quickly indicate the fact that he was going well. The net of this is that here at Borden we were more than satisfied with the Hughes and were not for the fact that we are not now national in our advertising and therefore cannot use networks, we would not have let Hughes get away from us.

Stuart Peabody, vice-president, Borden Co.

BOWES AIRING DESPITE INJURY ON OWN BOAT

Major Edward Bowes will be on his radio show as usual tomorrow (Thursday).

Had tip of finger amputated by "Dope's" Hoot, N. Y. doctor, last week, Bowes did not let the accident aboard his cruiser after dropping a party of friends in Manhattan and heading for Newbury, N. J. Ship-to-phone hand car and doctor waiting at the dock when he turned about for New York.

Crosby Nag Aired

Hollywood, July 19.

NBC is attempting to clear wire time for twice weekly nationwide hook-ups from Bing Crosby's Del Mar race horse plant opening next week, and to have studio co-ops by staging Friday and Saturday night previews in club house with Presley O'Brien, assistant press, handling the mikes.

First shot set for August, probably will be Paramount's "Sing You Sinners" with Bing starred.

Tom Cochran on Own

Tom Cochran, writer, director, formerly with the "Tommy" show, has single out in New York as free lance. Left last night Tuesday for New York to start on a new program he is adapting.

"Careless Court," half-hour novelty show, will be on the air next week and supervised by Sam Hammer, director by Cochran.

Scribner Back to WSAI

Cincinnati, July 19.

After an absence of nearly a year, Jimmy Scribner has returned to the Crosley staff and is originating his "Johnny Rascals" show on WSAI.

Monday through Friday, at 8:45 p.m. on a sustaining basis.

During his absence, Scribner was working for WABC, which fed the Crosby family programs to the Johnson family.

Sheila Barrett Returns

Sheila Barrett will guest on the "Ripley" show on WABC at Chicago, during her date at the Bon Air Country Club there. Dick Krawinkel, the Louis Strife office, set the deal.

Mrs. Barrett arrived Monday (18) from London.

She said neither he nor any of his fellow officers had made such a request. WABC knows nothing more except its network affiliate told station to lay off, come, and CBS in turn is laying off.

KQV BASEBALL DEPOSITIONS TAKEN

Pittsburgh, July 19.

Federal Court hearing of Pittsburgh Baseball Club's deposition of KQV to prevent station from "illegally" broadcasting Pirate games was postponed last night until July 25. Delay was caused when defendants appeared without counsel, unaware that all depositions in Federal Court are taken in affidavit form.

Although of KQV airings brought lifting of long-time ban on home-game broadcasts by local National League entry here. For years Pirates have been dead set against any radio line within park but managers, related to broadcasting and sold rights to General Mills and Scoony-Vacuum. Considerable work to air away-from-home games, over combined KDKA-WISV outlet and held action on airings from Forbes Field here when an it ban was lifted. What additional sum was involved, however, could not be learned.

A. K. (Ross) Rowwell, who has recreated games on Origin and telegraphic reports, will come as commentator for home games assisted by two other men. Some of the mystery of KQV's "mystery" broadcasts was possibly cleared up last week when Rowwell in a deposition filed in behalf of the plaintiffs claimed that he had intentional errors in his accounts of foreign games and heard the exact mistakes on records made from KQV play-by-play accounts of same game.

Nearby House Used

Pirate sleuths also discovered that home game broadcasts were being sent out from a house close to the park. John L. Lusk, station manager, admitted this when confronted with evidence but said that he was also told by another method which could be continued. Despite the suit, KQV broadcasts have continued daily. Although they're not sponsored, spot announcements of various advertisers are injected, in the accounts.

Plaintiffs' claim for \$100,000 damages, predicated on the assumption that sponsors will pay to get exclusive rights. Last year, baseball management sold three stations bought privilege and then disposed of it themselves to buyers who involved altogether more than \$5,000. This season, however, General Mills and Scoony-Vacuum were likewise exclusive and paid \$17,500. Generally speaking that amount paid for home games considerably more than that. Home contests on Sundays and nights, however, will not be aired.

Plenty of legal angles involved in including property rights, trespass, violation of Communications Act and plagiarism. Shoemaker & Evron, are attorneys for the club, and for the defense Marshall for KQV. Station said it would keep up broadcasts until told otherwise by court.

William Bensinger, president of Pittsburgh Baseball Club, hotly denied last week he was in connection with failure of WBS in Pittsburgh to get play-by-play account of All-Star Brough Game into Cincinnati over CBS. Shortly after Pirate management filed suit against KQV, sister station WBSA, said it was broadcasting of Pirate games. WBSA received a request from network executives to lay off but declined. Newspapers hinted Bensinger had been responsible, lodging his protest before Commissioner Landis, who in turn relayed it.

Bensinger was away at the time and upon his return to Pittsburgh

Chicago, July

What is construed as the glad-hand has been extended by D. D. Davis, president of General Mills, to the Kellogg Co. Davis sent a letter to competitive cereal last week offering to cooperate with 'em in any way possible short of infringing General Mills' rights for the success of Kellogg's coming "All American Baseball Poll" which is aimed to give the general public an opportunity to select an all-star team.

In his letter Davis explicitly states that the General Mills company will not expect any kind of back pay under contract to General Mills from accepting any Kellogg award, should they win, which an award.

Testimonials Sacred. Only item which Davis insists upon is that, in the event of a tie, the vote from infringing on the exclusiveness of the various players' endorsement will be given to the player who refrains from making any direct or indirect implication that such players are, in fact, contracted for by endorsement of General Mills product) are in any manner endorsing any baseball player other than those named.

To make certain that there would be no slip-up of his intention to cooperate with Kellogg, Davis sent a note to Stanley Reiser, chief of the J. Walter Thompson agency, which handles the bulk of the Kellogg business and all of the baseball programs for the era.

By sticking to the statements made in the letter by Davis the Kellogg company is now free to laud a player who, it happens, is not contracted to General Mills) as an outstanding baseballer and an All-Star, but must always include the name of the player who plays like the Kellogg breakfast cereals. Player's breakfast taste has already been mentioned on the dotted line over to General Mills, and it is evidently part of the deal that Kellogg will not let a ball player may not change his taste in breakfast cereals until after the election.

Nevertheless, the situation is revealing in the seriousness with which the cereal company has taken baseball and ball player endorsements, completely convinced that ball players are the official idols of the American home. And that takes in the adults as well as the youngsters.

BEN BERNIE FILES SLANDER DEFENSE

Ben Bernie's attorneys on Monday (18) asked N. Y. Supreme Court Justice McGoldrick to dismiss the \$50,000 slander suit brought against the crock lecher and his wife, resulting from one of the Bernie broadcasts over the Columbia network, which Judge McGoldrick received decision.

Picker, who was awarded weekly alimony of \$575 by the Federal Relations Court, complains in the suit that Bernie barbed him on the air for being a "slandering leader" and the chief character part of "Q. Bicker Bernie," an abused but as business-minded character asking that the case be tossed out, the defense held that the sketch was a caricature of a character in the plaintiff or any other living person, in fact, Bernie. It was contended, never known or heard of the plaintiff.

Pearce's Production Confab

Hollywood, July 19.

Al Pearce, who will co-ord. Leda Allen and the "Gypsy Nuts" after Oct. 10, is in town talking it over with his business partners.

Show will originate from Los Angeles over the NBC network for a limited time. Carl Hays' orchestra retained.

It's Columbia Park

Chicago, July 19.

City fathers of Portage, Calif., where Columbia Park is located, is being erected, tagged, spot Columbia Park.

By

CBS' SUMMER STRATEGY

Comparative Daytime Billings

CBS		
(1987)		
TOTAL BILLINGS	DAYTIME	P.O.
..... \$2,378,620	582,004	23
2,476,376	719,121	29
(1988)		
January 2,879,945		35
June 2,120,235		28
NBC		
(1987)		
January \$3,351,199	901,866	29
June 3,003,027	833,998	27
(1988)		
January 3,783,516	1,001,402	28
June 3,200,569	948,789	26

Inside Stuff—Radio

Impetus will be given to television by the New York World's Fair, particularly if the exposition runs two years as now seems likely. It will be the first time that a large portion of the population in U. S. will have chance to get acquainted with television and to witness it in actual operation.

Radio Corporation is expected to lay out upwards of \$200,000 in its television display at the RCA building on the fair site. Stockholders already have been informed that television will form an extensive part of the company's exhibit.

Naughty-naughty charge fired last week by the Federal Trade Commission at Eucozone Laboratories, Detroit, maker of antiseptic. Government thinks the radio advertising is exaggerated and questions claims that the product includes eucalyptol, is safe for children, and is a competent remedy for such troubles as sinus, colds, bronchitis, athlete's foot and skin irritations.

Minneapolis city council last week passed a lengthy resolution, commending KSTP on two counts, for 'valued facilities it has continually provided the community in which it is owned and for whose service it is operated' and 'for qualities of leadership which have always marked KSTP... in the fields of communications.'

Shirley Temple's trip east has resulted in a radio by-product. Sarah Fussell, 22, has done several turns recently as the film moppet on March of Time's air show. Actress has also played Britain's Princess Margaret Rose and does radio parts of small girls and boy up to age 12.

WFIL, Philadelphia, sending press agent on four-week swing of surrounding counties in an endeavor to have call letters listed in all papers within 100-mile radius of Philly.

IF QUESTIONS PESKY, TRY MUSIC!

Mark Ethridge, whilom president of the National Association of Broadcasters, and Samuel Rosenbaum, of WFIL, Philadelphia, yesterday (Tuesday) jointly issued a call to a group of leading stations to meet this Monday (25) at the Waldorf-Astoria hotel, N. Y., for the purpose of reviving the Independent Radio Network Affiliates.

Get-together would have a two-fold purpose: (1) To devise a program of joint action in preparing the affiliated station's side of the case when the Federal Communications Commission opens its probe of

the broadcasting industry, and (2) to create a united front among such affiliates so that they would be in a position to engage in collective bargaining dealing with the networks.

Broadcasters to whom Ethridge and Rosenbaum addressed their telegrams were: Harry Wilder, WSYR, Syracuse; Joe Maland, WHO, Des Moines; Arthur B. Church, KMBC, Kansas City; L. B. Wilson, WCKY, Covington, Ky.; John Shepard, Yan-

SALESMEN ARMED WITH STATISTICS

Promotional Division Maps Attack on Hot Weather Prejudices of Advertisers —Data Shows Steady Growth Summer by Summer

NBC WIPES BROW

Mass of statistical arguments with which CBS salesmen were equipped earlier in the season seems to have had some effect in maintaining the network's level of summer daytime advertising. A comparison of percentages of daytime billings between June of this year and the like month of 1937 shows a difference of less than 1%. In June '37 Columbia's daytime sales figured 29% of the whole. This June it was 28.2%.

Daytime billings also held up nicely on NBC, but this was largely due to the acquisition at the beginning of June of the General Mills business. In June of last year NBC's daytime count was 27% of the total gross, while for June of 1938 it was 29.6%.

Promotional matter which was turned over to each CBS time salesman showed that the curve in summer network advertising in recent years was as marked as the development of the medium. One of the points the study pointed out, was especially significant because summer radio had had to work against a pre-radio prejudice, due to advertisers' experience with the medium. The statistical array included the increasing percentage of summer advertisers from year to year, showing in 1937 a jump of 210.4% over 1926; the high quota of home radios tuned in regularly during the summer, 65% in the time and 75.8% evenings; the small percentage of the audience (2%) that is without a radio in any two-week period during the summer; and the amount that an advertiser can expect to accomplish by staying on through the summer.

List of Increases
Argument was also advanced that by staying on the air the advertiser would get the added advantage ac-

From Strip to Radio to Legit, Myrt and Marge Make Yonkers

By BEN BODEC
Myrl and Marge stepped out of character and their Super-Suds, element last week with a flyer into summer stock in Yonkers, N. Y. Play was Mark Reed's 'Yes, My Darling Daughter,' and the place the Warburton, a neighborhood hideaway located a few blocks from the ferry that plies between Yonkers and Al-

For Alberta Harris, who opened the old theatre six weeks ago for a policy of recent Broadway hits at 75c top, the recruiting of the mother and daughter team rated as a good publicity move. Available Youkers-Westchester clientele is of a type that takes its radio seriously. While the mother and daughter frequently made mincemeat of their lines in the play, it was okay with the team's fans in the audiences. Myrt and Marge were making a personal ap-

If there were any painful reactions they were pretty well confined to such experienced and suave legit trouperers as Brandon Peters and Dorothy Elder, who did yeoman duty in keeping the performance slightly right of the professional line.

Marge (Donna amaret) proved hers was the better memory for lines and business. Her characterization of the recent college grad with ultra

Canadian Customs' Q. T. Probe Of Yankee Transcriptions To Inspire High Tariff Rates?

RADIO'S IMPORTANCE TO IOWA UNIVERSITY

Des Moines, July 19. A \$90,000 project for expanding radio education facilities at the University of Iowa has been approved by the committee of the Iowa legislature. The state university has an application on file in Washington, D. C., for a public works administration grant for the project. The government's

Before approving the allotment for expansion of the university's radio station, the committee heard from university officials that the present radio equipment is obsolete and the studios "too small and cramped." While the university's station, WSUI, now covers only a portion of the state, the improved station will be able to cover the entire state. Radio department will become increasingly important at the university, officials said.

Committee was told that between 30 and 90 graduates of the radio department at Iowa City now have to do with commercial radio companies.

ing from the habit chain which this program had created among millions of listeners. Salesman's folder also contained a chart showing the increase of summer advertising during the past five years and a list of CBS' summer accounts in 1937.

NBC put out no special summer study for its individual salesman. Ken Dyke, its eastern sales manager, was made custodian of a certain amount of pertinent data and if the salesmen wanted to get some argument on the subject it was up to them to get in touch with Dyke.

Miss Stephenson's New Job

Geneva Stepheson, Columbus, appointed assistant supervisor of Ohio School of the Air by Ohio State University trustees.
She used to be in commercial radio, with CBS and WLW, WBNS and WPAY.

Go to Legit, Judge Large Make Yonkers

modern ideas on love and a career

ness" so far removed from what Reed had in mind. Myrt (Myrtle Vall) played the part of the intellectual and ex-bohemian whose past was too good to be true. She was too good up to bedevil her as though she were constantly on the jitter seal. She left the finer nuances that go with stage diction and business to the others in the cast. Hers was a straight from Gun Sun, reading, with an occasional slip from the more erudite pronunciation of such words as "colleague" and "authenticity."

Some History

Mrs. Damrel came into radio with her daughter about seven years ago. Before that she had been in vaudeville with her husband, George Damrel, doing comedy sketches, with two of their best clicks being "Dames and Clubs" and "The Sixth Deadly Sin." She was the former that Myrtle Vaid did. Her famous strip scene, only in those days (1920) it was referred to as "seraglio." In this forgotten skit she climaxed a compestuous scene with her husband by telling him that she is going to leave him the same way she entered his home when they were married. Even down to the gray dress she wore at the time. And that she did, cooling down to what the Variety reviewer at the time described as a "pretty looking lot of lingerie."

**United Artists
does it Again**

**CHEERING UP
SEASON'S FILM**

"AL"

*Once again United
box-office glory. A
sensations. This year
Sigrid Gurie and
forerunner of the*

JULY, 1937...

STARTING SECOND WEEK TOMORROW

**OWDS AND CRITICS HAIL THE NEW
ST HOLDOVER HIT AT RADIO CITY!**

GIERS"

*l Artists inaugurates the new season with a burst of
last year "Stella Dallas" led the parade of holdover
r Walter Wanger's "Algiers", starring Charles Boyer,
ntroducing beautiful, glamorous Hedy Lamarr, is the
greatest line-up of big pictures you've ever seen!*

STELLA DALLAS" JULY, 1938. "ALGIERS"

OW AT RADIO CITY MUSIC HALL

WORLD NEWS

Advisory Council Resigns

South African Body Found Recommendations Ignored by Broadcasting Administration

Cape Town, June 28.
Cape Town radio advisory Council has resigned en bloc. Regarded itself as an ineffective body without authority or clearly defined functions, the Council, appointed under the 1938 act to serve in an advisory capacity and to assist the Broadcasting Corporation in all matters relating to the local studio and its programs.
Too many restrictions hit them, and any suggestions put to the board were treated with indifference or ignored. License holders are getting weary of the dictatorial attitude of the Broadcasting Corporation led by the chairman, Professor M. C. Bohn.

In Buenos Aires

Buenos Aires, July 12.
Three international w.k. sopranos at present under contract with B.A. stations: Greta Ljungberg, Sweden, via the Shell-Mex house of Radio El Mundo (LR1); Gitta Alpar, Hungarian, on the Federal Song program of Radio Belgrano (LR3); Lily Pons, French, with Radio Municipal (LS1) from the Colon opera house and in special contracts with Andre Kostelanetz for Ford.

Newest imports of LRI, scheduled for next month and not yet sponsored, include Lucienne Boyer, Marian Anderson.

General Director of Argentine Post and Telegraph ministry resolved to join the Union Internationale de Radiodiffusion at Geneva as member.

LRI and LR2 sent two caravans with artists into the interior for special airings on the national holiday (8). LRI to Bahia Blanca, LR2 to Tucuman.

Felli Rosenfeld, U. S. pianist, via Radio Excelsior (LR3), and Bronia Lay Mittman, Russian violinist, via Radio Splendid (LR4), sustaining.

Radio Rosario (LR78), subsidiary station of Radio Excelsior, preparing to boost power in order to become the most important station in the interior of Argentina.

Mio Canal, Venezuelan baritone, on the Bayer programs at Radio El Mundo, for which he is under exclusive contract, the sponsor having hired him down from New York.

Comedian Harmonists, soon leaving for L. R. via Rio de Janeiro, fulfilled their five week contract via LRI for Belfast, Ltd.

ARTHUR PRINCE IN DUMMY ACT ON B.B.C.

London, July 13.
Charlie McCarthy has a rival. Christopher Willis, a Winnetk, Ill. is sponsored by Arthur Prince and will debut on radio Saturday, July 16, when he will compare B.B.C. vaude bill in conjunction with Cyril James. Prince will have no apparent place on the bill.

Willie is reported to be a rony-checked, dapper young fellow, well acquainted with a faraway look in his eye, so maybe he'll get a break in films too.

Prince will be his first radio appearance, and he has been signed for complete summer series.

If stunt succeeds Prince will take the act to U.S.

RELIGIOUS ADVISORY COUNCIL FOR RADIO

Regina, Sask., July 10.
A series of religious services on Sunday evenings in October over the national C.B.C. network. A national advisory council will be formed for arranging broadcasts.

Two each of the Baptist, Church of England, Presbyterian, Roman Catholic and United churches to be named.

Pat Freeman Promoted
Calgary, Alberta, July 19.
Pat Freeman, former chief announcer of CPAC, has been promoted to the position of production manager.

Chuck Denney of CPAC succeeds in the chief announcer post.

Capt. Leonard Plazzer, M.O., Chairman of the International Broadcasting Co., has been elected a Councillor of the Legion of Honor in France.

ESCOBAR BLASPHES PROGRAM LEVEL

Director-General Recommendations Made Law by President—All Stations Must be Relicensed Under New Code of as Yet Undefined Program Quality

PRESS ATTABOYS

Buenos Aires, July.
Proclaiming that the programs of Argentine radio stations have degenerated to a point where the taste, if not the morals, of the people is endangered, the Argentine Director General of Post and Telegraph, Adrian C. Escobar, persuaded the President of the Republic to declare the licenses of all Argentine stations may be cancelled and new ones granted only if certain—not yet defined—guarantees for maintaining a proper program service are observed. President Roberto M. Ortiz signed the decree.

Escobar's blast came as a surprise to everybody, and most will be to the licenses of the private stations. There does exist a state station (LRA), the program policy of which does not include advertising. It uses mostly records, with some market reports and official speeches by the president. Besides that, the city of Buenos Aires has opened a station of its own, but it has not yet defined the performances of the large Colon opera house are broadcast. The station, however, is commercially operated and has advertisers. Only a few days ago, on the national holiday of July 8, in the interval between Lily Pons' gala performance of "Lucia di Lammermoor," the national Oil Co. asked for the Argentine market for Argentine oil at standard Oil and Royal Dutch.

Apart from these two stations, and of the official LS1 of the Province of Buenos Aires, will be the rest, including 16 stations in B.A. and 34 in the interior of the country are in the hands of private individuals. Program of these stations are not on the NBC or CBS standard but Argentina is a smaller country, and dissatisfaction was not so violent as the new proposal.

Freddie Program
Many of the most important stations have frequently offered world famous singers and other attractions. Considering a heavy financial burden, as in cases like Harry Roy, Comedian Harmonists, Gitta Alpar, Lucienne Boyer, and another group, thus to say, as Dr. Escobar did, that the programs "breathed the stench of private television, schools, books, and cultural centers, by virtue of their direct influence in the life of the country." The charges a gross exaggeration. That President Ortiz hastened to okay the law is another proof of influence behind the throne.

In spite of all its incongruities the decree had a good reason or rather the Postmaster-General's vituperations had it. Behind that is a typical South American attitude toward censorship in Argentina. But the Postmaster General has the right to exclude any program from the mails, if these papers happen to "tend to the security of the country." Things being as they are, there is no doubt that in future Argentine broadcast programs will offer a lot of constructive and interesting very dull conferences, and national music, with perhaps—almost certainly—no foreign music, and even foreign records. How the people will react remains to be seen.

Jack Spott, assistant production manager CBS, goes to Atlanta Friday (22) for a two to three-week vacation.

Canadian Network Prices Under Local Rates for Same Stations

CANADIAN INDIES IRKED

Think Prospective Transcription Import Aids Gov't. Network

Regina, Sask., July 19.
Small stations in Canada will be hit hard if the revenue department goes through with its proposal to raise the duty substantially on imported transcriptions. Operators of these minor stations feel that the move will place the Canadian Broadcasting Corp. in a better position to sell network hookups to major advertisers and thereby tend to further freeze out the users of spot broadcasting.

Another complaint now being aired by the privately operated outlets is the sales effort of the CBC, especially in wearing away talent developed by non-network stations. CBC can't offer them terms contract for less money but advises them if they are out for fame and bigger cash they chance by only with the CBC.

AUSTRALIAN M.P.'S RAP GOVT. RADIO

Canberra, June 27.

Federal politicians have been taking stage at Australian Broadcasting Commission. Leader of Opposition (Mr. Curtin), stated that the commission was costly and also wasteful. Mentioned that he understood appointments had been made to the staff without competition. Said there was a controller for concerts, a director of news, plus a special sub-editorial staff, and he doubted whether any of the members had had any journalistic experience. Said that the government should consider the overhauling of broadcasting legislation.

Labor member for Tasmania (Mr. Mahoney), stated that the commission had failed to provide him with any information concerning the fees paid to Court von Luckner on his airings. Said that he understood the Count had been highly paid to air a talk mainly covering "Buffalo Bill" mentioned that programs from the commercial stations run in advance of those presented by the A.B.C. gave the opinion that the A.B.C. should be run on more business-like lines. "We seem to have people dealing with people in the A.B.C. become real dictators," the member concluded.

Federal Minister (Mr. Casey), told members that the government had had in mind for some time a review of present legislation governing broadcasting. However, he gave strong opposition to the severe criticism that might be made of it. It was doing a reasonably good job under difficult conditions.

Unexpected Response

Moore Jaw, Sask., July 19.
Said Boyling got a bright idea. Saturday morning he announced an "anti-bug" campaign and that he would be waiting the first 15 kids who brought in 10 articles from the "anti-bug" campaign. A New York 200 stored the Grant Hotel announced protests of management.

Kite were finally induced to go to nearby park and show proceeded. It was a regular program but with the new program.

A bakery interested.

Gets M.A. on Radio Thesis
Salt Lake City, July 18.
Louise Hill Howe, KSL, Ph.D. thesis "The radio as a medium of mass communication" from the University of Utah. Her thesis "A College Course in Radio Broadcasting" will be published.

Montreal, July.
Canadian advertising agency men have been burning midnight oil over the Canadian Broadcasting Corporation and the result that several agencies have come to the conclusion that similar concessions should be forthcoming from privately-owned stations on the basic CBC network.

It is understood that advertising agencies will shortly ask for a revision of existing contracts with CBC basic stations. Should this concession be granted sponsors would be getting the same low rates while dealing directly with these stations as they get when buying time through the CBC.

Basic stations on the CBC network have two rates. In one specific instance regular card rate is \$80, with same time for the same station quoted for network by the CBC at \$60, this latter rate being available to sponsors only through the CBC.

In the case of another basic station getting \$51 after all discounts, same time would cost \$60 through the CBC hookup. After paying commissions of approximately 30 percent on \$51, the particular station would receive \$35.70 for time. On the CBC hookup this station receives only \$20.00, but for less cost, 50% of the CBC, leaving the station a net of \$20.00 instead of \$35.70.

Recent survey of the Procter & Gamble account from privately-owned stations to the Canadian Broadcasting Corporation is costed at privately-owned station \$20,000 per annum in revenue. P&G had 28 spots on the CBC for the same account. Previously on 11 stations, P&G is now using the entire CBC network for 11 stations due to the various discounts and low rates available through the CBC. P&G is now paying for basic stations on the CBC network.

Private stations of the CBC network which had been getting the P&G bill heretofore will continue to receive the same bill but for less cost. Basic station rates are cut as much as 30% when used through the CBC and the advertiser must surrender 50% of the net to the CBC.

Another burnup for Western Broadcasting Co. is expected to break at the noon hour, premium time in the west.

CUBAN RADIO HIRES A HALL

Havana, July 16.

Practically all Cuban stations are now doing their radio advertising in their own outside studios. This is the case with CMCM. They intend to join the parade in the near future. The studios of the Principal stations are being cleared for the use of the spot during the day as a studio, while at night it will charge and be in substantial CMCM tied up with the Fausta theatre, while converting an old mansion into a 200-seat auditorium.

Similar three-way policy prevails between CMCM-COCH and the Marti station. The latter is also doing business with CMCM. The studios of the Principal stations are being cleared for the use of the spot during the day as a studio, while at night it will charge and be in substantial CMCM tied up with the Fausta theatre, while converting an old mansion into a 200-seat auditorium.

Open Season for Pianists

Saskatoon, Sask., July 19.
Three young pianists, two of whom had returned from Chicago last year, have been given a summer series of piano recitals. The first recital was given by the first pianist, who will be followed by the second and third pianists. The recitals will be given on July 25, 26, and 27.

CANADA TAXES VACATIONISTS' RADIOS

Ottawa, July 19.

Inspector Max Sulman of the Radio Branch, Federal Department of Transport, is having a busy time with his staff representatives at border points who have been ordered to collect the annual radio license fee of \$2.00 from U. S. visitors who have brought along a receiving set for personal use while spending a holiday in the country. Inspector has ruled that no exemption can be permitted citizens of the United States who are in the country for a short time. Hundreds of visitors who have summer cottages at lake and mountain resorts in this country are affected.

So far, nothing has been done in the way of imposing taxes on radios installed in the automobiles of tourists from the States because there is a fixture in the car, although such instruments call for a license when owned by a native Canadian in addition to any radio used in the home.

CJOR, Vancouver, Wires Cut During Aircast of C.P.R. Strike Situation

Vancouver, B. C., July 19.

Hard feeling between stations here over special events by radio. A new high during recent unemployed riots when CJOR's private wire to the C.P.R. docks was cut. The radio, which is an on-the-spot description of a mob of 10,000 demonstrators. Riot broke out in the city. The rioters started at 5 a.m. Sunday morning and the city had no news source other than the radio.

No facts have been unearthed to substantiate the suggestion, frequently made, that the sabotage was the idea of some person unfriendly to the station, but this has failed to ease the situation.

Riots caused additional trouble for all the stations as the local dials burned up over radio news scoop. One paper even ran an editorial panicking the police for staging the event on day when the public could not be properly informed of the situation.

Byworth to L. A.

Montreal, July 19.
E. A. Byworth, president Association of Broadcasters, is going to Hollywood shortly in search of scripts and transcriptions.

Associated plans for fall production also include 15 to 20 high-priced live shows and from 20 to 30 productions in the lower brackets.

CJOR, Vancouver, Gets Good

Response by Linking Station
Publicity to Free News Mats

Vancouver, B. C., July 19.

Rumors to the effect that local dailies were going to blue-pencil the radio highlights in the CJOR report on publicity idea that has clicked in a big way. Based on the fact that very few of the small weekly papers can afford to buy news-papers and engravings, the plan calls for the distribution of a Weekly Newspaper which consists of a mat and story covering a local news event. The papers get the material from the radio run a line to the effect that the news event was also covered by a CJOR news events broadcast.

Some 30 weeklies were queried on the idea and only one thumbs-downed. Plan, now in its third week, is covering a circulation of about 100,000 readers.

Letters from suburban editors indicate that the news papers about which are more acceptable than the usual run of publishing. The CJOR publicity man, Rolly Ford, currently the wonder-boy of the studio.

BOOTLEG YANK
AIR SERIALS

Montreal, July 19.

Considerable number of bootleg radio serials, bought from American writers, are being used in Canadian radio production due to the shortage of expert scripters in the Dominion. Rights have been acquired for many successful programs, some of which have been running in the Midwest West and on the East Coast for years, without the knowledge of the U. S. stations to whom the rights were originally tied up exclusively.

Canadian radio men using such programs figure themselves immune from the legal standpoint since they pay the authors on a flat or royalty basis for the use of the scripts in Canada.

Identity of the authors is concealed of course, and few well-known American programs are run here under identical titles.

REGINALD MARTIN
TO WEST PALM BEACH

Lincoln, Neb., July 19.

Reginald B. Martin, formerly manager of KFAB-KFOR, Lincoln, has quit WSLX, Nashville, to become manager of WJNO, West Palm Beach. He was engaged by Joy B. Smith, the station's owner and New York financier.

Martin was also formerly with the Iowa Network.

Homer Martin Uses WJR

Detroit, July 19.

Homer Martin, pres. of United Auto Workers union, is conducting a series of 15-minute weekly programs over WJR. The program is a series of 15-minute weekly programs arising out of current financial questions which threatens UAW existence.

Martin, whose recent ousting of the UAW officials on charges of corruptive leadership, has been using the radio which is now in line of CIO Chief John L. Lewis, is using WJR since union radio is the only "voice of labor" programs over WJBK in face of diving union dues. Martin talks regularly in the present broadcasts are being financed by contributions from various UAW locals and not by UAW finances.

Robitsek Joins WBZZ

Ponca City, Okla., July 19.

W. E. Robitsek is new commercial chief at WBZZ, Ponca City, Oklahoma. He was previously in charge of sport at KOTV, Oklahoma City. Harold Sparks joined WBZZ as sport's squire, and is promoting the new directing station's program.

Still Good

Pittsburgh, July 19.

Right man, right time. Norman Prescott, whose "Big Game Hunt" program is the summer show for Fred Allen show, is Scott.

Changed it to Prescott in 1931 because "that was the year of the great mental wards like the Great Hermit, the Great Kellar, etc. Prescott didn't want marquee referent to him as Great Scott.

ARGENTINE LAWYER

AWARDED AIR FEES

Buenos Aires, July 12.

Action against practically all local radio stations has been brought by lawyer Bafacio Bidau, a suit in which he claims fees amounting to \$12,000. Plaintiff declared that he had been instrumental in obtaining the suppression of a \$400 license fee by the provincial government. Furthermore, Bidau states, he had been engaged in representations against a passage by the Buenos Aires council of a two per cent tax on all receipts from wireless publicity, that he had deflected the broadcasters with literary copyrights, and had drawn up a report on wireless laws and regulations in other countries.

Judge Dobrinnich acknowledged these services rendered by Bidau, who is now finally won his suit, he decided that he was not entitled by experts.

Old Gold Off

Old Gold's Italo-American program is being dropped by the National WPEN, Philadelphia, and affiliated stations for the past two and one-half months. The program, which until September, features a "Tango Club" conducted by Julia Ocholski, musical director of the station.

Later, will handle an orchestra on a program titled "Stars in the Making" for unknown singers, which will take over the Sunday afternoon slot left vacant by Old Gold. Sponsor is Medaglia D'Oro Coffee.

WCKY at Convention

WCKY has installed a booth in the Hotel Gibson this week to display products of its advertisers during the holding of the National Inventors Congress. Station is making daily broadcasts of the convention's business sessions and carrying additional programs in which inventors explain their gadgets.

Station has arranged for a special studio and WCKY food exhibit at the Zoo for this year's Cincinnati Business and Motor auto race series. Pure Food and Health Exposition. Aug. 23 to Sept. 5.

Radio Daffodils

Rezina, Sask.—Manager C. V. Chestnut, of CKCK, went out on an unheralded visit to the transmitter, 12 miles north of the city, to find nobody there. The lead, which was followed the lead to find the engineering staff, squatted on the ground some distance from the building, shouting at gophers. Wire was connected to a headset the engineer sported. Gopher shooting is now banned except from the back or front door.

Cedar Rapids, Iowa.—"Due to circumstances beyond my control, the program originally scheduled for this time will not be heard." Those were the words of Bob Leifers, announcer for radio station WMT when notified that his house was on fire.

Indianapolis.—Dorwood Kirby, WFBM announcer, was arrested for a traffic violation. After arraignment in court arresting officer asked him for his autograph.

New York City.—Program arrangers for "If I Had the Chance" program goes over NBC's Blue network Monday nights have a peculiar squabble. Personalities are interviewed on the air and tell their secret ambitions. Some are so candid they can't use the most colorful ambitions, which are too risibled for etherizing.

And for VARIETY.

English Notes

Ann Harold and William Hutchinson will be seen weekly in "Ann and Harold," television's first attempt at programs serialization. Episodes taken from Louis Goodrich's play which made a successful broadcast series six years ago.

"On the Spot," televised July 2, was the first Edgar Wallace play to be broadcast. The new comedy, which in the afternoon of July 12 his equally famous detective drama, "The Case of the Missing Lady," presented with Cathleen Nesbitt and Walter Hudd in the principal parts.

Van Den Berghs & Jurgens, Ltd., makers of Cooke, have booked the 9 to 9:15 a.m. period on Sundays from Radio Normandy, starting immediately. This is in addition to their present half-hour broadcasts on Saturdays. Contract was placed by Lintas, Ltd.

Hugh Rignold orchestra, from London Casino, will make milk debut at BBC Aug. 6 in teatime program.

Mr. Lipkay, Hebrew comedian set to be introduced by BBC in Saturday variety, covers identity of a Jewish comedian, but personally, so far kept closely secret.

Laurence Gilliam's first BBC program since returning from Canada will be aired July 20, and is dedicated to the memory of Marconi, who died just a year ago.

BBC is seeking discs carrying recordings of Queen Victoria and King Edward VII to add to historical series. Such records must be personally to exist, and H. L. Fletcher, in charge of department, is appealing to the public to part with them. Library already includes many voices of the famous, among them George V, King George VI, George Bernard Shaw, H. G. Wells, Lady Oxford and many leading politicians.

Canadian 'Jimmy Allen'
Miniature Plane Race

First air race for the Canadian cadet members of the Jimmy Allen Flying Club, which claims a membership of 200,000 in the Dominion, starts Aug. 7. "Jimmy Allen" transcription is backed by British-American Oil Co. Ltd., on 11 Canadian stations. Prizes will be awarded for endurance flights of model airplanes entered by the club members.

British-American service stations are distributing model airplane building kits. J. Walter Thompson of Toronto is the agency, while Grow & Fischer is handling the transaction and merchandising services.

Softball on Shortwave

Detroit, July 19.
WGXW, Detroit News shortwave, this week will start airing night softball games from Mack Park here, first time it's been done.

With Al Gordon, shortwave's speller, at the mike, first play-by-play broadcast will cover girl softballers' championship tilt between Detroit and Silver Woods of Windsor, Ont.

Carroll Nye, former radio ed of Los Angeles Times, now an air blurbist, signed as radio commentator for the Motor auto race series. Hoffman's untargue Sporting Series rolling at 20th-Fox.

Philo Attacks Canadian Patents

Charges Monopoly Drives Up Cost of Sets Far Beyond American Price Levels

PATENT INVOLVEMENT:

Dealey Makes Charges on Canadian Manufacturing Practice

Montreal, July 19.
Application has been filed with the Registrar of the Combines Investigation at Ottawa by D. M. Kepler, independent radio dealer, requesting an inquiry into his charges of a combination in restraint of trade in the radio industry. Testifying before the Tariff Board at Ottawa last week, Kepler revealed that he had also applied to the Commissioner of Patents at Ottawa to have set aside certain patents on the ground that the holders were not manufacturing in sufficient quantity at reasonable prices.

Kepler stated his appeal to the Government followed an infringement suit for \$10,000 filed against him by Canadian patent holders for selling American radios.

Kepler stated at the Tariff Board hearing that he began importing American tubes when he found it impossible to obtain replacement of tubes for his business from Canadian manufacturers. One tube imported tubes superior in quality and 48% less expensive. In Canada was \$2.23, with a retail price of \$3.35 here. One American radio owner house was selling the same tube to the public for 92c, according to Kepler.

Importation and sale of American tubes being an infringement of patent rights held by Canadian companies, Kepler due course received notice of action for \$10,000 after receiving several warnings from Canadian patent pool to discontinue the sale of imported tubes.

Kepler added that discount applied to Canadian patent holders was only 33%, while in American purchases were 50-10-10%. The Canadian discount was 10% on city purchases. In reply to the claims that Canadian sets were uncompetitive, Kepler said he had charts and diagrams showing the performance of all Canadian American sets and that the sets which formed the bulk of the sales on both sides of the line were, practically alike in selectivity.

In Canada

Hollywood Network program renewed on Canadian hotel for another year by Campbell Soup. Was to have started Sept. 30, but will now commence Sept. 2.

Mervin Pickard added as control engineer at CHAB, Moose Jaw, Sask. Replacing Archie Wicks, who left to join Federal dept. of transport. Edmonton. New salesman due and Warren Wells already added as new salesman.

Ontario telephone survey conducted by Ross Federal sales office has 85% of the local audience, figured as an average for the week.

Ontario Indians on their reservation near London, Ontario, adopted Hattie McVicar, senior Canadian announcer of station CPPL, this city. McVicar, Chief Don-ha-wit (Morning Star).

McVicar is a student of Indian lore.

The Harmonizers, a male quartet, appeared for the first time on CRFM, Regina, making Monday night appearance on CBC network for four weeks. Broadcast "originals" in CRFM, Regina, Symphony during four Sunday night concerts.

J. A. Gauthier has replaced Marvot as manager of CHLT, Sherbrooke, province of Quebec.

Betty Cook on WWSW

Pittsburgh, July 19.
Betty Cook, niece of Charlie Eichel, manager of Stanley Theatre, is spot on WB's Footlight and Shadow program. She will appear in a twice-weekly half-hour with Wm. Fleming and Johnny Mitchell. Scene auditions for show will be held. Her work, for same circuit that sponsors, the broadcast.

Montreal, July 19.

Charging international monopoly, patent control in the manufacture of radio sets, sets in Canada, Hon. W. D. Herridge, Canadian minister to Washington, appeared before the Tariff Board at Ottawa last week representing Philco, and advocated free exchange of patents among Canadian manufacturers in order to reduce costs and increase production and sales of radio sets.

Indications are that the Tariff Board will recommend to the Government a revision of current patent laws governing manufacture and distribution of radio sets and equipment.

Philco has paid in over \$900,000 to the patent pool during the past few years, according to Herridge and the Canadian patent holders. The weighted average cost of royalties of approximately \$6 per set to buyers, as compared with an average royalty of \$2.50 per set in the United States and 75 cents in Great Britain.

Radio sets in Canada are priced from \$25 to \$50, while in the United States in most instances. Citing comparative costs of similar sets, he was pointed out by the Tariff Board that a four-tube set selling in the U. S. A. for \$14.95 retails for \$29.95 in Canada, while a five-tube set selling for \$23.95 in the U. S. A. retails for \$59.50 in Canada.

On the verge of accusations, charging the counter-charge emerged the opinion of George H. Sedgewick, chairman of the Tariff Board, that the patent pool is obstructing the free movement of radio manufacture in Canada and that the operations of the pool protect makers of Canadian radio equipment rather than the tariffs. Sedgewick stated also that the patent pool was not a tariff. Inventors got little protection while owners of patents and Canadian manufacturers had an opportunity to exploit the public.

Foreshadowing the probable recommendation that Government action be taken to modify the strength of the patent pool was the declaration from the chairman of the Tariff Board that the patent pool was American radio sets into Canada, pay the duty, and still pay less than the cost of the sets. The tariff products from Canadian manufacturers. Importer in such an instance, however, would render itself liable to action for infringement of patents controlled by the group holding the rights in the pool of patents for manufacture and distribution of radio sets and equipment.

Replying to statements from Canadian manufacturers that more money is spent here in making sets because of the tariff, Sedgewick quipped, "Herridge said that Philco announced had investigated and found that the tariff was not being fulfilled the regulations of the Canadian Electrical Code on a set selling for \$25 in the U. S. A. for 24 cents. The same set sells in the U. S. A. for \$39.95."

Royalties

Attorney for the Philco interests added that the unjustifiable, spread typical of the Philco line was the basis of the spread of the companies and due to excessive royalty payments, excessive duty on sets, and excessive overhead, because of slow and small turnover.

In rebuttal of testimony offered by Philco representatives of Canadian manufacturers, the speaker pointed out the difference in cost was due to conditions in Canada which do not permit the same economies as in the U. S. A. about 2% of additional cost was accounted for by requirements of the Canadian Electrical Code on a set selling for \$25 in the U. S. A. for 24 cents. The same set sells in the U. S. A. for \$39.95.

New Coast Air Weekly
Hollywood, July 19.

Paul Norman advertising agency has dummy layout of weekly radio fan newspaper. Expected to hit the stands in a few weeks.

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Program Set-Ups. Set-ups (microphone placement, etc.) for 13 representative programs, graphically illustrated with charts and fully explained in accompanying text.

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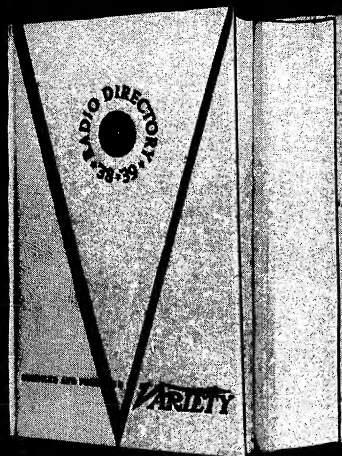
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Not Good for Radio Trade

Seattle, July 19. Regardless of how the suit of KOL for \$250,000 damages against Senator Homer T. Bone and Saul Haas, collector of customs, and station KIRO and the Columbia Broadcasting system comes out, if it ever goes to trial, it has already hurt Northwest radio. Publicity has been bad for prestige of biz. That there are a lot of naughty boys in the radio picture as far as the Northwest is concerned is the impression, right or wrong, the public is getting. Judge Rutherford mess made it worse, occurring at about same time suit was filed.

All station owners and operators in the state are talking under their breath, not even whispering. They figure that someone will be taken to the woodshed after the legal show, and given a tanning that will blister. If they want to talk about the KOL and KIRO suit they hike to some quiet place under the bridge and have their confabs. This section is alive with deaf and dumb radio people following the filing of the suit.

Republican bigwigs are taking every advantage of the angles which might reflect against Senator Bone and the Democrats. Fact that Bone has not done any grandstanding or prima donnism is to his advantage and the insiders seem to think he is going to come out of the fray with colors flying as far as his reelection is concerned.

It is common talk here that the Federal Communications Commission is going to sit in spiritually on this trial, either by complete transcript of the proceedings or personal appearance by a designated attorney from the FCC staff.

One thing noticeable since the filing of the suit and its subsequent publicity, the public as a whole is watching every move of either side. One of the reasons for this unusual interest by the general public is the close association of local politics in the setup.

That the regular election in November will settle the matter for all time, seems to be the feeling.

NELSON'S DEPARTURE CUES KDKA SHIFTS

Pittsburgh, July 19.

Promotion E. Nelson, manager of KDKA, to New York as sales head of NBC Blue network bringing a flock of changes in personnel at station. Nelson taking with him assistant Robert Soudek, continuity chief, with Derry Sproul moving up to that post. He'll have as his chief aid Bill Beal, of announcing staff, leaving a vacancy in that department which will be filled shortly.

No successor to Nelson has been named yet, with William E. Jackson, sales manager of KDKA, temporarily filling that post. Station, hosted Nelson at a farewell dinner last week in one of the studios and pre-

sented him of clubs.

Clarence Pettit, whom Nelson brought on from Denver several months ago, remains here in charge of sustaining shows and special events. Sproul and Beal will build the commercial programs exclusively.

Homer Hogan in Janesville As Bliss Turns Publisher

Janesville, Wis., July 19.

Homer Hogan, formerly head of KYW, in Chicago, and for four years midwest manager of Hearst 10, Inc., has become general manager of WJOL, owned and operated by the Janesville Daily Gazette.

Sidney Bliss, who used to manage the station, is now publisher of the Gazette.

if bag and get of clubs.

Washington Lobby

Washington, July 19.

Feeling that FCC Chairman Frank R. McHugh was sold a bill of goods is existent among the lawyers after reading the proposed new rules of practice and procedure. None of the suggested changes seem to fit his prediction last month that significant reforms were in the cards. Most of the paragraphs offered for comment are word-for-word identical with the present book and the only real innovation is the motions docket, which had been pretty well foreshadowed.

Comment of the week: in covering the Hughes flight, networks asked FCC consent to plant relay transmitters everywhere except on top of Arctic whale's spouts.

Laugh is on the many persons with something to sell who didn't let the clock stop after reading how government radio is going to be centralized in the National Emergency Council. Idea concensors, transcription manufacturers, even talent agents—usually armed with receipts for a campaign contribution or a letter from a political boss—moved in on Bob Berger. Thinking they would have a good slice of the New Deal was to sprinkle around. So far he's had to fight for a stenographer and cannot see anything more than money for office expenses.

Dedicated to Maxim

Hartford, July 19.

A memorial to the late Hiram Percy Maxim, the American Radio Relay League will dedicate an 818,000 radio station, Newington, Connecticut, sometime in September. Maxim was founder of the organization.

Station will be the key station for ARRL and is equipped with six one kilowatt transmitters for phone and telegraph. Will operate on all frequencies allowed amateurs. Equipment for station was built at the ARRL headquarters. West Hartford.

October Trial of KOL Charges

Lawyers Parry—Defense Demands More Details—
Plaintiffs Bring in CBS Executives

Seattle, July 19.

KOL was ordered Saturday (16) by Judge Karsrud, in Superior Court, Tacoma, to answer five interrogatories covering points in the complaint which were held to be indefinite. Court allowed 10 days for compliance with the order, which included the producing of the plaintiff corporation's contract with CBS; establishing the rate of severance of relations between KOL and CBS; the setting forth of correspondence between plaintiff and net pertaining to severance; affirmation of denial of a defense contention "on or about the date of Oct. 1, 1937, the corporation accepted programs from any other broadcasting system" and the setting forth of the contract entered into with any other broadcasting system. Trial of the suit has been set for Oct. 7.

An attempt to stipulate early argument of motions now on file in the Seattle Broadcasting Co. damage suit for \$250,000 against Senator Homer T. Bone and Saul Haas and the Columbia Broadcasting System, being made by A. G. Loftin, Tacoma attorney. These motions have been set down for hearing Sept. 3. Loftin states defendants are anxious to have the motions argued as soon as possible, because the date set is but 10 days before the primary election and that since the plaintiffs have chosen to make this a public issue, both Senator Bone and the public are entitled to know the answers to the questions.

He referred to questions which KOL group refused to answer and which it asked through attorney Frank E. James Jr., Seattle, to have dismissed as irrelevant, incompetent and immaterial.

Defense sought to smoke out contract between the Seattle Broadcasting Co. and CBS; the date on which KOL ceased broadcasting CBS programs, copies of letters or telegrams

in which CBS discontinued its connection with KOL; legal acknowledgment of whether KOL accepted another chain's (Mutual) programs about last Oct. 8 and when a contract with that network was signed. Haas previously filed a general denial and motion asking the complaint to be made more definite.

Answer served by attorneys vers. Westberg & James, while refusing to answer interrogatories 8, 10, 11 and 12 does admit the following list of stockholders: Archie Taft, Louis Wanner, Alpheus Byers, George Butterfield, George Lechner, Alex Gray, Norman Storm (now deceased) and John McClimack. That defendant Saul Haas, acting for and on behalf of himself and the defendants Homer T. Bone and wife and Jessie P. Haas, made the statement referred to in the complaint to Archie Taft at Washington Athletic club, Seattle, about Nov. 13, 1935.

Answers about conversations upon which suit is based plaintiff does not know names and addresses of the individuals and in some cases date and place of said conversations. Plaintiff answers that the dates and places where said statements were made are unknown to the plaintiff or any officer or agent of the plaintiff at this time but are within the knowledge of the defendants and persons to whom said statements were made, to wit: Harry Butcher and Herbert Ackerman, vice presidents of the defendant Columbia Broadcasting System.

With the courts of Pierce county, where the suit has been filed, calling for hearing by stipulation, a visiting judge would be called to the bench, which is not likely. The consensus of opinion in legal circles here is that none of the motions will come up for hearing before the date as set, Sept. 3, unless the opposing attorneys get closer together. Following the motions the case might not be set down for trial until the winter months, if it remains on the docket.

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Question of Appeals and How They're Handled Promptly Two Strong Blasts—One Alleges Spiteful 'Thinking Up of Reasons'

TO HIGH COURT

Washington, July 19. Prolonged dispute between radio lawyers and the Federal Communications Commission over appeal provisions of the Communications Act is being settled by a U. S. Supreme Court ruling this fall. Case is on the docket for the October term.

After squabbling over the point before the District of Columbia Court of Appeals, counsel for Harold F. Gross and Edmund C. Shields, applicants for new station at Saginaw, Mich., declared the intermediate tribunal rewrote the act of Congress when refusing to dismiss appeal of Saginaw Broadcasting Co., dissatisfied rival. Central issue is familiar question whether filing of a petition for rehearing by the FCC extends the time in which losing applicants can take refuge in the courts.

Question is one of the most important, as far as procedure is concerned, in the numerous wrangles between applicants and the FCC. Because it involves the reasonableness of the FCC's concept that a dissatisfied candidate can wait two remedies, both rehearing and appeal to the courts. During the past year the D. C. tribunal spanked the Commission for this very reason, holding that when a petition for rehearing is filed the applicant can wait until 20 days after this is acted upon before having to turn to the court with a request for review. That sometimes means months before the matter can be cleaned up.

Supreme Court

In asking the Supreme Court to give its plant, Phil Loucks and Arthur Schaeffle, attorneys for Gross and Shields, the urgent need for a final declaration and said the proposition is one of general importance. Charges that the D. C. court ignored the plain intent of Congress and erred in holding that the petition for rehearing automatically suspends the running of the appeal period.

Heart provisions of the statute provide that the effective date of a decision the date governing the time for taking an appeal can be stayed or postponed only by special order of the Commission, brief said. 'Such an order may be issued either at the request of litigants or by the Commission upon its own motion.'

It's All Grist

Missoula, Mont., July 19. With Mr. E. Albertson, chief engineer of KGVO, moved into his newly-constructed home, the station first a 30-minute remote 'dedication' program sponsored by the contractor, built-in supply dealers and workmen.

Session opened with a skit in which Mr. and Mrs. Albertson discussed the various facilities they wanted in their residence. Then switched to the house, where Announcer Verne Sawyer described how the job was handled.

but, in any event, the effective date cannot be postponed 'without the special order of the Commission.' These are the plain and unambiguous provisions of the statute.

Vehicle for the lawyers is the Commission opinion holding Gross and Shields qualified for a new 550 kc daytime station in preference to Saginaw Broadcasting Co., which sought a full-time local outlet operating on 1260. When the decision was announced earlier this month the lower asked for a rehearing, which was denied June 2, 1937. More than three months after the date of the decision, without ever seeking postponement, Saginaw went to the courts. Motions of the FCC to dismiss the appeal for lack of jurisdiction—because it was not laid before the court within the specified 20 days following the decision—were denied by the justices.

Another batch of unusually frank words were used last week in seeking help of the District of Columbia Court of Appeals in the fight to prevent the Federal Communications Commission from linking the case to the Potomac Broadcasting Co., with two rival applications for facilities in the Pennsylvania town.

In replying to FCC's opposition to his request for writ of prohibition and mandamus, Eliot C. Lovett, attorney for Charles S. Drayton, who heads the embattled applicant, not only renewed suggestion that the Commission is in contempt of court but directly charged it with prejudice and determination to knife his client. Said the regulatory body from the outset has been guilty of capricious and arbitrary action and threatens to continue in that course.

Commission ridiculed the idea that the writs are necessary, besides defending its right to hear new arguments on three competing applications before refocusing the Potomac case. Said a petition for rehearing should have been filed, the disappointed petitioner has other legal remedies, additional findings are suggested. Court suggested new general hearings are desirable, the Potomac crew is attempting to block the case and regulatory authority delegated by Congress, and the plan of procedure is in harmony with the mandate of the judges.

Thinking Up Reasons

Selling the precedent for other radio matters, Lovett told the tribunal that the FCC is deliberately thinking up reasons for not granting his client's petition and demonstrating that the Commission is disregarding its own rules of procedure.

In questioning whether the FCC has the right to make new findings, Lovett repeated that the policy of not reconsidering is the policy of not granting facilities to non-residents. The FCC's answer, he said, is tantamount to an undisputed confession 'that it does not intend to be bound by any standard it makes unless this Court accepts those findings as conclusive' and permits the Commission to ignore its will without restriction or interference. Reply may be regarded as warning that the FCC will be reversing the case in the event it is reversed again by the justices, as often as may be necessary to thwart the mandate, and will use the jurisdiction of this Court, and went down this appeal. Lovett said the Court's opinion may be criticized the reach-on in the following.

(Continued on page 40)

MILLER'S 1ST STATEMENT

Asks Broadcasters to Be Patient as Solutions Are Sought

Washington, July 19. Promise to preserve an open mind and work hard was theme song of Neville Miller, new National Association of Broadcasters president, in message to the industry last week.

Determination to find the right answer to every problem facing the business was reflected in his policy statement, pledging that headquarters will serve each unit fairly and defend the 'free, competitive' American system. Miller said he is aware a big job faces him and counseled patience in rejuvenating the radio body.

Good will salesmanship contemplated by the rookie exec. Will tell the American people 'the real story of American radio and how how it operates' honestly and fearlessly.

Senator White Will Revive His Probe Demand

Washington, July 19.

Fight for a Congressional study to see if the Communications Act needs amending is not over and need for such a survey will not be obstructed by the scheduled FCC investigation of monopoly and chain broadcasting. Renewed efforts for a fact-finding project next winter was promised last week by Senator Wallace E. White, Jr., of Maine, father of the 1927 radio statute.

Revival of his stymied resolution directing the Senate Interstate Commerce Committee to ponder basic changes in the law will be attempted with the return of Congress. Miller was killed last month by bitter administration leaders, after being approved by two Senate committees. Democratic bosses were afraid of a scathing expedition and did not want embarrassing discoveries to complicate the fact-finding.

Vague

Regardless of the FCC inquiry and the possibility the joint monopoly committee will glance at radio. White asserted Friday (15) that there is still just as much reason to consider improving the law, which even commission members concede is vague, conflicting and in many respects unworkable.

Drive for legislative curb on chains was hinted by the Maine Republican, who has not made up his mind what should be done but feels it may be found desirable to prevent multiple ownership and too much program service duplication through statute rather than by mere regulations which could be forgotten when convenient. Seems certain that the present freedom enjoyed by radio networks will be curtailed in some fashion within a year.

Other phases of the broadcast regulation problem which Congress should weigh—chiefly because they did not exist or were not as important when the 1936 act was passed—include government ownership and operation of transmitters for general emergency use; suspension, regulation of rates and time-sale practices, newspaper ownership, censorship and liability of station managers. Latter would have a bearing on that political neutrality bugaboo.

Although he never has gone to the lengths of the House of Representatives critics of the industry and commission. Senator White stressed that everything is lovely in radio. He looks askance at some of the price paid for licenses and certain FCC policies. But his approach is wholly different in that he is not seeking scalps and, in fact, Congress may be very much to blame for conditions in radio that are so wholly satisfactory in his estimation, and the shortcomings of the law might be corrected.

Periodic Business Check-Ups by F.C.C. Called 'Premature' Report in D. C.

Washington, July 19.

Reports that the Federal Communications Commission has decided to require either periodic or annual reports on business experiences of the radio industry were termed 'decidedly premature' by Monday (18).

General idea that more data is necessary to keep the regulators abreast of problems affecting the public welfare has not come to a head yet. Only casual, informal discussion between different members and by the special committee which is weighing change in regulations and policies.

The need for a steady supply of statistics—particularly about volume of business, type of program and employment—was emphasized early in the year when Commissioner T. M. Crawford presented his report on social and economic phases of broadcasting. Since that time, however, no concrete steps have been taken to work out a system which would fill the gap, although, as was pointed out in VARIETY last week, the

proposal now in vogue of practice will require additional data with every application for a renewal license.

Possibility of requiring more general data with renewal requests is slim, since all stations do not file reports simultaneously and comparative figures could not be obtained. Much of the information which the FCC could use in laying out broad policies already is obtained on a regular basis by the Census Bureau, which has been steadily improving its technique and taking more pains to guarantee both completeness and reliability. Central Statistical Board already is working on the problem of coordinating reports which different Federal offices require, with the object of minimizing the inconvenience which business men suffer, preventing overlapping and bringing more uniformity.

Virgil V. Ivam, WSPA, Spartanburg, S. C., phone-operator, has paid \$25 filing fee here, qualifying himself as candidate for South Carolina general assembly.

39,000 Box Tops ---and Dimes---in Six Weeks!



A stack of dimes 1400 feet high; enough box tops to paper more than 3,232 feet of wall space; enough letters to fill a fair-sized room! This brief, was the immediate, VISIBLE returns, in six weeks, from the "Man in the Street" program sponsored by Lakeside Biscuit Company and broadcast exclusively over WWJ. Such exceptional returns from a quarter-hour, 5-times-weekly, program furnish conclusive proof that there is big business in Detroit NOW and that WWJ can help you get it. Make WWJ a "must" on your fall and winter schedules.

WWJ
Owned and Operated by
The Detroit News

Representatives:
George P. Hollingshead Company
Chicago, Detroit, Kansas City, San Francisco, Atlanta

5000 Say 1000 Night

WOL

Columbus

ALL YOU
NEED IN
CENTRAL OHIO

John Blair, rep.

Background Buzz

EAST

Georgia Crowell, former WMAS Springfield, Mass., fielder, left with Dick Bates at WORL. Boston. Bates, also program chief, junkies to Portland, Me.

Community Officials, Boston, is announcing a daily radio program from the Boston Airport, tagged down to the WORL. American O'Leary, handling Boston's Jewish affairs, cooperating along with the radio to be interviewed.

Mary B. Whinslow, producer of the Monday theater, Chatham, Cape Cod, Mass., youngest theatrical producer in the country, is coming to WORL. Boston, tomorrow (21).

Nature Food Centres (Health Food Stores), mulling plans to place its programs, and increase stations on schedule. WGBX, Boston, on a nation point, handling the setup.

Melba Ryder Lindgren, WORL. Boston, Content Director, is conducting content whereby the winners are sent on summer vacation or camp.

Charles Joyce, one-time vaudeville whistler and currently employee of Art's Standish, is coming to WORL. Boston, appeared on that station's Artists' Bureau Auditions of June 1978, and has gotten some Boston club dates out of it.

Martin, baritone, formerly with the Midnight Flyers on WGN, Chicago, has joined the staff of WGBX, Pittsburgh, as vocalist.

Paul Gitt, former announcer at WCAE, Pittsburgh, but more recently at WCAU in Philly, is coming to WORL. Boston, and will return to Pittsburgh this fall, and a master of ceremonies at Carnegie Tech, where he graduated two years ago.

Art Dorner, WGBX, Pittsburgh, announcer, and John Davis, Pittsburgh, pianist, are coming to WORL. Boston, and have both returned from their honeymoons.

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Jim Simon, p.a. for WHN, will resume his column, "Twisting the Dial," in the coming week.

Starts up again around Sept. 1.

Robert Willis is interviewing on an afternoon commercial over WGBX, Albany, for a new position (turners) directors and leads of two strawhats some distance from Albany, the Berkshire Mountains, Stockbridge, Mass., and the Nellie Theatre on the Hudson, near the Bridge, N. Y., Berkshire group. He is also interviewing for a new position in the Minneapolis, Minn. Phillips and Mary Wickes have already accepted. Nellie Theatre, starting in late Wednesday, Mrs. Emily Hoes Lee, co-director, starting in late Wednesday and Rita Shaw is booked for July 13.

Ford Rush, a pioneer broadcaster in radio, is holding "Search for Talent" shows in connection with stage dates and is presenting a series of new plays on his Saturday morning show, "The Search for Talent" (WGBX), guitarist, teaches with Rush on the air and in theatre.

Joe Russo de la Cruz, Carlo de Hoot, Oct. 12 at the Met.

Annual "Lamb" wedding at the Walden, Williams House, N. Y.

Times Sq. gets two new "largest" electric signs. One, over the Cadillac, the largest cartoon sign in the city, and the other, over the Old Gold. Four signs set at north end of square have been rejected. Both turned on last Friday.

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Harold Stafford back at the WLS staff, didn't desk following business trip east.

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Portrait of a Chiseler

Apogee VARIETY's recent story about greasing being rite again in New York—song-plugging the locals have one bandleader, now tagged as about top in grabability for the Los Angeles sector, who has a transcontinental half hour which he leads to the burst-joint with medleys. Its strictly pay-off with this gent and some of the pluggers are actually going to their own pockets and the salaries of the pluggers are actually going to their own pockets and the salaries of the pluggers are actually going to their own pockets.

Special Purse to Low-Ranking Hit Writer Carries Galling Suggestion

Generosity of the writers classification committee of the American Society of Composers, Authors and Publishers has Terry Shand, writer of "Cry, Baby, Cry" and "I Double Doubled," both purports and fuming. After awarding him a mere \$300 out of what is supposed to be \$12,500 in prizes to writers whose regular incomes from ASCAP are relatively paltry, the committee suggested that he divide the \$300 equally with three others who are members of the Society.

Shand feels that if the committee had wanted to be liberal, it should have made an award for "Cry, Baby, Cry" ample enough to make it worthwhile all around. Instead of by allowing \$75 to the writer of a hit tune the classification committee was not keeping within the original intention of the prize purse idea.

JACK LITTLES SAMPLE YONKERS DOMESTICITY

Lincoln, July 19. Little Jack Little said here he intended to rest and take two months vacation in Yonkers, N. Y., where he has a home. Intends to stop roughing about Aug. 1, since he has had little or no rest for 11 years. Little recently adopted a baby girl and wants a sample of domestic life. Grounded \$450 here. Over the Casino, opposition to Hagenbeck-Nette circus also in town. Good. Netted \$150 for North Platte American Legion, which sponsored him on other Nebraska date, also will fight.

Margia Forms Orch

Charlie Margia, trumpeter and soloist, has formed his own crew. \$300 to \$300 N.W.C. network. Leader is using some symphonic instruments in his band, formerly used for heavier stuff exclusively.

More's Hillbilly Dices

Carl Deacon's More band has been signed by Decca for a series of hillbilly recordings. Band is a regular jazz crew which does special for a month.

Nan Wynn's Brownickers

Nan Wynn, vocalist who auditioned on the passed up CBS show, interviewed last week, has been selected by Brunswick Recording Co. to tour.

Hollywood, July 19. Apogee VARIETY's recent story about greasing being rite again in New York—song-plugging the locals have one bandleader, now tagged as about top in grabability for the Los Angeles sector, who has a transcontinental half hour which he leads to the burst-joint with medleys. Its strictly pay-off with this gent and some of the pluggers are actually going to their own pockets and the salaries of the pluggers are actually going to their own pockets.

This chiseler has a basketball team, too. It is run on the same charming principle. The leader exemplifies professionally. Makes the rules, has all the fun, browbeats everybody and positively must win the game. His winning the game is pre-arranged.

Stan Zucker Returns

To Chi for CRAHY Pop Stan Zucker, v-p of Consolidated Radio Artists, once again, where he will headquarter again. He arrived back in town from Windy City about a month ago after a long session there while in the midst of his tour.

Phonograph Companies Must Deal with M.P.P.A.; Fox Set to Function

Manufacturers of phonograph records will soon have to do their licensing of musical rights through Harry Fox, of the Music Publishers Protective Association. Fox will within the coming week notify the manufacturers as to the date his bill starts issuing such licenses. Majority of music publishers have authorized Fox to represent them in providing the dice men with the necessary license and also in collecting the public royalties.

It will be the first time that phonograph record companies have had to deal through a central bureau. The contract and service commission will be uniform; but the publishers will retain their own royalty levels. It is estimated that the M.P.P.A.'s annual collections from this source will amount to around \$250,000.

Musical Notes

Donald Novis recorded "Tears," Al Dawson, "O Promise Me" and "Song of Songs" for Decca.

New titles for Rex Nitter in "The Goodbye of Rex Nitter," new song by Roy Ingham and Harry Tobias, Gordon in "Granada," by Sam M. Lewis, Alvin Teguila, by Harry McPherson and Al Von Tilzer.

L. Wolfe Gilbert sold the British publishing rights of his pop tune, "Colorado Sunset," to Rex Connors of London. Canadian rights were sold to Gordon Thompson.

Cy Feuer and Bill Lava finished musical score for "A Desperate Deal" at Republic.

Rev Webb assigned to record and record music for RKO's "Painted Desert."

Al Lewis, Murray Mencher and Al Hoffman wrote "On the Bumpy Road to Love" as theme song for "Listen, Darling" at Metro.

Publication rights of five Lew Parker songs in the Jed Clue picture "The Goodbye of Rex Nitter," new song by Roy Ingham and Harry Tobias, Gordon in "Granada," by Sam M. Lewis, Alvin Teguila, by Harry McPherson and Al Von Tilzer.

ASCAP Wins Skirmish Involving Legal Point Pensacola, Fla. July

American Society of Composers, Authors and Publishers scored in another inning with the State attorneys when the federal court last week upheld a motion by ASCAP counsel to have the new attorney-general named as a defendant in the injunction proceedings which seek to void the Florida anti-ASCAP statute declared unconstitutional. A temporary injunction had been issued and denied by the same court several months ago.

The attorney-general who had been named in the original injunction papers died recently and the legal opposition to the Society argued against extending the right of defendant to his successor, Louis F. French, of ASCAP counsel, contended that the action was still in force that the substitution of the new attorney-general's name was a logical maneuver. It is understood that the state attorneys propose to file an injunction against ASCAP to the U. S. supreme court.

Picket Taverns On Com Discs Union Angle

Chicago, July 19. Campaign of the International Brotherhood of Electrical Workers here to organize the service men for all automatic phonograph machines in taverns, restaurants, road houses, etc., has reached the picketing stage. Sidewalk sign-carriers are asking the public not to patronize the taverns, because the service men are unable to the American Federation of Labor. It rates as the first instance of security picketing to show business around these parts.

However, there is a growing likelihood that agreement will be reached between the IBEW and the Automatic Music Operators Association of Illinois. This has been under discussion for several months.

JOE GLASER'S CHANGE

Departs Rockwell-O'Keefe Domain After Aug. 1

Joe Glaser will terminate his affiliation with the Rockwell-O'Keefe office on Aug. 1 when his contract expires. He was charged with the attractions in R-O's office until about three months ago when he opened separate offices in the same building, though still officiating for R-O's.

Plans are hazy now but likely that he will tie up with another booking combine, possibly Music Corp. of America, which recently acquired a Negro department and is anxious to build. Glaser would bring Louis Brown into the picture, which he fits over with him. Future operations will not be confined to Negro bands exclusively, however, with Glaser looking around for some white properties.

Glaser has a peeve on with R-O's office for some time now.

Despite the general downturn in spot broadcasting since the early part of the year, the licensing bureau of the Music Publishers Protective Association is about 25% ahead on income from transcriptions as compared with the like period of 1937. Also a record high for the first six months of any year since the bureau has been issuing licenses.

Harry Fox, agent and trustee in the licensing venture, estimates that the distribution of radio disc royalties among publishers in July will come to around \$400,000. The divvy in June was \$250,000.

One of the smaller publishers has developed a new twist in non-profit sales promotion, with radio performers the objective. When the vocalist has assigned to the firm, he or she is to be given a letter from this publisher containing the following proposition: "We would like to know if you would be interested in having an edition with the name of your program on it, and whether you could receive some word of having your listeners defray the purchase of these copies, or whether you would be interested in securing a quantity below wholesale price cost if the quantity warranted it?"

Tune, "Bible," whose renewal of copyright was recently acquired by Mills Music Co., is the theme song of the same title which Ted Barron and Edgar Malachuk published through Leo Feist, Inc., in 1934. The Kennedy-Paley-Joe Goldwyn version dealt with the girl's preference for the "Bible" over the "Bible" version.

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Inside Stuff—Music

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Shapiro, Bernstein Appeals to Privy Council in 'Monte Carlo' Case

Andrews Sisters' New Deal With Decca Follows Click

Jimmy Dorsey orchestra and the Andrews Sisters, both currently displaced from the Paramount, N. Y., are set to cut six sides for Decca, starting July 27. First for the Sisters and Decca under a new pact.

Old contract was basketed following success of "Be My Mir." Trio will wax another record and its follow-up, "Joseph Joseph."

M.P.P.A. Remains Neutral On Question of Support For Legit Lyric Sheet

Music Publishers Protective Association informed the trade by circular letter last week that it had not given its approval to the latest of legitimate song lyric magazine, "Flash," and that it was up to the individual publishers to decide whether they wanted to do business with the magazine. "Flash" announced the letter was the result of queries from various music publishers of queries on the M.P.P.A.'s attitude toward the mag's policy.

Backers of "Flash," which has already put out one issue for the magazine, offering \$25 a piece for the right to publish copyright song lyrics. Circular letter from the M.P.P.A. stated that the copyright promoters had applied to it for permission to solicit publishers but the opinion of the association that the publication of such maps could do little to curb the circulation of the illegitimate songbooks.

In asking for the support of the M.P.P.A. promoters of "Flash" and the spread of legitimate songbooks would serve to put the contraband element out of business.

They Battle on Cue

Teddy Hill and Edgar Hayes, recently taken over by Music Corp. of America, will be offered to promoters and theatres as a combination. Two bands will be billed as swing battlers on semi-permanent basis.

All part of buildup for two bands who are being sold for very little coin on same principle. "Mae Gale is personally in charge of the Hayes. Hayes recently elected O'Leary's management to swing to booking combine.

Clear Lake's Jinx

Manon City, Ia., July 19. Manager Carl Fox is bringing Shep Fields crew to the Surf dance at Clear Lake on Tues. July 26, continuing his name band policy.

Fox has had only one fat gross on a name's this year, that being on Buddy Roney's season's first tour. Fox will be fields' first p.a. in the territory.

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Louis Bernstein, head of Sharkey Bernstein & Co., called his offer from England last week, to advise the firm's lawyers to file an appeal with the Privy Council, the British Empire's highest court, in London from the decision handed down by the Court of Appeals last week in the case of "The Man Who Broke the Bank at Monte Carlo." Publishers of the song "The Man Who Broke the Bank at Monte Carlo" and the title of the song on a picture without permission and who a verdict from a lower court in the dominion.

Appeals court held that the film producer had not infringed on the copyright owner's rights in the film. Decision actually looked the number of the Copyright Court in London giving it the same status that it occupies in the United States. Sharkey Bernstein, who had acted for Francis, Day & Hunter, British owners of the copyright, had contended that in using the title the producer had taken advantage of the popularity that the copyright owner had secured through the process of exploitation.

Bornstein 1st ASCAP Member to Hold Office In International Group

Saul A. Bornstein, of Irving Berlin, Inc., was elected vice-president of the International Association of Performing Rights Societies at the organization's recent convention in London. Bornstein, who has been named an officer of the international body. Bornstein attended the 1st ASCAP meeting in Stockholm in the same title. Last congress congress novels and playwrights as well as music writers.

SALT LAKE TAVERN HAS LAW ON A. F. OF M.

Salt Lake City, July 19. Salt Lake Police Federation, local No. 104, are doing a puprika over action by Old Mill Tavern, Inc., operators of a swank country inn, who obtained a Third District court injunction permanently preventing the local union from interfering in any manner, either by threats, intimidations or in any way with the conduct of biz at the establishment.

As a result, Craig Craig and his band have scammed out of town, unable to find a place to play. The union, following a six-week contract. Needless, the Old Mill held open house for the band and the crowd howled to waked tunes.

J. B. Walker, president of the Old Mill, was defiant in his action, hinting that if it will hire a band of 100. Local union is attempting to spot a band composed of local members, but it will hire a band of 100. Local union is attempting to spot a band composed of local members, but it will hire a band of 100.

Felton as an M. C.

Happy Felton is abandoning his musical crew and will go into motels of ceremonies work. Penny crew has been with Walker, for several years, operating under Music Corp. of America ticket.

Possible that MCA will handle him in recent capacity.

Ruddy's Protege Renews

Valley Valtie has renewed for a year her contract with Al Rich. Ruddy is heard in "Rhythms of Faith" on Mondays and "Rhythms of Faith" on Saturdays, over WABC.

It's the only talent under contract to Valtie.

Stunty Al Wilde Keeps Kids on Lam Until Cops Finally Take the Hint

Press agent stunt of kids carrying picture sign up and down Times Square for Chick Webb band wound up in the bastle last Thursday (14). Ballyhoo was bagged in front of the Paramount theatre on several charges. They had been parading creating disturbance and obstructing traffic. All part of p.a. Al Wilde's prelate daily for Webb opening at Par. 100.

Kids played straight and didn't try to court that it was a press stunt. They were hired in Harlem at 50c an hour to carry placards with slogans 'Are We Men or Lizards?' (jitter-bugs); 'Fut Can't Hurst Us'; etc. Flirt bag juicy, underwrite the entire nut of signs, wages and was prepared to pay fines before case was dismissed when kids presented white face front and keeping mum on paid bail.

Wilde is same p.a. who had to skip Boston couple of months ago due to trouble attendant on Webb opening there. He planned 400 live chicks on the city common and Society for Prevention of Cruelty to Animals got out a summons but didn't beat him to his place.

Uruguay Music Strike

Montevideo, July 12. Musicians belonging to local night club orchestras have declared a strike in view of the employers' refusal to grant them one day's rest a week, with pay.

Calaveras-owners have announced that they will use phonographs if the strike continues.

See *Brigade*, with Sylvia Rhodes, vocalist, into Kennywood Park, Pittsburgh, for two-week stay, replacing Dick Stabile, who goes to Baker hotel in Dallas.

Lawyers

(Continued from page 37)

inal Commish' decision, not the adequacy of the findings of fact.

Course on which the FCC expects to embark will violate the due-process guaranty of the Constitution, in Lovett's concept. If the Court permits the regulators to 'fritter away this right by the expedient of making partial findings as a basis for its decision and, when reversed, make other findings as many times as it chooses, judicial review becomes a mirage,' he commented.

Conceding the need for further argument on the issue left open, the Postville representative said the Commish cannot 'jam at will' by hearing the views of spokesmen for one applicants who never sought facilities until much later than his client. Obviously the Commish has no thought of combining itself to the record already built up. He added, but wants to bring in other evidence.

Even if he can appeal a subsequent unwelcome decision, Lovett said the Commish has no occasion for characterizing his apprehensions as unjustified. In reply to implication that he is seeing things under the bed, he pointed to what he considers bias, 'Filmy ground' on which the plea initially was rejected is ample reason to get alarmed and urged the Commish is looking for a way to turn down the application. Subsequent determination to have a three-cornered argument also warrants grave fears. Judges advised that 'under these circumstances it becomes obvious that the Commission is determined at all costs to defeat this applicant, even if it is necessary also to defeat the jurisdiction and authority of this Court.'

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on WEAF, WJZ, WABC and WOR computed for the week from Monday through Sunday (July 11-17). Total represents accumulated performances on the two NBC links, CBS and Mutual from 8 a. m. to 1 a. m. In 'Source' column, * denotes film song, 1 legit tune, and 'pop' speaks for itself.

Title	Publisher	Source	Grand Total
I Let a Song Go Out of My Heart	Millis	Pop	37
There's Honey on the Moon Tonight	Miller	Pop	37
Music, Music, Please	Miller	Pop	37
Says My Heart	Famous	Pop	37
Music, Music, Please	Spelma	Pop	37
This Time It's Real	Spelma	Pop	37
Im Gonna Lock My Heart	Shapiro	Pop	43
I've Been Singing Myself for You	Harms	Pop	44
Day Dreaming	Remick	Pop	40
I've Been Singing Myself for You	Remick	Pop	36
You Go to My Head	Remick	Pop	36
My Margarita	Feist	Pop	36
I Hadn't Anyone You	Feist	Pop	36
Ill Dream Tonight	Winmark	Pop	35
Great Broos	Winmark	Pop	35
When They Played the Polka	Robbins	Pop	34
You Leave Me Breathless	Famous	Pop	33
Love Letter in the Starlight	Paramount	Pop	33
When Mother Nature Sings Her Lullaby	Santley	Pop	30
Where in the World	Feist	Pop	28
In a Little Dutch Kitchen	Feist	Pop	27
My Walking Stick	Berlin	Pop	26
Let Me Whisper	Robbins	Pop	25
Spining Is Here	Robbins	Pop	23
Why'd Ya Make Me Fall in Love	Paramount	Pop	23
Cry, Baby, Cry	Shapiro	Pop	24
It's the Way You Love Me	Shapiro	Pop	24
So Lovely	Crawford	Pop	24
Now It Can Be Told	Berlin	Pop	23
Naturally	Lincoln	Pop	23
It's the Way You Love Me	Harms	Pop	22
Trou Trompet	Circle	Pop	21
It's the Way You Love Me	Berlin	Pop	21
Cathedral in the Pines	Berlin	Pop	21
So Little Time	Shapiro	Pop	21
Ever's Rain in My Eyes	Feist	Pop	21
At Your Beck and Call	ABC	Pop	19
On the Bumpy Road to Love	Feist	Pop	19
In the Silhouette	Chappell	Pop	19
Garden in Granada	Schuster	Pop	19
Stop and Reconsider	Lincoln	Pop	17
You Couldn't Be Cuter	Chappell	Pop	18
It's the Little Things That Count	Robbins	Pop	17
It's the Little Things That Count	Marks	Pop	17
On the Sentimental Side	Robbins	Pop	17
Will You Remember Tonight Tomorrow?	BVC	Pop	15
At Your Beck and Call	Robbins	Pop	15
Moonlight in Walking in the Park	Harms	Pop	15
Ride, Tenderfoot, Ride	Winmark	Pop	15
Colorado Sunset	BVC	Pop	15
Girl in the Bonnet of Blue	Crawford	Pop	15
Meet Me at the End of My Heart	Feist	Pop	15
Don't Cross Your Fingers	Ayer-Yellen	Pop	14
Don't Cross Your Fingers	BVC	Pop	14
Love Walked In	Chappell	Pop	14
Eight Little Notes	Crawford	Pop	13
Lost and Found	Lincoln	Pop	13
Dippy Doodle	Lincoln	Pop	12
Isn't It Wonderful—Isn't It Sweet?	Miller	Pop	12
Toytown Jamboree	Red Star	Pop	11
Silver on Sage	Paramount	Pop	11
I Wanna Go Back to Bali	Remick	Pop	11
Don't Walk in My Heart	Chappell	Pop	11
Something Tells Me	Winmark	Pop	11
Oh, Ma Ma	Shapiro	Pop	10
At a Parting	Shapiro	Pop	10
Moan Looked Down and Laughed	Kalmar-Ruby	Pop	10
In Any Language	Stasny	Pop	10
Rose the Redskin	Stasny	Pop	10
Beside a Mountain Stream	Stasny	Pop	10
Please Be Kind	Harms	Pop	10

Disc Reviews

By ARL GREEN

Vernon Geyer on Bluebird 7637 does his Hammond electric organ soloing with 'Does Somebody Care' and 'Up.' It's pretty tough coming to the Milt Herth foursome technique. Victor-Bluebird might try building some fold-out and have him even beyond the present piano and vibraphone support that Geyer gets on this platter.

Red Norvo, with Mildred Bailey a strong assist vocally, gives out with a sweet-swing on Brunswick 8171. After 'Dinner Sequence' and 'A Cigarette and a Silhouette' are the tunes, both promising, incidentally, for disc.

For the alignators and the cals: Gene Krupa's 'Wire Brush Stomp,' an original concoction, with 'What On Here' (Robin-Rainers) from a far picture. Take the latter, Irene Day vocalizing, although some of the best streeters may go for the Krupa percussion technique. Bunny Berigan on Victor 25861 gives out with 'The Red Piper' and 'Judy Lessons.' Ruth Gaylor vocalizing, Larry Clinton's original 'Top to You' and 'Harmonica Hop' on Victor 25882. 'Oh When Day Is Done' with 'The Song Is Ended' by Timme Rose-krantz and his Barrelhouse Barons on Vic 25883, round out a mix of five and barrelhouse for them as likes it. In the latter, Inez Cavanaugh vocalizes.

Burton Joins J. Dorsey
Bill Burton, explainer for Rockwell-O'Keefe, resigns as last Friday (15) to take over personal management of Jimmy Dorsey and band. No one named to fill Burton's spot which also entailed handling of ROK ice shows. He was there two years.

Band will continue to be hooked by the ROK office with switch.

Blissmore Boys held over at the La Salle hotel, Chicago, effective July 19 for four more weeks. Marvin Frederic dittos for Stevens hotel, Chicago, starting July 25.

King's Jesters stay at the Sir Francis Drake hotel, San Francisco until Sept. 5 via renewal. Ditto Joseph stay at the Rio del Mar, Del Monte, Cal.

BERLIN BULLETIN

TWO NEW IRVING BERLIN HITS

Now It Can Be Told My Walking Stick

From the Picture of the Century

'Alexander's Ragtime Band'

A DARRYL ZANUCK
20th Century-Fox Production

HARRY LINK, Gen. Prof. Mar.

IRVING BERLIN, Inc., 799 Seventh Ave., N. Y.

ROBBINS 5-STAR SONG SPECIAL

The Secretion of The Century
A-TICKET A-TASKET
By Ella Fitzgerald and Al Feldman

America's New Novelty Hit!
WHEN THEY PLAYED THE POLKA
Words by Lou Holtz Music by Fabian Andre

The Year's Foremost Production Hit!
MARRIED AN ANGEL
By Lorenz Hart and Richard Rogers
From the Musical Comedy
"I MARRIED AN ANGEL"

A Rodgers and Hart Melodic Classic
SPRING IS HERE
From the Musical Comedy
"I MARRIED AN ANGEL"

Hits a New High Is Swing!
LULLABY IN RHYTHM
By Benny Goodman, Edgar Sampson,
Clarence Proff and Walter Mirisch

ROBBINS MUSIC CORPORATION
300 SEVENTH AVENUE, NEW YORK, CITY

15 Best Sheet Music Sellers

(Week ending July 16, 1938)

Music, Maestro,	Berlin
"Says My Heart"	Famous
"I Let a Song Go Out of My Heart"	Miller
"I Married an Angel"	Berlin
Cathedral in the Pines	Parsons
You Leave Me Breathless	Parsons
"I Didn't Anyone Tell You"	Spieler
"The Butcher Boy"	Shapiro
Oh, Ma!	Crawford
In the Bonnet of Blue	Green Bros.
The Flim Foot Floogie	Green Bros.
Little Lady Make Believe	Chappell
Let Me Whisper	Robbins
There's Honey on the Moon Toni	Miller
When They Played the Polka	Miller

* Indicates financial song. The others are pops.

On the Upbeat

Barb Ham new arranger for Red Norva-Band Bailey combo.

Lang Thompson, Terrace Beach club, Virginia Beach, Va., has dropped his trio, and taken on Margie Knapp, from vaude.

Jacques Renard, playing the Westminster Hotel Roof Garden, Boston, has Edith Sydney as warbler. Mylon Siders (3) returned to New York City pending other contracts.

Ben Hudson, following a two-week day at the Totem Pole Ballroom (Norumbega Park, Auburn, Maine), started his new band (15) at the Wiers, Lake Winnepesaukee, N. H. WAB-Colonial Network (via WLNH, Laconia), will carry Friday quarter-hour airings.

Dick Abbott's orchestra from the Statler Hotel (Terrace Dining Room), Boston, is working the summer season sans brass. Only rhythm plays vibro-harp, guitar, piano, violin and tub diddle.

Billy More's newly-formed orchestra opened Sunday (17) at the Windsor Hotel in Hollywood. More had been vocal for two years with Sterling Young.

Ray Whitley and his sagebrush band are working on an untitled two-reel musical for RKO.

Freddie Martin will follow Jan Garber into the Mural Room of the Hotel St. Francis in San Francisco, Aug. 8. This will be Martin's first engagement in Frisco outside of a one-night stand at the Fairmont Hotel some time ago.

Bob Saunders has obtained his release from Consolidated Radio Artists and has signed with RCA. While in the Northwest he will play at the Baker Roundup. Saunders recently closed at the Hotel Whitcomb in San Francisco.

Paul Pendarvis opened at the Palace Hotel, San Francisco, July 23.

Sid Hoff, who recently closed at the El Patio Ballroom in San Francisco, plays two weeks at Capitola where he will be followed by Noel Thomas and Billy More.

George Cavalli has dropped the "I in his last name and also switched to Music Corporation of America from Consolidated.

Frankie Masters jumped from the College Inn, Chicago, to Hollywood where he will do two musical shorts for Paramount.

Tommy Cutler and his swingsters are in their second summer engagement at the Glenwood Hotel, Delaware Water Gap, Pa.

Pat Garvin into West View Park, Pittsburgh, this week instead of Fran into Pine, roadhouse in same city.

Joe Morel replaced Bernie Kane's dance band at the La Grange Wiltshire Bowl (17).

Charles Baum orchestra trails Emil Coleman into Rose-Fenton Farms July 22. Coleman exits to go into the jockey season next month. Baum's crew is also set for Cole-

man's old spot at the St. Regis Hotel, N. Y., opening in the fall.

Ted Lewis into Pasadena Civic Auditorium for one night (21).

Chuck Weiss to State theatre, Hartford, Conn., Sept. 13.

Glenn Miller at Red's Casino, Albany Park, N. J. Indefinitely for RKO.

Art Shaw to Ocean Pier, Wildwood, N. J., July 20 to Aug. 3. Then Eastwood Gardens, Detroit, Aug. 12 to 18.

Will Osborne opens at Earle theatre, Philadelphia, July 22, for one week. Follows with Elitch's Gardens, Denver, Aug. 1 to 21, and then to Eastwood Gardens, Detroit, Aug. 20 to Sept. 2.

Vincent Lopez into Piping Rock club, Saratoga, N. Y., July 25, for MCA.

Eddy uchin to Westwood Gardens, Detroit, July 29, after closing at the Argon ballroom, Chicago, and the Ritz-Carlton hotel, Boston, Aug. 15.

Leighton Noble at Surf Beach club, Virginia Beach, Va., for two weeks, starting Aug. 7.

Art Kassel booked at Kenneywood Park, Pittsburgh, for week of Aug. 1 for MCA.

Jan Savitt to Ocean Pier, Wildwood, N. J., Aug. 19, for CRA; He's also musical director for station WPTA, Philadelphia. Plays Sienler theatre, Pittsburgh, Pa., preceding week.

Charlie Barnett plays Lakewood Park, Mahoney City, Pa., July 21.

Blue Barron to record for Victor.

Henry Busse contracted for Decca.

Cal Caloway plays Cotton club, Hopkinsville, Ky., Aug. 12, for CRA.

Low Mike out of Commodore Perry hotel, Toledo, O., July 19. The Pine Time Room is remodelled. Reopens in Sept.

Freddie Goodman to Palisades Park, N. J., Aug. 19. Russ Morgan there same night at roller skating rink, while Goodman plays Pavilion.

Giorgia Gale new vocalist with Reggie Chulor crew, playing at Lake Montauk, Rochester, Ind.

Ira Ray Nation to 400 club, Kansas City, Aug. 23, for one week.

Xavier Cugat to Rice hotel, Houston, Tex., Aug. 11. Plays two weeks on MCA booking, then to Baker hotel, Dallas.

George Hall at Tybee beach, Savannah, Ga., Aug. 6, for two weeks.

Jack Marshall to the Plaza hotel, N. Y., Sept. 6, after closing at the Ritz-Carlton in Boston.

Bill Barde plays Club Regal hotel, Memphis, July 21 to Aug. 10 for RKO.

Charles Baum has been booked by the St. Regis to open Oct. 4 for the winter season. He will have a CBS

wire. Jack Lavi

George Olsen into the Waldorf-Astoria hotel, N. Y., Aug. 25.

Jimmy Barsey succeeds Jimmy Grier at the Bon Air country club, Wheeling, Ill., Aug. 5, staying until Sept. 1.

Walter Feldkamp starts at Monmouth hotel, Spring Lake, N. J., Sept. 10.

Woody Herman to Rice hotel, Houston, Tex., July 21, till Aug. 10.

Clyde Lucas at Million Dollar Pier, Atlantic City, N. J., Aug. 20 to 26.

Lang Thompson renewed until Labor day at Terrace Beach club, Virginia Beach, Va. Ditto Bubbles Becker at the Summit club, Baltimore.

Ted Flairie plays one-nighter at Valley Dale, Columbus, O., July 24.

Johnny Messner getting three weeks at WBC's red net (WEAF), Sunday, Tuesday and Wednesday from McAlpin hotel, N. Y.

COLLEGE BAND STUNT GAINS MOMENTUM

About a dozen school groups have already committed themselves to Moe Gale's national college band contest. Stunt would select foremost college crew in the country to audience vote at territorial eliminations, with 12 winning bands from four quarters of the country battling it out over a 48-week period. Possible that battling of 48 will be aired for air votes also. Gale is not selling commercially or as a network good-will. Topper gets a prize and contract after final runoff in New York.

Plan to circularize colleges with particulars and requirements was abandoned because of summer, but queries have come in from Varsity's news story. Correspondence has also brought in peculiar twists not known before, and which emphasize the music-consciousness of collegiate acts. New York U. has listed two bands, up-town and down-town colleges: Columbia, Amherst, Trinity, Dartmouth, Oberlin, Princeton, Penn State, Yale, Boston U. Harvard and Calstate are now in line. New York schools will be bunched together in Madison Sq. Garden in September at 1000 seats and to select one local champion for sector. Overhead will be paid by dancers at contests.

Members of A. F. M. Brought out that a couple of crews and leaders hold union cards for possible future musical day at college and as protection against possible future run-ins with the union. If producing commercial radio, the Rupton of N.Y.U. has his crew 802 Dartmouth crew is similarly equipped. Also discussed on investigation that some of the bands are padded a college football. Ringers are out under requirements. N.Y.U. graduated this summer and was going to embark on a musical career until it was vetoed. He then decided to take a post-graduate course in order to gamble on winning the contest along with price and buildup as a better starter for the venture.

Clare Fanning in N. Y.

Moe Clare Fanning, a director of Albert & Son, music publishing house, Sydney, Australia, arrived in New York yesterday (Tuesday) by

She will spend most of her time in N. Y., creating with mercurial music publishers and firms associated with her company.

General Denial and Counter-Claims Filed by Consolidated—Calls Julian T. Abeles Consent in Litigation a Foreshadowing of MCA Interest

Answer to Don Bestor's suit was filed for Consolidated Radio Artists in Supreme Court, New York, July 16. Defendant's answering briefs reply to four points raised in the precedent—setting litigation involving contractual obligations of a band leader to a management office.

Bestor seeks to terminate his ticket with CRA on premise that it lacks mutuality. Case is being watched carefully by trade since it is the first of its kind and because of the flimsy reasons it raises which might throw the band biz into wholesale property sniping. Decision is due 20 days from date of filing of answering briefs.

In charging that his contract, which has over three years to run, is inequitable, Bestor claims that it does not obligate the management office in any way. That it does not bind the management to get jobs for the band, CRA replies that contract calls for (CRA) to secure bookings to represent the artist faithfully, collect and disburse its (band's) monies on engagements, maintain a musical direction department to assist band in improving itself, publicly, national radio hookups and six offices to furnish this service. Since all band office departments are essentially the same, the question raises possible repercussions for all offices and a possible mad scramble if sustained by the court.

CRA Points After declaring first that contract guaranteed nothing, Bestor charges that CRA has not lived up to the agreement. CRA answers with

claim that in 17 months since they took him over he has earned \$142,000 and has never once been out of work for 10 days (union stipulation on automatic contract termination). CRA adds that his own percentage has increased 30% weekly since that time, having upped from \$1,425 to \$1,750 weekly. Last at current date, Roosevelt Hotel, New Orleans.

CRA also contends that Bestor has had 49 and three quarter hours of national air time over that same period. CRA adds that all this was done in face of odds, contesting Bestor's claim that he was a name band when he went with them and has slipped since because of CRA. Booker states it had to overcome his four month union suspension, for alleged under-scale playing and also his incarceration in alimony jail in Indiana when they first acquired the band.

Bestor's third point is that CRA has no license for band booking and thus has no right to claim him or secure employment for him. CRA answers with statement that it is exempt from licensing as a management office, where seeking of employment is incidental. Appeal Court decision of Pawlowksi vs. Frosh, which upheld management contract as not requiring a license, is cited. N. Y. license commissioner: Paul Moss also notes on similar grounds over an unfavorable CRA recently on the same point when Stepin Fetchit sought aid on similar grounds over an unfavorable booking. It stated, same issue also throws other band booking offices in the middle since none have licenses for that purpose. Act. departments have licenses, it's claimed,

(Continued on page 52)

Feist First

Gordon and Revel's Sensational Hit
MEET THE BEAT OF MY HEART
From the M-G-M Picture, "Love Finds Andy Hardy"

Another Gordon and Revel Number
WHERE IN THE WORLD
From the 20th Century-Fox Picture, "Jezebel"

A Fresh Idea in Musical Novelties:
ON THE BUMPY ROAD TO LOVE
By Al Hoffman, Al Lewis and Murray Mencher

The New Style Song in Years
MY MARGARITA
By Marie Grever English Lyric by Walter Mirisch

A Typical Walter Davidson Rhythmic Novelty
WHY'D YA MAKE ME FALL IN LOVE
A Song You Hear Everywhere

Leo Feist
1347 Broadway, New York

Southern Bookers Outlines the 3 R's Necessary to Sustain Vaude Units

By T. D. KEMP, Jr.

(General Manager, Southern Attractions, Inc.)

In my opinion, our stage show problems here in the South, as far as small units (frequently called "tubs or turkeys") are concerned, approximate those in other parts of the U. S. It is hoped, therefore, that this article will prove of some value to the producers generally and to the theatre managers and operators who play such units.

During the past four years, I have booked more than 200 stage units in the Southern states. Some of these played as long as 14 consecutive weeks for us. The majority of the producers of these units made a living, some made money.

In the beginning, the theatres made a loss. Last winter, however, it became increasingly apparent that theatre patrons were losing interest in the usual run of these shows. Only exceptional shows—shows with a definite selling angle—earned their salary at the boxoffice and made a profit.

(Continued on page 50)

Oscar Replaces Hale As Texas Cassa's Star

Pl. Worth, July 19.

Paul Oscar will stage the 1938 Cassa Manana show, which opens July 26. He'll be assisted by Laura Jefferson, who sided with the dancing instruction in 1937 and 1938 and Alexander Oumashvili. Oscar replaced George Hale, previously announced as star.

George Fleck, juggler; Three Nonchalans, comedy acrobats; Eunice Healy, dancer, and Norcor and Grant, trampolitians, have been added to the bookings. Four more acts to be named.

Dancer Amnesia Victim

Philadelphia, July 19.

Mrs. Jessie May, 34, who danced as Jessie James in local nighties, was found wandering in Glenview Park here Sunday (17) night, a victim of amnesia.

She was taken to a Philadelphia hospital and identified by an Evening Ledger reporter, who had interviewed her two weeks ago, when she won a damage suit against an automobilist, after an accident.

ZASU PITTS' D. C. DATE

Zasu Pitts will play at the Earle Washington, the week of July 24. Previous stunts, she did at the Chicago club, Chicago.

Louis Shurr office agenting.

N'wood Cats Resumes

Hollywood, July 19. Clover club here resumes its floor show Sunday (26) with Enders and Farrell, who did a 12-week stand there a year ago.

THE THEATRE OF THE STARS

BOOKING AGENCY

GENERAL EXECUTIVE OFFICES

LOU BLOOM

160 WEST 46TH ST. NEW YORK

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STREET SINGERS

In This Corner—

It's conceded by the management of the withdrawn outdoor shows at Jones Beach and Randall's Island that the stagehand and musicians are provided for rain-outed performances but that Equity has been unduly wary in considering such concessions. Department heads backstage are not to report by 5 p.m., there is no pay. Should they go to the beach and rain cancels the show, deckhands are paid \$2. If the performance starts and weather prevents continuance, regular pay applies.

Musicians' arrangement is somewhat similar. If ordered not to report there is no pay, but if they go to the beach and then the show is cancelled, each player receives \$5. They get \$10 per night when working. Fares for the orchestra and crew is paid by the management. Union regulations for the island are slightly different. Equity requires pay regardless of whether the show goes on, or no matter how many nights the show may be forced off. Officers declare the assn. is willing to listen to reason, but no concrete figures on operation have ever been submitted. Equity points out that whereas the other unions have provision for inclement weather in the wage agreements the others do not give service except during performances, whereas its members are on the job during each day because of rehearsals.

Shubert-Equity Battle on Closing

2 Shows May Affect Deal With Managers Group on Ticket Code

Chances of an Equity deal with the League of New York theatres on a ticket control code would have been dashed last week. It was a repudiation of the charges made by J. Shubert against Equity for closing two outdoor shows at Jones Beach and Randall's Island, N. Y.

Equity felt that having been the manager of the outdoor shows, the logical step would be to reconsider the proposal. However, at Tuesday's (18) council meeting it is reported both sides were in virtual agreement. Committees will huddle on details and the show goes forward a special council session next week.

In addition to the charges made by Shubert, announcements sent to the press from the Shubert office further robbed it in and are said to have inspired editorial attacks against the association, the stagehand and musician unions, the New York Herald Tribune in particular scolded the theatre unions resulting in a huddle and the press going to consider retaliation. Proposed that Trib building be picketed but that was knocked out.

Tribs Hits Equity

Daily, in part, said: "Ordinarily Actors Equity is much more amenable to reason than other unions, such as the stagehands, and musicians, but in this instance all blame is laid on the shoulders of the musicians. We regret to say that the episode is not without precedents. In this case the theatrical unions have particularly distinguished themselves by their stubbornness, their greed, their lack of consideration for the workers themselves, and completely blind of regard for the sympathies of the public. They could do no more if they deliberately set out to ruin the very business which they profess to protect."

Reference to precedents was taken to especially mean the closing of the Federal circuit, for which American Federation of Actors was heavily rebuked by the press. Equity figures after the circuit row, coming soon after the circuit row, that the lucky ticket deal and apparently has been convinced on not tying up with the managers.

Shown were warned of that attitude prior to meeting with the Shubert yesterday on the plan but attended on schedule, expecting that Equity would give consideration to a basic agreement, and the ticket code deal were not concluded.

At stated recently the A.A.'s leaders are in a long term contract in which there would be no new rules introduced without the assent of the managers. The ticket code, as proposed by the League in somewhat amended form,

has Equity included in the document. Clause three reads: "The ticket) broker agrees that he will not deal in or sell tickets of any person in the theatrical industry unless he shall be a party to this code, or shall have executed the agreement for the sale of tickets required by the Actors Equity Assn. under its rules relating to employment and only to long time members of the industry shall not be in default of such code or agreement." Brokers would be required to pay the League \$5 for every ticket sold, which would go into a fund to defray the cost of selling the agencies, et al. The levy from the brokers would be remitted weekly, accompanied by an attested statement on the number of tickets sold and the theatres' deals with agency.

4A's Sets Grip

To Negotiate Four

N. J. S. F. Fairs

Associated Actors and Artistes of America, which is the national character for actor-artist unions, has formed a World's Fair committee which will solicit and coordinate with the New York and San Francisco Fair executives on regulations for members of the Equity Association. Committee has agreed on two principal points, firstly on a rule that the show will be approved by the committee. Secondly, if it is possible, or an adequate fee in any case.

However, it's realized that the usual rules will probably not apply at either fair and negotiations would be in addition to Sunday. Equity's double pay on Sunday was probably for the theatre crafts unions. Frank Gilmore, chairman of the committee. Officers are the executive secretaries of the Federation of Actors and American Federation of Musical Artists.

Each of the actor-artist unions has a committee to handle ad and Coast exposition labor problems.

Guest Seats for U. S.

London, July 19. Morris Glick, actor here to tomorrow (Wednesday) for the U. S. later assembling 100 players for the forthcoming production of the New York World's Fair.

BIRMINGHAM

FOR 2 CLOSINGS

Jones Beach, Randalls Island Operettas Forced to Fold Due to Stiff Pay Regulations, Manager Claims — Poor Grosses, 6 Rain Cancellations Figured Real Reason for Shut-downs

SHOWS MAY REOPEN

Blaming Equity for all its troubles, the management of the summer outdoor revivals at Jones Beach, N. Y., and Randall's Island, N. Y., closed both shows over the weekend. Fortune Gallo and J. J. Shubert operated the revivals through an arrangement with the State and City Park commissions. Both places had experienced disappointing grosses during the three weeks they played and had been further hit by six weather-cancelled performances.

Yesterday a committee of the closed outdoor shows appeared before council along with Shubert representatives and the manager claimed that the association stands willing to name a concessions committee. If positive assurance be given that shows would be played for at least three more weeks.

Early last week Shubert wrote a lengthy tirade against Equity for its allegedly stiff regulations for the Shubert-Gallo players. At that time, he declared the shows would be closed but asked for concessions anyway. Paul Dullitz, Equity's executive secretary, then sent Shubert a reply to the council, which conveyed in special meeting Thursday 141. Regardless of what measures could have been adopted, an order cancelling the tickets for this week was given. At the Council meeting, Milton Weinberger, of the manager's legal department, stated that none of circumstances would the shows continue.

Shubert did not answer Dullitz's reply to his letter until Thursday, and although he was asked to attend the Council session on that day, he failed to do so. Shows were represented by Gallo, the attorney and John Shubert, son of J. J., who did not participate in the conversations. Elder Shubert's second letter explained he was "not in a position to reply" and that the original complaint explained his position. Manager, however, added it is his ideas about the regulations that have been allowed to lay Sundays without pay. He concluded with: "Anyhow we could not give adequate pay to the show, and the publicity on the closings has given us irreparable harm."

Gallo had been asked to resign but was not in a position to do so. He was not on the list from Shubert, who signed the order on behalf of the Council. (Continued on page 51)

'STRIKEBREAKING' BY 2 NEWSMEN PROTESTED

Theatrical Union No. 1 Agents and Treasurers Union has protested to the Newspaper Guild of N. Y. against what it calls the "strikebreaking" by two of the latter's members. TMAJ charges that Joseph Endler, director of the New York Times, and Henry Kurtz, of the New York Times, have helped all ticket sales for the Broadway show "The Sign of the Cross" during the strike. Endler is alleged to be the manager of the show, and Kurtz is alleged to be the manager of the show. The show is alleged to be the manager of the show. The show is alleged to be the manager of the show.

Plan to Speed Up WPA Production

Proposed in N. Y. After Kickback

On Revue's 0-Month Preparation

Backfire

During a tryout of an unpromising new play at a New Jersey amateur theatre last week someone backstage mistook a cue and fired a revolver just after the second act curtain.

There was a flurry in the audience and then a spasm in the rear of the house was heard. "Don't get excited! This was just somebody's acting the author."

New Law Would

Exit License For

'Needles' Group

A new ordinance introduced in New York would exempt Labor Stage, Inc., from requiring a license. It went before Mayor LaGuardia last Thursday but was held over. It was taken, he postponed decision and Tuesday (19) again put the matter off. The ordinance would exempt Labor Stage, Inc., from requiring a license. It went before Mayor LaGuardia last Thursday but was held over. It was taken, he postponed decision and Tuesday (19) again put the matter off.

Ordinance was introduced by Robert K. Sirag, young politician, who's friendly to show business. The labor group is operating the former Princess theatre, now called Labor Stage, close to the "legit house zone," with its "Pins and Needles."

There seemed to be some doubt about the mayor's attitude toward the measure and delay on his decision was taken to mean he did not favor the idea, although it passed the Council without dissent.

License fee is \$500 annually for the theatre. Whether Labor Stage sought to eliminate that cost was not forth, although it was stated that the group had lost money. When queried on that point the reply was that money had been dropped in privately presented shows from time to time, prior to the current Plan.

Worker bunch, from the Ladies Garment Workers Union, claim it to be a non-profit organization and that whatever money is made is devoted to recreational and educational purposes, so that the group is entitled to whatever municipal advantages given other such ventures. Cost of Plan is small, people being recruited from offices and shops in the garment center. Although non-profit actually, most of those in the show have "joined Equity."

Beneficial of eliminating the fee, however, the question of whether a show charging admission should not come into the restriction of the license law, may account for the mayor's hesitancy in making a decision. The chief clerk filed a memorandum concerning the Labor Stage ordinance and it's understood the decision is opposed to the mayor's signature of the measure.

St. Louis Group Hopeful

St. Louis, July 19. More than 1,000 reservations for the show have been received by the Playgoers of St. Louis for the 1938-1939 season here. Give group, formed to help legit here, normal attendance, is after 2,000. The Playgoers were responsible for 22 weeks 1937-1938 season and for 1938-1939 season. The group is expected to be a success. The group is expected to be a success.

plan whereby Federal Theatre Project shows would be geared with a regular production schedule has been proposed to the WPA's theatre heads in New York. Proposal, which emanated from Equity's WPA committee, in a letter from Robert Isaacs to Paul Edwards, N. Y. project administrator, asks that production be placed on a professional basis rather than the protested methods used so far.

Stated that an example of stringent presentations is "Sing for Your Supper," which has been in process of preparation for nearly 10 months. It's held that WPA isn't expected to operate like Broadway, which presents its shows in a more professional manner. Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals.

Specifically, the committee said that its people on the project want to achieve results but under the present system they must wait in a stifled and there is a growing feeling of futility that is highly demoralizing. Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals. Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals.

Players appealed to Harold Hecht, Equity's president, to have the "Supper" revue, and he promised to remedy conditions within two weeks.

Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals. Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals. Specifically, it's pointed out that the fault lies in uncertain date of opening and the long period of rehearsals.

Monday (18) the committee conferred with Edwards and George Knott, director of production in N. Y., relative to the plan, but no definite understanding was reached. The WPA officials asked Equity committee to get together with them later this week.

Rehearsals for "Supper" were halted some weeks ago when difficulty arose over mixing of whites and Negroes in the play.

Chicago's Centralization

Chicago, July 19. Centralization of midwest Federal Theatre Project activities in the city is being planned. It is a new FTP setup announced here last week at a series of confab held at the Chicago Public Library.

Under the new alignment, 12 midwest theatres are headed under a general supervisor to make for greater efficiency. The Chicago office of the national associate director of the FTP, will head the enlarged group, with offices in Chicago. The Chicago office of the national associate director of the FTP, will head the enlarged group, with offices in Chicago.

Mary Jane Walsh Signs

For Max Gordon Musical. Mary Jane Walsh, actress, has signed for Max Gordon Musical. Mary Jane Walsh, actress, has signed for Max Gordon Musical. Mary Jane Walsh, actress, has signed for Max Gordon Musical.

VERÓNICA

Great Neck, N. Y.

[illegible]

Veronica Trew is a personable young lady aware of the effect of her charms upon men and determined to make them pay for the privilege of her company. Her technique is to make 'em fall, then announce frankly that she is interested only in the

Basil Gulphopity is the currier of the neighborhood, and the threat of being driven out of his home by his socially prominent wife is what doesn't bother him at all. But the currier's wife, Janice decides to handle their young lady in his own way. So the currier's efforts to 'redeem' Veronica are like a boy's with a pick in like the rest of the neighborhood boys.

The play's first lift comes midway through the action in the appearance of the angel Raphael. Veronica's swishy, artful, and

doesn't bother him at all. But th

husband. He doesn't know how she gets the money to support him, and doesn't care. In fact, he decides to divorce her only because the men who visit their flat are too noisy and he can't work in the adjoining room while she entertains.

Albert Tarbell steals the show in the husband: _____ Dick.

MY STARS

Mountain Lakes, N. J., July 16.
Gladly in these acts, by Sidney Hill-

Mountain Lake, N. J., July 15, '38.
Grandma Pope.....Jane Hare
Bill Pope.....Mama Kell

Mrs. Agnew	Lillian Rich
Mrs. Barker	Klemens Mitchell
Mrs. Barker	George Raymond
Alexander Pope	Whiting Thayer
Smith Harper	Herman Mottenson
The Jake	Bernard Mossman
"Pie"	Robert Funt
Nelly	David Wilson
	Sherbert Ogden

'My Stars' is a pleasant little comedy with a clever idea that does not hold. Story is about a family that takes up astrology, involves the father in various difficulties through his

the stripling ordering the bull
about and a number of belly laugh

in the climax, when the hero, nie-
merizes them into docile nances
the police. The play ends on a
farcial note. It would have been
more in, keeping with the plot ha-
the lad horrorscoped them into ja-
Play is uneven and the author h-

Whiting Thornton is excellent the hero. He even makes the me

merizing scene plausible. His sweet heart, Adele Bloom; the grandma, Jane Harven, and the elder brother, Joe, by J. Moore Evans are memorable. George Baehr overacts, while Hyman Mottenberg mistakes his role for forceful acting as the bull. "Cast is better than the play, which needs considerable rewriting to make the grade. It has slight film possibilities, but not enough in its present shape.

and; at Southampton playhouse, Southampton, 12. 1., July 14, '78.

With bombs bursting in the basement and actors making entrance and exits through the French windows of the auditorium, "March" was a production that is likely to be as successful as any troupe of amateur-playhouse itself is limited in: farce and slaps and space and is hard to do drama broken up into episodes, second act and third act, moreover, that script will be tampered on a commercial scale for Broadway. It's another Spanish epic, and with its music and old-fashioned moralizing and of-the-fence moralizing never so powerful or credible.

Geoffrey Smith, programmer

Pitt Considers 2d Municipal Barn; Young Charters Mohawk Festival

Pittsburgh, July 19. — Wide local interest in this season in Allegheny county strawhat at South Park, municipally-backed, has been expressed by city commissioners considering launching similar venture also at North Park next week. The latter site around 2,000 and has played to virtual capacity at practically every performance.

Two-week season ends with 'Invitation to Murder,' which opened yesterday. (18) for three weeks, county commissioners also expect to lengthen period to 12 weeks in future and if North Park play is added also give that spot an equal schedule.

Operations calls for county commissioners to set a budget, turn it over to George M. Rowland, Jr., producer and director, and then to draw salaries and incidentals. Rent is free, ditto admission, commissioners looking upon venture as publicity for virtually new South Park. Rowland is active in civic Pittsburgh Playhouse, while let in current 'Invitation to a Murder' is being played by Dorothy Scott, director of Irene Kaufmann Settlement playhouse.

Schenectady, July 19. — Opening of Mohawk Valley Festival's fourth season on Union College campus was highlighted by Owen Anderson, member, executive committee, Board of Regents, presenting to the festival a charter from the University of the State of New York, the first of its kind to a dramatic project. The charter was issued, Anderson explained, under the university's constitutional power to incorporate any university, college and library, and to establish an institution deemed worthy of recognition and encouragement.

Charles Coburn, who, with his wife, now dead, and Dr. Dixon Ryan Fox, Union's pres., founded the festival, played the role of John Crane role in a revival of 'David Harum,' the fete's 1938 opener.

Hewitt Sells Paint Shop Somerset, Pa., July 19. — Bruce Hewitt, Pittsburgh actor-singer-producer, has sold his interest in Paint Shop Theatre, strawhat here to a community group, which will operate for the remainder of the season. Cast consists chiefly of local students.

Paint Shop was launched only couple of weeks ago by Hewitt with pro cast but town decided to give like to have the spot operated as a community venture. Hewitt left for vacation at Virginia Beach and expects to do a couple of shows in New England strawhats before pulling over for New York City in launching himself as a Broadway producer in the fall with a new play.

Marquette, Mich., July 19. — The Marquette theatre opened its 1938 season last week with 'Candide.' Current is George Bernard Shaw's 'Candida.' Other productions are: 'A Midsummer Night's Dream,' 'Three-Cornered Moon,' 'Night Must Fall' and 'Ten Nights in a Barroom.' Drama is being offered in Deetrick Dell, built by Mrs. Abby Roberts especially for summer theatre while rest of summer in Louis G. Kaufman area here.

Two performances of each play are being presented.

Buffalo is going to be contentious with a vengeance. With the Studio Players drawing well at their Grand Theatre, Buffalo is following the trend and will open a summer playhouse on Grand Street in addition, to the existing Civic Art Players, under Preston Munroe, will present a season of classical plays to commence immediately.

Cochran Steps Out Washington, July 19. — Steve Cochran, who has been working on starring in theaters in Baltimore and Baltimore since last fall, when he stepped out of 'Milk and Honey' theatre management, will launch the Offey theatre Monday.

New attraction will cost \$46. It will function along stock-with-guests idea, as per the National Theatre Players, which has been running for 10 years in the C. H. Hall.

Owner is Leslie Blum in 'a Lady Has a Heart' to be followed

Irene Purcell in cycle of one-act Noel Coward plays week of July 31, Florence Reed in 'Yes, My Darling Daughter' on Aug. 1, Bert Lytell in 'The Amazing Dr. Clitterhouse' on Aug. 15, Eugenie Leontovich in 'To Whom It May Concern' and announced new play on Aug. 29. Season is due to run five weeks further.

Hollywood, July 19. — Frankie Thomas, Jr., currently drawing on 'Boys Town' at Metro, heads east as soon as his chore is done, to play in 'Brother Rat' and 'Bachelor Boy' at Showman, here.

After the strawhat engagement, he goes to New York to rehearse for 'Concert Tour' slated for September.

Saratoga Springs, July 19. — A tryout is scheduled for the Spa theatre next month for 'Allen Heat,' a new play, which Lee Shubert is planning to present on Broadway in the fall.

Indications are that it will be brought here for a week.

Reverend's Rockridge Takeover Rockridge Theatre, N. Y., has taken over the Rockridge theatre and drama school, 'Carmel, N. Y., from J. J. Goodhue, and Mrs. Corinne will direct the enterprise, with Goodhue continuing as associate producer.

New outfit plans an elaborate series. Jane Wyatt, Gladys Swarthout, Eva Lee, and Chas. Blanche, Walter Hampden, Jacques Cartier, Ruth Atman, Kathryn Collier, Katherine Warren, Emily Hartford Avery, Muriel Hutchinson, John McKee, Jane Ellis and James Truex are to be associated with the venture. On Aug. 5-7, 'Rossini' a new light opera based on 'As You Like It,' will be presented by Florence Wickham, of the Met Opera, composed the score. 'Mulan in May,' another new opera, Aug. 15.

CHATTER 'Gallivanting Lady,' new comedy starring 'The Great Gilday' and by Eric Beach, N. H., by Farragut Players week of July 26.

Shiff in plans postpones tryout of musical, 'Mad But Merry,' due July 26, to Aug. 16, substituting with 'Mad' probably getting the starring gun play, 'The Great Gilday' and Bettina Hall to do 'Private Lives' week Aug. 1.

John Hartford committed to his Hartford brewery during rehearsals of 'The Only Girl' current at Clinton County, Conn., apprentice group (Manhattan Players) will try out Bill Dunning's new play, 'Palm Beach,' at Saybrook in August.

Sir Cedric Hardwicke will lecture at Robinson Aug. 14.

Robert Anderson has resigned as director of the Ridgefield, Conn., theatre. Succeeded by Charles L. Allen.

William H. Hays, Oliver and Russell Martin, will be the second presentation of the St. Louis strawhat.

John St. Louis, Ill., starting tomorrow night (20) in the open air theatre in St. Louis County.

'Necessity Is

From the sticks come a yarn about a producer who turned out an incident was connected with the showing of 'Ringed Seal' at Woodstock, N. Y., last week, when Rufus Phillips stepped into the cast although he's not known to have appeared in the stage before. Phillips tried out the play at Leonard Lee, in the idea of producing it on Broadway next season. When he reached New York, however, manager learned that the company consisted mostly of student players. He then decided to go on himself.

Doing nothing to do with, prizing despite the title. Story deals with people attending a murder trial. Last season, Phillips was named with Benson Barratt in the production of 'Lady Has a Heart,' adapted from the Russian, 'Jeau.'

'LOST COLONY' REHEARSED AT ROANOKE

Paul Green's new play, 'The Lost Colony,' at Roanoke Island, has been enlarged and improved. Setting has been elaborated to include a replica of Sir Walter Raleigh's fort, anchored on Fort Raleigh. Amphitheatre has been remodelled, seating has been increased, lighting and sound equipment have been revised. Performances will begin on Friday, Saturday and Sunday nights through Sept. 5. Idea is to make the show a sort of American Shakespeare, repeated every summer.

Production was directed by Samuel Seltzer, assisted by Howard Balch. Cast includes a chorus of 35 voices from the Westminster Choir School, Princeton, N. J., under the direction of Eric Stenius, 40 natives of Roanoke Island, 20 pro actors from Broad Carolina, seven actors from Broadway, 24 men and women dancers and 40 boys from the National Playhouse, and 40 students. Casting is directed by Ora Mac Davis and Fred Goetz, assisted by Lynn Gaud and Brenda Bailey. Lighting is handled by John Walker, assisted by William H. Wilbur. Borsari is technical director.

Last summer about 60,000 persons saw 42 performances of the spe on the site of the first English colony in America on the 350th anniversary of its founding. Expect a larger attendance this summer.

Some rewriting has been done by Green for this year's presentation and new scene has been added to allow for the arrival of Raleigh's ship in Roanoke Sound back of the stock. The new scene, 'The Landing of the Ship,' has been written by Lamar Stringfield and has collaborated with Green on a new scene. Katherine Harris, who played the role of Dare, mother of the first white child born of English parents on this continent, will play the role of Dare. Her Indian daughter, the romantic lead, Donald Somers is Old Tom. Harry Joyner is the Indian, Fred Howard, a young Indian dancer and other principals include Harry Lass, Donald Rosenberg and Lillian Ashton.

'TAKE IT' CAST TAKES CONDITIONAL PAY CUT

Gros of 'You Can't Take It With You' at the Booth, N. Y., happened to be used for the first time the cast received less pay than called for in the contracts. Players state that the reduction is not a cut in salaries because, under the deal with the management, they will be repaid any reduction if and when business improves.

Arrangement calls for a 25% slice if the gross drops to \$100,000. There's a sliding scale drop between that mark and \$72,000. Picture version not due for release until the fall would not interfere with the run until then. Plans for sending some of the cast on tour next season also held.

2 Get Jail, 2 Suspended Sentences For Federal Ticket Tax Evasion; Brokers Question Law's Legality

Thumbs West Wins Up In Hollywood Hoosgow

Hollywood, July 19. — Thumbs West (15) was sentenced to 30 days in jail and fined \$100 for failure to pay tax on tickets.

Equity had turned thumbs south on 'Thumbs West' because the producer, Ralph Paoneus, refused to provide for the four of the actors. Meanwhile, Paoneus hired Maurice scores and later sent his musician friend, Jimmie Lentini, to Rubin's home, ostensibly to copy part of the score.

Next act was in the hoosgow where Rubins told the police that Lentini had grabbed the score and lammed. The curtain fell with Paoneus, George Grandee, composer, and later sent his musician friend, Jimmie Lentini, to Rubin's home, ostensibly to copy part of the score.

2 MUSICALS SET FOR REHEARSAL

Two musical shows are due for rehearsals next week. One is Max Gordon's tentatively titled 'Sing Out the News,' the other being the venture of the five-playwright production group. Name of the latter show is 'Knickerbocker'.

Only casting will interfere with the start of 'Holiday,' by Maxwell Anderson, drama with music and chorus. It's the first such work by Anderson. Requirements for play are high, the authors will require call for players who also have excellent voices. Score is by Kurt Weill, lyrics by Anderson. Joshua Logan will stage.

Authors, who are incorporated as the Playwrights Production Co., consist of Robert E. Sherwood, S. N. Behrman, Anderson, Elmer Rice and Maxwell Anderson. All but Rice have had plays produced by the Theatre Guild.

BOWED TO AUNT'S WISH, RONNIE RAYMOND DIES

Mary de Munn, who was killed Saturday (16) in an auto accident on the New York City highway, had withdrawn a week ago Saturday (9) from the chorus of 'The Two Bachelors,' which closed last Saturday at the Windsor, N. Y. Her stage name was Ronnie Raymond. She lived in N. Y. with her sister, Josephine Treadwell, who was also killed in the crash. Although she was only the understudy of Betty de Munn, the former champagne magnate, it was indicated that the family is not affluent.

When Miss Raymond handed in her notice, she said she did not want to make the trip but bowed to the wishes of her aunt.

Crash was caused when a tire blew out and the car went out of control.

St. Leo's 'Show Boat'

St. Leo's, N. J., July 19. — Jerome Kern's 'Show Boat' has been selected to open the current musical season and will be shown for two weeks, 15-16 instead of one week as previously planned. The largest part of the large cast will be reserved for 'Show Boat' it will be shown for two weeks, 15-16 instead of one week as previously planned.

In two previous two-week stands in the St. Leo's theatre here, in 1930 for 'Show Boat' and in 1931 for 'Show Boat' have been assigned to 'Show Boat' by the St. Leo's theatre. In 1931, 'Show Boat' was replaced by 'Show Boat' and 'Show Boat'.

Four ticket brokers connected with Broadway agencies were sentenced \$2,500, while John Givens and Samuel Bloom, of the Agency, were ordered to pay personal fines of \$2,500 each. In addition, they were fined four months in the House of detention, government pen in New York. The sentence was handed out by Judge John C. Knox's stage-in-the-sentences. Either Givens or Bloom was charged with having been set by the agency to violate the law. After one serves, the other is to follow.

Agency was charged with holding out \$100 in ticket taxes. Bill was continued until Aug. 1, when one jail sentence must start. Monday (18), two brokers with Nucky's Agency pleaded guilty and because of that sentence were suspended. Agency claimed that it was not set by Louis-Schneidman to order to pay \$1,000 and John Givens was fined \$2,500. Bernard Shand, counsel for Givens and Bloom, was charged of mistakements the law.

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Strawhat Bookings

Taylor Holmes, Eddie Nugent, Martha Hood, Virginia Campbell, Louise Chaffee, Madeline Holmes, George H. Hays, John Givens, Barn Theatre, Locust Valley, N. Y.

Fay Gray, Robert Shayne, Rossy, N. Y. with her sister, Josephine Treadwell, who was also killed in the crash. Although she was only the understudy of Betty de Munn, the former champagne magnate, it was indicated that the family is not affluent.

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Inside Stuff—Legit

Evening before high routine mass was held. Louis Ohms, treasurer of the Empire, N. Y., who died last week, special Elks services were conducted. Although he had been inactive in the group, the grand lodge assented to the rites, for "once an Elk, always an Elk." Ohms had been on the board of the Treasure Club for years.

Buxiforce man, in addition to his heart ailment, had been under treatment for a stomach disorder but was believed to be in fairly good condition. He suffered three strokes in two days. He had also had catarrhs of the eyes and might have gone blind within two years.

Last season was the poorest for the Martin Beck. . . since the theatre was built. House drew, a succession of flops, but for the coming season, the prospects are much stronger. House seems assured of highly grossing plays. D'Oyly Carte and Sullivan operettas coming late in the fall, and again in the spring, when the British attraction will be quartered there after a tour. The Beck should get off to a strong start with a repeat visit of "Victoria Regina," which goes into production for one month, starting Oct. 3. During its original run "Regina" was spotted in a Shubert theatre (Broadhurst).

The touring "Tobacco Road" is on a limited-stock basis, having opened at the Strand, Syracuse, recently under the management of J. J. Leventhal, who has started a five-stand summer stock wheel. Other spots include Atlantic City and Brighton Beach. Deal cut for arrangement between Leventhal and Sam H. Grisman, who has been operating "Road" since its inception. After that period, the rights revert to Grisman.

"Road" will tour again next season. Original show is still current at the Forrest, N. Y.

Youngster Harold Rome tried to sell some songs to Billy Rose a couple of years ago but he and Rose were not on friendly terms. Rome was stopped him and advised him to go back to school. Rome kept on, however, and recently turned in a full score for "Pine and Needles," now on Broadway. Rome is currently in London working on a new musical in rehearsal for Max Gordon. Few days ago Rose went backstage to see him, not recognizing nor remembering the author, and asked for a couple of numbers. Rome said okay, but "cash on the line."

Broadway insiders are laughing over an incident connected with the wing of Burgess Meredith recently. Formerly acting head of Equity was supposed to embark with Jed Harris from whom he is reputed to have borrowed \$1,000, an advance on salary, should he appear next season in one of the management's productions.

Serendipity by a Harlem swing band, Meredith departed a week ahead of time, accompanying Guthrie McClintic, for whom he appeared in "The Star Wagon" last season.

William Janney, the actor, who died at Saranac recently is not Billy Janney, son of Russell Janney, the legit producer. Latter and family have been receiving messages from him for some time.

Manager's son played the title role in George Tyler's "Tommy." After that he appeared in many films, but at present is East on the radio. He may appear on the New York stage in a play to be presented by the elder Janney and due in the fall.

Jacob A. Weiser, who conducts a drama course at the College of the City of New York, is again out on a solitary tour of the country. He was once a talent scout for Metro and continues in that field as a free lancer for stage and screen. Itinerary calls for lectures in little theatres and colleges, where summer courses are conducted.

David Burns is visiting New York after appearing in London musicals for the past two and one-half years. Prior to his trip to Europe he was his mother. He's signed for another London show, "Come Across," to be produced by Jack Waller in the fall. Returns aboard the Ile de France July 28.

Management, judging from adverse reaction of "The Two Bouquets," which closed at the Windsor, N. Y., last week, is not sure of the trip to the music with would have had a bright chance had it gone on earlier in the season, instead of the summer. At the finale performance Saturday (16), the players were given 10 curtain calls.

DIXIE' NEGRO REVUE, CLICKS IN COAST BOW

Hollywood, July 19. "Dixie Glee-Hat," first all-Negro revue produced on a national scale, debuted Sunday (17) at the Whittier Ebell theatre. Charles K. Brown produced and conducted the book with F. Miller, Otis and Leon Rene contributed music and lyrics. The cast, entirely Negro, was headed by the best work turned in by Mantan Moreland, comic.

Deny Fuller-Hayward N. Z. Fold; Claim Reorg

Auckland, N. Z., July 4. Sir Ben Fuller has been tactically denied that the Fuller-Hayward group will fold in this territory. He said that the group could be reorganized with new capital. Opposition to Williams' and F-H. has been growing in the territory in which both F-H. boys are reportedly interested. Doubtful if the opposition will be helped by the fact that the New Zealand government would not permit a home unit using wiped out.

Future Plays

"Primrose Path" by Robert Buckner and Walter Hays will be produced by George Abbott after he presents his Rodgers and Hart musical comedy of "The Boys in the Wood" for a piebald Christmas.

Strawhat Reviews

MARCH WITH ME

(Continued from page 18)

author, is really Theodore St. John, who plays leading role of a scion of an aristocratic movement. He collaborated in the writing of "9 Pine Street" and has also written "Adam's Wife" and "Distant Shore."

Comic relief centers around character of Andre de Branza y Panjul, shown in 1931 as instigator of a "movement" to overthrow the king. However, he is shot by anarchists and is left for dead. He awakes in a grip of amnesia, he gradually begins to see things from the point of view of the revolution. When the Franco rebellion explodes, the aristocrat throws his weight with the revolution.

"Later, having fought with both forces, he feels he can no longer see eye to eye with either faction, and that no matter how the war turns out, he will be a loser. He decides to follow the line of the future intestine strife. It's a 'plague on both your houses' ending likely to result in the death of the loyalist or Rebel sympathizers in this country."

St. John handles his difficult acting role adequately, while Margaret Blandford, Antonio, delivers the performance. Gordon Nelson brings a dignity to "Adam's Wife" and Andre father and Grace Coppin plays the mother in most of the first act and makes its points rather effectively. The production is a bit light in places, but the music is well as to be of March with Me must be rated dubious stuff for films.

RINGSIDE SEAT

Woodstock, N. Y., July 16. "Ringside Seats" is a three-act play by Leonard St. John, who plays leading role of a scion of an aristocratic movement. He collaborated in the writing of "9 Pine Street" and has also written "Adam's Wife" and "Distant Shore."

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3 R's for Vaude Units

(Continued from page 44)

profit for the theatre. On stage shows as Dan Patch's "Big Apple Revue," Vaughn Richardson's "Pine Ridge Follies," Aldrich's "Imperial Hawaiian" and Flo Nickerson's all-star show. Each had something different to offer the public, and these attractions did little business.

The straight vaudeville unit, consisting of five or six vaudeville acts, is supposed to be a family affair. A small orchestra, is through as far as we are concerned. Sameness—has killed this type of show. And it was this very same SAMENESS that destroyed interest in vaudeville in the 1920's and caused vaudeville theatre to go straight film. Theatre patrons are tired of looking at the same acts year in and year out, knowing exactly what is coming in the R's routine. In another five years, when the youngsters of today are old enough to become "vaude" theatre patrons, this type of show may come back. Now it is as obsolete as a steam locomotive.

What, then, is the producers of small units to do? And what stand the theatres that need these units to do?

First, we will take the producer. Before starting production on a unit, good trailers should have a little idea behind his show. This idea may be a theme that knits the show together. Or it may be a personality that carries the show. Or it may be a theme that knits the show together. Or it may be a personality that carries the show. Or it may be a theme that knits the show together. Or it may be a personality that carries the show.

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Fifth, we will take the future. Before starting production on a unit, good trailers should have a little idea behind his show. This idea may be a theme that knits the show together. Or it may be a personality that carries the show. Or it may be a theme that knits the show together. Or it may be a personality that carries the show.

wornout cables, rotten rope lines and cover-up unprotected. The stage and apron should be kept well mopped and the draperies brushed and vacuumed.

At the present time there seems to be little hope for the development of a small unit. The small unit. This should help unit in securing youthful talent. The life! But the cost of names, due to bus is extremely uncomfortable, but a would-be performer, who spends a season in a small unit, and comes a real trouper. Several performers including some chorus girls, whom we saw in small units in the past are now making good in Hollywood and New York.

Theatres, of course, prefer names. But the cost of names, due to their scarcity, has become so high that only the larger towns can look them. There is, therefore, hope for the little show provided the producer and the theatre manager sincerely cooperate and despite the fact that the picture now looks so gloomy.

RKO Reorg Plan

(Continued from page 3)

that RKO must first have consent of 50% of the shareholders.

Alger's written report is to be reviewed by the board.

There have been recent discussions among interested parties to a reorganization of RKO. The management of the reorganized company, but nothing definite has been heard of. In so far as known, not even the size of the new company board has been decided. It is expected to be a board of nine or 11, with members of the board numerically representing the various divisions of the company. The board would be comparable and equivalent one against the other in relation to the financial interest represented.

For instance, both RCA and the Rockefeller, it has been mentioned, would have a seat on the board, and Alas-Lehman people possibly three.

Alas Option Lapses

The option held by Alas to acquire the Rockefeller stock, which was part of RCA's equity in RKO has lapsed. There has been some disagreement between the Rockefeller and Alas-Lehman people possibly three.

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Broadway

Abel Green, of Variety, due back from London Aug. 6, about two miles on the road daily to toughen up. Eugene Castle (former 16 mm. sound) will be the campaigner for new season.

R. F. "Dinky" Moore, Warner N. Y. co. manager, back from Canadian vacation.

Max Weiss of Metro's press dept. at a dude ranch in Newton, N. J., for a week.

Paul Morris bringing out a book on smoking habits of celebs, many of them show biz. Captain, Paramount's eastern talent executive, due back next week from his annual vacation.

Johnny Ostrander, former Broadway boxoffice, is mayor of West Brooklyn, N. Y., Population 376.

Stanley Rayburn, formerly with RKO, back home, now at Alton, Eddy Radio Recording Corp.

Y. F. P. (Y. F. P. family) off for a vacation somewhere in the south in August. United Artists' actress "Alister" Nighty tiptop with the Versailles, Monday night (18) in behalf of "the girls."

C. W. Johnstone, WOR press and chief, deepsleeps for a week because of Howard Hughes. Off to recuperate.

Main desire of crippled of George of Maryland, who left New York last week to meet Jack Dempsey. He did.

Paul Greenaway, secretary to Albert Deane, Paramount's director of public relations, is on a cruise off Nantucket.

Charles Paine, former Broadway actor, back to 40-day visit with Arthur Lee, GB, at latter's George Bay summer estate.

F. W. Allport, of the Hays office, was in from Europe this week, is making the first part of his visit a vacation with his family here.

Louise Platt, legit play actress, to the Coast last season on a Walter P. Reuther contract, just returned to Broadway in September for a stage play.

Albert Josephson, ierector of the World Theatre, will arrange film work at Woodstock, N. Y., at Cinema. It's part of summer theater.

Don Hall and Frances Langford to be guests of the Robert Welton at the Garden Falls when he returns director of the Par, N. Y., has a place for the Canadian pair.

Wine Hart pinching-hit for Francis S. Harmon, head of the eastern picture market on vacation. Hart Harmon is in Mississippi. Hart Harmon is on vacation. Hart Harmon is on vacation.

Al Altman, Metro's eastern talent man, is taking a vacation in the moon with the missus by spending several weeks in the wilds of Nova Scotia. Plans to return to New York.

Victor Cockle, export manager for Radio Television and Educational Film Instructional Films, has gone to Montreal on business. Plans sailing for London from the Canadian port.

Betty Field leaves "What a Life," at the Biltmore, at 10 (Wednesday) performance, for a visit to the Biltmore. Miss Peterson, who will play the part of the red.

Edith Fellows stopped here en route home from a motor trip. She is planning to return to the Warner Bros. to Chicago on big.

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London

Lee Ephraim got pneumonia after stuntrole in France.

Charles, first film, "The Route Enchanted," is being shown at the Saville after two-month run.

When the redecorated Tivoli opens early fall the prices will be 25-35c. Charles, first film, "The Route Enchanted," is being shown at the Saville after two-month run.

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Sydney

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Pittsburgh

Miss Robinson's office for Bar Harbor.

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Atlantic City

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Hollywood

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Dick Arlen to Wichita.

House Reviews

TOWER, K. C.

(Continued from page 45)

Miss Robin does her bit in two spots, offering two conversational numbers with Harris. She has eye for eye with local news.

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HIPPI, BALTO

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St. Louis

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From the living pages of this glorious novel flames a great heart drama!

Surpassing all the so-called thrills on earth . . . the sweet sensations that hit the heart's deep spots . . . laughter and heartache . . . tenderness and tears . . . romance and longing and fear and hope... HERE'S A PICTURE TO BE REMEMBERED ALL THE DAYS OF YOUR LIFE!

KATE DOUGLAS WIGGIN'S
Memorable Story of American Girlhood

"MOTHER CAREY'S CHICKENS"

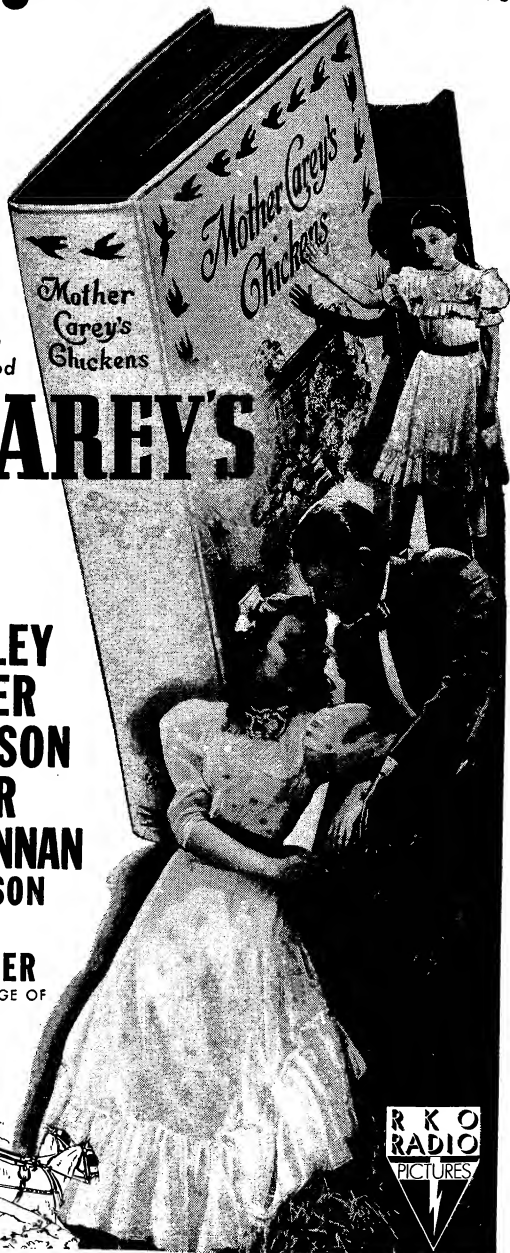
with

**ANNE SHIRLEY
RUBY KEELER
JAMES ELLISON
FAY BANTER
WALTER BRENNAN
FRANK ALBERTSON
ALMA KRUGER
VIRGINIA WEIDLER**

PANDRO S. BERMAN IN CHARGE OF
PRODUCTION

Directed by Rowland V. Lee

Screen play by S. K. Lauren and
Gortrude Porcell



VARIETY

15¢

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56 PAGES

MUD-SPATTERED GLAMOUR

Greenwich Village Replica at World's Fair in N. Y., with Revue, Vaude, Art

'Invalid' is due to preem at the
Broadhurst, N. Y., Oct. 6.

VARIETY

No admission charge to enter the cafe, although there will be an entrance fee at the gate to the Village. Atmosphere of Greenwich Village will be carried out in detail, including a studio of living models, who will be posed in tableaux. There will also be an Art Mart, with sketch artists operating in the open as they do in the Village. Shops will be located on a second floor level and an additional cafe called 'The Spider's Web' will further carry out the Village scheme.

Gaiety is a stock burlesque here, closed for the summer, and it seems that the picture attracted men who expected that Gaiety burlesque chorus girls would be on exhibition. Steffles immediately changed the film's title to "Millionaire's Gaiety Girls" and his normal patronage returned.

Ferdinand Gottschalk, for 60 years an actor, is going into retirement in his native England. He's 69 and for the past seven years has been in pictures.

The Hour of Charm

THE COMPLETE RADIO PROGRAM

PHIL SPITALNY, PARK CENTRAL HOTEL, NEW YORK

Mercury Theatre May Record Classic Plays For Schoolroom Use

Mercury Theatre group has recently completed recordings of "Twelfth Night," and may go into the audible education business heavily next season. Plan is to make records of classics for use in schools. Also hoped to secure money from Rockefeller Foundation for making discs.

Todd School at Woodstock, Illinois, where Orson Welles attended, is among the institutions interested in using them. Columbia Phonograph is making the records.

THEY SEE VICTORY, BUT FEAR IT'LL BOOMERANG

**Apprehension Grows with North Dakota Decision
and Gov't's Anti-Trust Suit—Operators Now Fear
They May Be Upsetting Appellate**

Minneapolis, July 26. Now that their "loss" of the Supreme Court decision in the North Dakota divorce law decision against Paramount and the Government's anti-trust suit filed in New York, many of the members of the belligerent Northwest Allied States organization, one of the most aggressive leaders in the fight for federal and state aid to wipe out trade abuses, don't know whether they're glad or not.

In fact, some of the independents who have been most active in Northwest Allied circles are shaking their heads, apprehensive of the effects on the industry generally and themselves in particular. They really didn't believe that developments would reach the present stage. They've been acting on the theory that a good offense is the best defense, and that aggressiveness, demands and threats would prevent the producers from losing ground and too hard, preserve or better their status, and react to their financial benefit.

Prosperous Theaters
They're well heeled and their theaters are prospering. Naturally they aren't so sure they care to see the status quo so badly upset, even though they do feel "let's get it and feel the producers have got what's coming to them." They're afraid of the consequences. The fear disruption of the industry with resultant adverse repercussions on their own well-being.

As a matter of fact, the vast majority of exhibitors in this territory have prospered. Theaters are highly lucrative. Even now, in the midst of a depression, it's practically impossible to buy a theater on terms like reasonable terms. Very little is offered for sale. Most was made this phase at the Northwest Allied States' silver jubilee convention, held here last month ago. Even President V. A. Steffes agreed with such speakers as F. J. Rodgers, Metro general sales manager, that "this business has been mighty good to all of us and we want to work to keep it that way." He asked the members in what other line of business they could do so well financially on the money they've invested and urged that they cooperate more closely and solve their problems without government interference.

Tough on Pix Salesmen
One immediate effect, however, of present developments is apparent here, will be tougher going for film salesmen. Indications are that the independent exhibitors are now and always willing to take advantage of any situation when they apparently have found the theater business harder than ever to sell.

In fact, Steffes is planning to call a special meeting of the organization to decide "what effect, if any, latest Supreme Court decision will have on the season product buying policies." When salesmen try to force buying contracts as part of the sales contract, for example, some of the Northwest Allied leaders believe it's time the members of the distributors' representatives that they call the Department of Justice's attention to the matter.

The whole situation will be gone into in detail at the meeting, Steffes indicates. Another thing that will be discussed will be the campaign for a Minnesota theatre divorce law repeal in the North Dakota measure upheld by the federal court. However, now that the Government has taken its anti-trust suit, the reputation of film producing and exhibiting as one of its objectives, the organization may decide to wait and wait for the present.

R. L. Schwartz, one of the lawyers retained by Northwest Allied to assist the North Dakota state attorney general in defending the state's theatre divorce law, and who, in his arguments, stressed the "public character" of the business, is objecting to members "it's a cinch that, on appeal by the plaintiffs, the court will grant a complete victory in the U. S. supreme court."

There's not a question of a doubt in his mind that the Supreme Court is the highest tribunal, inasmuch as it was handed down by a mixed

court, comprising one circuit court of appeal and four district courts. The decision was unanimous, Schwartz points out. He says he will try to win one odds that there'll be no reversal.

The decision is especially significant, as it is an anti-monopoly development, Schwartz believes.

A perusal of the lengthy opinion of the three-judge federal court in the North Dakota divorce case reveals a finding to which considerable importance attaches in view of the government anti-trust case.

Don't Complete in Exhibition

The producers deny that they have been guilty of any unfair practices in the distribution of their films, or of any attempts to create a monopoly in the business of exhibition either in North Dakota or elsewhere; and their evidence tends to

(Continued on page 19)

**WB NOT JOINING
SELF-REG.
CONFABS**

Because of possible involvements under the federal Sherman anti-trust laws, Warner Bros. has withheld any decision to participate in the impending trade conference for independent distributors and exhibitors for adjustment of industry relations.

Filing of the civil suit by the Department of Justice in New York last week, in which the anti-trust monopolistic practices is declared not to have been the direct reason for Warner's hesitancy about joining the party, a decision, which was reached some weeks ago by company executives.

There is no implication that WB disapproves of the proposed meeting, but company attorneys are said to have advised against participation in a roundtable discussion with other distributors in the absence of some direct ruling by the Department of Justice that such participation in no manner will be used as ammunition in anti-trust actions pending or contemplated.

In the government's statement explaining the purposes of the civil action initiated in New York, it was declared that the policy of the department prohibits prior determinations of the character. The statement is worded in some quarters as official answer to the question whether the policy of the department is to be used as ammunition by one or several of the film companies some time ago.

WB's position is that WB's proposed non-participation in the trade conferences in no manner affects the company's cooperation with other industry matters in New York and on the coast.

N. Y. to L. A.

Trum Carr.
Rufe Davis.
Robert R. Egan.
Kay Hansen.
Leland Hayward.
Edward J. Hendon.
Adolphe Menjou.
Sam Shain.
Radio City.
James Stewart.
Verree Teasdale.
Cliff Work.

R. L. Schwartz, one of the lawyers retained by Northwest Allied to assist the North Dakota state attorney general in defending the state's theatre divorce law, and who, in his arguments, stressed the "public character" of the business, is objecting to members "it's a cinch that, on appeal by the plaintiffs, the court will grant a complete victory in the U. S. supreme court."

There's not a question of a doubt in his mind that the Supreme Court is the highest tribunal, inasmuch as it was handed down by a mixed

FILM STOCKS REBOUND AFTER EARLY SELLING

Anti-trust action against a majority of the picture companies having stocks listed on the big board and the N. Y. curb resulted in a heavy decline in film issues last week, selling spreading temporarily to other sections of the stock market. After heavy liquidation for nearly three days, a rally late in the week and firmer prices Monday (25) resulted in wiping out about 30% of the losses.

There was not sufficient volume attached to the sale of film stocks for stock market to fall back too far in sympathy. Rather, stock traders viewed the anti-trust suit as one of the few unfavorable developments in the week and as coming from a source which Wall Street sometimes holds responsible for recent advances.

There was heavy selling for two days and lesser dumping of stocks in the third day's session, numerous shares were managed to remain within striking distance of their year's highs. Hardest hit issues naturally were those companies with a heavy stake in theatre circuit properties, because of stress in the Department of Justice suit on theatre divestment.

Some stocks actually advanced while others were declining. Universal old common and Consolidated Films pfd being in this category. Odd part of action by assessments was last independent shares, such as Monogram and Grand National, were carried downward, though some picture company was mentioned in the suit.

L. A. to N. Y.

Frances Arms.
Art Arthur.
Dorothy Ball.
Ben Blue.
Doris Davenport.
Mary Boland.
W. C. Cleary.
Doris Davenport.
Jack Conroy.
Kyle Crichton.
Mona D'Amico.
Howard Dietz.
Robert Foulk.
Nicholas M. Schenck.
Raymond Scott.
Harry L. Sommer.
Fred C. Stone.
Benny Thau.
Patricia Wilder.
Cliff Work.
Dewey Wrigley.

ARRIVALS

Charles Pettibone, George McAneny, Lotte Gruner, James Fursy, Morris Gest, Fred Chaplain, Jr., David K. Gombur, J. H. Bornstein, Alfred Krellberg, John E. Otterson, E. L. Rutledge, George J. Schaefer, Chester Cowdell, Lili Dervas, Hans Jura.

Other News of Interest to Films

Max charge radio-admission. Page 30
Network. showman. Page 31
Radio City television live. Page 32
ASCAP's \$500,000 legal headache. Page 41
Met opera signs with AGMA. Page 42
Atlantic City's show biz hype. Page 45
Zasu Pitts' new act. Page 47

Trial Long Way Off

Government's anti-trust action is expected to drag on for at least two years, according to opinion in the trade and according to duration of other industry suits of vast importance. Few major cases have come up that did not require at least 24 months of trial and settlement.

The Famous Players-Lasky case consumed about seven years. The duration of justice civil action against American Society Compositors, Authors and Publishers, in which monopoly is charged, has been pending for three years thus far.

Those in the industry recall that a small fortune was spent in investigating the anti-book booking situation which resulted in the cease and desist order against Famous Players-Lasky. Bone of contention originally and primarily in the Federal Trade Practice confabs in 1927 was book booking also, but arbitration and a standard contract resulted as outstanding achievements of this parity.

Chi Suit Seeks to Upset Releasing And Clearance Setups of 8 Majors

THAU GOING ABOARD ON MG QUOTA PROD.

Hollywood, July 26. Benny Thau heads east Friday (25) to sail Aug. 3 for London to oversee Metro's quota pictures produced here. He will remain abroad three months.

BIZ WELCOMES COURT SUIT HAYS

Comment of Will Hays, head of Motion Picture Producers & Distributors of America, on the anti-trust civil suit brought by the department of justice against producers, distributors and leading exhibitors generally welcomed the prospect of a showdown to clarify the application of existing laws to trade customs inherent in the development of the film industry. His statement reached most New York dailies in time for late editions Wednesday (26) afternoon, after the suit was filed.

The real customers of the industry, he said, a "potential motion picture public in the United States of approximately 110,000,000 people are interested primarily in the entertainment and social values of the screen brought to them at prices to meet everyone's pocketbook. The middlemen of the industry, the wholesale distributors and the retail exhibitors, have seen in self-regulation, rather than in legislation, the final solution of the trade problems peculiar to the business. If the present action instituted by the department of justice, in civil proceedings, clarifies the law applicable to the complex business operations of the motion picture industry, it should promote the further progress of the screen."

Hays said the keen competition of the market and the problems of the trade were under consideration by a committee of leading producers and distributors. He explained that the system of zoning, clearance and first-run is so finely adjusted that the most expensive production is made available in time to the smallest theatres in the land for the lowest possible admission price.

Pointing to American pictures with world-wide audiences as ambassadors of good will, Hays said that more than 75% of the greatest time of the world in spite of quotas, embargoes and other foreign trade restrictions, has been won through which an art industry has been created. "This world significance of the picture industry, which depends upon the stability and efficiency of that industry. In all of its worldwide relations the motion picture industry has found its government to be helpful and understanding in every respect."

After making his statement regarding the attitude of the Motion Picture Producers & Distributors of America on the anti-trust suit filed by the government, Will Hays departed for the Coast last Wednesday (26) night. Hays is not expected back from Hollywood until the middle of August, when he will be in the line of MPDPOA directors this fall.

Chicago, July 26. Entire releasing and clearance system of the Chicago territory comes under sudden judicial investigation in the new Federal District court here by the operators of the Palace, Gary, Indiana, against eight picture distributors and two circuits. Palace, operated by V. U. Young for the Gary circuit, and the Gary circuit, operated by the Gary circuit, is seeking an injunction against the distributors and ask that they be restrained from enforcing any releasing clauses in the exhibition contract.

Should the courts react favorably to the plaintiff's plea, it would mean a complete upheaval in the Chicago release and clearance system, which has always been regarded in the picture industry as the thing which set up for distributors and the exhibitors.

Objection in this case is apparently the inclusion of the Gary district in the general release field of Chicago metropolitan area. Palace theatre operators have based their business on the Gary circuit. Gary releases to four weeks after the Chi key houses have played the picture and ask that they be restrained from enforcing any releasing clauses in the exhibition contract.

In seeking an injunction against the release clause in the exhibition contract, the Gary company is also asking that the defendants be enjoined from retaliating against the Palace by refusing to give it product.

This suit has no connection with the threatened court action on the part of the Motion Picture Producers & Distributors of America against Balaban & Katz because the latter's complaints are based on B.A.K.'s alleged milking of pictures through the use of continuous loops in Chicago. Palace theatre belongs to the Motion Picture Theatre Owners of America, which includes both Balaban & Katz and Warner Bros. theatres in its membership.

SAILINGS

July 26 (Los Angeles to Honolulu), John H. P. (New York to London), David Rose (de France), New York (London to New York), Darryl Zanuck, Gladys Swarthout, Mr. and Mrs. Abel Greco (Norman die).
July 23 (New York to Alton), William M. Prince.
July 23 (New York to London), Sam S. Cohen, Mary Lawton, Kathleen (New York to London), Mrs. Kennedy Barker (Champlain), New York (New York to London), Mrs. J. H. Morgan (Amsterdam).
July 23 (New York to Genoa), Mr. and Mrs. Arthur Bus' Bus, Alfonso B. Rivas, Harry A. Bull, Mrs. J. H. Case, Alfred de Ligio, Jr. (Rue).

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POP, SEELIG, SMULL SLOW, BUT SDDEN UPPER SCREEN AS 17TH HOUR NEARS

Exhibits Nationally and in Canada Stalling on New Contracts, Though Old Product Running Out—Distributors Expect Last-Minute Rush

Although the new season's product is now waiting beyond the first week in September to inaugurate the 1938-39 film year, contract picture continues at a discouragingly slow pace. Not for many years has there been so much stalling throughout the entire country and Canada.

Product deals were scattered during May and June, but there has been somewhat of a pickup during the past three weeks of the year. Expectation in sales circles is that the turn on dealing may be due at any minute, with negotiations this year at the eleventh hour when exhibitors must do something in order to be able to pick up product as it becomes available.

Since both sides have been sluggish in getting deals under way or closed up, the next round may be a hectic stampede on exchanges, district managers and exhibitors, which will likely test the distribution systems of the various companies. Buyers and exhibitors have been view of early summer uncertainty, the question of rental is another. The fall season seems and new product reaches the exchanges, it is imperative that the exchange agreements so that it can be picked up.

As the old product runs out the vintage theatre operator is in the position of starting to wonder as to where and from whom he's going to get sufficient supply. However, the exchange deals, especially with the larger major and independent exhibitors, seem to be closing. It exists and it's hinted in some circuit quarters that there is no worry about supplying the exhibitors' commitments for 38-39, since there will be supply on various carryover contracts. Last season's total relative number of term deals were negotiated.

Behind a strong turn in selling quickly develops it may be that some accounts, particularly those regularly on the exhibitor's list, are concerned, will be permitted to pick up new (38-39) product. Negotiations are being getting the deal. This might be possible, since distributors, wanting to get money for new product, do not want to let available product lay in exchange for any length of time before being dealt.

On a number of 38-39 pictures there will be pre-release engagements in selected areas. These include 'Algiers,' currently at the Music Hall, N. Y., and first of any of the 38-39 pictures. It is expected that the various pre-release deals might encourage quicker washup of new product deals, hence the exhibitors' possibilities shown by such pictures.

Exchanges Also Stall

Chicago, July 26. Previous conditions sluggishness on the part of film buyers and selling was due primarily to the hesitations of exhibitors in signing contracts according to the terms and stipulations of the distributors. The slow selling season is getting away more slowly than any time in the history of the local film business. Within this year it is the change which is holding up the selling almost as much as the exhibitor is withholding purchases.

Exchanges are almost unanimously in accord that the present period is a very psychological one for salesmen, since box office figures during these parts are at a low ebb, when the real big ups looked for in August or early September, exchanges are holding back their merchandise and want to wait until a few more weeks. To keep 'em occupied they are sending 'em down the road the small picture and the fringes of their territories to pick off the small accounts.

On the other hand, burning at present over the decision of the distributors to seek a considerable increase in rental picture this coming season. With the info that most of the exchanges are making a setup of percentage pictures similar to the Metro alignment.

Small Scouts Player To Replace Jack Dunn

Hollywood, July 26.

Big name star is being sought by Edward Small's production aids to fill the role intended for the late Jack Dunn in 'The Duke of West Point.'

Small, now in New York, still hopes to get the picture going. In case his scouts fail to find a suitable star, he will launch preparation for 'King of the Turf,' with Formative Menjou.

PAR SETS 2 STAR TEAMS

Hollywood, July 26.

Fred MacMurray is teamed with Dorothy Lamour as a star team for Paramount's forthcoming Technicolor film, 'Mantrap,' made last in 1926 with Clara Bow.

Charles Buggles and Mary Boland were signed as a co-starring duo for a comedy next set by Kurt Neuman as director of 'King of Chinatown,' starring Anna May Wong.

PAR, 20TH QUARTERLY STATEMENTS THIS WK.

Both Paramount and 20th Century-Fox are expected to release second-quarter earnings statements this week. Understood that 20th-Fox earnings will be higher than the company's first quarter, with six months' showing perhaps equaling company's six-months' mark of last year, same period.

Paramount's earnings may run to around \$400,000 for the second quarter, according to unofficial accounts.

Zanuck Dickers With Corrigan for Picture

Paris, July 26.

Durley Zanuck is negotiating with Douglas Corrigan, Trans-Atlantic flyer, for latter to make a picture for 20th-Fox.

Zanuck is in Ireland at present, while Zanuck returns to U. S. this week, embarking July 27.

Ask Witherspoon Connish

Los Angeles, July 26. Artists and Authors Corp. of America filed a complaint against George Witherspoon before the Federal Labor Commission, charging the actress with failure to pay \$1,115 in back wages. The suit was filed July 26.

Agency claims it arranged a \$100 weekly contract for the actress at Metro.

The exhibitors are staying away from exchanges for fear they might be button-holed into a discussion of percentage pictures and find themselves signing a contract that has sharing clauses.

This territory has always been death on percentages, with few able to break through what has been a wall of resistance to percentage deals. Many companies, which had previously been satisfied with the selling of pictures on sharing terms, are beginning to talk 10, 12 and 14 pictures at 25%, 30% and 35%.

Due to these factors, it is not likely that the local film season will get going in earnest before September, indicating that it will be late in the autumn and maybe winter before the selling will have been settled for 1938-1939.

Slight Difference

Hollywood, July 26.

William Lawrence, who starred in 'White Collars' years ago when it ran 37 weeks as a legit hit in San Francisco, played a bit in 'Rich Man, Poor Girl' at Metro.

It's the same play.

WB'S BOND PLAN SET

Warner Bros. Pictures, Inc. has formulated a plan for the exchange of the company's presently outstanding \$29,400,000 principle amount of 6% convertible debentures, series 1929, under which the bondholders are to be granted new equity principal amount, 6% sinking fund debentures, maturing in 1948.

Original total amount of these debentures was \$4,004,500, of which amount \$4,004,500 have been retired. The debentures mature July 1, 1939. The new debentures will mature Sept. 1, 1948.

\$15,396 TAX BITE BY GOV'T ON ZASU PITTS

Washington, July 26.

Healthy tax bite will be inflicted on Zasu Pitts (Woodall), film actress, as a result of last week's action by the Board of Tax Appeals, upholding the Commissioner of Internal Revenue in his contention that film comedienne must come through.

Total of \$15,936 is due the Government. Board ruled, Zasu Pitts, separated from her husband during the tax period and was exposed to a tax bite of \$15,396. Uncle Sam asking \$11,531 for 1932, and \$3,864 for 1933.

Bert Gillett has been booked for a two-week personal a. the New York Paramount starting Aug. 17 or 24. She is currently playing the role of Chicago.

Prior to the N. Y. date she plays the Earle, Washington, opening Friday (25) and then the Earle, Philadelphia, the week following.

Benny, 'Man About Town'

Hollywood, July 26.

Jack Benny is set to head Paramount's forthcoming 'Man About Town,' with Arthur Hornblow producing and Mark Sandrich directing. Production will not get under way until November.

Linden Vice Adler

Hollywood, July 26.

Eric Linden played spot yesterday (Monday) to July 28th for London.

He replaces Luther Adler in name role in legit, 'Golden Boy,' in its London showing.

Survey Shows How Tax Burdens Have Increased Since '32; Cites 20th, GTE

Washington, July 26.

Rise in the Federal tax burden on two corp. corporations is spotlighted in a survey which shows that the Dealers' demands for more and more cash. Study, which reveals that the gain from 1932 to 1937 was \$1,000,000, exceeded investors' returns by 34%.

Also reflects how the payments of two recent bills of the William Fox empire, General Theatre Equipment Corp., and 20th Century-Fox, Inc., zoomed from 1932 to 1937. Eastman Kodak, American Telephone and Telegraph, and Radio Corporation of America also had over tremendous amounts in 1937.

The 20th Century-Fox bill hit \$1,200,000 in 1937, compared with \$1,857,661 in the prior year, and more \$155,882

'Blockade' May Not Be Given 2d Run in Prov.

Providence, July 26.

According to recent indications, town's second-run audiences will not be given a chance to see 'Blockade' (UFA). In view of recent criticism of the film, amusement inspector George W. Cowan has suggested to managers of second-run houses that it would be 'inadvisable' to show the film here again.

The film was shown at Loew's State week of June 17 without any undue criticism and grossed near \$10,000.

'Datelines,' short produced in New York under the supervision of Lora Vayns, daughter of Arthur Garfield Hays, has been rejected by the Maryland state censors. Odd part about it is that the picture is playing at the Trans-Lux theatres in N. Y. It was not submitted to the N. Y. state board of censors because regarded as a newsreel by the producers.

Maryland censors rejected the film, built about three unusual stories that appeared in headlines, on the grounds that the judgment of the board, it would debate morals and incite to crime.

WB STARTING 12 IN NEXT 2 MOS.

Hollywood, July 26.

Production staff at Warner's in the next two months calls for a part of 12 features, eight to be made under contract of Hal B. Wallis. Octet consists of 'Jungle,' 'Dawn Patrol,' 'Dark Victory,' 'We Are Not Alone,' 'The Sign of the Cross,' 'City,' 'Oklahoma Kid,' 'You Can't Excuse Forever.'

O'BRIEN RENEWS AT RKO ON 6-PICT DEAL

Hollywood, July 26.

George O'Brien, western star, signed a new six-picture contract with RKO, calling for the same producer-director-writer combination.

Bert Gillett will produce, David Howard direct and Oliver Drake script the six O'Brien pictures, as they have done the four under the old contract.

Bickford Set at U

Hollywood, July 26.

Charles Bickford shares top spots with Van Grier and Barlowe in 'S.O.S.' to be produced by Ken Goldsmith for Universal.

Shooting starts Aug. 15. Meanwhile, Bickford may do a job for Paramount.

Sax in Gilpin Spot

Hollywood, July 26.

Carol Sax, unit manager at Warner's, made over work of Joe Gilpin, resigned studio business manager, without inheriting the title.

Rat' unit will do his job under supervision of Tenny Wright, production manager.

Cowdin Back With New British Com For Pictures

Providence, July 26.

J. Cheever Cowdin has successfully negotiated a renewal of the film sales contract with the management of Universal, of which he is chairman, and General Film Distributors, Inc. (Walter R. Rank) in London, under the terms of which Universal obtains a substantial amount of new financing and income, possibly \$1,000,000 or more.

Cowdin, upon returning yesterday (Tuesday) from a six-week journey abroad, announced the renewal of the deal, but did not furnish full details.

It is understood that the deal, whereby GFD continues to handle Universal product in England, has been extended for perhaps five years. The new financing which is provided by the Rank organization, presumably is gained as against receipts of the company's earnings in London, which will form its base as the old deal.

Cliff Wark, Universal's stu. in best, returns to the Coast after being in New York with J. Cheever Cowdin, chairman, and Nate Blumberg, president of the Rank organization. Wark plans to night (Wed.).

BILL HART GETS BID TO MAKE COMEBACK

Hollywood, July 26.

Coronet Pictures is dickering with William S. Hart to make a comeback in a picture based on the Lewis and Clark expedition, with which he is associated.

Jones owes two features to Coronet for Columbia release. Historical film of the expedition, which he made as a special with a higher budget.

Switch Tarkington's Suit Vs. WB on 'Penrod'

Washington, July 26.

At the request of Warner Bros., the injunction and damage suit against Tarkington, signed by the author, has been transferred from the N. Y. Supreme Court to the Federal District Court. The suit is based on the grounds that WB is a Delaware corporation and Tarkington is a resident of Indiana. The suit is the result of WB picture, 'Penrod and His Two Brothers.'

Tarkington claims the corporation had used the name of Penrod in the picture without his consent, and in violation of a written agreement signed in 1931. At that time Tarkington sold the rights to his Penrod stories written up to that time in Warren's, but claims he did not give them the right to use the name of Penrod or those of other characters which he originated after 1931.

Author avers 'Penrod and His Two Brothers' was written by somebody else, that he had nothing to do with its production and that the production was a violation of the agreement being based on his stories. Besides the injunction, he wants the court to find that he has no share in the profits on the picture, its negatives and also to set an amount of damages. He also claims that he has lowered the offers for stories he might have received in the future from other producers.

Mowbray Better, 'Young In Heart' Resumes

Hollywood, July 26.

After a complete delay due to the illness of Alan Mowbray, Hal Roach's 'The Young in Heart' resumed shooting yesterday (Mon.) with a full roster.

Mowbray was stricken on the 1st two weeks ago with a kidney ailment.

Skouras to K. C.

Kansas City, July 26.

Spyros Skouras, president of National Exhibitors, is scheduled for conference here from New York, bringing with him W. T. Powers and Jack Sullivan.

Meeting here will be with E. C. Rotten and divisional district managers of the Milwaukee, Denver, and K. C. territories.

DRAWING ROOM PROTS GOLD ROL.

Ruralites Pass Up Continental Films and Stars for Honey, American Plots—Don't Applaud Titles—Small-Town Exhibs Okay Block-booking, but Want Selectivity Privileges to Meet Their Patrons' Tastes

OUTMODDED THEATRES

by JOHN C.

Principal difference in audience reaction to films as exhibited in the Kansas, Missouri and Illinois wheat and corn belt, and the manner in which the same films a few weeks earlier were received by preview audiences at Grauman's Chinese in Hollywood, the Alexander in Glendale or the Village theatre in Westwood, is that mid-westerners omit applause at the credit titles.

There are other local idiosyncrasies, too, some of which would bear astute observation by Hollywood scenario departments. There has existed for years in the industry the fallacious belief that by some strange intellectual process the people of the wheat and corn belt are more susceptible to common place and similar emotional responses whether they are assembled in the sumptuousness of Radio City Music Hall, or seated on uncushioned chairs in the small town theatre.

There is film endowment, shown in rural sections of the country as varied as the major centers under which the exhibitor extracts their living. It is one of the wonders of the past three decades that purveyors of amusement through the medium of the screen have been able with reasonable content to capitalize on the relatively few common denominators. The hitch in the act of pleasing the public seems to come when Hollywood attempts to break new ground in its choice of film material, or tries to transplant the strictly continental European theme into the American background.

Action Mixed
In short, the overall and subnormal trade likes best the action pictures against the American scene. There is unanimous opinion that the most satisfactory feature films of the past season are Frank Lloyd's "The Fugue" (Paramount), Fleming's "Test Pilot" (MGM), Hen. J. King's "Old Chicago" (20th-Fox) and Cecil B. DeMille's "The Buccaneer" (Paramount). The William Keighly and Robert Currier directorial collaboration, "Robin Hood" (MGM) also has bent a mild bow through these parts because it comes within the definite scope of the adventure action picture.

It is not an uncommon experience of exhibitors in the Midwestern Valley section to shelve the recent foreign backgrounds stories as long as possible and submit to their patrons the better types and series of the continental film star who appeals to the domestic action filmgoer. The Hollywood career has little en-
dowment in these parts. Only a very few have broken the general resistance. Danielle Darrieux, appearing in "The Rage of Paris" (MGM) seems to be making more progress currently in this connection than any other overseas stars.

All of which is introductory to a review of sundry discussions with businessmen on the causes for the dissatisfaction over prevailing trade practices between distributors and exhibitors, and an attempt to bring into the light a few facts not

facts, not clouded by political or self-interest considerations.
The time of mention, of course, is the uniform (?) license agreement under which the various film companies conduct their business with exhibitors. An examination of these legal instruments discloses that they are not uniform in any respect, except their numerous carbon copies which resemble the rainbow. Unpopular color is the subject of the eventual disposition of each sheet, whether it shall go to the home office films, to the district manager, to the film branch office or to the exhibitor.

1933 Reforms
Foundation of the uniform contract, so called, is in the agreement reached in 1933 between distributors and exhibitors who met for the purpose of standardizing trade practices. Not everything the exhibitors asked for was granted by distributors, but a constructive revision of practice was accomplished. Subsequently, in the final draft of the NRA code of fair practices, certain requests by exhibitors were incorporated into the government tract. These included regulation of the selling of short subjects, adjustment of unreasonable clearances between competing theatres and more liberal cancellation clause in the exhibitor's favor.

Present strained relations appear to have been their root cause in the selling season which immediately followed the abolishment of NRA regulations. Some companies immediately incorporated into the license agreements certain, if not all, of the provisions of the code which were maintained under the NRA code. Other distributors were not so forthcoming.

In the three years since the blue eagle flew out of the window, exhibitors have accumulated under a more or less tenuous surface a barrage of complaints. The NRA code has manifested itself in exhibitor-creative legislative lobbies and in crystallized form at the major companies and their allied working agencies in one or another of the following ways:

Lobbyist Pressure
The fact that the Neely anti-block-booking bill was able to obtain passage in the Senate was due to pressure from these sources.

With all the side-issue, tangential and blind avenues which industry squabbles have created, the one fact that seems clear after first hand discussion and investigation is that it is high time something is done about smothering out the wrangles. Stalling along, season after season, has accentuated the issues. The proposed trade conference this summer may be the last opportunity for something so soothing oil into the machinery.

It is going to be an easy matter for the distributors, however honestly intentioned to repeat the success of their exhibitor brethren of 1933. A lot of water has passed under the WPA bridges and the exhibitor is now in a position which was almost inaccessible to the average exhibitor in 1933. The exhibitor is now in a position which was almost inaccessible to the average exhibitor in 1933. The exhibitor is now in a position which was almost inaccessible to the average exhibitor in 1933.

Plant Competition
Every town in this section has an electrically lighted ball field for night contests, every main highway has its dance and sports drive pavilions. The picture theatre, of course, has an exclusive option on popular priced entertainment. There is competition at every corner, and a radio in every home.

Getting back to the opening paragraph, what the exhibitor and his patrons seem to want is not an abolishment of blockbooking, which gives him definite assurance of a steady and much desired flow of product for his theatre, but he desires that block-booking shall be adapted to his particular needs. There are certain films which may knock 'em in the aisles in New York or Chicago, and certain others which may be riots in England and Australia, and still be wholly useless as attractions to the boys and girls who are brought up on farm journals, weather reports and American history.

The rural showman seems to grasp the Hollywood viewpoint that variety in story theme is an essential to the production end of the industry, that not every picture must be a western or an action film. Notwithstanding, he insists that experience has shown that no company is capable of making a proper selection of films of every type of theme, even community every picture theatre. Walt Disney's "Snow White" for instance, which has universal appeal, but many pictures are dropped off at the express office by his theatre which are unsuited in definite audience and story to his audiences.

Wants Pic Selectivity
What the exhibitor desires is the proper selection of films of every type under some equitable contractual provision. He goes further and says that such privilege is essential to the picture business is in for rough going. "Entertainment is something that can't be forced on the people," says the exhibitor. "Some of the boys frequently shout, 'Aw Nuts,' while young ladies on occasion have been known to walk out of the theatre. Although the picture may be studied with Academy award winners, it is a pain in the neck to his patrons."

General architectural features of the midwestern small town have changed materially in recent years, but the small town theatre needs a coat of paint and some modernization. The exhibitor who has the chain houses as well as the independent operations. Many are pretty sad, and in need of a coat of paint.

It may seem a far cry, but a reformed industry with improved exhibitor relations are more amicable and better tuned to the exhibitor's needs than presently exists, will be a spur to rehabilitate the theatre structure of the industry.

Quoted President
Since the heavy hand of the depression slapped the country in 1929, there has been backwardness in theatrical improvements. Meanwhile, the cost of film producing has risen substantially, the expense of advertising has increased, and the retail, but thousands of theatres, as retail stores for film merchandise. The exhibitor is now in a position which was almost inaccessible to the average exhibitor in 1933. The exhibitor is now in a position which was almost inaccessible to the average exhibitor in 1933.

Rides in Class
Jeff Davis, self-styled King of the Hobsons, left N. Y. for Hollywood last night (23rd) to act as technical adviser for Paramount in the making of "Arkham" (Paramount), a picture dealing with the public safety.

He went out with Mrs. Davis by car, returning in a drawing room car, the last time.

\$390,000 Radio Deal to Provide Funds for Actors' Home on Coast

National Interest

Chicago, July 26.—Newspaper editors indicate the general interest being taken in the motion picture trust suit throughout the country. Dailies in the midwest all played the part up on front pages.

Chicago dailies for some time have been yelping that the loop gets its pictures later than many small towns in this territory. Jack Tribune has carried several John T. McCutcheon cartoons on front pages blasting the late release situation here.

WALL ST. SEES REPUBLIC OK SHAPE
Republie Pictures is winding up the third year of its existence in excellent financial condition, according to Wall Street reports. Company has no stock listed on either the New York or the Chicago stock exchanges or the curb, but street observers check through the progress being made by Consolidated Film, which holds a substantial interest in the firm.

One estimate made at a financial house here is that Republic's condition at the conclusion of the third year is more favorable than any other film company at the close of its first three years' existence. Company has been making substantial sums on its westerns and serials.

Republic is not only getting more contracts, but substantially higher picture deals under the new J. R. Grainger regime.

Hollywood, July 26.—August production sked, heaviest in months, will keep Republic at top speed, with Herbert J. Yates, board chairman, due here this week to keep things moving.

William Berke has three features scheduled to get under way during month. "Pony Boy," with Gene Autry, rolls Aug. 6; "Overland Stage Raiders" starts a week later, and Western Ambassadors' another Autry, about the 25th.

Others on August list are "Command to Glory," The Lone Ranger Returns, "Lady in the News," "Murder at the Dog Show," Sam Houston and an untitled bill by producer Armand Schaefer's production.

UA-SI DEAL LOOKS SET, SILVERSTONE BACK EAST

Hollywood, July 26.—Confident of closing releasing arrangements with United Artists, International product this week, Murray Silverstone, chairman of United Artists' American branch, will leave for east Friday (28th).

He conferred with Selznick and Zukor before last night, and then for N. Y. and also had discussions with Charles Chaplin and Sammie Davis, Charles Starobin and Charles Starobin.

Work East to Confer With Cowdin, Blumberg

Hollywood, July 26.—Carrying a negative of letter of introduction with him, Murray Silverstone, general manager of Universal studio, is bound to New York for confab with Charles Cowdin and Sammie Blumberg on next few months' production.

Silverstone and full staff schedule is practically set, pending approval of details to the home office.

Hollywood, July 26.—For the first time in many years actors is nearer realization, with proposed radio-advertising pact the promises to net the Motion Picture Relief Fund \$250,000.

Deal between Screen Actors and a nationally known food corporation provides that the Relief Fund directorate furnish four film celebrities for an hour's broadcast once a week for one year.

Plan is to use the \$100,000 weekly income to buy land in San Fernando valley for a main lodge and bungalows.

Benton Bowles deal with SAG is to be heretofore Famous or General Foods, with something definite expected this week. More than 30 top film names have been lined up by Guild, with likelihood there will be no dissenters once pact is sealed. If approved, or if current motion banker doesn't approve outside shot. It's considered unlikely, however, that any agency would take advantage of these provisions due to influence wielded by Gustafson at Hollywood. If transaction is consummated, sponsor would turn over to SAG \$100,000 weekly income, which would contribute entire amount for 29 weeks to Relief Fund.

Charity angle took root several weeks ago, when Joan Crawford turned over to the Relief Fund \$5,000 she received as a guest star on "The Broadcast." Cry was taken up in industry that all talent should do likewise. Relief Fund, which was severely taxed by increasing number of cases.

Association Picture Arts and Sciences is also hopping into radio, with program being readied for fall. Idea is to make it attractive enough for national bankrolling.

Grover Jones is whipping show to get ready for fall hour network column. Will carry tag "Cavalcade of Hollywood."

HAROLD LLOYD SUEd FOR \$75,000

Harold Lloyd and the Harold Lloyd Productions, Inc., have been sued by the estate of N. Y. yesterday (Tuesday) by William Jordan Rapp and Lowell Brown, who claim that Lloyd's picture, "Professor Beware,"

RPINET SAYS 40-48 RKO FEATURES, '38-39

Hollywood, July 26.—RKO's 1938-39 program will arrive from 40 to 48 features, plus six Gypsy, 1938 westerns, and 1939 and 1940 Dopey. No change in distribution, here for studio concern.

Sil Lesser will contribute four pictures, three of which will star Bobbie Breckin and Herbert Wiley. British producer, will turn in 30 "Glorious Years," a Technicolor sequel to "Victoria the Great."

Colman Bordered

Hollywood, July 26.—Bessie Colman is back on Paramount. After 10 days of final filming, she is back in the studio.

He had to raise whiskers for "I Was King."

GET THE NEWS FROM HOLLYWOOD

Five L. A. All-Night Filmeries Haven for Cash-Shy Stay-Outers

Los Angeles, July 26. Break for late night workers and near down-and-outers without the price of a bed in their jeans are the five all-night film theatres now functioning on Main street here. It is operating on a 24-hour basis that this burg has ever known, and is believed to set a record for metropolitan areas.

Quintet of all-nighters, where admission ranges from a dime to 15c for a three or four-hour show, are the Art, Banner, Lark, Opie and Regent, all within a six block area on the downtown Bowers.

Several of the spots go in for semi-excess, and all of them play film product at least a year old. Clients are predominantly male for the midnight hour, with many a flop-house cheated out of the price of a night's lodging in consequence. Patrons are permitted to stick through at least two shows, thus killing the night for them and enabling them to snooze for considerable stretches, always providing their shoes do not become obnoxious.

For a number of years Main street has been a solo actor in the town, but in recent months, particularly with heavy unemployment, other houses have swung into line and in consequence are garnering plenty of extra shekels, with but little added expense.

All-nighters are confined strictly to the Main street area, other local houses being content to do a fidop by 12:30 or 1 a. m.

SAG CALLS OFF STRIKE IN CHI

With the signing last week of a contract with the Burton Holmes Laboratories, Inc., the Screen Actors Guild strike in the Chicago area has temporarily been called off. Production is again proceeding at the studio, where 100 Years of Baseball is being filmed. Approximately 210 actors were reported at work on the set Monday (25). Only one player who has joined the Guild, but since a contract with the studio is now in effect their membership is only a matter of time.

Gold reports a membership of about 100 actors in Chicago as of the end of last week. That is approximately 100% new membership as there were not more than two or three SAG members in Chicago before the current strike was got under way. Those already members had previously joined on the Coast in New York.

Besides its steady drive to line up all film players in the territory, the SAG campaign in Chicago will be held in virtual abeyance until some other studies prepare for production the fall. After the Chicago situation is entirely ironed out, the Guild's next objective will probably be the motion picture territory, where 10 studios are located. All produce only commercial films and all are inactive during the summer.

AUSTIN ROADSHOWING, BOTH STAGE-SCREEN

Hollywood, July 26. Gene Austin is set to roadshow four produced by him to be produced by Road Show Pictures, Inc., a new company formed by himself, Arthur Alexander and Alfred Stern. Idea is to exhibit pictures in conjunction with personal appearances by Austin.

Production starts in 10 days on location in Utah or southern California.

Backfire

Hollywood, July 26. Captain Summer, veteran of many film stunts, has a new one. He will be killed by a horse in Metro's 'Stablemates.'

His last picture role is believed to earn an archer to shoot an apple off his skull.

GN MERGE WITH EDUCATIONAL NEAR OK

His attorneys now studying the proposal under the deal offered for the control of Grand National into a merger with Educational, E. W. Hammons, president of latter, may give his final approval to the proposition Friday (28), but if not by then, possibly Monday (31). Pending the approval of Hammons' counsel, the terms agreed upon with the receiving Grand National, a 10-year-old, technically remains tentatively agreed upon.

Approval of the GN side, through attorneys, has already been given to the basis of the deal proposed, the next step being the forwarding of the legal copy to Lloyd Wright, receiver of GN, so that documents can be filed with the court under the 7TB reorganization, into which the company plunged several months back.

The presumption that Hammons would have to give his final answer to the deal yesterday (Tuesday) or today (Wednesday) is not correct although it was hoped that there would be no delay.

'YANKEE DOODLE' LAGS, AWAITING CHINA BOY

Hollywood, July 26. 'Ye SAG Yankee Doodle,' Technicolor short, gets the gun as soon as Warner Bros. locate a 10-year-old Chinese boy to play the lead.

Clyde Wilbur, now shooting 'The Declaration of Independence,' another Technicolor, is set to direct 'Yankee Doodle.'

Click in 'Chickens' Lands Moppet Ticket

Hollywood, July 26. Donnie Dungan, moppet from Texas, was landed a new RKO contract after making a successful debut in 'Aladdin's Carney's Chickens.'

Studio execs said the four-year-old kid would be a big draw for a round after a couple of featured roles.

Town for Sale

Hollywood, July 26. Tombstone, Arizona, gateway town, is for sale as a film location for \$75,000. Offer was made to Harry H. Cole, editor of the local paper, holds an option subscribed by all the property owners.

Spanky Rejoins Gang

Hollywood, July 26. Spanky McFarland, ex-member of Our Gang comedies, rejoined his old playmates in Metro launched 'Aladdin's Carney.'

Gordon Douglas is directing from script by Hal Law and Robert MacCormack.

WILLB HERRICK STAYS IN GUILD

Studios Balk at Inclusion of Unit Managers and Assistant Directors with Senior Guild—Contention Is That Directors Are Creative

HERRICK RESIGNS

Hollywood, July 26. Petition of Screen Directors Guild seeking to force producer recognition of the organization will be given an airing before the National Labor Relations Board Aug. 16. Guild is asking that it be certified as bargaining representative for all screen directors, unit managers and assistant directors.

Film executives have refused to bargain with the Guild unless the unit managers and assistant directors are organized in one group and the directors in another. Guild head, William R. Ringier, says he will not accept the directors as a large creative, while the unit managers and assistant directors are not.

Dr. Towne Nylander, regional director for NLRB, said a special election will be named in Washington to conduct the hearing. If their work will permit, the assignment will be given to William R. Ringier who conducted the recent hearing on the petition of the Screen Writers Guild, or Alvin J. Stockbridge, one of their family with the film industry.

After he handled the case when the Guild was recognized by the NLRB, Ringier by the board ordered an election that resulted in the Guild being named bargaining representative for all screenwriters.

William R. Walsh, senior counsel for the regional director, said he was sent here to supervise the S.W.G. hearing, will represent the government. Barry Brauer, counsel for SDC, will appear for directors.

Guido Malins Rights

Although original petition merely asks for the directors to be recognized as bargaining representative for the three units, Brannen said the Guild has not waived its rights to prefer charges against the companies or to take any other action deemed necessary. The Guild could ask that company tops be cited for contempt for refusing to negotiate a working pact with the organization, which claims to represent nearly 100% of the directors, unit managers and assistant directors.

Defendants named in the original petition are the Association of Motion Picture Producers, Pat Casey, producer, labor contract, Columbia, and Paramount Pictures. Paramount RKO-Radio, 20th-Fox, Samuel Goldwyn, Seintz-International, Universal, and Warner Bros. are named.

Board order directing a hearing said: "Petition having been filed in these matters for investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act in Cases No. 21-286 to 21-287 inclusive, and the board having considered the petition and being advised in the premises, and it appearing to the board that there is a pressing emergency concerning the representation of employees have arisen in these cases, it is hereby ordered that the regional director for the 21st region conduct an investigation and provide for an appropriate hearing and notice, pursuant to Section 9 (c) of the National Labor Relations Act of the National Labor Relations Board, and report to the board."

And it is further ordered that pursuant to Article 3, Section (c) (2) of the rules and regulations, series, be amended, for purposes of hearing, the word "and" hereby is amended to read "or" (Continued on page 27)

Hollywood's First Summer Racing Kept Studio Workers Plenty Busy

Pretty Tough

Hollywood, July 26. Latest crash-crashing restrictions at Universal studio extend to motor cars.

Even newspaper men can't park their jalopies on the lot without Hays office credentials.

20TH'S \$100,000 'RAGTIME' CAMPAIGN

Twentieth-Fox is putting on a campaign, the proportions of which will match outstanding roadshow exploitation, for 'Alexander's Ragtime Band' its company reported spending \$100,000 or over on it. Campaign includes extensive billboarding.

In advance of the picture's world premiere at regular prices Aug. 5 at the RKO, there will be a coast-to-coast broadcast Aug. 3 on CBS in tribute to Irving Berlin, who will appear on the program. Al Jolson will act as m.c., while the roster of names, including bands, includes 23 of tonight importance.

With national release date changed to Aug. 18, the picture plays nowhere but the RKO's first week in Philadelphia, Atlantic City, Boston, Chicago, San Francisco, Dallas and probably Los Angeles, the week of Aug. 12, and a week later, coincident with national release, in every other key of any size in the country day-and-date.

Those who will appear on the Broadway include, in addition to Berlin and Jolson, Eddie Cantor, Walter Winchell, Ben Baruch, Phil Baker, Sophie Tucker, Belle Baker, Brox Sisters, Constance Bowell, John H. Van der Horst, and the Paul Whiteman's orch. Guy Lombardo band, Tommy Dorsey's outfit, Darryl F. Zanuck's Parsons, Tyrone Power, Alice Faye, Ethel Merman, Jack Haley, Al Goodman and orchestra, plus the 'Alexander Ragtime Band' singers.

Valle is coming on from Chicago to appear, while Dorsey and Miss Faye will make the trip from the Coast.

SANDRICH LEAVES RKO AFTER DIRECTING 9 YRS.

Hollywood, July 26. Mark Sandrich wound up nine years as a director on the RKO lot with 'The Sign of the Cross' and 'Cafecore,' new Fred Astaire-Ginger Rogers starrer. He finished on schedule in spite of several cases of illness among cast.

After cutting the film, Sandrich will shift to Paramount to direct Jack Cowly's next picture.

Lepers Get Films

Motion Picture Producers & Distributors of America have arranged for the shipment of approximately 1,000 yards of short and feature length sound films to the inhabitants of the leper colonies in the Philippines.

The shipment was a film at aid to the Leonard Wood Memorial.

Combined efforts of the Hays office, which investigation and the Roosevelt Line, the Wiggins Terminals and the Film Exchange Transfer make possible delivery of reels to the lepers. Shipment started on its way July 20, bound for many of the islands.

Sound films are new to nearly all.

Hollywood, July 26. First season of summer racing at Hollywood Park wound up last Saturday (25) with a healthy 9.0, and a promising future in spite of the croakers who predicted a colossal flop.

With only a handful of marquee names sprinkled among the vast array of Class B horses, the daily take in the betting machines averaged approximately \$400,000, well above the modest hope of the Warner Brothers, who run the venture.

Summer racing looks like a feature in Inglewood, where the Hollywood Turf Club does its biz. Although it is miles from Hollywood, it is easy to reach from the studios and from downtown Los Angeles.

With eastern and midwest tracks still shut, it is hard to lure good horses in the hot months, but the strange part of it is that Hollywood had cooler weather than most of the parks up north. What the track lacked in Class A steeds it made up in Class A picture personalities.

Film folks are falling for the racing. They are not only giving them an opportunity to strut before their public and at the same time get a good story, but they are also sport pages. The film folk probably drew as many cash customers as the horse folk. Studios were deserted on big racing days, but the producers and directors had no kick coming. They were out there themselves, laying it on the nose the same as the actors.

Outstanding event of the 33-day meet was the \$50,000 Gold Cup Handicap, which Seabiscuit won, and the \$100,000 Triple Crown. As the Three-Year-Old Championship was a financial success, but laid an artistic 20, it was the crowd from the east at a great expense, pulled up with a bowed tendon and had to be scratched. That left only Lavrin and a couple of players named Joe, Lavrin simply loomed around the track while the crowd cut loose with the loudest raspberry ever heard in California.

Outside of that, the meet was admirably managed and well attended in spite of the lack of equine talent. Summer racing is here for a long run.

PAT PUTTING FACES ON ICE

Pittsburgh, July 26. Looks like reissues are washed up around here. Pat Putnam, who got a big pay for a while and did all right for a while but lately they've been so many of them, has been yanked 'farwell to Arms' before week was up and Warner didn't name him in the first place. Putnam's experiences have bookers laying off and looking for new product.

Putnam, who has been in the picture business since 1914, and who has made a fortune, foreign film spot, seems to be doing okay with the odds. Took a few weeks to get his feet and it's been a long time, but he's been doing it twice with 'Little Caesar,' all aimed at male trade, set to follow. Explain claim that conditions are applying to a very site aren't the same and write off their own experiences to rescue themselves.

For a time town went nuts on the townsmen's. One week among the six first-class, four of them were playing reissues.

Doran Joins Lyons

Hollywood, July 26. D. A. Doran, former New York stage manager, is to be produced by W. S. Lyons agency here, v.p. in charge of writers and stories, who have just seen a film at aid to the Leonard Wood Memorial.

amount, 20th-Fox and Columbia.

L.A. on Upbeat; 'Lord Jeff' \$26,000, 'Cowboy' Penrod's Trouble \$17,500, 'Marie' \$11,200 2d Wk., 'Algiers' \$5,900

Los Angeles, July 26. Trade considerably on the upbeat currently with bulk of first-run grosses earning profitable takes. 'Lord Jeff' (M-G-M) is the week's best, with \$26,000. 'Cowboy' Penrod's Trouble (RKO) is playing to better than average at the day-date. Warner shows 'Algiers' (M-G-M) in second stanza at the Four Star is piling up bumper grosses. 'Marie Antoinette' is holding well at the Carthay Circle in third stanza. Snow White wound three and half weeks to bid return at the Pantages-RKO Hillcrest. Paramount's holdover of 'Tropic Holiday' and stage show headed by Stepin Fetchak is doing okay here.

Estimates for This Week
Carthay Circle (FC) (1,518; 35-55-1) 'Marie Antoinette' (M-G-M) (3d week). Holding for first-run grosses. 'Marie Antoinette' (M-G-M) (3d week). Holding for first-run grosses. 'Marie Antoinette' (M-G-M) (3d week). Holding for first-run grosses.

Downtown (WB) (1,800; 30-40-55-1) 'Cowboy Penrod's Trouble' (RKO) (2d week). Holding for first-run grosses. 'Cowboy Penrod's Trouble' (RKO) (2d week). Holding for first-run grosses. 'Cowboy Penrod's Trouble' (RKO) (2d week). Holding for first-run grosses.

Palms-Santa (United Detroit) (2,000; 30-40-55-1) 'Theresa Goes Wild' (C-M) and 'Twentieth Century' (C-M) (reissue). Expecting to do well. 'Theresa Goes Wild' (C-M) and 'Twentieth Century' (C-M) (reissue). Expecting to do well.

RKO (2,872; 30-40-55-1) 'Having a Wonderful Time' (RKO) and 'Wives Under Suspicion' (C-M) (reissue). Expecting to do well. 'Having a Wonderful Time' (RKO) and 'Wives Under Suspicion' (C-M) (reissue). Expecting to do well.

SHIRLEY \$8,600. BUFF, 'GOODYE-RICH,' 76
Buffalo, July 26. Business is tapering off again this week with the Lafayette dropping to second place. 'Shirley' (M-G-M) is doing well. 'Shirley' (M-G-M) is doing well.

Estimates for This Week
Buffalo (Shen) (3,000; 35-55-1) 'Little Miss Broadway' (M-G). Probable to continue to do well. 'Little Miss Broadway' (M-G). Probable to continue to do well.

Shirley (M-G) (3,000; 35-55-1) 'Shirley' (M-G). Probable to continue to do well. 'Shirley' (M-G). Probable to continue to do well. 'Shirley' (M-G). Probable to continue to do well.

DET. STILL OFF; 'MILTON' \$23,300
Detroit, July 26. Situation getting no better fast, despite the optimistic tone of opinion, since auto plants are now entering annual changeover-to-new-model period with resultant scarcity of employment. Introduction of 1939 cars expected somewhat earlier this year, however, so potential film patrons figure to be back to work in earnest next spring. Until then, they have to be content with current offerings.

Estimates for This Week
Adams (Balaban) (1,700; 30-40-55-1) 'The Little Misses' (Balaban) (2d week). Holding for first-run grosses. 'The Little Misses' (Balaban) (2d week). Holding for first-run grosses.

Midwestern (United Detroit) (2,000; 30-40-55-1) 'Theresa Goes Wild' (C-M) and 'Twentieth Century' (C-M) (reissue). Expecting to do well. 'Theresa Goes Wild' (C-M) and 'Twentieth Century' (C-M) (reissue). Expecting to do well.

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First Runs on Broadway

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Criterion—'Boo-Loo' (Par.) (Col.)—'Treasure Island' (MG) (Reissue).

Musie Hall—'Algiers' (MG) (3d wk.).

Paramount—'The Texans' (MG) (2d wk.).

Rexy—'Crime Over London' (GB) (27).

Rexy—'Little Miss Broadway' (MG) (2d wk.).

Strand—'Amazing Dr. Clitterhouse' (WB) (2d wk.).

Week of Aug. 1
Capitol—'The Great Roars' (MG).

Globe—'Modern Times' (UA) (Reissue).

Musie Hall—'Mother Carey's Children' (RKO).

Paramount—'The Texans' (Par.) (2d wk.).

Rexy—'Alexander's Ragtime Band' (20th) (15).

Strand—'Amazing Dr. Clitterhouse' (WB) (3d wk.).

'Cowboy-Meroff' \$11,000; 'Tropic' \$8,500, Denver
Denver, July 26.

Local showings are feeling the heat, as people are straggling out to the mountains at every opportunity. Comedy bill at the Denver, with 'Cowboy from Brooklyn' and Benny Meroff's band on stage. 'Tropic Holiday' at the Denver is doing strong.

Aladdin (Fox) (1,400; 25-40-55-1) 'Aladdin' (Fox) (2d wk.).

Broadway (Fox) (1,100; 25-40-55-1) 'Broadway' (Fox) (2d wk.).

Denver (Fox) (2,555; 25-35-50-1) 'Denver' (Fox) (2d wk.).

Midwestern (United Detroit) (2,000; 30-40-55-1) 'Theresa Goes Wild' (C-M) and 'Twentieth Century' (C-M) (reissue). Expecting to do well.

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Legionnaires Little Help to Cincy; 'Tropic' \$10,000, 'Clitterhouse' \$9,000

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Lapiniere Coming Over
E. Lapiniere, publicity-advertising chief in Europe for Metro, is due in from Paris first of next week for home-office confabs.

FILM BOOKING HEART

(For information of theatre and film exchange bookers, VARIETY presents a complete chart of feature releases of all the American distributing companies for the current quarterly period. Date of the reviews as given in VARIETY and the running time of prints are included.)

(R) REISSUES

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WEEK OF RELEASE	PRODUCER	GENRE	CAST	DIRECTOR	TIME	WHEN REVIEWED MINS. BY VARIETY		
5/13/38	LAW OF THE PLAINS THE SHOW GOES ON GOLD THAT KISS GUNSMOKE TRAIL PHANTOM RANGER STOLEN HEAVEN GUN LAW VIVACIOUS LADY GANGS OF NEW YORK KENTUCKY MOONSHINE AIR DEVILS ADVENTURES OF ROBIN HOOD	Col WB MGM MGM MGM RKO RKO RKO WB WB WB WB	H. Wiscox J. Conscience, Jr. Maureen Conn Maureen Conn Bert Gilroy P. S. Herman A. Schaefer K. MacGowan Trem Carr Henry Blanke	Western Comedy Western Western Western Rom-Dr Western Rom-Dr Action Act-Rom	Sam Nelson H. Wiscox E. L. Martin Sam Gold Sam Newfield Andrew Stone Don Howard Geo. Stevens Roy McCarey David Butler John Rawlins W. Keighly M. Curtiz	56 7 75 37 64 62 62 60 54 57 54 104	5/11 6/22 6/22 6/22 6/22 6/22 6/22 6/22 6/22 6/22 6/22 6/22	
5/20/38	SIX SHOOTIN' SHERIFF THREE MISS NUMBERED WOMEN COCAIN' GROVE BLIND ALIBI BASCALS THE DEVIL'S PARTY MYSTERY HOUSE	M. A. & Alexander WB MGM MGM MGM RKO RKO WB	Rui Beach E. B. Derr Geo. Arthur Cliff Reed John Stone Ed Granger Bryan Fay	Western Comedy Drama Musical Musical Musical Drama Drama	Ken Maynard S. Comedey S. Blane, L. Huxton F. MacArthur, M. Hillard E. Dix, W. Bourne J. Williams, R. Hudson J. McCarty, R. Roberts H. Rogert, G. Page	Ilarry Fraser Sam Gold Carl Brown Al Santell Leo Landers H. Humberstone Roy McCarey Lew Seiler	72 38 54 54 54 54 54 54	5/18 5/25 5/25 5/25 5/25 5/25 5/25 5/25
5/27/38	YELLOW JACK HUNTED MEN DESERT PATROL KIDNAPPED CRIME SCHOOL	Jack Cummings Harold Hurley Wm. Bette K. MacGowan Bryan Fay	MGM MGM MGM MGM WB	MGM MGM MGM MGM WB	R. Montgomery, V. Bruce L. Nolan, M. Carls Bob Steele, W. McLean W. Baxter, F. Threlkeld D. Bagat, G. Page	Geo. Seitz Louis King Bob Steele Al Weiler Lew Seiler	53 65 65 65 59	5/25 5/18 5/18 5/18 5/18
6/3/38	THREE ON A WEEKEND THREE COMRADES A FAREWELL TO ARMS (R) C. R. de Mille SAINT IN NEW YORK JOSEPH WIVES UNDER SUSPICION LITTLE MISS THOROUGHBEAD	H. Manckiewicz F. Borzage C. R. de Mille Wm. Sistrom Gene Markey Ed Granger Bryan Fay	MGM MGM MGM MGM MGM MGM MGM	MGM MGM MGM MGM MGM MGM MGM	M. Lockwood, Lodge, R. Ray R. Taylor, Tom, S. Sullivan G. Cooper, H. Hayes F. H. Brown, L. Lasham L. Hayward, R. Sutton S. Simms, A. Ancebe, R. Lahr D. Williams, J. Feltis J. Chapman, J. Littel	Carol Reed Frank Borzage F. Borzage J. H. Brown Ben Holmes Alan Dwan John Farrow	76 76 76 76 76 76 76	6/15 6/15 6/15 6/15 6/15 6/15 6/15
6/10/38	HELD FOR RANSOM TOY WIFE YOU AND ME KING RING (R) RIDERS OF BLACK HILLS LADIES IN DISTRESS ONE WILD NIGHT GOLDDIGGERS IN PARIS	M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander	GN GN GN GN GN GN GN GN	M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander M. A. & Alexander	G. Withers, R. McFarley, J. Munnell J. R. Brown, L. Lasham S. Sidney, G. Raff, H. Carey F. Wray, R. Cabot-Cooper A. S. Wray, P. Moran J. R. Brown, L. Lasham R. Valler, R. Lane	Clarence Bickler J. R. Brown F. Wray A. S. Wray J. R. Brown J. R. Brown J. R. Brown	59 59 59 59 59 59 59	7/20 7/20 7/20 7/20 7/20 7/20 7/20
6/17/38	HOLIDAY CRIME OVER LONDON WOMAN AGAINST WOMAN PRISON FARM SONDE CHEAT THREE BLIND MICE BLOCKADE OUTLAW EXPRESS WHEN WERE YOU BORN	Everett Riskin GB Edw. N. Tabor Wm. Sistrom Wm. Sistrom Wm. Sistrom Wm. Sistrom Wm. Sistrom Wm. Sistrom	WB WB WB WB WB WB WB WB WB	WB WB WB WB WB WB WB WB WB	M. Hepburn, G. Grant M. Hepburn, G. Grant S. Ross, L. Nelson, J. C. Nash J. W. Patten L. Young, J. McCrea M. Fonda, M. Carroll J. R. Brown, L. Lasham C. Kains, J. Palmer	Alf Zeiler J. R. Brown Louis King J. W. Patten Wm. Dieterle Wm. Dieterle Wm. Dieterle Wm. Dieterle	64 64 64 64 64 64 64 64	11/17/38 7/20 7/20 7/20 7/20 7/20 7/20 7/20
6/24/38	HIGHWAY PATROL LOVE JEAL ROMANCE OF LINCOLN BORDER G-MAAN MR. MOYO TAKES CHANCE YOUNG FUGITIVES WHITE BANNERS	W. MacDonald Frank Davis M. A. & Alexander Harry Sherman Cliff Reid Wm. Sistrom Henry Blanke W. MacDonald	WB WB WB WB WB WB WB WB	WB WB WB WB WB WB WB WB	F. Barthelme, S. Sondergaard J. Parker, E. Hall W. Bay, G. Hayes R. Richardson, E. Ber P. Loree, R. Hudson J. R. Brown, L. Lasham C. Kains, J. Palmer	C. C. Coleman, Jr. Sam Wood Wm. Dieterle Leo Seiler Norman Foster John Roling Ed. Gouling	72 72 72 72 72 72 72	7/20 7/20 7/20 7/20 7/20 7/20 7/20
7/1/38	CITY STREETS EVERGREEN (R) HAVING WONDERFUL TIME ARMY GIRL ALWAYS GOODBYE SOUTH BOUND DANGER ON THE AIR BAGS OF MARIJUANA MEN ARE SUCH FOOLS	W. MacDonald F. S. Saville Cliff Reid Harry Sherman Alex Korda Living Starr B. G. DeSylva David Lewis	WB WB WB WB WB WB WB WB	WB WB WB WB WB WB WB WB	Carroll, E. Bellows, N. J. Eddy J. Matthews, R. Mackay C. Kains, J. Palmer M. Evans, F. Foster B. Slavney, H. Marshall R. Richardson, E. Ber D. Woods, A. Grey D. Darius, F. Falcous, K. W. Morris, R. Lane	A. Roper Victor Saville Wm. Dieterle Arm'd Schaefer Sid Lanier J. R. Brown O. G. Barrett J. R. Brown	68 68 68 68 68 68 68 68	7/27 7/27 7/27 7/27 7/27 7/27 7/27 7/27
7/8/38	FAST COMPANY MAN'S COUNTRY CRIME RING LITTLE WOMEN (R) DUBANGO VAMPIRE RAIDERS PAINFULS IN THE M MY BILL	F. Stephani Cliff Reid K. MacGowan A. W. Hackett L. Lesser W. MacDonald	MGM MGM MGM MGM MGM MGM	MGM MGM MGM MGM MGM MGM	M. Douglas, F. Rice Jack Randall A. Lane, F. Neger Hepburn, J. Bennett, F. Dee W. Patten, L. Lasham S. Ballew, N. Beery K. Francis, J. Littel	Eddie Buzzell Robert Hill G. Cuker Stanley Ray Taylor John Farrow	75 75 75 75 75 75	6/29 7/27 11/21/38 7/27 6/15
7/15/38	PIONEER TRAIL STRANGE BOARDERS SHOWDOWN ANGEL PRINCE OF THE WEST GOLD MINE IN SKY PASSPORT HUSBAND PRISON BREAK	Col Geo. B. Mason J. L. Manckiewicz Harry Sherman C. E. Ford Cliff Reid Wm. Sistrom	WB WB WB WB WB WB WB	WB WB WB WB WB WB WB	J. Loden, J. Barkley T. Wallis, J. Saint Cyr M. Sullivan, J. Stewart Bill Boyd G. Aubrey, S. Burnette F. Moore, S. Erwin G. Farrell, R. McLean	Joe. Levering George Mason H. C. Potter Leo Seiler Joe Kane Jing, Tinsling Arthur Lubin	68 68 68 68 68 68 68	7/27 7/27 7/27 7/27 7/27 7/27 7/27
7/22/38	REFORMATORY LOVE FINDS ANY HARDY TROPIC HOLDAW BOO-LOO HERONS OF THE HILLS SKY KING I'LL GIVE A MILLION ALGERS LITTLE TUGBOY FENBOLD'S DOUBT TROUBLE	Col Hal Roach L. Manckiewicz C. E. Ford Cliff Reid Wm. Sistrom Bryan Fay	WB WB WB WB WB WB WB	WB WB WB WB WB WB WB	J. Holt, C. Wynters M. Rooney, J. Garland L. Lasham, R. Burns, R. G. C. Tansy, S. Amara, A. Lane The Magnolias D. C. Morris, J. Fontaine W. Baxter, M. Weaver C. Boyce, J. M. Lamm Dead End Kids Mason Twins	Leyd D. Collins Geo. Seitz Thodore Reed E. E. Elliott Geo. Sherman Wm. Dieterle Wm. Dieterle Herold Young Lew Seiler	61 61 61 61 61 61 61 61	7/27 7/27 7/27 7/27 7/27 7/27 7/27 7/27
7/29/38	SOUTH OF ARIZONA THE CRASHER PROFESSOR BEWARE MOTHER CARBON'S MACHINES LITTLE MISS BROADWAY THE YOUNG IN HEART LETTER OF INTRODUCTION AMAZING DR. CLITTERHOUSE	Col Frank Davis Harold Lloyd P. S. Berne D. Hempted D. O. Selznick John Stahl Anatole Litvak	WB WB WB WB WB WB WB	WB WB WB WB WB WB WB	C. Sturiett, J. Merdith D. O'Keefe, A. Morris, L. Stone H. Lloyd, F. Neger R. Kester, L. Shiller S. Temple, G. Murphy, Durante J. Gaynor, D. Fairbanks, Jr. A. Lenda, A. H. H. H. H. E. G. Robinson, C. Trevor	Sam Nelson Sam Nelson Elliott Nugent Rovling, V. Lee Irving Cummings Richard Wallace John Farrow Anatole Litvak	56 56 56 56 56 56 56	6/22 6/22 6/22 6/22 6/22 6/22 6/22
8/5/38	THE WHEEL SPINS THE ANTONOVET THE CROWD ROARS BULLDOG DRUMMOND IN AFRICA COME ON, LEATHERHEADS I'M FROM THE CITY GATEWAY MR. CRUMP	A. Hitchcock H. Stromberg Sam Zimbalist Harold Hurley Herman Schlom Wm. Sistrom Samuel G. Engel Bryan Fay	GR MGM MGM MGM MGM MGM MGM MGM	GR MGM MGM MGM MGM MGM MGM MGM	M. Lockwood, F. Lukas N. Lasham, R. Burns, R. G. K. Taylor, M. O'Sullivan J. Howard, H. Ancebe, H. R. Warner E. C. Cramwell, H. H. H. J. Penner, L. Krueger D. A. Whelan, R. H. H. Johnnie-Lola Lane	A. Hitchcock W. S. Van Dyke R. Thorne Louis King John Farrow Ben Holmes Wm. Clemens	68 68 68 68 68 68 68	7/27 7/27 7/27 7/27 7/27 7/27 7/27
8/12/38	THE GLADIATOR WHITE COLLARS THE TEXANS PAINTED DESERT KEEP SMILING THE MISSING GUEST RACKET STORIES	David L. Loew Edw. Chodorov Lillian Hubbard Bert Gilroy Cliff Reid B. Sarecky Sam Hirsch	MGM MGM MGM MGM MGM MGM MGM	MGM MGM MGM MGM MGM MGM MGM	J. E. Brown, J. Travls R. Young, R. Huxey Bennett, R. Seal G. O'Brien, L. Johnson J. W. Patten, J. Stuar K. Kelly, C. Moore-Landis H. Bogart-Gloria, Dickson	Ed Sedwick R. Schunzel Leo Seiler David Howard Herbert L. Leeds John Landis Lloyd Bacon	76 76 76 76 76 76 76	7/27 7/27 7/27 7/27 7/27 7/27 7/27
8/19/38	MAN WITH UN FACES TOO HOT TO HANDLE GIVE ME A SABLE SMASHING THE RACKETS A ROMANTIC ROGUE ALEXANDER'S FIGHTING HAND THAT CERTAIN AGE FOUR'S A CROWD	A. Hitchcock L. Weintraub Jeff Legars P. F. Fineman John H. Auer J. L. Brown J. Pasternak David Lewis	GR MGM MGM MGM MGM MGM MGM MGM	GR MGM MGM MGM MGM MGM MGM MGM	M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H. M. H. H. H. H. H. H. H.	Leo Barbra L. Palmer, F. Wall Jack Conway Elliott Nugent John Farrow John Farrow John Farrow John Farrow	68 68 68 68 68 68 68	7/27 7/27 7/27 7/27 7/27 7/27 7/27

The National Peace Conference

presents to

Walter Wanger

This Special

Award of Distinction and Service

IN recognition of his understanding of the problems facing the world today as reflected in his screen production "Blockade"; a courageous production that challenges the thought of the world; a production that vitally contributes to the uplifting of the morale of the peoples of all nations; that donates materially to the cause of International Peace and offers a striking example of the futility of war.

Presented this seventeenth day of June, 1938,
Washington, D. C.

Walter Wanger
Director, National Peace Conference

AFFILIATED ORGANIZATIONS:

AMERICAN ASSOCIATION OF UNIVERSITY WOMEN
AMERICAN FUTURE SERVICE COMMITTEE
AMERICAN LUTHERAN ASSOCIATION
AMERICAN YOUTH CONGRESS
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE
CATHOLIC ASSOCIATION FOR INTERNATIONAL PEACE (CONVULSIONISTS)
CENTRAL CONFERENCE OF AMERICAN RABBIS
CHILDREN'S PEACE UNION
COMMITTEE ON MILITARISM IN EDUCATION
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DEPT. OF WOMAN FOR HUMAN MISSIONS
DEPT. OF INTERNATIONAL JUSTICE AND GOODWILL OF THE FEDERAL COUNCIL OF CHURCHES
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GENERAL FEDERATION OF WOMEN'S CLUBS
INSTITUTE OF INTERNATIONAL EDUCATION
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CLUBS

INTERNATIONAL SOCIETY OF CHRISTIAN FUNDATION
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NATIONAL BOARD OF THE Y. W. C. A.
NATIONAL COMMITTEE ON THE CAUSE AND CLIMAX OF WAR
NATIONAL COUNCIL OF FEDERATED CHURCHES
NATIONAL COUNCIL OF JEWISH WOMEN
NATIONAL COUNCIL FOR PEACEMAKING OF WAR
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NATIONAL STUDENT FEDERATION
NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION
PUBLIC ACTION COMMITTEE
UNITED STUDENT PEACE COMMITTEE
UNITED SYNAGOGUE OF AMERICA
WOMAN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM
WORLD ALLIANCE FOR INTERNATIONAL PEACEMAKING THROUGH THE CHURCHES
WORLD PEACE FOUNDATION
WORLD PEACEMAKERS

*Make this
work for you,
Mr. Exhibitor!*

Never before has public interest been fanned to such feverish intensity. On the air . . . in the headlines . . . everywhere "Blockade" is the center of attention. Cash in on it for all it's worth—and it's worth plenty!

Recommended by the National Peace Conference to millions of movie-goers!

Hailed by "Life" magazine as the "picture-of-the-week"!

Cheered by critics with the loudest explosion of praise in years!

Held over for a sensational fifth week in San Francisco!

NO WONDER LITERALLY MILLIONS OF FANS ARE EAGERLY AWAITING THE YEAR'S MOST EXCITING PICTURE!

Walter Wanger presents



Film Daily

"Blockade" Big in Boston As Press Upholds Showing

Boston—Opening on Thursday at Loew's State and the Orpheum to big described as a record for a Thursday starter and close to a high mark as a "Blockade" for Walter Wanger yesterday with a heavy draw.

co-starring
Madeline *Henry*
CARROLL FONDA

with LEO CARRILLO • JOHN HALLIDAY
REGINALD DENNY • VLADI IR SOKOLOFF • ROBERT WARWICK
Music by Walter Janssen • From the screen play by John Howard Lawson
Directed by WILLIAM DIETERLE • Released thru UNITED ARTISTS

CLITTERHOUSE CLICKS!

*See Variety's first b.o. report of
Warners' next Holdover champ!*

EDW.G.

ROBINSON

"THE

Dr. Clitterhouse"

CLAIRE TREVOR
DONALD CRISP • GALE PAGE

with ALLEN JENKINS
AN ANATOLE LITVAK PRODUCTION

Screen Play by John Wexley and John Huston • From the Play by Barre Lyndon • A First National Picture

The LION'S ROAR EXTRA!

This issue of "The Lion's Roar" is dedicated to "LOVE FINDS ANDY HARDY." Because it's not only the answer to every exhibitor's prayer, but also just what the doctor ordered.

A rare combination.



9000 showmen got this autographed photo FREE (Write M-G-M if you didn't).

★ ★ ★ ★ ★

IT'S A SMASH AT THE BOX-OFFICE!

Good news from everywhere. Los Angeles Day & Date engagement at Chinese and State biggest at both theatres since "Test Pilot" with extra performance necessary at each one to handle crowds. Capitol, N. Y. beats "Three Comrades" and held for 2nd Week.

Week-end openings in 27 key cities (mostly rainy!) all doing from 125% to 160% of normal business, including Waterbury, Reading, Wilmington, Worcester, Houston, Atlanta, Richmond, Harrisburg, New Orleans, Kansas City, Hartford, Providence.

As we go to press 13 single bill situations doing sensational business!

And how those HARDYS are growing! Wait 'till you compare the business of "LOVE FINDS ANDY HARDY" with "Judge Hardy's Children." More than double at Hartford, St. Louis, Philadelphia, Atlanta, Houston, Nashville and beating "Captains Courageous" in 13 of the first 27 key city engagements.

Small town business absolutely phenomenal! For instance at random, Tom's River, N. J. beats "Test Pilot," "Rosalie," "Double Wedding," "Saratoga" and "Maytime." In York, Pa.; Hazleton, Pa.; Stroudsburg, Pa.; Beach Haven, N. J. and other small towns it leads four out of those five comparative Big Ones!

Just the beginning! Get on the bandwagon and ride right up to the bank!

"Today's white-haired boy"



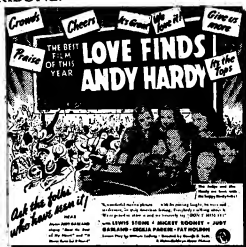
MICKEY ROONEY FOR PRESIDENT!

What this country needs is a bigger budget of belly-laughs. When Mickey's name appears in an ad, when his generous grin expands on the screen the public chuckles in anticipation. M-G-M has built another solid box-office draw for you, another Star added to your wealth of M-G-M Stars!

★ ★ ★ ★ ★

FINE TALK!

"'LOVE FINDS ANDY HARDY' is first rate."—BOX-OFFICE. "The picture has what it takes."—M. P. DAILY. "Has everything that an 'A' picture should have."—M. P. HERALD. "Will take its place alongside anything to come out of Hollywood this season."—DAILY VARIETY. "Tops in this series. Terrific appeal."—HOLLYWOOD REPORTER. "For every type of audience, sparkling comedy, warm human emotion."—FILM DAILY. "Finest of the series."—SHOWMEN'S TRADE REVIEW. "Rates high bracket allocation."—VARIETY. "As welcome as the sunshine."—N. Y. DAILY NEWS. "More genuine entertainment than many super-specials."—JOURNAL-AMERICAN. "Drop whatever you are doing and rush to see it."—WORLD-TELEGRAM. "Sheer joy. Deservedly popular series."—SUN. "Friendly, likeable show."—TIMES. "Best of the series. Exceedingly entertaining."—HERALD-TRIBUNE.



UP GOES YOUR AD-BUDGET!

(Many exhibitors are running the above ad after opening. A smart change of scheduling that keeps business hot for a hold-over!)



"ROLL UP THE SLEEVES BOYS!"

Showmen are doing their stuff. It's a pleasure to promote. For money, honey!

Six national manufacturers selling Judy Garland apparel. Thousands of dollars spent in clothing trade journals to acquaint stores with window and newspaper cooperative tie-ups.

Judy Garland sings two hit songs by Gordon and Revel, published by Leo Feist, Inc., for music promotion via radio, bands, etc. Use the sheet music. Electrical transcription free to radio stations.

"HARDY CLUBS" being formed everywhere. Sponsored by local newspaper, radio station, theatre. Promoting youthful recreation and better understanding between children and parents. Schools, Y.M.C.A. and Y.W.C.A. cooperating, developing into a big nationwide promotion for the Hardy series.

Appeal of picture to newspaper-reading home folks makes press cooperation, contests, etc., welcome.

Actual Hardy Families entertained by local hotel with newspaper tie-in; introduced on radio; interviewed by press; invited to performance.

A million ideas in the press-sheet. Get it!



Here are the Stars of Metro-Goldwyn-Mayer leading the Parade of Hits starting now, and coming in happy months ahead!

Above is front cover of a 4-page herald to help you start new season business pick-up with a bang!

Write to THE LION'S ROAR, 1540 Broadway, N. Y. C. for a free sample or for prices, stating quantity desired.

"LOVE FINDS ANDY HARDY" is just one of the Big Ones.

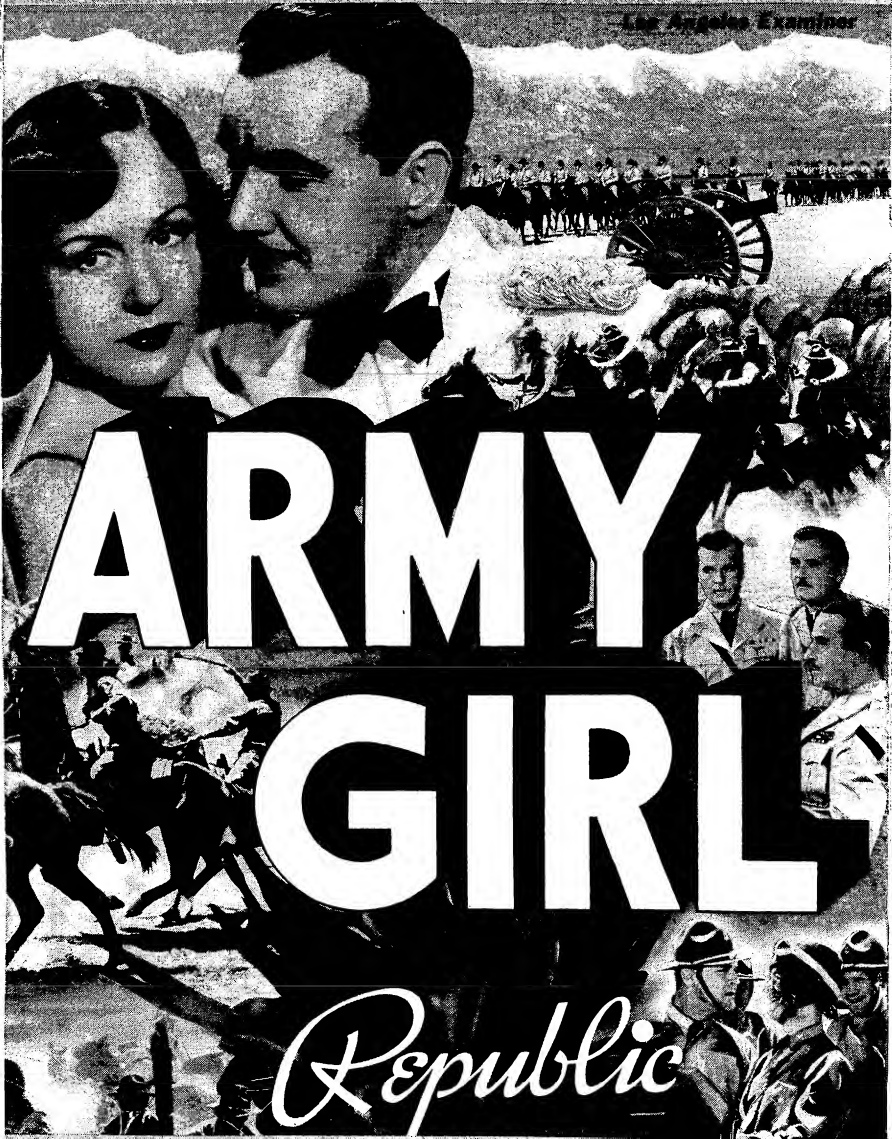
But the slogan of the herald tells the whole M-G-M story.

"Happy Days Are Here Again!"

Leo

"ARMY GIRL" PUTS REPUBLIC IN "A" CLASS

—Los Angeles Examiner



ARMY GIRL

Republic

Starring MADGE EVANS • PRESTON FOSTER
with JAMES GLEASON H. B. WARNER RUTH DONNELLY NEIL HAMILTON
HEATHER ANGEL • BILLY GILBERT RALPH MORGAN • BARBARA PEPPER

Last Dutch Attitude

(Continued from page 3)

Warner Bros., with approximately 500 theatres, owns more houses in less than any other company. It is figured to be easily worth \$100,000,000. Theatre earnings from the "Stanley chain" bring in directly by Warner Bros. Inc. form a substantial part of that company's total profits.

Mr. Lee's
In the cases of 20th Century-Fox and Loew's theatre earnings are proportionately smaller, but their share of studio income and studio earnings of these firms.

20th-Fox owns a 42% interest in National Theatres (Fox-West Coast) operated by the Skouras Brothers (Skouras and Charles). Chase Bank (Skouras) owns the remaining 58 per cent. That how Chase Bank finds itself defendant in the anti-trust suit.

Last year, 20th-Fox's take from National Theatres amounted roughly to around 20 per cent of its all-over profit.

Loew's chain may be worth \$75,000,000 more. The circuit comprises nearly 150 theatres, including the leading theatres of the metropolitan area in New York City. Loew's profits from theatres are \$2,500,000 yearly. RKO's theatre affiliations run to around 90 theatres, with nearly 50 in the metropolitan area of New York. The estimated worth of this chain is \$50,000,000.

National Theatres (F.W.C.) is figured to be worth in the neighborhood of \$25,000,000. It has been the past couple of years there have been talks regarding the possible disbanding of Chase Bank, as some such basis of value.

Old Squawks in New Suit
The Justice Department is broad and historical. Charges have made the same charges in suits around the country. It is the same and in the private confession rooms of the trade. And so, it is a familiar complaint, but it is a new suit. In short, it's a squawk against everything of underlying importance in the carrying out of trade practice and operation.

By the suit, the Government wants to prohibit exhibition of motion pictures in production; to kill block booking, remedy protection and control of distribution of admission prices; and among other corrections sought, to eliminate the pooling of advertising and publicity costs. The suit surprised the business by the suddenness with which it was filed. There had been no knowledge of a suit, in preparation, but there also was a feeling that it might not get off for some time.

The excess of the business were well aware that the industry was on the verge of being hit. It was the heads of the various film companies to the White House recently for a conference with President Roosevelt. The filing of the anti-trust action last week apprised them with certainty that Washington acts for a clean house.

Hyped Self-Regulation
Feeling that Washington was on the march, under leadership of Sidney R. Kent, president of 20th Century-Fox, the industry had been in self-regulation, with a view of collaborating with every district operation of the industry to make an equitable and feasible improvement of trade practices.

For the most part, trade opinion in responsible quarters holds that the self-regulation talks will continue, notwithstanding the filing of the suit. Also, that the Government will join in a final self-regulation negotiation. Two for the sake of the good things. Possible that the Government might await its trial in court before self-regulation is definitive, and has a chance.

165 Defendants
Including company defendants and subsidiaries, there are 165 defendants who are named. Of these 132 are in the theatre industry, and 33 are in the companies. Balance comprises the majors and their subsidiaries.

Judge Judge J. Edgar Hoover has ordered answers within 20 days after service in the suit. Too early to figure when the case can come to trial.

Among the defendants, William P. Fox and his company, the company named twice, due to the fact that it has or has been associated with the company.

Government, in its bill of complaint, quotes from Varnum's statement made by Adam Varnum, predicting exactly what has happened since that time relative

affiliated chain operation. Zukor, president of Paramount, and one of the defendants named in the suit.

Harold A. Forington, a Britisher and former chairman of Paramount's board of directors, is named as a defendant. He lives abroad, and presumably the complaint against him is directed at his company, no longer associated with Paramount. The same may apply to M. M. Aylesworth, former RKO official, who is also named as a defendant.

The Government's aim has been to bring the major companies contained in its statement on the suit.

The Department of Justice desires that this suit result in the clarification of the anti-trust laws with respect to the motion picture industry.

As to the probability of congressional action, the Government's statement is not definite. Until the evidence is produced, it is too early to state whether the anti-trust laws by themselves are sufficient to bring about the desired results. If it appears from such evidence that further aid is needed, it is possible that legislation and trial will be brought to the attention of Congress.

The department desires to encourage the industry not to retard the development and orderly operation of the motion picture industry. It must act with discretion because of its power to speak authoritatively or finally on any issue except through institution of judicial procedure.

Gov.'s Reasons
There follows the reasons that led the Government to make an investigation of the industry, bringing the suit.

The investigation by the Department of Justice has been in response to numerous complaints by independent producers, distributors and exhibitors. The theatre-going public. Independent companies complained that the department was not to retard the development and orderly operation of the motion picture industry. It must act with discretion because of its power to speak authoritatively or finally on any issue except through institution of judicial procedure.

The public theatres constitute the only market for the commercial distribution of motion pictures. The fact that the industry has been in the picture theatres every week. The industry has previously had the right to regulate the distribution of pictures involving various features of the business have been adjudicated by the courts.

The actual control of production is even greater than would appear from the fact that about 90 per cent of the quality feature films upon which exhibitors are dependent for their business are produced or distributed by the eight major companies.

The evils of the producer-exhibitor control were summarized by the bringing of the suit. The board of directors of the defendant Paramount Pictures, Inc. in Varnum's, a trade publication, in which he predicted exactly what has happened since that time relative

to acquiring theatres and chains. The major companies, in any great extent, the same territory. Indeed, the major companies have been in the same territory. Operation of the major companies in the same territory. Operation of the major companies in the same territory. Operation of the major companies in the same territory.

So effective is the combination that

these companies in the production of pictures have pooled their most valuable assets, and made them available to each other. These assets consist of stars and feature players, and the drawing power, as well as directors, technicians and physical properties, such as sets and costumes. The facilities made available to independent producers.

The Government is concerned, there are enough independent producers to furnish the balance of the market. The independent producers are equal to the films distributed by the major companies. A major company is given first access to the product of all the major companies. The independent producers are permitted to exhibit it on any terms.

Thus, a producer, a territory, where an independent exhibitor is in competition with a theatre affiliated with a major producer, has no right to exhibit. This is the only handicap. There are special types of contracts and contractual arrangements, including possible reductions in film rentals where pictures turn out to be unprofitable. The independent exhibitor is denied such contract.

The independent theatre is also subject to numerous oppressive conditions. It is a "block booking, full line forcing, the imposition of preferred playing time, and other such practices."

The control of the finer theatres by the five major producers has given them a virtual power to exclude other producers from these markets. This is the judgment of the department, which constitutes monopolistic power forbidden by the Sherman Act.

This monopolistic power has a tendency to drive independent producers out of the business, and compel them to sell to the producer-owned theatre chains on the basis of a "take it or leave it" basis.

In the early days of the industry, the three branches of production, distribution and exhibition were to a large extent operated separately. A struggle for independence was going on between producers and exhibitors, as a result of which some producers entered the exhibition business.

The case of the defendants Paramount Pictures, Inc., and Warner Bros. Pictures, Inc., and their exhibitors entered the production field, as in the case of Loew's, Inc. The very existence of the industry, after issuing his prophetic statement of the evils expected from such combination.

The correctness of any view of the industry is supported by the control described above must of course be subject to proof. The Government is not to be determined by the courts. In order, however, to make its case, it is necessary that the Department state what it believes to be the economic conditions of the present methods and practices of the industry.

These may be summarized as follows:
1. Independently-owned theatres are being driven out of business by the major companies. 2. Discriminatory conditions not only on the rental of film but with reduced prices to exhibitors. 3. The present rate at which independently-owned theatres are being driven out of business. 4. The only way to a more equitable rate is to have a more equitable rate.

Underlying the case was seen a clear warning that the New Deal legislation is intended to bring about film control legislation in the future if the desired legislation is not obtained.

that there is practically effective new competition. The independent producers, who have been driven out of business, have been driven out of business. The independent producers, who have been driven out of business, have been driven out of business.

Independent producers find it practically impossible to obtain a satisfactory market for their film because of the domination of the major companies. The independent producers are up against an almost impossible task in securing markets for their film exhibition houses that are controlled by the major companies with whom the independent producers are trying to compete.

New capital investment in the motion picture business is discouraged because of the great difficulty of competing on a fair basis with the major companies, either in production or exhibition. The independent producers are trying to control the principal markets for film.

Theatre patrons in any given community are not given an opportunity to exercise choice as to the type of picture they wish to see. Under present conditions it is impossible for community theatres to express their opinion. Locally-owned theatre free to bargain for the type of films its patrons desire. As matters stand, each community is regimented into accepting the kind of picture which will make the most profit on a nation-wide scale.

There is no opportunity for independent artists to develop their talents, which are not approved by those in control of the major companies. There have been existing conditions which would support them. This is a civil suit, not a criminal one. The Government is aiming for a consent decree. Government, essentially seeks what it is entitled to free competition in the trade. In its statement, the Department of Justice says that the industry is bringing an equitable result, rather than a criminal action, to accomplish the results which would be accomplished only through an equity suit.

Majors Will
Washington, July 26.

Promulgation of a consent decree under which the government will chalk up victories on every important point generally considered as the outcome of the anti-trust equity action which the Justice Department has brought against the film industry last week.

Several factors seem to take the edge off the industry's fight. The industry cannot subscribe to the outstanding Federal requests, "foreclosure of exhibition," and the industry is practicing in the studio end. Political angles figure in this phase of the case.

Willings of the Justice Department to drop idea of obtaining injunctions, and the clearly implied threat to support restrictive legislation if the courts do not allow the remedies, appear to convince the industry that the windup will be a substantial government victory and that the industry's opposition will not be very intensive.

Many quarters it was thought highly probable that the Justice Department reported to the equity suit, going along before a grand jury with criminal complaints, and the time the recent White House visit was recalled. Most observers agreed that more than a coincidence that the top executives named in the petition were in the continued with the President Roosevelt to talk about the industry's opposition to the equity suit, and the industry's opposition to the equity suit, and the industry's opposition to the equity suit.

Change of Heart
A change of heart in the anti-trust fight also was shown by the department's explanatory statement, which was a change of heart in the industry. Which-breathing fears were instigated by the frank statement that the industry must equitably to use the equity courts. The department's confession that some elements of the industry were ready to co-operate with the government, and the view of the law mutterings and impressions conveyed at big business luncheon by prominent newspaper editors.

Underlying the case was seen a clear warning that the New Deal legislation is intended to bring about film control legislation in the future if the desired legislation is not obtained.

Underlying the case was seen a clear warning that the New Deal legislation is intended to bring about film control legislation in the future if the desired legislation is not obtained.

not obtained. This was indeed in the opinion of most watchers. It was added that on any industry leaders who may want to wage a major fight.

The remark that the questions may be laid before Congress is felt to have been a change of heart in the attitude of the Roosevelt Administration will be thrown behind such reformers as Kennedy, and the industry's attitude of the abolition of block booking, and Representative Emanuel Celler, who has been named as a commission which would police the biz from script to projection booth.

Old technique of secret agreements about what is proper went into the department to state its objectives in such a way that its policy may be examined by the court with reference to existing laws and changed by the legislature if the existing law does not present an economic solution of the problem.

SDC Hearing

(Continued from page 7)

Herick Quits SDC
Shortly after the hearing it was disclosed that Herick Herick had resigned as executive secretary of the SDC.

Herick had been named as a petitioner for hearings on petitions of the Society of Motion Picture Editors, Script Clerks Guild, Society of Motion Picture Artists, and Society of Motion Picture Technicians. Illustrators, will be fixed this week.

Dr. Nylander has agreed to organize a campaign for the organization, and Dr. Nylander, for organizing on petitions. The SDC has been in contact with the independent producers who had been tentatively set for Aug. 10, but the SDC has been moved forward as it has priority over the screen directors. Editors now have a chance to be heard by the SDC, but have been unable to gain recognition from many of the independents.

Dr. Nylander has agreed to open until Aug. 1 petition of the Studio Utility Employees Local Union, which is a union of utility workers at Republic. The SUP said it had been advised that all utility workers would be required that they must affiliate with the International Alliance of Theatrical and Stage Employees.

Action by the director was first deferred when the SDC was notified that the jurisdiction of only eight men was involved. At that time Dr. Nylander had been in the middle of a dispute could be settled amicably between the two unions, both of which are members of the American Federation of Labor.

Many Reels Arlier Spent
Screen Actors Guild and the producers are being swamped with applications to act as third member of the board which will arbitrate amendments to the Producer-SAG basic minimum contract. No requirement for the board has been made by either side, but several are reported to be under consideration.

Murray Kinney, arbitrator for the Guild, and B. B. Kahane, of Columbia, who has been in the SDC since both the majors and the independents. In event they fail of agreement, the SDC will be designated by the American Arbitration Association.

Screen Actors Guild's demand for an eight-hour day and revision wage scales for extras and players are being considered under way before the middle of next month.

Hearing of All Branches
The SAG, being in the same quarters suitable to house all of the departments, is considering sending a representative to the hearing. If plan is approved, it is probable that other branches of the Associated Actors and Artists will be heard in the same building. These would include the American Federation of Actors, the Screen Actors Guild, the Screen Writers' Association, the Screen Directors' Guild, and the Screen Technicians' Association.

Screen Actors Guild's demand for an eight-hour day and revision wage scales for extras and players are being considered under way before the middle of next month.

Screen Actors Guild's demand for an eight-hour day and revision wage scales for extras and players are being considered under way before the middle of next month.

FLA TEXAS GOES

DALLAS—"THE TEXANS" packs 'em in a week

SAN ANTONIO—Paramount's "THE TEXANS"

HOUSTON—Paramount's "THE TEXANS" bring

UTAH GOES

SALT LAKE CITY—Two weeks business in one

MISSOURI GOES

KANSAS CITY—"THE TEXANS" best grosser in n



AS PARAMOUNT'S "THE TEXA

SH!

PARAMOUNT!

and a half business in a week at the Majestic !

" 175% over average gross at the Majestic !

g's best four days in ten weeks to the Majestic !

PARAMOUNT!

week at the Centre for Paramount's "THE TEXANS"

S PARAMOUNT!

ine weeks at Newman Theatre 175% over average

NS" SWEEPS THE COUNTRY!



SHIP

Affiliates Grumble Privately

Of Alleged Poor Sustainers; NBC Thinks Blue Rap Unfair

Fundamental Cross-Purposes of Artist Bureau and Pro- gram Department Con- tinue — Staffmen Hoard Commission and Energy

SAME OLD STORY

Status of the sustaining artist on NBC or Columbia is reminiscent of the refrain that prevailed through the stage and screen versions of 'Grand Hotel': people come and people go; nothing ever happens.

Boxscore for the sustaining element on either network for the past season shows hardly any change as compared with the three or four previous years. For a performer to graduate to an advertiser's payroll as a result of a sustaining buildup still rates as the rare exception, with the table of expectation showing more and more in the candidate's disfavor as the years roll on.

Feeling common among the sustaining vocalists is that once they have signed a contract with the network's artists' bureau and get into the hands of the program department, they are looked upon as

part they are looked upon as so many fillers. Artists bureau is more interested in 10% or 15% of the money from selling them in the program department while the program department is chiefly interested in getting itself over the program bumps with as little cost and production efforts as possible. The artist's share is not paid at the scheduled period, the vocalist gets the aggregation. If not, an organ will have to do, even if the singer's style militates against such accompaniment. Latter saddling has been especially dominant at Columbia. The artist's share with the campaign to keep down the cost of sustaining musicians.

In On Quiz Fad
Both NBC and CBS have this past season departed somewhat from the practice of sticking exclusively to vocalists and comics in the buildup division. After quite a number of

division. After quite a number of novelty and quizz shows had been sold to commercials and the fad became pretty well entrenched, the web artists bureau converted themselves into beehives of activity in that direction. NBC came through with 'Information, Please' (Clifton

that direction. NBC came through with 'Information, Please' (Clifton Fademan), 'If I Had a Chance' (with Cal Tinney) and The Clipping Bureau,' while Columbia delivered 'The Word Game' and East and Dumke's 'Meet the Champ.' All turned out well but none has been

Of NBC's long retinue of sustaining vocalists only three got themselves attached to commercial bank-rolls during the past year. For Barry McKinley it was Chevrolet's Seymour Simons program and recordings. Joan Edwards was sold on the Chesterfield-Paul Whiteman

on the Chesterfield-Paul Whiteman through an outside agent, while Felix Knight obtained a summer ac-

Felix Knight obtained a summer assignment in Schaefer beer's spot on WEAf, N. Y. From the Columbia contingent, Buddy Clark was kept busy on Lucky Strike periods for a while through the efforts of his personal agent, Ray Heatherton got himself a spot in the Broadway ma-

NBC takes stock of its sustainers that have some (slight or more than slight) break on the payrolls of advertising and itemizes, among others:

verting and itemizes, among others: Meredith Willson, Marek Weber, Tommy Thomas (Seattle), Jerry Belcher, Laura Suarez, Ed. McHugh (The Gospel Singer), George Griffin, Al and Lee Reiser, Jean Ellington, Dorothy Dreslin, Jean Dickenson, Jean Sablon, Alice Cornett, Clark Dennis, Vass Family, Vivien della Chiesa, Nola Day.

CBS laid on the ballyhoo, with unusual thickness in the case of Harry Conn's 'Earacher of 1938' buildup, but the whole thing

Network opinion concerning af

Hillaries' blasts against sustaining program quality is that the broadcasters are taking an extreme view. While the blue does perhaps carry a heavy load of talks, congressmen among them, attention is directed to Towns, the Metropolitan Opera, Town Meeting of the Air, 'Information Please' and others as blue sustainers that represent plenty. NRC coin-

NBC execs also aver the 'wired' charges for service to member stations exceeds the value of the earmarked time deadheaded to the network in payment for 'network connection service.'

NBC's blue network has the least meritorious sustaining service in radio, according to the expressed opinions of some broadcasters currently displeased. This is the basis for a proposed demand upon NBC that the supervision of sus-

maintaining shows' be taken from the sole jurisdiction of NBC's program department and be subject to the authority of a Board of Control to include the affiliates who pay for 'network connection service' (as it's called) by deadheading to the network 18 unit hours per period (6

work 16 unit hours per period (of four weeks) 13 times per year. Attack upon the quality of NBC blue sustainers alleges that the offerings are overloaded with talk and mediocre music, that local fill-ins and transcriptions are frequently superior, and that the station compensation contract under the circumstances constitutes a bad deal for the affiliates.

Mutual Better
These broadcasters aver that the cooperative Mutual network has sustainers of far greater merit because each program represents the best effort of a member station. These programs are free save for the pro-

programs are free save for the production cost of the lines involved. Station men state that considering the relative cost, the contrast between Mutual sustainers from WOR, WGN, CKLW, WNAC, WFIL, WCLE and others and those of the blue, is sometimes far from funny.

CBS and NBC red sustainers are trade-ranked way ahead of the NBC blue. Added significance to the blast against the blue comes at this time

Against the blue shows at this time echoes the recent appointment of A. E. Nelson from KDKA, Pittsburgh, as sales head for that web. Critical broadcasts make the point that more than just a new sales chief is needed to restore the prestige of the 'fence around the red.'

Efforts to sell the blue in rivalry to the red with the hard-boiled agencies confirmed in their preference and the affiliates rapping the sustainers sounds like no small task to these observers. On the other hand others state that the blue is

Washington, July 26.

shows written and produced by Assistant General Manager Fred

First batch includes the following: 'The Sports Detective,' Thursday quiz program for audience participation; 'Petticoat Lane,' fashion talk for Mondays, Wednesdays and Fridays; 'Man About Hollywood,' news of film stars skidded for the same three

'Camera Club of the Air' will be started Aug. 4, with advice by professional and amateur photographers for candid camera fans. Special mid-

For candid camera fans, Special midnight broadcast, 'Missing Persons Bureau,' also has been inaugurated in co-operation with the District of Columbia Police Department.

Hearst Radio Marking Time Until Roosevelt Cues; Howard to N. Y.: Fox Out

Joe Koehler's Radio Events, Inc., is offering 'Oscar (Tchirsky) of the

Waldorf-Astoria has o.k.'d the use of the billing 'Oscar of the Waldorf.' Hotel controls use of the tag.

lyn rabbi) and son. Latter was with station six years, acting as commercial manager and assistant to his

ACADEMY OF RADIO ARTISTS; EYES ON THE PRIZES; MAKES MANY CONTRACTS

Members Feared High Scale Would Have Favored Inside Clique, Already Entrenched—Conferences with Four A's in Abyeance

As soon as its contract with NBC and the A's goes into effect, the American Federation of Radio Artists will resume negotiations with the American Assn. of Advertising Agencies committee. Huddles with the admen have been going on intermittently since early last January, but were recently dropped to facilitate clinching of the network agreement. Later, anything only to sustainers, is due to become effective Aug. 7, provided AFRA concludes an announcer's contract with NBC by that time.

In the case of the AAAA committee, it cannot sign a contract with the union, but is acting as a negotiating body for the member agencies. (With the sponsors' ideas not yet developed) AFRA execs have been led to believe by the admen that the AAAA committee is authorized to picket for an agreement which the member agencies will sign the pact recommended by this committee.

Now the AFRA execs to follow the AAAA agreement are the Mutual network, the National Assn. of Broadcasters, the Independent Radio Networks Affiliates and the recording and transcription manufacturers. Each of it is considered a negotiating body for the member agencies. (With the sponsors' ideas not yet developed) AFRA execs have been led to believe by the admen that the AAAA committee is authorized to picket for an agreement which the member agencies will sign the pact recommended by this committee.

AGRAP Status

Status of American Guild of Radio Announcers and Programmers in cases of incidental acting and singing bids on CBS sustaining shows again, but is unable to obtain an exclusive contract for announcers at WABC, New York, but the deal does not cover singing and acting. Although the AFRA contract calls for 100% guild shop for sustaining acting and singing, there is no provision for "incidental" bids for regular announcers on sustaining shows.

Undoubtedly, application of that portion of the pact will come in for considerable "interpretation." Most of any radio performer's employer agreement, however, is bound to be the commercial program. AFRA has the edge there. It also holds the whip hand over any CBS announcer who tries to do a concert, opera, or variety show. AFRA affiliates in the Associated Actors and Artists have working agreements with AFRA. However, little likelihood is seen of an outright scrap between AFRA and AGRAP. Figured the two will work out or later have a deal.

In regard to the opposition by a group in AFRA against ratification of the NBC-CBS contract, the disaffiliation arose over what some members regard as low wage minimums. Most of the opposition came from a small but active and vociferous group. Claimed by promoters of the contract that the minimums are one of the less important phases of the deal. They are due to the paymaster, and pay-for-over-time-rehearsal checks, as well as the ban on agency commissions below \$20, as vital portions of the agreement.

Theory

Also argued that the establishment of radically high wage minimums would have defeated their purpose since they would discourage the use of dramatic shows for radio programs and would certainly lead to the use of fewer actors per cast. The minimums would also serve to concentrate the employment in the hands of a narrow circle of actors, it is claimed. That reasoning is based on the idea that if networks had to pay high minimums they would use only the best-known performers (hence the more experienced ones). That is, the less experienced actors from working and would discourage the use of dramatic shows for radio programs.

Figured on that basis, the high minimum would work against the interests of the union. The greatest benefit for the greatest number? In addition, it is

Volunteer P.A.

George W. Clarke, former city editor of the Daily Mirror, recently turned volunteer, has been doing "turntable" press-agency for the American Federation of Radio Artists. Squawking was registered by the Theatrical Managers, Agents and Treasures against having a non-member handle the work, but explained that it was purely a voluntary service Clarke was rendering.

Henry Senber, p.a. for the Mercury Theatre, has been editing the AFRA Bulletin, and is on salary. He is a member of T.M.A.T.

St. Louis in Dispute

NLRB case between the American Federation of Radio Artists and five St. Louis station is scheduled to go to trial in St. Louis court Aug. 4. The case involves the classification of radio announcers in bargaining with the station. The station, KSD (the NBC affiliate), KMOX (CBS outlet), KWK, and KTVN.

AFRA will be represented by its attorney, Henry Jaffe, of New York.

New York contracts covering actors and singers of sustaining programs riding NBC and CBS have

O'Daniel Radio-Catapulted into Governorship; Helped His Biz, Too

Fl. Worth, July 26.

Nomination of W. Lee O'Daniel as Democratic candidate for governor of Texas was a smash victory in the state. He usually mentioned political campaigning. A four salesman who built his business via radio, he was running for public office the first time. O'Daniel accomplished the unprecedented feat of winning a majority of all voters at the primary, in which he was opposed by 11 other candidates. Victory assures him the governorship, as the Democratic nomination is tantamount to election.

Official word for office was first suggested by O'Daniel last May during one of his regular broadcasts. He said he would like to see him run for governor to beat the professional politicians and asked listeners what they thought about it. Result was that about 54,000 people wrote to the station that week. That body was entering rates from commercial to political and the race was on.

Official word handled his campaign, boasting that the candidate had been born in their studio and had stayed there during his hectic Texas career. O'Daniel toured the state with a sound truck and everywhere he went he listened, laughed and cheered as he offered his platform. He also carried his campaign slogan, "Please Pass the Biscuits."

Plenty of Enemies

He was bitterly opposed by organized labor on the ground that he had at one time been president of the Fl. Art Union chamber of commerce. That was many years ago, but an open shop movement. His friendship with Governor Allred, who would never be tolerated in Texas, was also held against him. During the campaign, he was referred to that issue in the New Deal, although he had never been in the campaign. He won every county in the state except one. He defeated all the politicians and bewildered O'Daniel himself. During the cam-

panied by the Los Angeles Local 400 American Federation of Radio Artists. About 200 members passed unanimous approval.

Pact goes into effect here in August. Carlton Kaddell, local president announced.

He was not included in deal although negotiations are underway. AFRA members started this week working on other networks and private stations in state. Ratification stipulates contracts will become effective on these outside stations within 90 days.

'BIG GAME HUNT' IS REVAMPED BY Y & R.

Col. Stoopnagle (F. Chase Taylor) replaces Norman Prescott as m.c. on "Big Game Hunt" program (Brutus Young) the summer replacement show for Fred Allen. "Stoopnagle" was set Monday (25) by Young. A Rubini sign on the show tonight (Wed.) over NBC-Red.

John Martin, who scripts the audience quiz program, is out along with Prescott as a performer, but has continued turning out the copy week-to-week.

Peter Van Steeden's orch. comes tonight and Harry Van Zell becomes m.c.

McNamee at Fair

Seattle, July 26.

Puyallup Fair, Sept. 18 to 25 inclusive, is employing Graham McNamee as m.c. on the program after-noon and nights.

McNamee will plane from New York for the week's engagement.

WAAP Group Takes Bow

One important point which the O'Daniel campaign overlooked in this campaign was this: For about 10 years, seven days a week, 51 weeks a year, W. Lee O'Daniel has been going into the home of every radio listener in Texas, first by the Burris Mills Light Crust Dough Boys and later with his Hillbilly Boys. During this time he reassembled his audience to sell himself along with it. On every great state display, he has always used the O'Daniel program with a poem or song dedicated to the incident.

On Thanksgiving, Christmas, the Fourth of July, etc. other poems and song rolled off the O'Daniel pen. The program was plugged. The Hillbilly Boys and later with his Hillbilly Boys. During this time he reassembled his audience to sell himself along with it. On every great state display, he has always used the O'Daniel program with a poem or song dedicated to the incident.

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Chiseling Stations Out-Chizzed

Rated as one of the slickest manipulators that the "spot broadcasting business" has to contend with, is the practice of the Midwest Cosmetic brand. This fellow, who does all his own time buying, has been able for some time to operate over the air at a huge scale without having to pay a penny postage for the advertising spots that he accumulated. His method of doing this is by the use of a station around the old cheating cheaters technique.

Promoter never makes a deal with a local station unless he is allowed some marked percentage of the station's time card. If it isn't paid, it's some heavy concession in free merchandising or whatnot.

His procedure is to stall the station along until payments are made. If the station is not paid, the promoter is not paid. He is sorry but he didn't sell enough of his product, through that particular outlet to pay any part of the bill. But, he quickly adds, that shouldn't discourage the station. He'll get a new program. If the station will carry him along for another 13 weeks he will pay twice as much as he has contracted for in the original 13 weeks. At the end of the 26 weeks it's the same story, with the station collecting twice as much.

Cosmetic puppets figures that the broadcaster will not take him into court as the latter wouldn't think of coming into the open and admit that his deal hadn't been about the station's time card, but that he has been thoroughly hooked and rather than let the advertising trade in on what had happened in this case he elects to write it off the books as an uncollectible debt.

Unionization of Engineers Should Be on Network Basis;

NLRB Ruling Setback for C.N.R.

Washington, July 26.

Reopening of the fight between Associated Broadcast Technicians, now the National Labor Relations Board (NLRB) and the National Communications Association, affiliate of the CIO, was ordered by the National Labor Relations Board Saturday (25). Virtually nullifies the victory won by ABT three months ago when it was ordered to merge with the CIO and form a company union.

Election to determine which outfit will bargain for Columbia Broadcasting System technicians is required under the NLRB ruling. Bailouts will be held as soon as practicable to resolve conflicting claims about extent of membership.

Ruling was preceded by a decision which gave the CIO group a setback when the Board agreed chain-wide work stoppages. The decision was a way of handling labor relations involving engineers. The A.C.A. claimed the NLRB was not the jurisdiction of technicians at WABC, New York, and WJSV, Washington, wanted to be allowed to front for them members on an individual transmitter basis.

Polling will occur at all of the well-known and operated plants except KMOX, St. Louis, where the American Federation of Labor group, International Brotherhood of Electrical Workers has contract with all stations in town.

STARS' BOGUS BROTHER NABBED BY POLICE

Oklahoma City, July 26.

Philip Rochelle, alias Charles Arnold, alias brother of Eddie Cantor, is resting quietly in the Oklahoma City jail after unsuccessfully attempted to sell Neal Barret, KOMA manager, on the idea that he was the brother of Edward Arnold and was a busy tidy sum as a special talent on a studio program.

Police revealed that Rochelle, posing as the actor's brother, had hoodwinked management of several stations. The count on the list included him as Arnold's brother; on one such occasion in Chicago, he was billed as "Philip Rochelle, brother of Don Ameche."

Church Joins G.O.P.

Washington, July 26.

Wells (Ted) Church, clergyman, publicity man for both NBC and CBS, was designated assistant to Franklin D. Roosevelt for the Delaware Street Republican National Committee, last week. Doubles in charge of all the church's publicity work. The New Bible was affiliated with the Republicans during the 1936 presidential campaign and then only to join the NB's staff in New York. More recently has been freelancing.

Old Time Hits Radio

Philadelphia, July 26.

Leith Mitchell Hodges, who has collected a column in Philly newspapers for 27 years continuously, makes his radio debut over WFIL, Tuesday (28) Aug. 3.

Hodges, a newspaperman of the old school the wears button shoes; a former publicity man for the radio; he has made big shots he has known in his time as newspaper editor. Program to be on the radio "Optimist"—monicker Hodges uses in this column in the Evening Bulletin.

Kaddell is coxxy prexy of American Federation of Radio Artists.

Bill Lawrence's Waxers

Hollywood, July 26.

Lawrence, producer of Hollywood Showcase, for Columbia we is working on four shows to be broadcast on the Columbia radio network.

There will be series of each, and a few kids show and auditions.

Big Cast Unsettled.

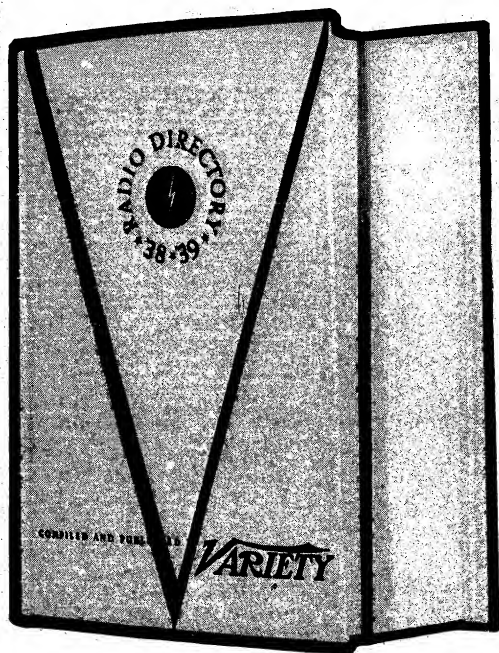
How Town Renews Kaddell

Hollywood, July 26.

Carlton Kaddell has been designated to head the new committee on Edward Robinson's "Big Town" series.

Kaddell is coxxy prexy of American Federation of Radio Artists.

"Far Ahead of Anything Else In the Field"



—That's how one radio executive sums up the usefulness of the 1938-39 Variety Radio Directory.

Here's the reason: the Directory is the only source for information on such important topics as:

South American Stations (with rates)

Popular Music from
1800 to 1935

20,000 Program Titles

Professional Records of
3,525 Artists

1,000 Newspaper Radio
Policies and Radio
Editors

Sporting Events Broadcast
Commercially

\$5.00 THE COPY, POSTAGE PREPAID
(DUTY NOT PREPAID IN FOREIGN NATIONS)

ORDER YOUR COPY NOW

**Complete Information on
Network Programs**

The Directory covers 78 topics in 1,436 pages, lists 14,250 names and is replete with maps and charts.

HOLLYWOOD
VARIETY
1708 N. Vine St.
SATYR BOOK STORE
1620 N. Vine St.

CHICAGO
VARIETY
54 West Randolph St.
RANDOLPH NEWS SHOP
63 West Randolph St.

LONDON
VARIETY
8 St. Martins Pl.
Trafalgar Square

NEW YORK CITY
586 Fifth Ave.

BRENTANO'S BOOK STORES

PHILADELPHIA
1726 Chestnut St.

WASHINGTON
1322 F St., N.W.

VARIETY RADIO DIRECTORY 154 West 46th Street, New York

Please send.....copies of VARIETY RADIO DIRECTORY (\$5 per copy, postage prepaid; \$5.10 per copy in New York City; duty not prepaid in foreign countries).
Enclosed find \$.....
Name.....
Address.....
City.....State.....
Firm Name.....

RADIO PLAYWRIGHTS

CARL BIXBY

"BIG SISTER"

DON BECKER

"LIFE OF MARY SOTHERN"

These two prominent tested writers have now combined their talents in the creation of outstanding radio programs.

Their first serial collaboration "Life Can Be Beautiful" has been secured by the Compton Advertising Agency for Procter & Gamble.

Their second serial has been planned and will be ready for discussion early in August.

Mr. Bixby and Mr. Becker can be reached at the offices of the Transamerican Broadcasting & Television Corporation, 521 Fifth Avenue, New York, N. Y. Telephone MUrray Hill 6-2370.

Scripps-Howard's Radio Boost

Radio networks sales promotionalists are chortling at the pro-radio story which they discern in the "Pantry Survey" data assembled by the Scripps-Howard newspapers. Data was gathered last fall and given wide trade airing about a month ago when the results were finally tabulated. It cost Scripps-Howard \$150,000. Chain dairies now release the report to interested parties within the advertising world for \$100 in two bound volumes.

Concerned with what actual brand names appear on the shelves of American families, the data was gathered to provide Scripps-Howard salesmen with a curiosity-arouser in soliciting accounts. Survey representing 53,000 house-to-house calls in 16 cities is one of the most unique undertakings of its kind in history of advertising.

Radio analysts have discovered that in the process of working out a brand story on radio sets, Scripps-Howard has confirmed home installations of radios up to 90% of the homes canvassed. This is a greater ratio than had been broadcasting itself claims.

Secondly, the data shows that in 28 groups (such as catsups, cereals, cheese, flour, coffee, shaving creams, toothpastes, razors, gasolines, etc.), the biggest seller in each category divided 20-8 between users and non-users of radio advertising. Allowing for some two-network accounts, this number included 12 on the Red, 12 on CBS and one on the Blue.

Figures for the brands that ran 2d, 3d, 4th and 5th on American pantry shelves correlated impressively with the use of radio advertising.

Style employed on the Scripps-Howard report is illustrated by this sample:

CEREAL—41,197 homes (71.5%) had 71,259 packages.	
Wheaties	8,816 12.4
Shredded Wheat	8,261 11.7
Kellogg's Corn Flakes	7,798 10.9
Post Toasties	5,850 8.2
Kellogg's Rice Krispies	5,485 7.7
Quaker Puffed Wheat	3,945 5.5
Kellogg's All-Bran	3,583 5.0
Post Grape-Nuts	3,224 5.0
Shredded Raisins	2,727 3.8
Quaker Puffed Rice	2,420 3.4
Post Bran Flakes	2,223 3.1
Kellogg's Pep	1,509 2.1
Grape-Nuts Flakes	1,328 1.9
Helm Rice Flakes	975 1.4
Post Huskies	938 1.3
Post Whole Bran	689 1.0
Others	11,969 15.8

Lasker Resigns From Lord & Thomas Berth

Don Francisco, executive v.p. of Lord & Thomas, has been elected president succeeding Albert D. Lasker. Lasker has retired after being with the firm 40 years. He just returned from world cruise. Francisco, who heads the Coast Office, will come to New York after Oct. 1. Albert Lasker, Jr. is an exec of agency.

Wheatena on Mutual

Wheatena is set with two quarter-hour periods a week on the Mutual Network, starting Sept. 5. It will be 14 stations including the Don Lee combination. Show has not been decided.

AVALON CIGARETTES A MIDNIGHT SPONSOR

New full hour musical show sponsored by Avalon cigs had its initial airing from WJWV, N. Y. Monday (23). Show rides a midnight to 1 a.m. spot six nights weekly Monday through Saturday.

M.C.'d by Douglas Arthur, talent will include Slim and Slam swing outfit, Mele Pitts' orchestra, and a pair of vocalists, Libby Hale and Bobby Goday. Show formerly was a pasteurizer tagged "One O'Clock Jump."

Frank R. McDonnell has been appointed president of Advertiser's Recording Service, Inc., of N. Y. He was formerly sales director of the firm and previous to that was associated with station WHN, New York.

A WORD ABOUT "RHYTHMIC PYRAMIDS" ▲▲▲

"RHYTHMIC PYRAMIDS", the basis for Richard Himber's new orchestra style, HAS NEVER BEEN USED PREVIOUSLY, to my knowledge, by ANY dance band, with one exception.

THAT EXCEPTION is HIMBER HIMSELF, who first suggested the idea to me almost six years ago when it was incorporated in an arrangement of "Lover" and dropped as being too premature. The score of this arrangement made in 1932. I still have.

BERNIE GREEN
— arranger —

STATIONS' MOOD UNCERAIN

Affiliates Disturb Webs

Following the appearance of last week's *Variety* with the story that Mark Ehrhridge and Sam Rosenbaum were taking the initiative in a proposed revival of the Independent Radio Network affiliates' own trade organization the long distance telephone began to hum. Practically every broadcaster named as invited to the New York meeting was contacted by officials of the two major networks who expressed distaste for the move and the hope that nothing radical would be attempted.

Several broadcasters were requested to confer with the networks before attending the Waldorf-Astoria confabs. In the main they sided with the networks.

Leaders hastened to assure webs that the move was for protection from, and not for attack upon, the networks.

CALL CONVENTION TO REVIVE IRNA

Meanwhile There's 'If' to Overtures of Friendliness—Webs Advise Caution

SLOGAN

Preceded by some alarm among the networks as to the possible intentions, and accompanied by certain qualms of station men themselves, tentative get-together meeting was held Monday night (25) at the Waldorf-Astoria hotel, N. Y., for the purpose of reviving last year's organization of indie network affiliates. Mark Ehrhridge, of WHAS, Louisville, and Sam Rosenbaum, of WFIL, Philadelphia, were the leading spirits of the Waldorf-Astoria meeting. It was decided to issue a call for a general convention of affiliates to be held Aug. 18-17 in Chicago, probably at the Stevens hotel.

Agenda of issues to be brought up at the Chicago meeting will be worked out meanwhile by Rosenbaum. Suggestions are invited from the 26-odd affiliates to be invited. Network-owned stations will not be asked.

Behind the Ehrhridge-Rosenbaum move, which predates the government's look-into of the trade, is a twofold motivation apparently. First, the proposers wish to actively associate themselves with the networks in a defense of the American system of broadcasting. But, sec-

William Esty Agency Looks to Be One of Big Spot Buyers in '38-'39

TELEVISION TOUR OF RADIO CITY DUE

Although NBC tours hoped to have a "television tour" ready to take advantage of the summer tourist trade it now looks as if the sight-sound trip would not be open to the public (at a fee) before early fall. Previously it had been planned to start in August. Now it looks more like September.

Number of important details to be worked out.

Number of important details to be worked out.

At this time and with the movement new and not yet in full momentum there is an obvious disinclination of affiliates to talk. Ditto the networks. But the matter is certain to engage a majority of broadcaster thought in the next couple of weeks. Networks have been warning broadcasters not to be "radical."

Later charge, often heard, usually makes station men very self-conscious about such matters as to language and emphasis. At the moment, it is not clear whether the Waldorf-Astoria meeting, said to have been inconclusive in itself, is vital or otherwise in trade significance for the future.

Ehrhridge and Rosenbaum were to call upon Ed Klauber, of CBS, and Lenox Lohr, of NBC, yesterday (Tuesday) morning to give assurances that, as regards the Washington (Continued on page 43)

Indications are that William Esty & Co. will be up among the leading dispensers of spot broadcasting business this coming season. Agency has already lined up Baume & Mercier, Piquin's Hand Cream and Teen-A-Mint for heavy spot announcement campaigns and there is a good possibility of Dillard's Aspergum joining the list.

Teen-A-Mint will use 50 major stations at the start with a schedule of an announcement a day over a period of 39 weeks and add smaller markets in the course of time. Baume & Mercier spread will take in 80 markets with two announcements a week during 22 weeks. Piquin's schedule involves 30 markets at the rate of two announcements a day for nine weeks and a singleton a day the succeeding nine weeks.

KENYON & ECKHARDT 'AFTER SINGING LADY'

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ACHIEVES BOTH ENDS..

..sells the dealer!



..sells the consumer!



Write for booklet "Dealers' Choice"

WCAU

50,000 WATTS PHILADELPHIA

RADIO PLAYWRIGHTS

CARL BIXBY

"BIG SISTER"

DON BECKER

"LIFE OF MARY SOTHERN"

These two prominent tested writers have now combined their talents in the creation of outstanding radio programs.

Their first serial collaboration "Life Can Be Beautiful" has been secured by the Compton Advertising Agency for Procter & Gamble.

Their second serial has been planned and will be ready for discussion early in August.

Mr. Bixby and Mr. Becker can be reached at the offices of the Transamerican Broadcasting & Television Corporation, 521 Fifth Avenue, New York, N. Y. Telephone MUrray Hill 6-2370.

Scripps-Howard's Radio Boost

Radio networks sales promotionalists are exhorting at the pro-radio story which they discern in the "Pantry Survey" data assembled by the Scripps-Howard newspapers. Data was gathered last fall and given wide trade airing about a month ago when the results were finally tabulated. It cost Scripps-Howard \$150,000. Chain dailies now release the report to interested parties within the advertising world for \$100 in two bound volumes.

Concerned with what actual brand names appear on the shelves of American families, the data was gathered to provide Scripps-Howard salesmen with a curiosity-arouser in soliciting accounts. Survey representing 53,000 house-to-house calls in 16 cities is one of the most unique undertakings of its kind in history of advertising.

Radio analyzers have discovered that in the process of working out a brand story on radio sets, Scripps-Howard has confirmed home installations of radios up to 90% of the homes canvassed. This is a greater ratio than radio broadcasting itself claims.

Secondly, the data shows that in 28 groups (such as catsup, cereals, cheese, flour, coffee, shaving cream, toothpastes, razors, gasolines, etc.), the biggest seller in each category divided 20-8 between users and non-users of radio advertising. Allowing for some two-network accounts, this number included 12 on the Red, 12 on CBS and one on the Blue.

Figures for the brands that ran 2d, 3d, 4th and 5th on American pantry shelves correlated impressively with the use of radio advertising.

Style employed on the Scripps-Howard report is illustrated by this sample:

CEREAL—41,197 homes (71.5%) had 71,253 packages.		
Wheaties	8,816	12.4
Shredded Wheat	8,261	11.7
Kellogg's Corn Flakes	7,796	10.9
Post Toasties	5,860	8.2
Kellogg's Rice Krispies	5,485	7.7
Quaker Puffed Wheat	3,940	5.5
Kellogg's All-Bran	3,583	5.0
Post Grape-Nuts	3,254	4.6
Shredded Raisins	2,737	3.8
Quaker Puffed Rice	2,420	3.4
Post Bran Flakes	2,223	3.1
Kellogg's Pop	1,569	2.2
Grape-Nuts Flakes	1,328	1.9
Herz Rice Flakes	975	1.4
Post Huskies	938	1.3
Post Whole Bran	689	1.0
Others	11,059	15.5

Lasker Resigns From

Lord & Thomas Berth

Don Francisco, executive v.p. of Lord & Thomas, has been elected president succeeding Albert D. Lasker. Lasker has retired after being with the firm 40 years. He just returned from world cruise. Francisco, who heads the Coast office, will come to New York after Oct. 1.

Albert Lasker, Jr. is an exec of agency.

Wheatena on Mutual

Wheatena is set with two quarter-hour periods a week on the Mutual Network, starting Sept. 3. It will be 10 stations including the Don Lee combination. Show has not been decided.

AVALON CIGARETTES

A MIDNIGHT SPONSOR

New full hour musical show sponsored by Avalon cigs had its initial airing from WNEW, N. Y., Monday (25). Show rides a midnight to 1 a.m. spot six nights weekly Monday through Saturday.

M.C.'d by Douglas Arthur, talent will include Slim and Slam swing outfit, Merle Pitts' orchestra, and a pair of vocalists, Libby Hare and Bobby Goday. Show formerly was a sustainer tagged "One O'Clock Jump."

Frank R. McDannell has been appointed president of Advertiser's Recording Service, Inc. of N. Y. He was formerly sales director of the firm and previous to that was associated with station WHN, New York.

A WORD ABOUT

"RHYTHMIC PYRAMIDS" ▲▲▲

"RHYTHMIC PYRAMIDS", the basis for Richard Himber's new orchestra style, HAS NEVER BEEN USED PREVIOUSLY, to my knowledge, by ANY dance band, with one exception.

THAT EXCEPTION is HIMBER HIMSELF, who first suggested the idea to me almost six years ago when it was incorporated in an arrangement of "Lover" and dropped as being too premature. The score of this arrangement made in 1932. I still have.

BERNIE GREEN
— arranger —

STATIONS' MOOD UNCERTAIN

Affiliates Disturb Webs

Following the appearance of last week's *VARIETY* with the story that Mark Ethridge and Sam Rosenbaum were taking the initiative in a proposed revival of the Independent Radio Network affiliates' own radio organization the long distance telephone began to hum. Practically every broadcaster named as invited to the New York meeting was contacted by officials of the two major networks who expressed distaste for the move and the hope that nothing radical would be attempted.

Several broadcasters were requested to confer with the networks before attending the Waldorf-Astoria confab. In the main they sided with the networks.

Leaders hastened to assure webs that the move was for protection from, and not for attack upon, the networks.

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CALL CONVENTION TO REVIVE RNA

Meanwhile There's an 'If' to Overtures of Friendliness—Webs Advise Caution

SLOGAN

Preceded some alarm among the networks as to the possible intention, and accompanied by certain quills of station men themselves, a tentative get-together meeting was held Monday night (25) at the Waldorf-Astoria hotel, N. Y., for the purpose of reviving last year's organization of indie network affiliates. Mark Ethridge, of WHAS, Louisville, and Sam Rosenbaum, of WFIL, Philadelphia, were the leading spirits of the Waldorf-Astoria meeting. It was decided to issue a call for a general convention of affiliates to be held Aug. 16-17 in Chicago, probably at the Stevens hotel.

Agenda of issues to be brought up at the Chicago meeting will be worked out meanwhile by Rosenbaum. Suggestions are invited from the 265-odd affiliates to be invited. Network-owned stations will not be asked.

Behind the Ethridge-Rosenbaum move, which predates the government's look-into of the trade, is a twofold motivation apparently. First, the proposers wish to actively associate themselves with the networks in a defense of the American system of broadcasting. But sec-

William Esty Agency Looks to Be One of Big Spot Buyers in '38-'39

TELEVISION TOUR OF RADIO CITY DUE

Although NBC tours hoped to have a "television tour" ready to take advantage of the summer tourist trade, it now looks as if the sight-sound trip would not be open to the public (at a fee) before early fall. Previously it had been planned to start in August. Now it looks more like September.

Number of important details to be worked out.

Finally, they think the networks should be more sympathetic to some of the affiliates' grievances.

On Qui Vive

At this time and with the movement new and not yet in full momentum there is an obvious disinclination of affiliates to talk. Ditto the networks. But the matter is certain to engage a majority of broadcaster thought in the next couple of weeks. Networks have been warning broadcasters not to be radical.

Later charge, often heard, usually makes station men very self-conscious about such matters as to language and emphasis. At the moment, it is not clear whether the Waldorf-Astoria meeting, said to have been inconclusive in itself, vital or otherwise in trade significance for the future. Ethridge and Rosenbaum were to call upon Ed Klauber, of CBS, and Lenox Lohr, of NBC, yesterday (Tuesday) morning to give assurances that, as regards the Washington (Continued on page 43)

Indications are that William Esty & Co. will be up among the leading dispensers of spot broadcasting business this coming season. Agency has already lined up some Benque. Pacquin's Hand Cream and Feet-a-mint for heavy spot announcement campaigns and there is a good possibility of Dillard's Asperum joining the list.

Feet-a-mint will use 50 major stations at the start with a schedule of an announcement a day over a period of 19 weeks and add smaller markets in the course of time. Benque Benque spread will take in 80 markets with two announcements a week during 22 weeks. Pacquin's schedule involves 30 markets at the rate of two announcements a day for nine weeks and a singleton a day for the succeeding nine weeks.

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ACHIEVES BOTH ENDS..

..sells the dealer!



..sells the consumer!



Write for booklet "Dealers' Choice"

WCAU

50,000 WATTS • PHILADELPHIA

1000

Last Quarter of Farm and Home Hour Diverted to Goodyear Sponsorship

NBC commencing Sept. 26, will close its decade-old outlander, National Farm and Home Hour from 10:00 to 10:45 minutes to accommodate a new commercial which will be inaugurated by Goodyear Tire & Rubber. Sponsored quarter-hour will run Mondays through Fridays, 11:30 p.m., thus taking up the last quarter of what has long been "Home Hour's" regular time on the blue band.

Before cutting the time, NBC asked the U. S. Department of Agriculture if it minded. Department cooperates with NBC in putting on the program.

Goodyear will tag its commercial "Farm Service" and project it at a rural listening audience. Arthur Kunkin, agency on the account, is now shipping up the show, which will be different from "Home Hour."

The Shadow' Will Resume But Maybe Not Welles

The Shadow's dramatization series returns to a hook-up of 15 Mutual stations, led from WOR on Sept. 25. Lackawanna & Western Coal will sponsor as it did last year, and airings will be on Sunday afternoons.

Performer to play the titular role has not been chosen as yet. There is some doubt that Orson Welles, last year's "Shadow," will again do the part. Actor has heavily committed himself to legit acting-producing for the coming season.

Oklahoma Changes

Tulsa, July 26.

Lots of radio activity in oil capital.

KTUL has started construction of new \$60,000 transmitters, towers and other equipment on new location on outskirts. New power scheduled for Sept. 15, when daytime output will jump from 1,000 to 5,000 watts, and night power from 500 to 1,000 watts. KTUL goes on the air Aug. 2 with directional antenna built by both KVOO and WAPI (Birmingham, Ala.) supposed to avoid interference between two stations, which at present divide time.

Possible third station, permit for which was applied for by Harry Schwartz, Tulsa Federation of Labor press, depends on PCC hearings, etc. Protest period ends July 28. If station opens, manager will be Glen Condon, one-time publisher of N.Y. Vaudeville News and recently published in Time as having won Winchell his first job. Condon free-lancing in Tulsa at present.

WTMJ's NBC Feeds

Milwaukee, July 26.

With the addition of two 30-minute periods from Jack Yeo's Riviera at Lake Geneva station WTMJ here is now originating four shows, weekly for NBC webs.

Station's own Rhythm and Rhyme show for 30 minutes on Saturdays and a half hour from the Hotel Schroeder make up the other periods.

Hollingsberry Gets WORC

WORC, Worcester, is leaving International Radio Sales for the George P. Hollingsberry Co. Switch in station representation becomes effective Sept. 18.

Hal Tate Turns Spileer

Chicago, July 26.

Hal Tate, former reporter, goes on Evans Fur Co. starting Aug. 1. Will chat on WMAQ for 15 minutes each morning. Auspitz & Lee agency on the account.

In Baltimore, it's
WFBZ

ON THE NBC RED NETWORK
NATIONAL REPRESENTATIVES
EDWARD PETAY & CO.

Seeing Is Believing

Frank Stanton, who recently returned from a trip to Los Angeles and San Francisco to deliver talks before advertising organizations on behalf of CBS and radio, encountered Pacific Coast peculiarities. In L. A., newspaper accounts of his talk excitedly failed to mention radio. CBS of New York, in Mexico, they mentioned CBS but not New York.

Sally Rand, who spoke at the L. A. ad convention, filed a rebuttal to Stanton, cracking that the CBS spokesmen, who said the ear was quicker than the eye, wasn't speaking for her line.

Ed East Plenty Busy

Ed East is now broadcasting nine times a week. Has taken on a morning "House Party" whirl on WHN, N. Y., every day from 10:30 to 11 a.m. Continues as "Your Radio Reporter" over same station three nights a week. Also, with partner Ralph Dumke, he has "Meet the Champ" program on CBS Wednesdays.

His daughter, Jean, made him grandpop last week in Chicago.

McNinch May Be Absent For Long Spell; Reported Very Ill; Changes Outlook in Washington

Washington, July 26. Possibility that Chairman Frank R. McNinch may not return to the FCC saddle for months and the remainder of the regulators will proceed forward with new policies in his absence was suggested this week. Temporary reorganization of the Commission is in prospect. Informal conversations about electing a vice-chairman, who would automatically take the helm and prevent prolonged delay in lacking the still numerous unsettled matters. Talk about putting Commissioner Norman S. Case into the driver's seat in place of Judge Eugene O. Sykes, whom McNinch named temporary chairman before leaving for the hospital four weeks ago.

A Sick Man
Prolonged absence of the reform leader was rumored, with specific info on the state of his health unobtainable. Even close personal friends have been denied the right

to visit him at the Naval hospital where he was undergoing treatment for internal disorders originally described as not particularly serious. Indications last week, however, that he is much sicker than outsiders appreciate, and even after getting back home he will be compelled to take things easy for an extended period.

Already, the chairman has been away longer than predicted. He was understood to be planning on a two-week stay when he went to the hospital for treatment at the start of the month. But the culis trouble has turned out more serious than expected. Close acquaintances get the impression he will be forced to take things easy and observe rigid health regulations for weeks, and so may not be able to expose himself to the nervous tension and physical labor imposed by the chairmanship before October.



**AROUND THE WORLD IN 91 Hrs.
AND 346 BROADCASTS**

A record ON, as well as IN, the Air. The Standard Oil Company of New Jersey capitalizes last minute news accounts of a famous flight.

HOURLY-BY-HOURLY, often minute-by-minute, bulletins of the globe-gliding plane's progress came pouring this agency's typewriters. Eager writers seized fresh, exciting facts, whipped them into commercials... commercials that tied up with the news in each successive broadcast. As an example consider the following:

The landing at Le Bourget at 11:58 Monday morning was the ESSO Reporter's lead story at 12 o'clock. At

12:04 the commercial gave new details and carried first word of the part played in the flight by the makers of ESSO gasoline and motor oil. Similarly time commercials followed every leg of the flight, on 250 scheduled ESSO Reporter broadcasts supplemented by 96 last minute news flashes and bulletins.

All through the hours the plane was battling its way to new records in the air, here in this office another fight against time was going on... waged by sweating men at telephone and typewriter, teletype and telegraph, until the last happy landing at Floyd Bennett Field Thursday afternoon.

This was, we grant, an unusual job. Yet it's not unusual enough to be rare. It's surprising how many times during the year we find ourselves turning out

assignments equally "unusual." Many advertisers would like to command this kind of agency service, if they only knew where they could get it. If you feel that way, it ought to be both profitable and highly satisfying to write or telephone for the evidence.

Marschalk and Pratt INCORPORATED

An advertising agency serving among others the following clients: International Nickel Company, Inc., International Telephone & Telegraph Company, National Lead Company, Regis & Galt, Rogers-Pearl Company (radio), Schering Corporation, SKF Industries, Standard Oil Company of New Jersey (radio), Underwood-Elliott Fisher Company, Whitehead Metal Product Company, Inc., Cigarette Cigar Co.

333 FIFTH AVE. • NEW YORK

Mixed Reaction Among Lawyers To Proposed F.C.C. Procedure

Washington, July 26.

Mixed satisfaction and distrust in the preliminary reaction of radio lawyers to the proposed changes in Federal Communications Commission rules of practice and procedure. Further suggestions being collected by the Federal Communications Bar Association.

In general, the profession is most in favor of the recommended changes in the two-year rule, so that FCC attorneys, examiners, and other employees will have more freedom to quit the government service, and with the contemplated establishment of a new radio division. Changes in and many respects simplify mechanical aspects of prosecuting applications. Ideal of plugging loopholes which have permitted individuals with the right connections to gain special favors likewise is drawing applause.

Several rather important defects have been noted. Inconsistencies will be pointed out by the legal crowd, which also is disappointed that the Rules Committee did not go farther in several respects and thinks that some of the innovations are meaningless.

Rehearings

Lack of clarity concerning petitions for rehearing is deemed one of the greatest weaknesses. Proposed code still leaves much uncertainty regarding the exact course to be followed, merely noting that the rules as far as applicable shall be observed in filing this type of motion to open up cases.

Tightening of rules relating to amendments and withdrawal of petitions, as well as those touching on depositions and documents, looks either offensive or unnecessary to some barristers. In view of the FCC's practice of designating cases for hearing months before the session actually occurs, it is felt the Rules Committee is decidedly unfair in proposing to prohibit changes in papers after the Commission has ordered evidence taking and in suggesting a with-prejudice tag be attached to pleas withdrawn during the interval. Bar Association likens to go on record in favor of the present rule, which provides a limit 30 days in advance of the scheduled hearing, although the sentiment favors even a shorter time.

Even the motions docket recommendations have been met with a "Not with the principle, but the manner" attitude.

LUCKY STRIKE

HIT PARADE

Saturdays to P.M., EDT

CBS Network

FIFTH SERIES

CARL HOFF

and

Starting in October

with

AL PEARCE

See

GRAPE NOES

Mgt. MCA

THE ONE'S

By JANE WESLEY

FROM RADIO'S MOST POPULAR

FAMILY DINNER IN PARADISE

WINNER "EARS AND TEARDROPS"

Presented by Henry Soppe '99" and "BUB"

LISTEN TWICE DAILY

NBC Radio Network, 12:15 to 12:30 P.M. DST

CBS - WABC - 2:15 to 2:30 P.M. DST

IN - COAST TO COAST

COAST-TO-COAST

MGT., ED WOLF-RKO BLDG., NEW YORK CITY

chinery contemplated. Failure of the rules drafters to allow for appeals from the decision of the examiner or commissioners who presides over this branch is termed a major weakness, since there is no way of redress unless the applicant considers injurious to applicants.

Considerations also will be called to the Commission's attention. Some lawyers displeased that the Rules Committee has not seen fit to propose full disclosure of the confidential recommendations which guide the Commission to order hearings. More standardization of the examination arrangements which would separate functions of FCC lawyers, the could not serve as preliminary judges, trial counsel, and confidential advisers, also is wanted by many of the outside attorneys.

LANGUAGES IN U.S.A. PROSPER

National accounts are becoming more interested in the foreign-language field, according to local advertising agencies. It is certain that there will be double the activity this coming fall among the local stations in the spillover-English programming.

Ford Motors, Chevrolet, Lucky Strike, and Chevrolet are among some of the big buyers of air time who are now making inquiries of the local stations which feature foreign-language broadcasts. General Foods, it is understood, is also perking up in interest.

Bond Bread is set to go on. Already in the field are Procter & Gamble, Cannon Lines, North German Lloyd, Carter Medicine, Borden, Ruppert Brewery and P. Lorillard. Bond Bread's G. has been constantly expanding its time and stations since breaking into foreign-language last year.

At one time about all the shows were padded out with participatory spots, but solid-period buys for entertainment sponsorship are increasing. Formerly the neighborhood station was the chief advertiser, but national accounts are coming to comprise a goodly slice of the income of now of predominantly foreign-language stations.

WBXN, Bronx, N. Y., broadcasts which run more than 15 minutes and on any other station, reports that its national big during the last 12 months was 18% better than during the previous year.

Lasky Sets KFSO Fete

San Francisco, July 26.

Increases in the engineering and production staffs at KFSO, local CBS affiliate, are anticipated by manager Philip G. Lasky following completion of new studios in the Palace Hotel.

New studios are to be opened for use Aug. 11, when the San Francisco Junior Chamber of Commerce stages a dinner party for guests in celebration of the event.

SOLE ENGLISH AGENCY

International of London Fears Admen May Be Confused

London, July 13.

Editor, VARIETY: We would like to draw your attention to an article published in the International Radio Section of the June 29th issue of VARIETY under the heading of "Radio Booming in France." In the continuation of this article on page 54, the first complete paragraph reads: "The owner of Radio Bleustein is the owner of Radio Normandy. This is completely inaccurate since Radio Normandy is owned by a private company. As far as we know, Marcel Bleustein has no shareholding in the company, and his only interest in Radio Normandy is in respect of the sale of air time to shareholders in the exclusive world agency for all broadcasts in English from Radio Normandy is routine." Since you know a large number of American advertisers are using the facilities of the English Broadcasting Corporation offered by Radio Normandy, we should be greatly obliged if you would arrange for correction of the statement in question. International Broadcasting Co., Ltd. P. O. Box 100, London, W.C.2, England. Asst. General Manager.

(A VARIETY reporter in New York recently interviewed a group of French broadcasters then visiting the United States. Most of them did not speak English. Marcel Bleustein, Parisian advertising agency man, apparently has no share in the French broadcasts only with Normandy. English firm meanwhile controls the French broadcasts on the station for the United Kingdom-beamed advertising programs in English exclusively.)

4th Big-Watter

Authorized For

Canadian Web

Toronto, July 26.

Erection of a new 50,000-watt transmitter for the Prairie Provinces has been authorized by the Minister of Transport and Communications, and becomes the first of its kind in the continent. The station is a high-power transmitter. Federal engineers have been studying the suggested station in Saskatchewan.

New station is expected to be put in operation by the end of this year, and in conjunction with a similar high-power one to be erected in the second half of the year, the second installment in the Canadian Broadcasting Corp.'s plan for high-power coverage across the Dominion.

First step in this plan was the putting into operation last December of CBL, Toronto, and CBF, Montreal, new 50,000-watt links serving Quebec and the Great Lakes area where the country's population is mainly concentrated.

Sweden DX Programs
To Its Former Sons
Washington, July 25.

Swedish Radio Broadcasting Company has started a regular DX program for its countrymen living in foreign nations—particularly in U. S., Canada, Australia, and South America—according to a report to the Department of Commerce by the office of the American Commercial Attache at Stockholm.

Bi-weekly broadcast is now being conducted on an experimental basis, until suitable wave lengths can be ascertained. Programs consist of interviews, music and songs by Swedish artists.

WKY Hobby Horse Stunt

Oklahoma City, July 26.

New half hour audience participation program at WKY has four hobby-horses placed on a marked out course in the studio and members of the audience ride the horses down the course to the finish line. Each rider is allowed to advance when a correct answer of an announcer-asked question is given; or when the rider correctly names the tune played by the orchestra.

Idea, dubbed "Tally-Ho," is a brainchild of program director Allan Clark and continuity man.

Greece Limits Imports Of Foreign Radio Parts

Washington, July 26.

Ban on foreign-made radio transmitting equipment for amateur use recently announced by Greek Ministry of Finance, American Commercial Attache at Athens last week informed the Department of Commerce.

Importation or private use of transmitters is strictly prohibited in Greece and only Government departments will be permitted to own and use such equipment.

Country will permit the only three transmitters to continue in operation but development in this field will be stymied by the new regulation.

CANADIAN SHOW FOR WORLD-WIDE LOOP

Montreal, July 26.

Canadian Broadcasting Corp. has been asked to produce a program for international exchange of programs on Oct. 23 by the International Broadcasters' Association in Geneva. It was understood that 40 of the 55 countries who are members of the IBU have agreed to participate in the pick up the CBC broadcast and report that is other countries are being encouraged to redistribute the concert before long.

'ODE' TO A TRANSMITTER

Columbia Baritone Loaned To

Canada-NBC Glee Show

Toronto, July 26.

"Ode to a Transmitter," is one of the movements in Radio and Music narrative based on the building of a radio program, which will be featured on CBL, Toronto, on Tuesday (2) from 3:30 to 4:30 EDT and carried by the British Broadcasting Corp. and NBC.

Score for "Radio" was written by Percy Faith and song-sequences lyrics by John Kinsman, latter producing the program. Assisting artist was John Sturgis, baritone loaned by CBS for the introduction of "Radio," and Dorothy Allen, violinist.

Loan of Sturgis by CBS when the program is being carried by the station, apparently just another of those international goodwill gestures.

KIEV, Glendale, Pults

San Francisco, July 26.

Because KIEV, Glendale, Cal., added the largest number of bona fide radio stations in the world, conducted for the Benjamin Franklin Life Assurance Co. over five states in many cities, NBC, under a 13-week contract for broadcasts of "Old Favorites" and originating at KGGC here.

First broadcasts were conducted by Lester Malloy, KGGC producer-announcer, who aired his program from KIEV, KGH, Billings, Mont., KFWB, Hollywood, KMO, Caliente, Mex., and KHUB, Watsonville, Cal. Waving the stars of the station weekly commuting for Malloy between here and Glendale. Sponsor's headquarters are located in San Francisco.

Jack Edmunds at WOKO

Albany, July 26.

Jack Edmunds, one-time NBC production man in New York and later member of WLW's production staff, has taken charge of that station's new set up at WOKO. In handling the 15-minute evening and the five-minute late evening "The Big Report" for Socony.

Wilbur Morrice had later assignment.

Joseph Victor to Cincy

Toronto, July 26.

Joseph Victor, CBC baritone, journeyed to Cincinnati to guest-star with WLW's Joseph Cherniavsky "Summer Concert" (24). Series is an NBC exchange to the CBC national network.

Bob Seal to Hollywood

Columbus, July 26.

Bob Seal, for the last 18 months program director and special events announcer at WOOL, leaves Aug. 1 to return to Hollywood. His duties will be absorbed by other staff members.

Bill Wallace takes over program detail and Charlie Warren will do Seal's Inquiring Reporter and other programs.

REAL ACTORS BEAT E.T.'S IN AUSTRALIA

Sydney, July 2.

There is some reaction here from over-abundance of actors. There still okay for the kiddies as imported on E. T.'s from U. S., but families in the Antip, especially at night, desire to hear live talent of a good quality. They can hear the Yankee chatter in the cinema but within the portals of their own abode the yen is now toward home brew, and the cinema has had a hard time as fillers, and also have no difficulty in securing bookings in the six where flesh-blood is hard to hire.

Sponsors are not so miserly now. Shows on coin for talent. "Top show on the air" over commercial band that presented by Shell Oil. Another is "Vanity Fair" sponsored by Pathe's House of Wax. And a "Dave and Dave" for Wrigley Gum. Although Australian in sentiment, the sponsorship of American organizations.

Australian Broadcasting Commission—non-commercial—is now mainly flesh-blood for night programs. And the talent pool by A. B. C. is of the high standard. This example has definitely improved radio programs. It is felt that the commission now that it's the only way to keep the public tuned in.

Meredith Willson Does One for English Radio

London, July 26.

Meredith Willson, maestro on Maxwell House Coffee's "Good News" program, will do a special broadcast for the British Broadcasting Co. tomorrow (Wednesday).

He leaves immediately afterward for a holiday in Paris. Willson and his wife are slated to embark for home Aug. 8.

Hutchinson in England

London, July 26.

Thomas Hutchinson, an executive in NBC's television division, is sailing to New York Aug. 9 following a month's survey of latest television developments in England, France, Sweden and Holland.

He directed "The Mysterious Mummy Case" for RCA-NBC in June.

Mgt. LOU CLAYTON
Gen. Manager, New York

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15 Best Sheet Music Sellers

(Week ending July 23, 1938)

Music, Maerlin, Please	Berlin
Says My Heart	Parsons
I Let a Song Go Out of My Heart	Mills
Cathedral in the Pines	Berlin
I Didn't Know What Time It Was	ABC
Lowdown in the Starlight	Paramount
You Leave Me Breathless	Famous
Little Lady Make Believe	Olmstead
I Married an Angel	Robbins
I'm Gonna Love My Heart	Shapiro
Oh, Ma	Green Bros.
The Flat Foot Floogie	Olmstead
There's Honey on the Moon Tonight	Miller
When They Played the Polka	Robbins
I'm Raining You Cares	Morris

• Indicates unusual song. † Indicates stage production song. The others are pops.

Farm Country Cancellations Worry Bookers

Lincoln, July 26.

High yield is being heard from the small-band routers in Nebraska and Iowa territory. Cancellations are pouring into the small booking offices at the rate of 75 and 80 a month, which is a severe blow to the guy whose office routes only five to ten music outfits. Money pressure and the harvest is one of the biggest reasons for the slump, boys not taking kindly to pitching bundles on threshing crews all day long and then heading through the night.

All points are hoping they can hold together until schools open in August. The line was the last to feel the setback in this area, still going good along after the picture houses had been howling.

N. Y. Fair Using Names

Syracuse, July 26.

Paul Whiteman, Guy Lombardo and Tommy Dorsey are to play two-night engagement, each at New York State Fair week Sept. 5, dancing to run in Coliseum on grounds, which is the first week of exposition for Horse Show.

MCA -t bands in, which, coupled with Statewide dance contests under Arthur Murray's direction, should draw dancers in from all corners of the State.

Indianapolis Has Big Gang of Summer Bands

Indianapolis, July 26.

Summer business here is the best in years as far as the employment of dance bands is concerned. There seems to be a general tendency with the local public to favor outfitting dance spots against the lure of the downtown hoodlums.

Louie Love and his orchestra has taken over the Skyroom atop Hotel Severin. Brewer's orchestra is playing the newly opened, Chief Post Casino. Chuck Haug has a Terrace. Harold Cox, back for another season at the Sky Harbor, has the latest in playing an east side billy, and Hank Henry, who is doing a stint at Broad Ripple, Downtown, is Paree is up for sale, and Attraction Room of Claymont Hotel has shut down during hot weather.

Irving Berlin Salutes

Chicago, July 26.

Two-coast-to-coast full hour performance for Irving Berlin salute have been set by Fred Kramer, chief of the Berlin music firm.

Berlin will get the full attention of the NBC Jammore program and the Mutual.

Ben Bernie's Turnout

Detroit, July 26.

Ben Bernie played to around 4,500 shufflers at Eastward Park the previous Saturday (18). Turnout rated the biggest since Rudy Vallee played the spot two years ago.

Following a series of one-nighters Ben will settle down at the Beverly Country Club, Newport, Ky. Aug. 5 for a couple weeks.

HEIDT TICKS OFF SOME SPIFF GROSSES

Horace Heidt's band, which recently completed a year at the Bowman Room, Hotel Biltmore, N. Y., is taking two records and topped the week-day mark at another spot on its first week of a swing through Pennsylvania, Ohio, Michigan and Illinois.

Heidt's riggers drew 2,637 at Fenwick Park, Wilkes-Barre, Pa., July 21, drawing 18,000, the old mark held by Kay Kyser. On July 26 the band played at Dorney Park, Allentown, surpassing the old record held by Benny Goodman. Band played at Carrolltown, Pa., July 21, drawing 2,327, which was the best week-day mark. Kyser's outfit, with about 30 more, holds the all-around mark established last Easter Monday.

Music Notes

Edward Ward is working on score of "Three Loves Has Nancy" at Metro.

Jack Mills has acquired the American rights to two of Sid Phillips' latest instrumental compositions, "An Amazon Goes A-Whirling" and "Dinner and Dance," and "Contra's." My Heavens in the Pine from Cinchpic Music, London firm.

Jan Savitt orchestrated last week waxed six tunes for Victor, including "La Vie en Rose," "I'm in Love with My Life," "That's a Plenty," "Future's Shiny," "What Are You Doing Tonight?" and "Haven't I Seen You Somewhere?" Outfit resumes churning Sept. 1 over K.W. Philly.

Gregory Stone is doing the musical score for Harry Sherman's "In Old Mexico" at Paramount.

Jimmy McHugh and Harold Adamson wrote "For the First Time" and "Heigh Ho the Merry-Go-Round" for Metro's "Scotty" Inc.

Ben Samson jingles to write southern music for "Topsy" at Grand National.

Jack Meskill and Leon Belasco wrote "Rosa Rosa," the first song published by the newly organized Scotty-Meskill Inc.

Bullack and Spina crafted "Consider Yourself in Love" for George Murphy. "Hold That Co-Ed" at 20th-Fox.

Frank Toussaint is scoring "The Mad Men" and "Victory Boulevard" for Metro. "The Mad Men" is doing same for "Confessions," at RKO.

WILL BE ECHOED MCA Opens More American Offices; Denies Folding Branch in London

Radio Chief Instigator of Most of Society's Headaches—ASCAP Legal Battles Now Under Way

ANGLES

American Society of Composers, Authors and Publishers figures that the legislative barrage that has been directed against it during the past year has already cost the organization over \$850,000. Feeling within the Society is that this money should be considered a loss. Bill will, as has happened in the past, have to be footed from the outside, into the legal issues involved are adjudicated by the highest courts and it is realized that local legislative sniping cannot rip contracts duly entered into or override long-tenured Federal statutes, to wit, the U. S. copyright law and its amendments.

Attack upon ASCAP through years of legislative started about two years ago. But ASCAP, during its legal artillery in a counter-attack, until a year later, estimated that time ASCAP estimates that it has spent over \$350,000 in legal fees and attending expenses, such as traveling, data-collecting, deposition-taking, etc. The balance of the \$850,000 involves sustaining legal and commercial fees that have not been collected as the result of legislative acts against ASCAP.

Following is the latest status of ASCAP's counter-move toward local legislative acts. Florida: ASCAP has not only obtained a temporary injunction against the state banning the doing business in this state but has been upheld in various legal skirmishes. Local authorities have declared that the injunction grant will be applied to the U. S. Supreme Court.

Nebraska: ASCAP has filed the required depositions for a permanent injunction against the state to the court to set the date for a hearing.

Tennessee: Papers have also been filed with the Federal court in this jurisdiction asking that the state's anti-ASCAP measure be vacated, but no hearing has been set.

Washington: ASCAP is appealing to the U. S. Supreme Court for a special statutory court finding that it cannot take jurisdiction on the legislative attack on the Washington State statute against the Society because the amount involved wasn't.

Montana: Though a special statutory court heard ASCAP's argument to the U. S. Supreme Court, the legislature's mandate in April, 1937, no decision has been handed down to date.

Radio Will Pay View held in ASCAP is that radio's tactics will be a costly one for the aggressors. By initiating legislative fits and starts, the "radio" will end up by limiting its field of operation. New contracts will have to be worked out and the question that will face all concerned is how the bill that was accumulated as a result of the legislative and legal strategy is to be passed along.

World-Telegram Leaders' Series by H. A. Smith

Interview series of representative writers by H. A. Smith for the New York World-Telegram some time this month. H. Allen Smith at 20th-Fox.

Original list selected includes Kay Kyser, Benny Goodman, Rudy Vallee, Duke Ellington, Duke Ellington and Guy Lombardo.

Emil Coleman to Open Sert Room in Late Fall

Emil Coleman orchestra will occupy the stand at the Sert Room of the Waldorf-Astoria Hotel, N. Y., when that, while the room reopens this fall. Room's seasonal debut tentatively set for the first week in November.

Coleman replaces Leo Reisman's crew which has been more or less a fixture at the Sert. Charles Baum outfit leaves Coleman's old spot at the St. Regis.

KRESS DROPPING MUSIC COUNTERS?

It was reported at the New York office of the K. S. Kress & Co. chain last week that the California division is dropping all sheet music counters. The move, which is supposed to go into effect Sept. 1, will involve 18 stores.

Augustus Johns, the music buyer for the chain, has been absent from the city for the past several weeks on a vacation.

\$2.20 AT DOOR SELLS. \$1.50 AHEAD DOESN'T

Lincoln, July 26.

Clyde McCoy here (19) knocked out a \$615 gross at the Turnpike Casino of the better show for the summer. His was the first band to be spotted in the place other than the weekend night.

Had practically no advance sale (\$1.50) up to noon the day he played, then bounced \$110 into the wicket before night. Door cost was \$230.

Paul Whiteman Plays at Jones Beach, N. Y.

Paul Whiteman's orchestra will give an hour-and-a-half concert Saturday (30) night in the marine amphitheater at Jones Beach, N. Y. Also scheduled to appear with him are the Madonnettes, Joan Edwards, Jack and Charles Teagarden, Bob Lawrence, Les Lieber and Roy Borg.

Whiteman will go on the road next month for three engagements. He will play at the Tobacco Festival at Wilson, N. C., on Aug. 18.

Also will play two dance dates, Aug. 18 in Richmond, Va., and Aug. 20 in Washington.

Paine Goes West

John G. Paine, gen. mgr. of the American Society of Composers, Authors and Publishers, left Friday (24) for his first tour of the organization's west coast offices. Towards he will visit in that sector are Portland, Los Angeles and San Francisco.

Paine won't return to his office until Aug. 15, as he will follow his western tour with a vacation. He is slated to meet Robert Hess, ASCAP's Wisconsin rep., Milwaukee, and along with Henry Jamison, gen. mgr. of the Canadian Performing Rights Society, go on a fishing stand in the Wisconsin woods.

Lombardo, Lucas Nabbed

Jamaica, N. Y., July 26. Guy Lombardo and Clyde Lucas were arrested by the motor police on a Jamaica Traffic Court last week for speeding. Lombardo paid \$10 on Tuesday (19) for speeding. Guy Lombardo, and Lucas paid \$10 for driving 60 miles an hour on Grand Central Avenue. Lucas was fined as a first offender, although he paid \$25 on Oct. 11, 1936, for driving 50 miles an hour on the same parkway.

Musical Corp. of America in the next few weeks will open branch offices in several representative key cities. Sites already specified include Boston, Washington, Memphis and Toronto, its others likely. Plan is in line with the agency's new policy of trying to build up local bands and local bookings.

London office of the firm will remain as is for the present, according to execs at the New York headquarters in denying rumors that the English branch might be scrapped.

Stated that business from the London end is satisfactory. William H. Siefel who has been in general charge there, is slated to continue in that capacity, with Earl Bailey remaining as active head.

George Black, one of the members of the London staff, is expected to leave soon to go into film production, but his departure will not alter matters. However, there is understood to be a tentative plan on foot to form a cooperative deal with the British branch, for several years agency for the London business.

London, July 26.

Widespread rumormongers that Music Corp. of America is going to shutter its London office.

No confirmation here.

ARTHUR GAINES QUILTS ST. L. SYMPH. TO MPLS.

St. Louis, July 26.

Another rift in the music scene routine of the St. Louis Symphony Society occurred last week when Arthur C. Gaines, for seven years manager of the orch, tossed in the sponge to take a similar position with the Minneapolis Symphony.

Gaines' resignation is effective Aug. 15. W. Geoffrey Kimball, president of the executive committee, said Gaines previously had informally agreed to continue for the 1938-39 season. It is not generally known that Gaines was among the society's office personnel that took a huge slash with the toners at the end of last season, when a financial emergency program was ordered by George Sponer. Musicians, office help and Gaines all stood for the salary slash until it was discovered that while the slash was in progress, the orchestra of Vladimir Goltchman, conductor, was upped \$2,000 for next season.

Gaines is reported to have been cut \$2,500 from \$15,000. He served here from 1912 to 1922. When he resigned to become manager of the St. Paul City Symphony Society, which disbanded after one year. Gaines then moved to Minneapolis, where he worked for 1933-34 season. His successor has not yet been selected.

Tight Wire Performer Booked with Band

Houston, July 26.

Roger Pryor, tight wire performer, engagement at Sylvan Beach, back shore resort Friday night. Band includes Pryor, Nick Stuart, and Beebe. Tight wire artist, formerly with Ringling Brothers Circus, also at Pryor.

Pryor will be followed by Itham Jones, who opens a week's engagement on Aug. 5. Nick Stuart is returned the season on May 6, will be opened on Aug. 12 in place the closing weeks of the season.

Will Osborne's 4 Months At Glen Island Casino

Will Osborne goes into Glen Island Casino, N. Y., for a four-month stay. Replaces Larry Clinton. Osborne starts up and to July 27. New York, July 26.

Met Opera Signs Pact with AGMA For 1938-39; Almost a Guild Shop

After months of negotiations, the Metropolitan Opera Assn. of N. Y. yesterday (Tuesday) signed a contract with the American Guild of Musical Artists, covering next season at the Metropolitan Opera House. N. Y. Pact is effective until Sept. 1, 1939.

Although the signatory parties agreed not to reveal the contents of the agreement, it was learned from a source close to the Met management that the deal lists six principal terms. They include recognition by the Met of AGMA as bargaining unit, recognition by AGMA as bargaining Met contracts, almost complete Guild shop, settlement of all artist-Met disputes by the American Arbitration Assn., further negotiation of the disputed "Clause 12" and a clause specifying that all contracts entered into shall be applicable to existing artist contracts. Understood there is nothing in the pact to prohibit a strike.

Matter of wage minimum and requirements on working conditions will be settled at subsequent negotiations. Reason those points were not included in the current agreement is believed to be because many of the leading singers are out of town.

St. Leo Little Symph Skeks Ballet, Chorus

St. Louis, July 26.

Although the Little Symphony of St. Louis closed its 1938 season with a small deficit, plans are being made for next season. Take of the season of four concerts presented in the quadrangle of Washington University was approximately \$4,900, covering all expenses except improvement of a shell and an amplifying system. Deficit was paid off by the backers.

Average attendance of the Little Symphony concerts has grown from 600 in 1935 to 1,600 during 1938. Plans

for next season do not include an enlargement of the orch personnel of 22, but contemplate a ballet group in one appearance and a choral work in conjunction with the orch, in addition to regular appearances of soloists.

One reason for the increased attendance is the slashing of admission prices for chairs from \$1 to 75c, on a subscription basis, and the usual price of 40c for a spot on the grass. Grass originally were held at the John Burroughs School in St. Louis county, but increasing popularity caused the move to the university quadrangle, where larger seating capacity is available. Max Steindel and Hans Lange directed the orch during the 1938 season.

CINCY MAY BUILD NEW \$200,000 OPERA HOUSE

Cincinnati, July 19.

City officials are considering a proposal to build a new opera house at the zoo to cost \$150,000 to \$200,000 and seat 5,000. If approved, approval for FWA or WPA Federal funds will be made, with the city sharing in the expense by appropriating money from the park board.

Zoo is home of Cincinnati's Summer Opera Assn. now in its 17th season. Seating capacity of the open-sided pavilion has increased this year from 1,800 to 2,400. Present rate is 25c to \$1.50, with a \$2 charge for boxes. In 1937 total attendance for the summer opera season was 70,000, and the venture finished \$8,000 in the red, for which 12 nights of rain were blamed.

Attendance and receipts for the first three weeks of this season are much better than for the same period in 1937, according to Oscar Hild, manager of the association.

Network Plugs, 8 A.M. to 1 A.M.

Following is a totalization of the combined plugs of current tunes on WEAF, WJZ, WABC and WOR computed for the week from Monday through Sunday (July 18-24). Total represents accumulated performances on the two NBC Naks, CBS and Mutual from 8 a. m. to 1 a. m. In "Source" column, * denotes film song, † light tunes and "pop" speaks for itself.

Title	Publisher	Source	Grand Total
Says My Heart	Famous	* Coconut Grove	50
I Let a Song Go Out of My Heart	Mills	Pop	50
Heart Anyone Tell You	Robbins	Pop	50
Where in the World	Feist	* Josette	50
When Mother Nature Sings Her Lullaby	Santly-Joy	Pop	50
Go to My Head	Remick	Pop	50
Will You Be the First	Famous	Pop	49
You Leave Me Breathless	Robbins	* Coconut Grove	48
Married an Angel	Robbins	* Married an Angel	45
Put Your Arms Around Me	Robbins	Pop	45
I'm Gonna Lock My Heart	Shapiro	Pop	39
Now I Can Be Told	Robbins	Pop	38
I'll Dream Tonight	Witmark	* Cowboy from Brooklyn	36
I'm Saving Myself	Robbins	* Grand Terrace Revue	35
When They Played the Polka	Robbins	Pop	33
A-Ticket A-Ticket	Robbins	Pop	32
Little Lady Must Be Bought	Olman	Pop	32
Will You Remember Tonight Tomorrow	BVC	Pop	32
Spring is Here	Robbins	* Married an Angel	30
Loveliest in the Starlight	Paramount	* After Jungle Love	29
Lullabies in Rhythm	Robbins	Pop	29
Cathedral in the Pines	Robbins	Pop	29
Hi Yo Silver	Chappell	Pop	28
Have Myself a Time	Paramount	* Tropic Night	27
In a Little Kinderheart	Paramount	Pop	27
On the Bumpy Road to Love	Feist	Pop	27
My Walking Stick	ABC	* Alexander's Ragtime Band	26
My Margarine	Feist	Pop	26
Why Don't You Make Me Fall in Love?	Feist	Pop	25
This Time It's Real	Spier	Pop	23
Oh, Ma	Shapiro	Pop	22
Why Don't You Make Me Fall in Love?	Feist	Pop	22
There's a Faraway Look in Your Eyes	Tennay	Pop	21
Toytown Jamboree	Red Star	Pop	20
Isn't It Wonderful—Isn't It Sweet?	Miller	Pop	20
Colorado Sunset	BVC	Pop	20
Figaro	BVC	Pop	20
Natural	Lincoln	Pop	20
Let Me Whisper	Chappell	Pop	19
There's Rain in My Eyes	Ager-Yellen	Pop	19
Don't Cross Your Fin	Ager-Yellen	Pop	18
Meet the Beat of My Heart	Feist	* Love Finds Andy Hardy	17
Girl in the Bonnet of Blue	Crawford	Pop	17
Why Don't You Make Me Fall in Love?	Feist	Pop	17
Alexander's Ragtime Band	ABC	* Alexander's Ragtime Band	17
If It Rains, Who Cares?	Morris	Pop	17
I've Got a Pocketful of Dreams	Santly-Joy	* Sing You Sinners	16
Don't Be That Way	Robbins	Pop	16
Garden in Granada	Schuster	Pop	16
You Couldn't Be Cider	Chappell	Pop	15
At Your Beck and Call	ABC	Pop	15
Reign-Go	Berlin	Pop	15
House the Bed	Stansy	Pop	14
Silver on Sage	Paramount	* The Texas	14
I'm Glad I Waited for Dream Boy	Stansy	Pop	14
What Goes on Here	Marlo	Pop	13
I Wanna Go Back to Bali	Remick	* Gold Diggers in Paris	13
Right Little Noddy	Crawford	Pop	13
Beside a Moonlit Stream	Famous	* Loo-Loo	11
Don't Wake Up My Heart	Chappell	Pop	11
Dippy Doodle	Chappell	Pop	11
Love Walked In	Chappell	* Goldwyn Follies	11
My Heart's a Jazz	Chappell	Pop	11
Moon of Manakoa	Kalmar-Ruby	* Hurricane	11
Oh Me, Oh My, Oh You	Roy	Pop	11
One More Dream	Chappell	Pop	10
At a Perfume Counter	BVC	Pop	10
Wide, Tenderfoot, Wide	Remick	* Manana Revue	10
Let's Break the Good News	Davis	Pop	10
To-Do Tulp Time	Chappell	Pop	10
Small Fry	Santly-Joy	* Sing, You Sinners	10

WLW Time

(Continued from page 38)

the reports showed lower volume of reception with 50 kw and 85% reflected greater static, noise and interference in ambient setting. In fact, 92.5% of the listeners reported less trouble when the station was using superpower.

Power is not a big factor in fading, however, Branch conceded on close examination. Much discussion centered about the effect of automatic volume control devices now being built into receiving sets. Branch pointing out that in some situations these gadgets intensified poor reception.

Necessity for further checking many lines of inquiry was given as a reason for renewing the 500 kw permit. While many contributions have been made by WLW technicians, G. F. Leydorf, chief engineer, related that a number of problems have not been solved. Blanketing, cross-modulation, and control of fading not completely explored, while antenna design is a field that can stand more probing.

After telling how the present directional antenna caused interference with CFRB, Toronto, which presented objections resulting in temporary return to 50 kw—Leydorf elaborated that more study is essential. Some heterodyne trouble with the WLW signal spanning up the medium-high wave, but conflicts with signals of stations on adjacent channels have been ironed out. On Tuesday after summarizing WLW's reason, why permit should be renewed, Slouze was quizzed about relations with Webs and

Transamerica, Crosley representative. Foster sprang major surprise by producing Federal Trade Commission complaints against several WLW sponsors. Particular attention concentrated on Chicago bedding account, which drew squawks from other mattress makers: Colobak (hair dye) and Cystek (Medical product) which were among recent accounts.

Popularity of WLW is due chiefly to two facts, Slouze said. Laying down of more satisfactory signal which less affected by noise than wide appeal, and programs with long-time policies which develop audience loyalty.

Question of what advertisers buy

was brought up by Commissioner Craven after Slouze explained WLW had nationalized rather than aided in obtaining national spot business because of its wide coverage. Motive which leads sponsors to use radio is combined desire to impress prospective customers and stimulate dealers, Slouze said. Not power, although not long ago industry tried to salesmen with a Chevrolet program cited as example of the type of national spot business WLW would lure because of difficulty of localizing appeal and tying broadcasts into merchandising efforts. Other sponsors are Ovaltine, Lucky Strikes, Sunlight and less prominent advertisers.

SPECIAL BULLETIN
Two New Oscar Hammerstein II
SENSATIONAL SONG HITS
A MIST IS OVER THE MOON
HOME IN YOUR ARMS
From Columbia's Film Production
"THE LADY OBJECTS"
ABC MUSIC CORPORATION
799 Seventh Ave., New York Frank Hennigs, Prof. Mgr.

Now Ready
BUNKER AND MONACO'S NEW SCORE FROM
BING CROSBY
Synchronizing Paramount Pictures
"SING YOU SINNERS"
I'VE GOT A POCKETFUL OF DREAMS
DON'T LET THAT MOON GET AWAY
LAUGH AND CARRY IT OVER
A Big Hit Getting Bigger and Bigger!
WHEN MOTHER NATURE SINGS HER LULLABY
By YOELL and BROWN
LOUIS ARMSTRONG'S
OL' MAN MOSE
(KICKED THE BUCKET)
SANTLY-JOY-SELECT INC.
Music Publishers • 1619 Broadway • New York

On the Upbeat

Leo Saitle and band open Aug. 2 at the Beverly Whitehouse hotel in Beverly Hills, Cal., replacing Henry King.

Ted Weems follows Dick Jergins on Catalina Island, opening Aug. 6.

Bila Rio plays at work at Idora Park, Youngstown, O., starting Aug. 15 for CRA.

Fredy Goodman booked for tour of Southern theatre. Opens at the National, Greensboro, N. C., July 30.

Loe Breeze into New Penn Club, Pittsburgh, July 30 with a KDKA-NBC wire.

Henry Busse renewed at the New Yorker hotel, N. Y., indefinitely.

Harold Stern plays at Palisades Park, N. Y., week Aug. 20 to be succeeded by Freddy Goodman.

Fletcher Henderson begins a mid-west one-city tour for four days at Grand Terrace, Chicago, Aug. 20 after closing at Grand Terrace, Chicago. Earl Hines follows him into G. T.

Jahny Marlon, Jan Savitt and Cab Calloway play consecutive weekends at Crystal Park, Vermilion, O., July 24, Aug. 7 and Aug. 14 respectively.

Al Johns opened at Riley's, Saratoga, N. Y., July 23.

Cocktailers, Three Commanders, Catalina Cafe, Champaign, Ill., July 24; Four Top Hats, Old Hickory Inn, Chicago, July 29; Carl Phillips Quartet, St. Nicholas hotel, Decatur, Ill., July 30.

George Olsen to Starlight Roof, Waldorf-Astoria hotel, N. Y., Aug. 25. Mischon Bar alternates with Olsen crew. Guy Lombardo exits same day.

Henry Busse and Archey Grotto have completed new tune 'Suzanne'.

Orchestra Advertising Service,

publicizers, have opened offices in N. Y.

Jack Melvin now playing Half Moon hotel, Brooklyn, N. Y.

Cy Manis, formerly manager of Jimmy Dorsey, has joined Rockwell O'Keefe as assistant to Mike Nidric, band department chief.

Earle Menell current at Atlantic Beach Casino, Morehead, N. C. E. G. Petty is managing spot.

Sam Hensley playing for Ocean Drive Casino, Ocean Drive, S. C.

Jack Wardlaw's crew at King and Prince Club, St. Simon's Island, Ga. held over for fifth week.

Dave Burnside playing outdoor party of Ocean Forest hotel, Myrtle Beach, Betty Lou, new vocalist, Carling Dinkler managing spot.

Ray Balair just moved into the new Pavilion, Myrtle Beach, S. C. Spot also has a floor show during. Speedy Soper in charge.

Buddy Harris at Dukes Club, Myrtle Beach, S. C.

Jimmy Jay current at the Steel Pier, Atlantic City, N. J.

Jimmy Dorsey will sit 15 times weekly over Mutual net when they open at the Ben Air Country Club, Wheeling, Aug. 5, after closing at Paramount theatre, N. Y.

Harvey Rapp to Enna Jettick Park, Auburn, N. Y., for week Aug. 15. Then to Hamdy's Million Dollar Pier, Atlantic City, N. J., Aug. 27 for week.

Benny Meroff opens at the Los Angeles Orpheum Aug. 3 for one week, then goes into Top's niteroy Aug. 16.

Billy Yates, former vocalist with Don Bestor and now bandleader on his own, out of Hall Moon Club, Stutenheim, O., and into Pines, Pittsburgh, for fortnight with options. Placed by CRA through Joe Hillier.

Stations' Mood

(Continued from page 35)

ion hearings, the affiliates and the networks are one. Important slogan of the Monday gathering seems to have been the networks' desire for the affiliates and the affiliates are the networks'. This oneness of identity and purposes does not, however, obscure the prevailing two-point financial and other matters. Revival of affiliate agitation at this time is still highly unwelcome to the networks and every effort is being made to put a smile on the story. Whether this is a genuine grin or a phoney smirk is not immediately apparent.

Considerable loss of fire and audible zip against the networks seemed to occur since the background buzz of recent weeks that resulted in the invitation last week. Tactics at the moment call for plenty of adroitness. All parties are proceeding cautiously and counseling caution to their fellows.

At the Waldorf meeting there were, besides Ethridge and Rosenbaum, the following personalities: Harry Belafonte, WSM, Detroit; Bill Scripps, WJW, Syracuse; Johnny Carson, WGN, Chicago; and WBSN, Buffalo; the Lombards; WGR, Buffalo; John Sheppard, WNAC, Boston; and Wm. Schickel, WFLA, Philadelphia; Bill Page, of Mobile; Pezzy Stone, of Heart Radio, and Jack Hinkle, of Scripps, Cleveland.

Chainbreaks Anger
Among the peevish inspiring the get-together of the Independent Radio Network. Offshoots in the growing practice on NBC and Columbia of permitting an account with two consecutive quarter-hour programs to eliminate the chainbreak. Complaining affiliates point out that while the network's interest to the local stations' insertion of chainbreak announcements it is okay for the web's multiple programs to interpolate a spot announcement for a third party between two quarter hours, each with a separate sales slant.

As a case in point the affiliates are the two quarter hours that Anacin and Bi-So-Dol have been contiguous on the NBC blue link. There is no break advertisement between 'Easy Ace' and 'Mr. Keen' with the Midway Chemical Co. taking advantage of this situation to put in a plug for Flycled. By excluding these privileges to their accounts NBC and Columbia are depriving them, say the affiliates, of chainbreak announcement income a source which they have come to depend upon in a big way to make up for the small portion of the network billings accruing to the stations.

Culgate, Too
In the case of Columbia the affiliates cite the practice that the Culgate-Palmolive-Fox network has been making of slipping in plugs for Culgate Dental Cream between two quarter-hour programs. It is the affiliates' contention that the networks are not only taking advantage of a rule that they are not imposing upon others but they are intermingling the network announcement business in general for local stations.

Affiliates like the position that if Culgate or Flycled weren't permitted to squeeze a plug into the space between two quarter-hour programs the two manufacturers would have to place this spot announcement campaign direct with local stations. While this, the affiliates say, presupposes a still more serious threat, that of the network educating the major commercials in ways of averting the expense of spot announcements entirely.

Networks pooch-pooch this nihilist as having no sound basis. 'NBC explains that in the instance of Anacin, Bi-So-Dol and Flycled all three products are controlled by the one holding company, American Household Products, even though each article is handled by a different firm. Also that 'Easy Ace' and 'Mr. Keen' use exactly the same hook-up and that there is no break in the chain during the interval between the two programs.

'Blacket-Simple-Thummet, which has the American Household Products account, has for years rated as the biggest buyer of spot announcements.

Mary Lee, 13 years old, appeared as soloist with Ted Weems of the orchestra at Blue Moon, Wichita, Thursday night. Child singer only recently added to orchestra at 30, Morrison, Colo.

Drippy Skies Hurt Entire East: Few Resorts Beat Jinxed Summer

With half the season already past and only one more holiday weekend to go, big in the eastern territory's ace one night band stand way off. In some spots it's tumbled close to 50%.

Howls are mostly against the unusually drippy weather. Of the three weekends looked too to provide a margin of black operation, only one has taken a licking from Memorial Day, a moderate kicking around for Tuesday, and are hopefully awaiting Labor Day. Later, if normal, will go far toward lifting some spots out of the red.

Maysville Park, Mt. Carmel, Pa., Monday night stand, has had in and out takings since opening. Fernbrook Park ballroom, in Wilkes-Barre, Pa., normally pencilled in for Tuesday, was on the verge of calling it quits until Horace Heidt's crew drifted through and tossed it a life line. Spot is operated by Max Kearson, former Scranton operator. It's been doing better since.

Pair of Wednesday dates, Williamsport and Bellefonte, Pa., have been both spotty at the weekends. Williamsport with Baumgarten at the helm did good with Adele Nelson and Sammy Kaye. 'Hoola Park, Bellefonte in the same boat. Allentown's Dorney Park, Lake-side and Lakewood in Mahanoy City, Pa., on Thursday date also has suffered from now 'n' then bad. Ocean Pier, Ocean City, Md., though not a regular spot, brings in name outfit occasionally. Gene Krupa's outfit proved a draw there.

Buffeted Johnson City, Pa., ballroom operated by Ralph Hackett has been buffeted severely with few exceptions. Few being George Hall, Art Shaw and Gene Krupa. Waterman Park, Wash., D. C., with Henry O. Stephenson at the reins, likewise. North Ashland stands. Budd Lake, N. J., dancey run by Maurice Reese and handles the Fordham Club in New York during the winter, is a new entry. Employers park hopping.

Readers' Casino, Asbury Park, N. J., a healthy Saturday stand has fallen off considerably this year. Only outfit to draw at all at the boardwalks from the east has taken a licking from bad roads. Spot draws most of its patrons from Philadelphia and repairs on leading trails has stymied source. Hershey Park, Hershey, Pa., another Saturday stand, has been okay all through. Roton Point, Conn., for Sundays has been on the receiving end of probably the worst biz it's ever experienced. Cananaga Park, Richfield Springs, N. Y., another Sunday stand, reverses that label with good biz.

Others that have been off their feed with in and out takings, include Crystal Park, Md. On Wednesday and Thursday, Carrolltown, Pa., Carbondale, Pa. (Newton Lake), and Triangle ballroom, Tyrore, Pa. Latter operates sporadically with strictly top bracket crews. Greentree, Pa., has been hard hit, won't play anything but ace outfits. Steel Pier, Atlantic City, weekend stand, has been seriously affected by bad weather and opposition from the Million Dollar Pier.

Only two New England spots doing anything are Ocean Pier, Old Orchard, Me., and Lake Compounce, Me. Rest range from bad to worse.

Ernest Rolls, Schang To Huddle in London
Ernest C. Rolls, Australian legit manager, will meet Fred Schang, Jr., v.p. of Columbia Records, Inc., in London. They'll confab about prospective bookings for the latter's new season, particularly Grace Moore.

SONGS FROM ROBBSIES

The Session of The Century
A-TISKET A-TASKET
By Elia Fitzgerald and Al Feldman

America's New Novelty Hit!
WHEN THEY PLAYED THE POLKA
Words by Lou Holzer Music by Fabian Andre

The World's Foremost Production Hit!
I MARRIED AN ANGEL
By Lorenz Hart and Richard Rodgers
From the Musical Comedy "I Married An Angel"

A Rodgers and Hart Melodic Classic
SPRING IS HERE
From the Musical Comedy "I Married An Angel"

Hits a New High in Swing!
LULLABY IN RHYTHM
By Benny Goodman, Edgar Sampson, Clarence Profit and Walter Mirisch

From the 20th Century-Fox Picture, "Little Miss Broadway"

NOW CAN I THANK YOU
By Walter Bullock and Harold Spies

From the New Universal Picture, "That Certain Age"
MY OWN YOU'RE AS PRETTY AS A PICTURE
By Harold Adames and Jimmy McHugh

ROBBINS MUSIC CORPORATION
799 SEVENTH AVENUE - NEW YORK

Feist First!

Gordon and Revel's Song Senoit
MEET THE BEAT OF MY HEART
From the M-G-M Picture, "Love Finds Andy Hardy"

Gordon and Revel's No. 1 Song on Hit Sheet!
WHERE IN THE WORLD
From the 20th Century-Fox Picture, "Joette"

A Fresh Idea in Musical Novelties
ON THE BUMPY ROAD TO LOVE
By Al Hoffman, Al Lewis and Murray Mencher

The First New Style Song in Years
MY MARGARITA
By Maria Grever English Lyric by Walter Hirsch

New Ready!
Gordon and Revel's Latest and Greatest Score!
I'VE GOT A DATE WITH A DREAM
THIS MAY BE THE NIGHT
COULD YOU PASS IN LOVE
THE ALL-AMERICAN SWING
BY A WISHING WELL
From the 20th Century-Fox Picture, "My Lucky Star"

Leo Feist
1522 BROADWAY - NEW YORK

HARRY HOWARD

PRESENTS

**WILLIE AND EUGENE
H O W A R D**

IN

**"HOLLYWOOD
HOTEL" REVUE**

COMPANY OF 60

FEATURING

MARTY MAY

JOAN ABBOTT

JACK AND JUNE BLAIR PARK AND CLIFFORD

WHITEY'S 8 APPLE DANCERS



SAILING AUGUST 3RD ON THE S.S. AORANGI

OPENING AUGUST 27TH

ST. JAMES, AUCKLAND, NEW ZEALAND

Touring New Zealand and Australia under Sir Benjamin Fuller's direction

●
Tour Arranged by

ALEX. HANLON

Scenery Designed by
CLARK ROBINSON

Dance Ensembles Under Direction of
CHESTER HALE

Entire Production Under Personal Supervision of **HARRY HOWARD**

ROBERT BARRE, General Manager for Harry Howard

James N. Nelson
Shrewsbury, Mass.
1947
Office Club
Maclean, D.C.
Raymond H.
Page 55)

Research Faltered

In his snarky-loaded letter to Actor Equity recently, J. K. Shubert brought up the subject of loans made to actors by the producers. This was by way of building up the thought that the producers were kind to the players, that requests for loans on engagements were rarely turned down. But the letter as received read: "Your members have come to us in dire need, and as a result we have on our books the uncollectable amount of....."

The space was blank.

Equity Managers' League Agree

On Ticket Code and Basic Contract; Union's Participation Challenged

Expected opposition within Equity against the Assn. entering a deal with the managers to curb ticket speculation has apparently been dissipated. At a special council meeting yesterday (26), the code was accepted for the welfare of the theatre and one-year basic agreement with the managers assented. That Equity is facing much controversy over the move is already indicated. Talk of injunctive proceedings was heard on Broadway during the past week, though it did not come from ticket brokers, but from theatre interests not in sympathy with the league's Equity deal.

Equity will be challenged as to its right to enter into an extraneous proposition as a labor union, and will be asked to show what provision in its constitution calls for such activity. Though it's generally believed that gyping should be eliminated, observers state another method would be worked out to make them believe that rules would control the supply and demand that factor for Equity deal.

Claimed that next season the small agencies will be in a better position to secure choice roles, and will be held "for a price," if the code is not as effective as expected. Ticket for successes is maintained, can be manipulated in such manner that it is difficult to trace them.

Worked for Larger Agencies
There are believed to be too many little brokers in comparison to the lesser numbers of theatres. Most of them formerly worked for the larger or more active agencies but split away and went on their own when the League tried to put a ticket control system, one which was grafted into the WPA legit code. "The little fellows are now reported saying the (Continued on page 52)

WPA PLAY FOR GERT LAWRENCE

Gertude Lawrence will try out a new play, The Birds Stopped Singing, by Rose Graham, at special matinee during the Chicago run of "Susan and God" in the fall. Cast for her hasn't been selected. John Galsworthy, who's presenting "Susan," will also do the play in England.

Miss Lawrence leaves Monday (1) for San Francisco, where "Susan" goes on six-week run. Sunday comes to Los Angeles for several weeks, Chicago for a run and then date in Philadelphia besides other stands in the east.
When in Los Angeles, Miss Lawrence expects in coming arrangements to appear in the film version of "Susan," for which rights are now being cleared by the producers. The deal jells it will be her first Hollywood picture, although she made a number in England.
Besides her guest shot on the Rudy (Thursday), Miss Lawrence is set for a guest on the Bing Crosby picture in Hollywood. She returned last Monday from a five-week vacation in Bermuda.

EQUITY PAY RULE STOKES AS BLACK

Late Senator Berg's Measure Thwarted in Effectiveness by Union's Double Wage Clause for Sabbath Shows—New Administration Seen Bringing More Liberal Attitude

MGRS: BETTER CHANCE

Sunday legit performances in New York are likely to be sought by managers next season. J. K. Shubert in assailing Equity on varied grounds last week brought up the Sunday question and claimed that if the rules did not demand double pay for such performances, the collapse of the Broadway opera stage at Jones Beach and Randall's Island might not have occurred.

Sunday performances were legalized about two years ago when Governor Lehman signed the measure introduced by Julius S. Berg, state senator, who suicided last week. Law provides that if Sundays are played the players must be paid a full day's rate. The few attractions that tried the Sunday performances usually stopped after one night.

Equity is said to have deliberately set out to nullify the statute by calling for double pay, making the cost of Sunday operation almost prohibitive. The stagehands followed suit and stipulated should any concessions be made, that they would work seven days weekly at vaudeville and Broadway rates. They would place an impost of added pay on the managers.

There was a referendum on the Sunday performance, with the membership claimed to have voted against it. The present one is believed to have brought with it a more liberal attitude. The managers, who are about to enter a basic agreement with Equity, are now figured to be in a much more favorable position to win concessions on Sunday restrictions.

The Sunday antagonism has never been satisfactorily explained except that a certain set of managers was such performances. Assn. has made concessions in a number of ways with the idea of prolonging the length of engagements, but Sundays have been anathema.

It was to be proved whether Sundays are as beneficial as some showmen state. Shows which tried performance on that night have usually been moderate successes, while the hits stuck to six weekday nights. However, the Sunday legit was devoted to the Stage Relief Fund have drawn virtually capacity in many instances, which is the reason for bringing the matter to the fore again.

THE LUNTS' BIG IF

If they Don't Appear in Al Lewis' Play, They Would Like to Back It
The Lunts, who were unable to play in new Al Lewis play, "Foreward Performance," are interested in doing so, the Alfred Lunt is according to letter received by author from London, where they are at present.

They read the script in Europe and wrote Lewis that they were not certain whether previous commitments with the Guild would permit their playing in the play. However, if they do play, they would take a 50-50 venture, they added. On other hand, they would want to be part-owners in event they would be able to take role. Matter would be straightened out on their return to U. S.

Possibly that Graham also may work the play. Alfred has been in New York for some time. He did March and Florence Eliden to the roles.

Officers Eligibility to Be Main Issue Of Proposed Constitution Changes in TMAT at Annual Meeting Next Week

Distinction

An ample colored songstress auditioned for "Sing Out the News," Max Gordon's new revue, slated for rehearsal. She impressed favorably and was asked about her experience. The answer was: "Well, I was Orson Welles' cook for a year."

PRODUCT SAG UNSETTLED BY F.T.P.

Equity's WPA committee and heads of the Federal Theatre Project in New York made some progress in correcting production irregularities during the past week, but neither actual time limit for preparation nor a probationary casting period was agreed on. Suggested that three weeks would be ample for casting.

WPA-ers, however, did not think that would be sufficient because some of the department executives, who form a board, which has the right to veto any production on the final days of the proposed probation. They were advised that the Theatre Guild uses that system. Lather's board looks over the cast on the fifth and final day of production stipulated by Equity. Thereafter, if any of the cast is replaced, those dismissed must be paid two weeks' salary. Since there could be no such provision in WPA, how closely its producers would hold to a time limit for selecting the cast is questionable. It's one of the matters that Equity's committee will check.

At the most recent session between Equity and the WPA, it was conceded by the latter that prolonged productions are not only unfavorable for performances, but serve to arouse opposition in Washington to such waste. "Sing for Your Supper," which has been in preparation for approximately ten months, is an example, but is reported not the only WPA show to have protracted at great length.

Reinhardt's 100% 'Faust' To Bow Coast Salzburg

Hollywood, July 26.
Max Reinhardt's \$100,000 production of "Faust" in English, the civic supervisor of the California Festival Assn., will open Aug. 15 at the Salzburg Festival. Reinhardt will open Reinhardt's first Salzburg-in-Hollywood production. Cast will comprise Hollywood talent for leading roles, with a supporting cast of New Englanders. The production, patterned after that in Salzburg, is being installed.

Ina Claire May Play Shaw's 'Millionaires'

Ina Claire may play George Bernard Shaw's "The Millionaires" at the Theatre Guild this fall. Play would be tried out first at the final production of the summer at the Stratford-on-Avon, England, where actress has been staging it. It would be Miss Claire's straight drama. Westrich has definitely been offered for the role by the Guild, but she has not yet decided. The production was done at private performances in London, but never in the U. S.

Annual meeting of the Theatrical Managers, Agents and Treasurers Union next Tuesday (28) promises to be the most important since the organization started to expand. There will be constitutional changes considered and probably adopted, with the by-laws scheduled to be brought up to date. Next week the proposed changes will be mailed to the membership but the result of the balloting is virtually a foregone conclusion.

Board Committee
Principal change deals with eligibility for officers. Rules now require members to be in good standing for at least two years in order to qualify for any office. Just what eligibility period the amendment will include was thrashed out during a board meeting early this week.

The two-year requirement looked certain to be materially lessened since most of TMAT's membership joined up less than two years ago. That takes in most of the boxoffice people, all the roadshow press agents, and many others. It was denied that the old constitution and by-laws permitted a small group of charter members to retain offices indefinitely and that only since the union has expanded were such jobs desirable.

When the annual election takes place in the fall, it's expected that whatever constitution is adopted by candidates for the board. Only during a period of emergency, when Lodevick Vroom, the board's given vice powers, did the board have authority to retain offices. The basic agreement with the managers, Vrooms' unlimited say was withdrawn. Despite a farouche, he withdrew. (Continued on page 55)

DURANTE EYES BWAY MUSICAL

Jimmy Durante, who's currently holding over a fourth week at the Casa Manana, N. Y., will probably be in Broadway legit again next season. He was propositioned for Dwight Deere Wiman's next musical, "Going to the Sun," by Arthur Schwartz and J. P. McEvoy. Due to its production further up the musical ladder, Durante will not be presented in association with Jack Del Bondio.

Comedian's last letter was "Red, Hot and Blue," at the Alvin two season ago. Since its closing and prior to the Casa appearance, Durante had been in Hollywood.

STAGEHANDS THREATEN SYRACUSE WALKOUT

Syracuse, July 26.
Left at the Syracuse, where the local "Road Service" is now holding forth, hung in the balance. The International Association of a representative of the International Stagehands' Union to announce a strike, "Syracuse" is close the theatre with a strike.

The theatre's 10 stagehands served notice on the Syracuse, where the strike under an orchestra was engaged for between-act music in connection with the Syracuse Syracuse Musical Fraternity Assn., another AFL affiliate. The theatre's 10 stagehands served notice on the Syracuse, where the strike under an orchestra was engaged for between-act music in connection with the Syracuse Syracuse Musical Fraternity Assn., another AFL affiliate. The management says it cannot meet the theatre's demand for a 40-hour limit leave has in 70 hours.

Beg Pardon!

Skowhegan, Me., July 25.

Arthur Byron is the backbone of this piece, handing out philosophy in salty, profane terms. His expounding helps establish the play's importance. Although the present cast gives 'Change' a commendable performance, Broadway would require a stronger combination of stage and some tightening of the script. Sets are excellent. Fox.

Locust Valley, N. Y., July 21.

For light-hearted humor which winds its way to a happy ending "Can't Help It" is recommended. Richard Clark as John Sinclair, head of an advice service for mothers, and all of the others were well spotted in their roles.

With a few minor dialog adjustments, this one is ready for Broadway. It could be an hilarious film with a few more changes.

Westford, Mass., July 10

Although 'Giants' is of no commercial import it serves to uncover a promising, though immature play, as Dwight in Miss McCormick, who attempts to 'expose' with collegial grimness the hard-boiled commercialism of Hollywood and the stifling of art in the U. S. cinema. Framed work for this preachment is the story of a famed Danish film actress who comes to America with her director-mentor, becomes a star overnight when she does 'Hedda Gabler' under

lumberjack adds nothing, and the character of a fiction teacher who blabs goes to the press is unfortunately reminiscent of playing the same role in the Sam Cowan crude but financially successful Hollywood producer, is well typed, but overplayed by Harry Irving.

Miss Gail Patrick, the least of the new pair, does not yet master this difficult role, she does succeed where the other fails in giving a convincing, full-evening impersonation of Garbo. William Christopher, as the man who is the father of the new Bernhardt, is the philosophical, realistic, intelligent associate director who succeeds Straehle, the outstanding actor in this production. Fox.

Rye Beach, N. H., July 21.

in the second night's performance, troupe goes fairly through the piece, with an enthusiastic zest that gives the present production a helpful lift. Star is cast as a *passé* operetta star, who is simultaneously a grandmother, mother, and a young girl's friend. Her husband has deserted, and mother of an illegitimate 16-year-old daughter is the roue-tenor with whom she is living as the curtain rises.

Everything is pretty well straightened out by the final curtain, and there's nothing left to do but try to hum along to the end.

The End. Sentimental Guy W. Invented Love, and 'Honeymoon

Death Is My Lover

Doyd Crawford and Helen Shieble, Sta-
by George Lombardi, selling by Lawr-

This one is too sombre for much hope of a Broadway run and whether it could be adapted for profitable film is doubtful. But without *Thelma Houston*, an interesting, if not a melodrama and, as given here, not a cosmopolitan, first-night audience spellbound from start to finish.

Story is about a repressed 30-year-old woman and her father who, beneath the common courtesies detest each other. Finally, he, because he's really repulsed by the invalidism his now dead wife; she, because her father brought harlots into the home while her mother lay dying and because his iron will has forced her

Jeanette Chinnley is powerfully tense as the spinster and B Crawford (in from Hollywood the role) is convincing as conspirator. Helen Shields as rival girl, Herbert Yost as the un- and Louis Hector as the father standouts in an excellent support cast. Dick

Equity is expected to have its own rules, which would operate for shareholders produced by managers who are members of the League. Shows there be violations, the shows will not be closed because that would penalize the players and might foment trouble in the Assn. The idea is to impose a heavy fine on manager, in line with the League proposal on violations.

Washington, July 2
Formal regulations carrying
the tax-exemption clause for

Quoting the statute passed at the last session of Congress, the Treasury stipulated that the new provisions, limiting the tax to the actual sale price rather than the prime cost, apply only to ducats sold at the ticket office of theatres. Further-

Boyes Troupe to Tour
Lincoln, July 2
Chick Boyes tent dramatic troupe on location here in West Lincoln leaves on a tour of fairs and picnics in Nebraska and Kansas Friday.
Headed by Bob Boyes, leader man here for two seasons, Boyes bringing in a new company.

red A. Austin, of the N. Y. T. is chairman of the membership committee; George Sokolsky, chairman of the entertainment committee, Bruce Butties, chairman of the finance committee.

Local board of governors include C. S. Partridge, Lowell Limpus, A. Cassino and Esther A. Coste.

scene-matter. The publisher of Calgary Eye Opener, a weekly paper, Mr. Fawcett was arraigned on charges filed by postal authorities following seizure of her publications. Several G men had ordered her sent to their homes, and upon receipt, swore out complaints. Fawcett waived preliminary examination and furnished \$1,000 bond. Co-defendants with the hair-paired publisher are employees: Rolfsen, Charles F. Zinn and Ed. Rolfe. Rolfe was examining the papers for \$100 a day. Same position is expected in the Zinn and Mux, Fields.

dependently of Page Corp., which operates Columbus Ledger-Enquirer and papers in Wilmington, N.C. and Bradenton, Fla.

Remembering Valentine
Benlah Livingstone, formerly
dolph Valentino's press agent
more recently with Universal,
turned out an 85-page pulp pam-
phlet titled "Remember Valentino." It
is sold for 25c. in Wheelan
stores and is published by S
Publishing Co.
P.a. has been active for the
four months handling Valentine

ing his vacation. They are being by King Feature subscribers in parts of the country, however. Mirror exec states that this is because the 'standard of the g is not up to those of previous y View expressed in the Guild paper: newspaper guild public

is that Jimmy Fidler is being booted by the Mirror and that efforts being made to subordinate Winslow. Planned to run Fidler between Russell and Damon Runyon when Russell returns. Fidler was spotted in this position last week.

Victor Knauth's Daily

Victor W. Knauth has purchased about 60% of the common stock of a large block of preferred stock in the Bridgeport (Conn.) Times from H. S. Talmadge. It is one of the city's two afternoon dailies.

Thayer Hobson and his book publishing concern, William Morris Co., Inc., have filed suit for \$100,000 in N. Y. supreme court against Sam Weiner, also publishers, and Weiner (Paul Haggard), author of "The Talk Shop." Hillman and Sam Curi also are named as slanders in Weiner's book, "The Talk Shop." Plaintiffs aver that the chapters represents a character assassination of which Hobson claims is a reflection on himself, who is dishonest, untruthful, and a payment to authors for their books. They claim by keeping false books, immoral, and incompetent, and associates with criminals and other disreputable persons.

Acquit Three Guildsmen
Three Newspaper Guild members were acquitted of charges of distribution of handbills last week at the trial of the first of a series of cases growing out of the C

is- M. Connelly, Morgan Hill
Roger Johnson.

Book on George Gershwin
Longmans Green will publish a book on the late George Gershwin in October, edited by Merle Mitage. Will contain more than 100 articles written by his friends.
In addition there will be 18 reproductions of Gershwin's own drawings and caricatures by Peggy and Miguel Covarrubias.

Owen Wister, 78,

The vignette was produced and played and filmed twice. The novel was printed in 1,500,000 copies. Wister's maternal grandmother was Fanny Kemble, an actress.

Mrs. Mary Theodora Locke enismth, 30, former society editor of the *Pittsburgh Post-Gazette*, died in the city July 15 of leukemia after a day's illness. Mrs. Hocken joined P-G in 1938, resigning after her marriage three years later in addition to her husband she has a five-year-old daughter and a four-months.

Charles T. Hall, 71, for 25 years editor and proprietor of the *Essex Herald*, died July 22 in Malden, Mass., home after a

Charles P. Howard, 58, president of the International Typographical Union for 14 years, died July 10 of a heart attack at Colorado Springs. He had recently been defeated in reelection to the presidency of the printers' union. Was secretary of the Committee for Industrial Organization.

Louis Orlando, staff writer of *Corn Movie Magazine*, was drowned July 10 while swimming at Long Beach, Calif. He was 34 years old. Born in Dorp, Staten Island, in 1903. He was pseudonym of Jerry Mathison. Reached semi-finals of light heavyweight boxing tournament.

(Continued on page 51)

Continued on page 54

How to care for a Million-Dollar Complexion AS TOLD BY GINGER ROGERS

I'VE NEVER SEEN ANYONE YET WHO DIDN'T ADMIRE A LOVELY COMPLEXION!

MY BEAUTY CARE IS REALLY VERY EASY. I ALWAYS USE **LUX TOILET SOAP**

THIS SOAP WITH **ACTIVE** LATHER REMOVES COSMETICS **THOROUGHLY**

SEE **GINGER ROGERS**
IN RKO-RADIO'S
"HAVING WONDERFUL TIME"
NOW SHOWING LOCALLY

9 out of 10 Screen Stars use Lux Toilet Soap

This clever star knows that soft, smooth skin has irresistible appeal. And she has chosen a complexion care which she tells you "is really easy." Like 9 out of 10 other screen stars, she uses Lux Toilet Soap.

This mild, fragrant soap has **ACTIVE** lather that removes *thoroughly* the dust, dirt and stale cosmetics that might otherwise remain to choke the pores. When pores are choked in this way, they cause the dullness, tiny blemishes and enlarged pores that mean Cosmetic Skin. **Don't you take chances with this unattractive complexion trouble. It's really very easy to guard against it. Use rouge and powder, of course, but before you renew make-up — ALWAYS before you go to bed — use Hollywood's beauty soap—Lux Toilet Soap.**

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www.loc.gov/avconservation

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www.mediahistoryproject.org



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